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# DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1963

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## HEARINGS

BEFORE A

## SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

SECOND SESSION

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SUBCOMMITTEE ON DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS

JOHN J. ROONEY, New York, *Chairman*

ROBERT L. F. SIKES, Florida
DON MAGNUSON, Washington
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FRANK T. BOW, Ohio
GLENARD P. LIPSCOMB, California
ELFORD A. CEDERBERG, Michigan

JAY B. HOWE, *Staff Assistant to the Subcommittee*

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## DEPARTMENT OF JUSTICE

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Printed for the use of the Committee on Appropriations

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# DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1963

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## DEPARTMENT OF JUSTICE

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# DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1963

MONDAY, JANUARY 22, 1962.

## DEPARTMENT OF JUSTICE

### WITNESSES

HON. ROBERT F. KENNEDY, THE ATTORNEY GENERAL
HON. BYRON R. WHITE, THE DEPUTY ATTORNEY GENERAL
S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL
E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE
J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE

Mr. ROONEY. The committee will now please come to order.

This morning, gentlemen, we shall commence consideration of the appropriations requests for fiscal year 1963 submitted by the President and the Bureau of the Budget for the Department of Justice. The total request for this Department amounts to $309,300,000, which would be an increase of $13,825,100 over the amounts appropriated to date in the current fiscal year.

### JUSTIFICATION OF THE ESTIMATES

We shall insert at this point pages 1–1 through 1–4 of the justifications in the record.

(The pages referred to follow:)

## *Summary of personnel*

[Dollar amounts in thousands]

| | 1961 actual | | | | 1962 estimate | | | | 1963 estimate | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Permanent positions | Average number of all employees | Number of employees at end of year | Total personnel compensation | Permanent positions | Average number of all employees | Number of employees at end of year | Total personnel compensation | Permanent positions | Average number of all employees | Number of employees at end of year | Total personnel compensation | Employment as of Nov. 30, 1961 |
| APPROPRIATED FUNDS | | | | | | | | | | | | | |
| Legal activities and general administration: | | | | | | | | | | | | | |
| Salaries and expenses, general administration | 569 | 520 | 553 | $3,356 | 579 | 539 | 562 | $3,461 | 583 | 549 | 566 | $3,570 | 526 |
| Salaries and expenses, general legal activities | 1,415 | 1,268 | 1,354 | 12,230 | 1,540 | 1,460 | 1,500 | 13,272 | 1,576 | 1,524 | 1,530 | 13,964 | 1,374 |
| Salaries and expenses, Antitrust Division | 535 | 503 | 526 | 4,238 | 614 | 572 | 604 | 4,721 | 614 | 580 | 604 | 4,855 | 520 |
| Salaries and expenses, U.S. attorneys and marshals | 2,690 | 2,573 | 2,458 | 18,522 | 2,690 | 2,628 | 2,600 | 19,111 | 2,935 | 2,869 | 2,860 | 20,933 | 2,563 |
| Fees and expenses of witnesses | | | | 665 | | | | 690 | | | | 750 | |
| Salaries and expenses, Administrative Conference of the United States | | | | | 3 | 18 | 26 | 87 | 3 | 15 | | 78 | 2 |
| Total, legal activities and general administration | 5,209 | 4,864 | 4,891 | 39,011 | 5,426 | 5,217 | 5,292 | 41,342 | 5,711 | 5,537 | 5,560 | 44,150 | 4,985 |
| Federal Bureau of Investigation: Salaries and expenses, Federal Bureau of Investigation | 13,968 | 13,524 | 13,698 | 103,476 | 14,039 | 13,579 | 13,776 | 105,271 | 14,257 | 13,797 | 13,995 | 107,637 | 13,613 |
| Immigration and Naturalization Service: Salaries and expenses, Immigration and Naturalization Service | 7,062 | 6,788 | 6,981 | 47,539 | 7,190 | 6,876 | 7,055 | 49,194 | 7,237 | 6,886 | 7,061 | 49,857 | 6,936 |
| Federal prison system: | | | | | | | | | | | | | |
| Salaries and expenses, Bureau of Prisons | 4,959 | 4,873 | 5,008 | 31,621 | 5,084 | 5,012 | 5,128 | 32,727 | 5,297 | 5,224 | 5,341 | 34,455 | 4,690 |
| Buildings and facilities, Federal prison system | 46 | 31 | 19 | 222 | 46 | 40 | 46 | 292 | 50 | 43 | 46 | 316 | 18 |
| Support of U.S. prisoners | | | | 35 | | | | 35 | | | | 35 | |
| Total, Federal prison system | 5,005 | 4,904 | 5,027 | 31,878 | 5,130 | 5,052 | 5,174 | 33,054 | 5,347 | 5,267 | 5,387 | 34,806 | 4,708 |
| Total, appropriated funds | 31,244 | 30,080 | 30,597 | 221,904 | 31,785 | 30,724 | 31,297 | 228,861 | 32,552 | 31,487 | 32,003 | 236,450 | 30,242 |
| EXPENSE LIMITATIONS | | | | | | | | | | | | | |
| Office of Alien Property: Salaries and expenses, Office of Alien Property | 63 | 65 | 49 | 576 | 48 | 49 | 47 | 503 | 48 | 49 | 47 | 503 | 32 |
| Federal Prison Industries, Inc.: Administrative and vocational expenses | 173 | 157 | 157 | 1,126 | 173 | 176 | 174 | 1,268 | 179 | 186 | 184 | 1,376 | 160 |
| Total, expense limitations | 236 | 222 | 206 | 1,702 | 221 | 225 | 221 | 1,771 | 227 | 235 | 221 | 1,879 | 192 |
| Grand total, appropriations and limitations | 31,480 | 30,302 | 30,803 | 223,606 | 32,006 | 30,949 | 31,518 | 230,632 | 32,779 | 31,722 | 32,234 | 238,329 | 30,434 |

*Summary of personnel compensation*

[In thousands of dollars]

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Permanent positions | 206,422 | 214,236 | 221,607 |
| Positions other than permanent | 1,975 | 1,417 | 1,436 |
| Other personnel compensation | 14,531 | 14,283 | 14,530 |
| Fees: | | | |
| Fact witnesses | 313 | 320 | 335 |
| Mental examinations | 133 | 135 | 140 |
| Expert witnesses | 219 | 235 | 275 |
| Excess of annual leave earned over leave taken | 12 | 6 | 6 |
| Total | 223,606 | 230,632 | 238,329 |

*Summary of obligations by objects*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate | 1963 increase (+) or decrease (−) over 1962 | |
|---|---|---|---|---|---|---|
| | | | | | Amount | Percent |
| 11 | Personnel compensation | 223,606 | 230,632 | 238,329 | +7,697 | +3.34 |
| 12 | Personnel benefits | 15,677 | 16,152 | 16,761 | +609 | +3.77 |
| 21 | Travel and transportation of persons | 11,599 | 11,910 | 12,904 | +994 | +8.35 |
| 22 | Transportation of things | 1,619 | 1,402 | 1,456 | +54 | +3.85 |
| 23 | Rent, communications, and utilities | 6,264 | 6,517 | 7,140 | +623 | +9.56 |
| 24 | Printing and reproduction | 1,659 | 1,598 | 1,678 | +80 | +5.01 |
| 25 | Other services | 8,974 | 8,380 | 9,097 | +717 | +8.56 |
| 26 | Supplies and materials | 12,797 | 13,143 | 13,812 | +669 | +5.09 |
| 31 | Equipment | 6,373 | 6,488 | 6,382 | −106 | −1.63 |
| 32 | Lands and structures | 2,570 | 9,494 | 6,480 | −3,014 | −31.75 |
| 41 | Grants, subsidies, and contributions | 173 | 226 | 276 | +50 | +22.12 |
| 42 | Insurance claims and indemnities | 11 | 9 | 9 | | |
| 44 | Refunds | 31 | 31 | 31 | | |
| | Unvouchered | 50 | 50 | 70 | +20 | +40.0 |
| | Deduct quarters and subsistence charges | −452 | −453 | −453 | | |
| | Total program costs | 290,951 | 305,579 | 313,972 | +8,393 | +2.75 |
| | Property transferred in without charge | −5 | | | | |
| | Cost financed from obligations of other years | 8,743 | 23 | 93 | +70 | +304.35 |
| | Obligations incurred for costs of other years | −745 | −6,987 | −2,255 | +4,732 | +209.84 |
| | Total obligations | 298,944 | 298,615 | 311,810 | +13,195 | +4.42 |
| | Transferred to General Services Administration | | 149 | | −149 | −100.00 |
| | Advances and reimbursements from other accounts | −50 | −50 | −50 | | |
| | Unobligated balances: | | | | | |
| | Brought forward [1] | −2,432 | −1,721 | −754 | +967 | +128.25 |
| | Carried forward [1] | 1,721 | 754 | 715 | −39 | −5.17 |
| | Lapsing | 1,090 | | | | |
| | Appropriation or estimate | 299,273 | 297,747 | 311,721 | +13,974 | +4.69 |

[1] Buildings and facilities, Federal prison system (no year appropriation).

Mr. ROONEY. It should be noted that a total of 773 additional positions are requested.

We are pleased to have with us this morning the distinguished Attorney General of the United States, the Honorable Robert F. Kennedy, who I believe has a general statement with regard to this overall appropriations request. Will you please proceed, Mr. Attorney General.

STATEMENT OF THE ATTORNEY GENERAL

Mr. KENNEDY. Thank you, Mr. Chairman.

The year since I last appeared before this committee has been one of growth for the Department of Justice, just as it has been for the Nation. There are more crimes, more legal problems, and more cases.

The cost of finding and punishing criminals has gone up. There are more Federal judges, and the need for prosecutors and marshals for their courts has increased proportionately. Consequently, I must come before you to ask for an increased appropriation.

In preparing the 1963 budget for the Department, Mr. White, Mr. Andretta, and I have given close and careful consideration to the needs of each of our divisions and bureaus, and have discussed them with the Director of the Bureau of the Budget. In accordance with our past attempts to be conservative, and particularly in accordance with the President's program, we have held our requests to the minimums essential for meeting our responsibilities under the law. This budget exceeds those minimums only by providing for predictable emergencies. We are following the Department's past practice of asking now for funds only to cover essentials; should an unforeseen emergency occur, we would like to come back for a supplemental appropriation.

Mr. ROONEY. That is the saving clause. Who put that in there? You [referring to Mr. Andretta]?

Mr. KENNEDY. As a matter of fact, he did.

Our total request for 1963 is $309,300,000, an increase of $13,825,000 over last year's appropriation of $295,475,000. There are four principal reasons which make it necessary for us to request this increase.

1. Approximately $3,494,000 will be needed to cover certain built-in mandatory and statutory increases in continuing the present level of employment and activity. These increases include within-grade raises, full year funds for increases in 1962 staffs, reclassifications, and the FBI promotion plan.

2. Approximately $2,125,000 is budgeted for increased construction.

3. A total of $2,328,000 is requested to cover the increased cost of doing business, including such matters as statutory increases in travel rates, higher prices for goods and services, increases in postage, rent, etc.

4. A total of $6,027,000 for 767 new positions and related costs: 230 of these new positions are needed in the offices of U.S. attorneys and marshals across the country, at a cost of $1,955,000.

A total of 522 other new personnel are needed to meet increasing workloads, at a cost of $3,936,000, chiefly in the FBI and the Bureau of Prisons.

We also are asking for the establishment of a group of 15 deputy marshals, at a cost of $136,000, for special emergencies.

Broken down by divisions and bureaus, the total increases range from $142,000 requested for general administration to $5,336,000 for the prison system. The heads of the various divisions and bureaus will appear before you to explain their particular needs and justify their requests, but I would like to cover some of them briefly now.

## U.S. ATTORNEYS AND MARSHALS

As you know, Congress last May authorized the appointment of 73 new Federal circuit and district judges. We have moved as rapidly as possible to fill these new positions so that the backlog of cases waiting to be tried will be reduced substantially. Of the 73 new positions, judges already are sitting in 54. Investigations of the profes-

sional competence of suggested appointees are underway in all districts where vacancies still exist. I would expect most of these vacancies will be filled within 60 days.

The additional work stemming from a 19-percent increase in the number of district and circuit court judges places a considerable increase in the workloads of the U.S. atorneys and marshals.

This clear manpower need accounts for the great part of the increase of $2,627,000 requested—$1,726,000 for U.S. attorneys' offices and $900,000 for marshals'. The bulk of this amount is budgeted for 245 additional positions.

In the past the ratio of employment in these offices has been two assistants, one clerk, and one deputy marshal per judge. This year, however, the Bureau of the Budget has approved a ratio of only 1½ assistants per judge. In the last 20 years while the Federal judiciary has expanded some 50 percent, the U.S. attorneys' and marshals' offices have grown by only 283 positions, or 13 percent. There are still fewer deputy marshals now than there were 20 years ago.

For the new judges to be effective, we must be prepared to implement our staffs in order to service the cases heard before them.

Since assistant U.S. attorneys are not under the Classification Act, we have never obtained funds equivalent to those covering within-grade promotions. Any promotions in the past have been paid for from savings resulting from turnover. We are asking $300,000 to carry out a promotion plan in order to stabilize this force. This is one of the most important problems in the Department of Justice. If we can encourage assistants to stay on longer, the Government will get better return on its investment in their training and experience.

I would like to have permission to go into that a little more a bit later, Mr. Chairman.

Rising—and uncontrollable—costs of litigation also have contributed to the increased amount we request in this area. Marshals, for example, not only are required to travel more now, but their travel costs are up because of the new rates approved in the last session.

Except for personnel additions sought for these offices, we are asking for more help in only two of our litigating divisions, a substantial increase in the Criminal Division and a modest one in the Civil Rights Division.

### CRIMINAL DIVISION

For the Criminal Division we are asking Congress to increase the appropriation for fiscal 1963 by $629,000. The purpose of this increase is to permit the continued expansion of the administration's coordinated drive against organized crime and racketeering and to meet anticipated increases in workload due to the recently enacted anticrime laws.

I am happy to report substantial progress in this field. As you will recall, Congress last fall passed five new criminal statutes, which are important in our fight against organized crime and racketeering. Additionally, we have coordinated all antiracketeering efforts of the Federal law enforcement agencies. This cooperation is typified by our establishment of an intelligence unit within the Criminal Division to pool information from the approximately 25 Federal investigative agencies on more than 700 top racketeers and hoodlums.

One result of the accelerated program is that attorneys have worked harder. In the first half of the current fiscal year our attorneys spent 179 man-days in court as compared to 61 in the same period of the prior year. They spent 2,470 man-days in the field as compared to 567 in 1960. And they spent 523 man-days before grand juries as compared to 97 in the year before.

As a result, important indictments and convictions were obtained in the past year. These include the convictions of Mickey Cohen, Frankie Carbo, and others in Los Angeles, Kid Cann in Minneapolis, and Nicholas Stirone in Pittsburgh. Indictments have been returned against Carlos Marcello in New Orleans, Frank Andrews in Cincinnati, Gil Beckley and Sam Di Piazzo in New Orleans, all major racketeers. When Assistant Attorney General Miller appears before you to testify about the Criminal Division budget, he will be prepared to detail these indictments and convictions for you. However, this is going to be a long struggle which must continue unabated for several years if organized crime is to be brought under control.

In order to continue the record that has been started and to build upon it, we will need additional manpower in the Criminal Division. I am anxious that the Criminal Division have sufficient manpower to pursue this task in every area of the country which has been seriously penetrated by racketeer elements. So far this has not been possible, although a major effort is being made where crime is the most dangerous.

The impact of the new statutes already has had a substantial effect upon our workload. The FBI has estimated that in 1962 we may have as many as 10,000 cases referred to the Criminal Division for analysis and determination as to prosecution just under the 5 new statutes.

### CIVIL RIGHTS DIVISION

In the field of civil rights the Department's basic policy is to seek effective guarantees and action from local officials and civic leaders, voluntarily and without court action where investigation has disclosed evidence of civil rights violations. This policy is proving successful and civil rights problems and difficulties generally are being resolved at the local level.

Substantial progress has been made toward eliminating racial discrimination in interstate transportation—bus, rail, and air. Regulations issued by the Interstate Commerce Commission at our petition, required facilities in terminals used in interstate bus travel to be desegregated last November 1. Since then, the Department has filed six actions asking Federal courts to order compliance. On the other hand, informal conversations and correspondence between the Department and carriers as well as officials of communities involved, have resulted in the desegregation of hundreds of terminals without incident.

In the voting field 15 new cases have been filed since January 1961, charging discrimination in the registration processes. Active investigations or negotiations are being made in connection with voting and registration in 61 other counties.

These cases were filed pursuant to the Civil Rights Acts of 1957 and 1960, requiring the Department to bring civil actions to prevent

denial of the right to vote without distinction to race or color. Actions are being undertaken both in court and informally in school matters involving desegregation to preserve due administration of justice, to protect the integrity of court orders, and to encourage and assist local officials and community leaders charged with the responsibility in school desegregation. In addition, during the past year the Department has also filed amicus briefs in more than a dozen important cases at all stages of the proceedings, including the Supreme Court.

The present strength of the Civil Rights Division is 78, of whom 40 are attorneys. We are asking only for three additional clerks in this division.

Although this has been an equally productive year in the other litigating divisions, we are making no requests for increases aside from those required to meet built-in and mandatory statutory costs.

### ANTITRUST DIVISION

Last year was most successful in the field of antitrust enforcement. A total of 62 cases were filed and 66 were terminated—of which 58 represented judgments for the Government.

The focusing of public attention on the cases filed against members of the heavy electrical industry caused compliants of alleged antitrust violations to reach an alltime high of 1,326 compared with 1,116 during the prior year. At the end of the year there were 566 major investigations in various stages of progress. A total of 1,100 mergers were examined and 15 cases, challenging mergers, were filed.

Especially noteworthy is the alltime record of fines imposed in a single year. The aggregate of $3,058,000 represents a return to the United States of approximately 60 percent of the Division's appropriation for that year. It should be noted, however, that nearly $2 million of this total resulted from the fines imposed in the electrical conspiracy cases.

A program implementing the President's Executive order relating to the reporting of identical bids was initiated. State and local procurement officers are participating in the program which, of course, includes all Federal agencies. The purpose is to discourage rigged bidding and reduce costs of Government purchases.

Efforts to promote effective cooperation in the antitrust field between the Federal Government and the several States have continued. To this end, a number of conferences on consumer protection were held with State attorneys general with mutually beneficial results. In addition, the Division is rendering assistance whenever possible to State and local governments desiring to file damage suits as a result of the pleas in the electrical cases.

### TAX DIVISION

Tax litigation, both criminal and civil, is on the upsurge. In the first 6 months of the present fiscal year, new cases have increased 20 percent.

In our budgetary planning, it has been assumed that there would be an increase of about 5 percent per year arising from the population increase, economic growth, and the growing complexity of the tax

laws. The actual increase, however, has been over 20 percent. This is partly the result of the work of some 5,500 new Internal Revenue employees authorized during the past 2 years, coupled with a vigorous new approach by Internal Revenue toward tax collection and enforcement.

Despite the unprecedented rise in taxwork, we are not seeking an increase in staff for this Division at this time. The Congress authorized a substantial increase for 1962 and the present request is limited to the funds needed to cover the salaries of the new people on an annual basis.

There is, however, every indication that the number of tax cases will continue to rise as the Revenue Service's program builds up more steam and as the automatic data processing program gets underway in 1962. In fact, it is possible that this program could produce an increase in tax litigation even more phenomenal than the one we are now experiencing.

### CIVIL DIVISION

I continue to be impressed with the volume of work handled by the Civil Division, the variety and complexity of the legal problems which it encounters, and the splendid job which the Division does in representing the various departments and agencies of the Federal Government.

This Division always is faced with an ever-expanding caseload, caused in large part by the wide range of activities engaged in by the Government. Attempts have been made in previous years to cope with this problem by requesting additional appropriations for hiring more lawyers. This year, however, we are taking a different tack.

We recently have reorganized the Division, consolidated certain sections, and centralized supervision over all sections in the Assistant Attorney General's Office. This reorganization should result in more efficient operation and lead to a reduction in the Division's caseload. At the same time it should enable the staff as now constituted to become more current in its role as the general litigation firm for the Federal Government.

### INTERNAL SECURITY DIVISION

One of the most important developments in the internal security field for the past several years was the Government's final victory in its proceedings against the Communist Party. On June 5, 1961, the Supreme Court upheld the registration provisions of the Internal Security Act of 1950 requiring the party to register with the Attorney General as a Communist-action organization. When the party failed to register a grand jury returned a 12-count indictment against the party.

It is worth noting that the foregoing developments appear to have thrown the Communist Party of the United States as an organization into a state of confusion and turmoil. It has displayed a considerable amount of indecision; meetings have been cut to a bare minimum; and additional security measures surrounding its operations have been instituted.

All of this adds up to reducing its effectiveness.

Mr. Chairman, I would like to call the committee's attention to a critical problem which the Department has in retaining highly skilled

employes, particularly attorneys. It goes beyond pay allowed by the Classification Act. However, under the act, top trial attorneys can be paid only as much as certain lower level supervisors, even though the trial attorney's responsibilities are very great and exceptional skills are demanded.

Under the Classification Act, it is difficult to recognize unusual talent and reward exceptional lawyers over the average lawyer. We must solve this problem, and we are considering some legislation which we may suggest to Congress.

Mr. ROONEY. In this connection, you are not going to submit the same legislative bill you did last year, are you?

Mr. KENNEDY. No, we are not.

Mr. ROONEY. Our conversation the other day still goes, does it not?

Mr. KENNEDY. That is correct.

In addition to seeking budget increases for most of our litigating divisions, it is necessary for us to seek substantial increases for the three bureaus of the Department.

### FEDERAL BUREAU OF INVESTIGATION

The Federal Bureau of Investigation request represents an increase of $3,574,000, most of which would provide for 218 more full-year employees (145 agents and 73 clerks) for assignment to the Bureau's field service.

This additional personnel is needed to fulfill greatly expanded investigative responsibilities which the FBI has handled and will continue to handle in the drive against organized crime and racketeering.

In addition, the FBI has been receiving an increasing amount of work in its overall criminal and civil field of operations. Most major criminal offenses under its jurisdiction are on the increase, and the FBI has been called on to handle a rising volume of antitrust work.

At the same time, the FBI has vital security and counterintelligence responsibilities safeguarding the internal security of the Nation.

New legislation enacted since the submission of the FBI's request for the fiscal year 1963 will further add to its growing workloads during the current fiscal year 1962 as well as during the fiscal year 1963. No request has been made for additional funds and personnel to handle any of this new added work, which has been extensive.

### IMMIGRATION AND NATURALIZATION SERVICE

The 1963 budget request for the Immigration Service includes an increase of $1,141,000 over the 1962 request.

Almost half of this would be for mandatory and statutory increases. An increase of $232,000 is budgeted for 47 new records personnel. The balance of $256,000 is needed for construction.

As in other parts of the Department, the workload of the Service has increased rapidly. Land entries to the United States have increased 24 percent in the past 5 years and new bridges and highways will help continue this increase. Air and sea arrivals have increased an average of 10 percent annually, and jet travel, more air routes, and improved ship service will continue this trend. Indeed, with passage of the International Travel Act, encouraging foreign tourism in the United States, it is fair to expect even greater increases.

Immigrant and nonimmigrant aliens admitted to this country during the fiscal year 1961 averaged over 124,000 monthly. Past experience shows that this volume will increase 20 percent by 1963.

It is our plan to improve inspections at land boundaries by replacing six inadequate border inspection stations with new ones to be constructed jointly with the Bureau of Customs.

In other activities during the past fiscal year the Immigration and Naturalization Service formally deported over 7,000 aliens while over 52,000 were required to depart from the United States. More than 132,000 persons were naturalized and approximately 170,000 petitions for naturalization were received.

The border patrol apprehends about 30,000 illegal aliens each year. The fact that the number is now remaining quite steady is indicative of control of the Mexican and Canadian borders.

BUREAU OF PRISONS

Our largest individual request is $5,336,000 for the Bureau of Prisons, principally to take care of the rapidly expanding prison population. Of this total, $1,895,000 would be used for new construction and $2,841,000 would be used for expenses and salaries—including those of 213 new personnel.

Our existing institutions already are overcrowded and more space must be provided for the housing and treatment of Federal prisoners. The committee is familiar with the general outline of our 5-year program for developing the Federal prison system, to provide facilities to care for approximately 800 more prisoners each year.

During the next fiscal year we will complete the construction of the maximum security institution at Marion, Ill. The planning phase of the new psychiatric hospital for Federal prisoners is well underway, and during the next year we also wish to begin work on a new National Training School for Boys. The proposed 5-year construction schedule would enable the Bureau of Prisons to accommodate the multiplying prisoner population in an orderly way.

I am sure the committee shares my particular continuing concern over the growing proportion of youthful prisoners. Inmates under 25 now total 8,000—a third of the total institutional population. In fiscal 1962, commitments in this age group totaled 37 percent. The youthful offender category has been growing at an average rate of 2.3 percent in each of the past 5 years.

All our youth institutions are badly overcrowded and it has been necessary to transfer many of the young inmates to institutions not specifically designed to treat youth problems. We propose to build a 200-man youth institution for the midwestern area on our Terre Haute, Ind., reservation. By using inmate labor and by keeping security devices to a minimum, the entire institution can be built for $860,000.

Another item of great personal interest to me is the replacement of the National Training School. This facility, parts of which are nearly a hundred years old, is in deplorable condition. We have attempted to recondition as much of the plant as possible, but deterioration is so extensive that it is simply not economical to proceed further. We request $250,000 in planning money.

In budgeting for the care and treatment of Federal prisoners the primary emphasis should be placed on the youth offenders. They

offer the more hopeful prospects for rehabilitation, and an investment in them is more likely to pay real dividends in the reduction of crime.

In this connection I wish to express the Department's appreciation for the $500,000 authorized by this committee last year for the experimental "halfway house" projects for youths in the Federal prison system. From every present indication, the experiment has been an unqualified success. Sixty-five young men have been residents in the three centers—in Los Angeles, Chicago, and New York. Counseling, recreational, and vocational assistance programs have been established for them and have been effective. To typify the progress made at these centers let me tell you about a youth who went to the Chicago guidance center from our institution at Chillicothe.

From the start, he displayed considerable resentment and hostility toward authority, particularly the staff, his probation officer, and his employer. Although he was involved in no serious rules violations, he presented continual problems.

After about a month, however, he began to talk out much of his hostility at the center's group counseling sessions. The other youths helped him see the causes of his resentment and by the time of his release, he had developed closer relationships with several members of the staff and his probation officer. Shortly before his release his employer reported a dramatic change in the youth's attitudes. His work habits had improved noticeably and he was being considered for a promotion to a job with more responsibility and more pay.

Admittedly, this is one of the more dramatic instances of success so far, but it is true that many of the youths have made significant gains. The probation officers in all three cities have reported to us that "graduates" of the guidance centers go back to society with a much more positive and realistic attitude than do youths released directly from institutions.

I visited the halfway house in Los Angeles just before it opened. It had been renovated by prisoners from Terminal Island. These men worked with unusual zeal to get the job finished in a week. Many expressed the wish that such a center had been in existence when they were young.

These are only preliminary indications. The real test will be in the comparative return-to-prison rate between the two groups.

If the present progress is any indication, however, I think the $500,000 authorized for this purpose by this committee last year will turn out to be one of the best investments in this area ever made by the Government in saving people as well as money.

In conclusion I would like to say, Mr. Chairman, that I found my first year in the Department of Justice to be a gratifying and rewarding experience in every way. I have visited with more than 40 U.S. attorneys outside of Washington. At these meetings, we have conferred with all Federal law enforcement agency heads in the particular area to coordinate our work and make it more effective. I would say that I have been impressed tremendously by the caliber of the career employees in the Department of Justice. The Department has an excellent staff of dedicated and skilled employees and I feel it is a privilege to be associated with them. We have great problems and, as I said earlier, one of them is in the retaining of the more

talented people in all lines of endeavor. But we have made significant progress, in my opinion, and I submit our budget request to you with strong hope for the future.

Now I shall be glad to answer any questions.

CALIBER OF CAREER EMPLOYEES OF DEPARTMENT

Mr. ROONEY. Mr. Attorney General, when you say you have been impressed tremendously by the caliber of the career employees of the Department of Justice, I might say that on my recent visit to the west coast, Honolulu, and the Far East, I was very much impressed by the caliber of our people in the Federal Bureau of Investigation and the Immigration and Naturalization Service. They stand out as people of capability, and they certainly know their business.

Mr. KENNEDY. Looking back over my first year—as I said, I have been to many of these cities, and I met, I should think, with about 95 percent of all the attorneys of the Department of Justice here in Washington at various times, individually and in groups—the most singularly impressive thing to me is the caliber and the dedication of the career employees—the ones who have spent a great deal of time in the service, and who in my judgment receive very little credit for the effort that they put in, the kind of work they accomplish, and their dedication to their tasks. I have been most impressed.

NATIONAL TRAINING SCHOOL

Mr. ROONEY. At pages 12 and 13 with regard to the Bureau of Prisons, you make reference to the National Training School out here on Bladensburg Road. What are the plans with regard to that? Do you plan to dispose of that property or improve it?

Mr. KENNEDY. I think we shall try to start the institution in Indiana. We have asked for $250,000 to make a plan to see if we could open up an institution out in Indiana which would——

Mr. ROONEY. That is the Terre Haute institution?

Mr. KENNEDY. Yes.

Mr. ROONEY. What would you do with this valuable property out here on Bladensburg Road?

Mr. KENNEDY. I think that is to be turned over to the Government, is that not true?

Mr. ANDRETTA. Yes.

Mr. ROONEY. Has this been firmed up yet?

Mr. ANDRETTA. It is firmed up to the point that Mr. Bennett wants to develop plans for a new institution. He has come to the point now that, instead of getting legislation and using the proceeds, we are going to turn it over to the Government and let the Government dispose of the proceeds.

Mr. KENNEDY. I think there has been a question back and forth for a number of years whether we would sell the property and use the proceeds to build a new institution, which I understand was the position of the Department of Justice for a number of years. That did not work out satisfactorily. We have not been able to work it out. So now the plan is to ask for an appropriation to build a new institution, at least to develop plans, and this will be turned over to

the Government for them to dispose of and the money will go back into the Treasury.

Mr. ROONEY. Mr. Sikes?

(Off the record.)

CUBAN REFUGEES

Mr. SIKES. In Florida we have a very particular problem in that a great many Cubans are in the Miami area, they are refugees from their own country, and they are finding it difficult to make a good livelihood. Those in the professions are unable in most instances to practice in their own professions. We know Cuba needs them and once order is restored and a sound government is reestablished in that country they will want to go back. In the meantime it is a definite problem and a particular problem for my State and for the Federal Government. We try to be as helpful as we can.

I would like you to comment on this problem insofar as the Department of Justice is concerned with it and what you are doing to meet it.

Mr. KENNEDY. We have had a number of conferences and meetings, Congressman, with the Department of Health, Education, and Welfare, Secretary Ribicoff. He, in about February or March of last year, was given the major share of responsibility to assist these people. The Federal Bureau of Investigation and the Immigration and Naturalization Service have a responsibility insofar as security is concerned.

Over 70,000 of these refugees are in this country now, most of them in the Miami area. It poses a considerable problem. The Federal Bureau of Investigation has been working very hard on it. We have had some meetings in the last week. The Immigration and Naturalization Service will increase its share of the responsibility—increase the interrogation—so that the United States and the Government will have more knowledge as to the kind and type of people who are coming out and what the situation is in Cuba itself.

This is going to be a continuing problem. We have heard a number of the people who have come out have been sent out by the Communists to determine what is going on with the Cubans.

Mr. SIKES. I had intended to discuss that particular problem. How do you deal with it?

Mr. KENNEDY. We send them back. Where we have any question, we keep them in detention camps. They can always leave. They are not kept there against their will, but we have felt that until we are sure they do not pose a security risk we should keep them there. We try to have people in this country who know them vouch for them where we have any question. We go through their background and where they have been connected with the Communists we try to find out what their attitude is. A number will come out and say: "We were strongly pro-Castro until the last 6 months and we have switched." We have to be genuinely convinced they have switched.

Mr. SIKES. What is the actual status of the refugees from Cuba?

Mr. KENNEDY. They have a special status here. They come in the United States and they can stay. It is somewhat the same as in the case of the Hungarian refugees.

Mr. SIKES. There is no time limit?

Mr. KENNEDY. That is right. They have a special status.

Mr. ROONEY. The same as the Hungarian refugees?

Mr. KENNEDY. That is right.

Mr. SIKES. How do you keep them from being converted, without benefit of legality, into a permanent status in this country?

Mr. KENNEDY. You mean insofar as the Cubans are concerned?

Mr. SIKES. Yes, or anybody else?

Mr. KENNEDY. I think steps were taken with the permission of Congress——

Mr. SIKES. A sort of an open-end situation? What happened in the case of the Hungarians?

Mr. KENNEDY. Most of those who came to the United States became citizens. Insofar as Cuba is concerned, I think the American people have felt that it is a great problem.

Mr. SIKES. I do not quarrel with the decision, I think it is the only thing to do, but it is an undetermined matter for the time being?

Mr. KENNEDY. That is correct.

Mr. SIKES. Do they have freedom to move anywhere they want to in the United States?

Mr. KENNEDY. Yes, they do.

Mr. SIKES. Is any thought being given to efforts to encourage them to move into other areas where they might more readily find employment?

Mr. KENNEDY. Yes. We are working very hard at that. That is particularly under the control of Secretary Ribicoff. We have a group down there under him which is working to place these people around the country.

One of the problems, as you know very well, Congressman, is that they come out and they want to go back to Cuba. They want to stay near where they can go back to Cuba. They feel if they go to Des Moines or elsewhere they will lose that chance. And they want to stay near their friends and with people who speak Spanish. For that reason they stay as near Cuba as they can. We are making an effort to move as many as possible to other States of the country but by and large they want to stay in Miami.

Mr. ROONEY. And by staying close to Cuba in Florida they make a terrific and expensive impact on the school systems, both public and private?

Mr. KENNEDY. That is correct.

### PROPOSED NEW YOUTH INSTITUTION

Mr. SIKES. You mentioned the need for an additional youth institution. You are speaking not only of the National Training School but you want an additional youth institution?

Mr. WHITE. The Terre Haute Institution is in addition to a replacement for the National Training School.

Mr. SIKES. But it is not a part of the National Training School?

Mr. KENNEDY. No, it is in addition.

Mr. SIKES. Have you given any thought to the use of existing installations, such as military installations no longer required by the Government, for this purpose? I realize that as a rule they do not

have security facilities but they have all other facilities and for a youth institution I would not think you would need to go as far in security facilities as in other prisons. So there could be considerable saving to the Government by the use of some surplus military installations for this purpose. Have you looked into that?

Mr. KENNEDY. Yes. We hope to open one in Florida in connection with the prisoners we pick up there who are less dangerous. I think it is Eglin.

Mr. SIKES. Eglin Air Force Base.

Mr. KENNEDY. Yes, Eglin Field. We are working that out with the military.

Mr. SIKES. The Government can save money that way and use some areas that are admirably adaptable to this purpose.

That is all, Mr. Chairman.

NEW PSYCHIATRIC HOSPITAL

Mr. ROONEY. Of course the history of this new psychiatric hospital is that 2 years ago we had a request for such an institution and turned it down with a report suggesting that the Bureau of Prisons seek a suitable facility from the facilities being then declared surplus by the military. The Bureau reported last year a military installation that would fit the need could not be found.

Mr. WHITE. For psychiatric treatment. That is different from the new youth institution.

Mr. ROONEY. Last year in our report we stated:

> A total of $2,350,000 was requested for this item (buildings and facilities). All of the request has been approved with the exception of $550,000 for advance planning for a new medical center. The committee feels that the Bureau of Prisons should thoroughly explore the possibility of obtaining a suitable facility from the many facilities being declared surplus by the armed services.

And in allowing $1,800,000, the committee set forth the various amounts allotted in connection with the five or six projects.

Mr. KENNEDY. We find, of course, where security is important or where it is something as specialized as a psychiatric institution that it is more difficult to find a military installation to meet the need. Where it is a youth institution or where the security is easier to work out, it is less difficult.

Mr. ROONEY. Mr. Magnuson?

Mr. MAGNUSON. Are you going to Russia, Mr. Attorney General?

Mr. KENNEDY. I do not know, Mr. Congressman. I have not made any arrangements to go.

COSTRUCTION

Mr. MAGNUSON. You have budgeted $2,125,000 for increased construction. Does that include the Bureau of Prisons?

Mr. KENNEDY. Yes, mostly in the Bureau of Prisons.

COMMUNIST PARTY REGISTRATION

Mr. MAGNUSON. I think all officers of the Communist Party are required to register as well as individual officers of the Communist Party?

Mr. KENNEDY. The law provides when the Communist Party did not register within 10 days the officers had to register for the party.

Mr. MAGNUSON. Did they?

Mr. KENNEDY. They did not. We have a grand jury in Washington, D.C., looking into the matter at the present time.

Mr. MAGNUSON. Does that apply only to the national officers of the Communist Party?

Mr. KENNEDY. Yes. I might say that when the national officers did not register for the party, the Communist Party members themselves were required to register 20 days later. None of them registered either.

Mr. MAGNUSON. This is obviously a concerted plan on their part not to register?

Mr. KENNEDY. Yes. I might say the proof of who the officers are on a particular date and the amount and kind of evidence we can use in a suit makes it more difficult to prosecute a suit against the officers than a suit against the Communist Party itself.

Mr. MAGNUSON. Are not these officers pretty well known?

Mr. KENNEDY. After the Supreme Court decision they reorganized the whole party. They had 10 or 11 officers and came down to 3 officers.

Could I go off the record for a moment?

Mr. ROONEY. Surely.

(Discussion off the record.)

Mr. MAGNUSON. What is the penalty for failure to register?

Mr. KENNEDY. For the party it is $10,000 a day. The party did not register and we indicated it after 12 days, which is why there are 12 counts and it would be $120,000. For the officers it is $10,000 and up to 5 years.

Mr. MAGNUSON. Not $10,000 a day?

Mr. KENNEDY. Yes; it is $10,000 a day.

Mr. MAGNUSON. That is all, Mr. Chairman.

Mr. ROONEY. Mr. Marshall?

### SANDSTONE, MINN., INSTITUTION

Mr. MARSHALL. Mr. Attorney General, I had the privilege of visiting the institution at Sandstone, Minn., last fall and I want to compliment you on the fine personnel you have there.

Mr. KENNEDY. We appreciate your visit and your interest, Mr. Congressman. I was talking to Mr. Bennett about it.

Mr. MARSHALL. Two years ago I also visited the institution. You have a situation there that seems to me is rather bad. When visitors come to the prison and there are people in the corridor, the corridor is so narrow if you were to walk through you would have to step over their feet.

Also, the chapel facilities there are rather inadequate.

I wonder if you have anything in mind to improve the situation?

Mr. KENNEDY. That had not been brought to my attention, Congressman. I shall be glad to make a study and report to you in the next few weeks. Are those the two problems as you see them?

Mr. MARSHALL. I think those are the two biggest problems.

Mr. KENNEDY. I will make a report to you in 2 weeks as to what we think we can do.

Mr. MARSHALL. Off the record.
(Discussion off the record.)
Mr. MARSHALL. That is all, Mr. Chairman.
Mr. ROONEY. Mr. Bow?

COMMENDATION OF RAYMOND FARRELL

Mr. BOW. Mr. Attorney General, first I would like to compliment you and the President for the appointment of Ray Farrell as Chief of the Immigration and Naturalization Service. He is an excellent man and it is fine to see a career man promoted to a position of this kind. I know he will do an excellent job.
Mr. KENNEDY. He has made a great contribution already.

INCREASE IN APPROPRIATIONS REQUEST

Mr. BOW. What was the amount of increase in your appropriations in fiscal year 1962 over fiscal year 1961?
Mr. KENNEDY. The actual?
Mr. BOW. Well, you would have to take your actual for 1961, and I suppose estimated for 1962.
Mr. ROONEY. Is this the overall Department of Justice?
Mr. BOW. Yes.
Mr. ANDRETTA. The actual expenditure for 1961 was $298,894,000.
Mr. BOW. What is your estimate for 1962?
Mr. ANDRETTA. $297,598,000.
Mr. BOW. And what is your estimate for 1963?
Mr. ANDRETTA. $311,721,000. That is the overall figure. The estimate for total appropriated funds is $309,300,000.

INCREASE IN NUMBER OF EMPLOYEES

Mr. BOW. What was your number of employees actual at the end of fiscal year 1961?
Mr. BROWN. 31,244 positions.
Mr. BOW. On page 1–1, number of employees as the end of the year, the grand total is 30,803.
Mr. BROWN. For what year?
Mr. BOW. 1961.
Mr. BROWN. That is actual employment. The figure I gave was the number of positions.
Mr. ROONEY. The number of positions was 31,785 for 1962. Do you have this sheet?
Mr. BOW. Yes; but I asked for the number of employees at the end of fiscal year 1961.
Mr. ANDRETTA. 31,262.
Mr. BOW. What is this figure of 30,803 that appears at page 1–1?
Mr. ANDRETTA. That is probably actual employment.
Mr. BOW. That is what I asked for.
Mr. ANDRETTA. Is that 1961?
Mr. BOW. That is what it says here, 1961.
Mr. BROWN. 30,597 is the actual number of employees at the end of 1961 that were paid from appropriated funds. I am not including special funds. The grand total is 30,803.

Mr. Bow. What is the same figure for 1962, the grand total?

Mr. BROWN. 31,518.

Mr. Bow. And what is your estimate of the number of employees at the end of 1963?

Mr. BROWN. 32,234.

Mr. Bow. That is a very substantial difference.

REPRESENTATION ALLOWANCE

Mr. Bow. I also note in these justifications this year something new, a $2,000 representation allowance. I do not find any justification of that in the estimates. Who will handle that?

Mr. ANDRETTA. At the end of the hearings when we take up the language changes we will discuss that.

Mr. Bow. This is something new, is it not?

Mr. ANDRETTA. Yes.

Mr. KENNEDY. I will be glad to discuss that because I am behind that.

Mr. Bow. Let me tell you something I tried to sell the last administration. I never got anywhere with it. Instead of individual appropriations to the various departments for representation. I should like some day to see the total overall appropriated to the President and then let the President's office allot to the departments and let them take the responsibility for these representation allowances. I never got anywhere with the idea, but I think that is where it belongs. If you want to discuss it you may do so.

Mr. KENNEDY. I would say we have this past year had quite a number of delegations that have come in on the youth problem; in connection with the problems of appointing these judges we have had a special committee that has been established to determine what should be done for the poorer individual who is charged with a crime, and they have had meetings in Washington. We have had foreign groups frequently come to the Department of Justice. What we have done is kicked in among ourselves to have these people for lunch. The assistants and myself have kicked in to pay for that. We would like to have some assistance.

Mr. Bow. Of course this has been going on over the years. We have heard the same story for years and years, that the money has to come out of the pockets of various individuals. Of course Members of Congress have somewhat the same situation. People come in and expect to have their lunches paid for by the Members and we pay for that out of our pockets. There is no representation allowance for Members of Congress. I should like to see the matter handled in some other way. In lieu of appropriations to the individual departments I should like to see the total appropriated to the President and allotted to the departments by the President's office.

Mr. KENNEDY. That would make sense. There are about 15 agencies and departments who have something along this line and what we are asking for is less than anybody else is asking for.

Mr. Bow. It has developed that more and more agencies are asking for it and some agencies are trying to outdo another. I think if it went into one appropriation, the President's fund, and was handled from there, there could be no question.

Mr. KENNEDY. I understand your position.

COMMUNIST PARTY PROSECUTION

Mr. Bow. Would you explain, on the record, what you intend to do with this Communist Party prosecution?

Mr. KENNEDY. We are going ahead. As I said, the Communist Party has been indicted on these 12 counts and we will move ahead to have that tried. That litigation will probably take some time. It will be appealed and probably go back to the Supreme Court.

Mr. Bow. But it is your intention to follow through vigorously on the prosecution under the law?

Mr. KENNEDY. That is right. We have the top attorneys from the internal security section working on it and we have the grand jury meeting now in Washington. On the officers that presents a more difficult factual and legal case, but we will do as much as we possibly can to move against the officers as well as the party.

The grand jury was supposed to meet last week but it is starting tomorrow, in order that the record may be straight.

TRAVEL OF ATTORNEY GENERAL

Mr. Bow. There has been in the press and over the air a good deal about your travel, Mr. Attorney General. Does that come from this appropriation? If you take a trip around the world, will it come from this appropriation?

Mr. KENNEDY. No, sir; it does not.

Mr. Bow. Or if you take a trip to Moscow?

Mr. KENNEDY. No, it does not. I am making the trip at the request of the State Department and State is paying for it.

Mr. Bow. It does increase the appropriation somewhat because of your absence?

Mr. KENNEDY. Not ours.

Mr. Bow. So it is reflected in this appropriation to a certain extent if you are away and traveling?

Mr. KENNEDY. I do not think so.

Mr. Bow. Let me read this from the justifications under the Office of the Deputy Attorney General:

**In addition this office is handling much of the regular business of the Attorney General's Office while the Attorney General is undertaking a number of important assignments for the President.**

Does not this mean that there will be a requested increase in the budget for the Office of the Deputy Attorney General because of your absence as Attorney General?

Mr. KENNEDY. I do not think so. I have had a number of other assignments, Congressman. This past year I was here the whole year. I did not go away except on business for the Department of Justice and for a 3-day trip to the Ivory Coast where I represented the President at that nation's observance of the first anniversary of independence. I was involved in making a study of the Cuban operations which took some period of time. I will be absent now for a month but I believe that the Deputy Attorney General can handle that without any increase in appropriations.

Mr. Bow. I think you have a very fine Deputy Attorney General, but I raise the question that this justification indicates to me there is an additional load put on him by reason of extracurricular activities of the Attorney General, by his not being here.

Mr. KENNEDY. The Deputy Attorney General is taking it all with a smile and I am getting my job done.

Mr. WHITE. I might also say that the job of Attorney General and the Department of Justice within the framework of the Government will be one thing one year and another thing another year. I think this year the Department of Justice and the Attorney General have participated a good deal in many of the legislative and legal problems that arise in the administration, more so than before. I think the workload in working with the other departments and agencies of the Government has been somewhat increased.

Mr. BOW. I agree with that but I do not believe that goes to the extent of traveling around the world.

Mr. WHITE. I do not think the language indicates that.

Mr. BOW. I think the Attorney General can do a better job here. We have a precedent for this kind of thing. In the last administration there was somebody traveling who was related to the President, but it seems to me where he occupies a Cabinet position the responsibility of the Attorney General is at his desk in Washington.

Mr. KENNEDY. Mr. Congressman, I will be glad not to go, I assure you.

Mr. BOW. I know these are not always pleasant trips; they are difficult.

Mr. ROONEY. It would appear from page 4–3 of these justifications that the total increase requested for the Office of the Deputy Attorney General is $25,000. Is that correct, Mr. Andretta?

Mr. ANDRETTA. That is correct.

Mr. ROONEY. Of which amount $5,700 is for within-grade promotions required by the Ramspeck Act; $3,500 is for increased travel requirements; $12,900 is for the salaries of two GS–9 attorneys; $900 is for personnel benefits, retirement and health; and $2,000 is for rent to be transferred to the General Services Administration. So that the only increased personnel included in the $25,000 request is the amount for salaries of two GS–9 attorneys costing $12,900. Is that correct?

Mr. ANDRETTA. That is correct.

Mr. BOW. That is all.

Mr. ROONEY. Mr. Cederberg?

ADDITIONAL POSITIONS REQUESTED

Mr. CEDERBERG. Last year there was a request for an additional 428 positions and this year there is a request for an additional 767 positions, and as I read your statement, the second sentence, it says:

> There are more crimes, more legal problems, and more cases. The cost of finding and punishing criminals has gone up. There are more Federal judges, and the need for prosecutors and marshals for their courts has increased proportionately.

Is this going to be the pattern for the years ahead because of the increased workload you anticipate will come up?

Mr. KENNEDY. Generally I would say as the population increases and as there are more cars and more money around that crime will increase. That has been the pattern. There has been a definite and startling increase in the last 2 years. The passage of five new criminal statutes last fall will greatly increase the number of cases in the Criminal Division. I might also point out that except for the increase

in the Criminal Division the increase has gone in the Federal Bureau of Investigation, which has done an outstanding job in the field of organized crime as well as the job they have always done so commendably in the field of internal security, and in the Bureau of Prisons. The population in the Bureau of Prisons has been increasing gradually. Also, the Internal Revenue Service has put on additional personnel and tax litigation in the first 6 months of the present fiscal year has increased 20 percent. As more criminal cases are referred to the Department of Justice, the workload will go up.

As I pointed out, we are spending five times as much time before grand juries in our fight against organized crime. We will need more lawyers to handle those cases. The narcotics case in New York which ended in December took four or five of our key attorneys for several months. If you want to investigate, conduct a grand jury, and then have trials more attorneys will have to be added in that area.

I would say as far as the future is concerned I do not anticipate that there will be a cutback.

PASSPORT CASES

Mr. CEDERBERG. The State Department recently issued a regulation whereby if a passport is turned down for subversive reasons or security reasons that the individual who has had the passport denied has a right to review the testimony or the reason why it was denied. Is that correct?

Mr. KENNEDY. Yes.

Mr. CEDERBERG. Was this regulation cleared with you?

Mr. KENNEDY. It was. I went over it in detail.

Mr. CEDERBERG. Do you find anything in the regulation that will be harmful?

Mr. KENNEDY. The regulation was based on a legal decision from our Department. It is our feeling, with no contradiction among lawyers—and we went into this in some detail—that the law does not provide for any other manner in which to handle the problem.

Mr. CEDERBERG. There are some very serious questions being raised by Members of Congress as to the result of this.

Mr. KENNEDY. I understand that, but this is what the law is and looking at it as we must from the standpoint of the law——

Mr. CEDERBERG. Do you think the law should be changed?

Mr. KENNEDY. That is up to Congress. I think there are some constitutional problems so I think it has to be done with some care, but we would be glad to give our opinion on that. It is not easy to change the law and still have it constitutional, but I think it can be made stricter or broader. However, I think a good deal of consultation and discussion should be had before that is undertaken.

CIVIL RIGHTS

Mr. CEDERBERG. At the bottom of page 5 of your statement, under the Civil Rights Division, you say:

> In the field of civil rights the Department's basic policy is to seek effective guarantees and action from local officials and civic leaders, voluntarily and without court action where investigation has disclosed evidence of civil rights violations. This policy is proving successful and civil rights problems and difficulties generally are being resolved at the local level.

Does this mean there probably will be no need for further legislation in this field?

Mr. KENNEDY. I think probably there are some areas that still need attention and we are going to make some suggestions and recommendations along these lines. I feel very strongly that this problem is not going to be solved by just passing some laws. It will require some understanding.

We have been impressed, by and large, with the amount of cooperation we have received in those areas of the country where there are problems in this field. We have tried to work quietly without publicity and I think this is the way it should be handled. I think the people in the communities appreciate we are not leviathans here coming in and telling them what to do. Many of these communities will take steps themselves to clear up the situation. In some areas that has not been possible and the antagonisms have grown up between our own Department, and perhaps me, and some of these officials. That is very unfortunate because I think it is very important that continuous discussions take place.

One of the major reasons that the schools were reopened last fall without any acts of violence whatsoever in areas where violence had been anticipated was that all these discussions went on. The primary credit for that rests with the local authorities, the mayors, and city councils, but they received some guidance and suggestions that were helpful over a 6-month period from representatives of the Department of Justice. I think the fact it was done quietly without publicity caused them to appreciate we were not trying to step in and embarrass them. I think that is the way it should be done.

I think some laws might be helpful, but there are laws on the books now that can be enforced and that great progress can be made by good will and the Government working quietly behind the scenes, making sure we have our own house cleaned up.

When I came in the Department only 10 Negro attorneys were in the Department. We are not hiring people just because they are Negroes but we are treating all alike and as a result the number of Negro attorneys in the Department has increased fivefold. This is our philosophy. We are studying in what areas further laws would be helpful with the possibility of getting those passed, and also what laws there are chances of getting by the House and the Senate.

Mr. CEDERBERG. That is all I have.

JANUARY 22, 1962.

# LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

## WITNESSES

**HON. BYRON R. WHITE, DEPUTY ATTORNEY GENERAL**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**

## SALARIES AND EXPENSES, GENERAL ADMINISTRATION

*Object classification*

[In thousands of dollars]

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| 11 Personnel compensation: | | | |
| Permanent positions | 3,255 | 3,440 | 3,549 |
| Positions other than permanent | 63 | 20 | 20 |
| Other personnel compensation | 38 | 1 | 1 |
| Total personnel compensation | 3,356 | 3,461 | 3,570 |
| Direct costs: | | | |
| 11 Personnel compensation | 3,310 | 3,414 | 3,524 |
| 12 Personnel benefits | 245 | 249 | 255 |
| 21 Travel and transportation of persons | 80 | 99 | 120 |
| 22 Transportation of things | | 1 | 1 |
| 23 Rent, communications, and utilities | 80 | 83 | 88 |
| 24 Printing and reproduction | 62 | 48 | 50 |
| 25 Other services | 79 | 70 | 70 |
| 26 Supplies and materials | 51 | 55 | 55 |
| 31 Equipment | 144 | 150 | 148 |
| Total direct costs | 4,051 | 4,169 | 4,311 |
| Reimbursable costs: | | | |
| 11 Personnel compensation | 46 | 47 | 46 |
| 12 Personnel benefits | 4 | 3 | 4 |
| Total reimbursable costs | 50 | 50 | 50 |
| Total costs | 4,101 | 4,219 | 4,361 |
| Change in selected resources | −25 | | |
| Total obligations | 4,076 | 4,219 | 4,361 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 569 | 579 | 583 |
| Full-time equivalent of other positions | 9 | 3 | 3 |
| Average number of all employees | 520 | 539 | 549 |
| Number of employees at end of year | 553 | 562 | 566 |
| Average GS grade | 6.5 | 6.5 | 6.5 |
| Average GS salary | $6,216 | $6,279 | $6,365 |
| Average salary of grades established by 18 U.S.C. 4201 | $17,514 | $17,514 | $17,514 |
| Average salary of ungraded positions | $4,988 | $5,008 | $5,013 |

Mr. ROONEY. The first of the items for the Department of Justice is "Salaries and expenses, general administration," which appears at page 88 of the committee print and under tab 2 of the justifications.

This request is in the amount of $4,311,000, which would be an increase of $146,000 over the amount appropriated for the current fiscal year.

We shall insert at this point in the record pages 2–1 and 2–2 of the justifications.

(The pages follow:)

SUMMARY ANALYSIS OF ESTIMATE

| | *In thousands* |
|---|---|
| Appropriation, 1962 | $4,165 |
| Comparative transfer from "Salaries and expenses, Antitrust Division" | 4 |
| Total | 4,169 |
| Estimate for 1963 | 4,311 |
| Increase 1963 over 1962 | 142 |

*Analysis by activities*

| Office or activity | 1962 requirements | Decreases | Increases | 1963 estimate |
|---|---|---|---|---|
| Attorney General | $215,000 | | $6,700 | $221,700 |
| Deputy Attorney General | 552,000 | | 25,000 | 577,000 |
| Office of Pardon Attorney | 73,000 | | 1,000 | 74,000 |
| Board of Parole | 453,000 | $1,500 | 21,300 | 472,800 |
| Board of Immigration Appeals | 282,000 | | 7,000 | 289,000 |
| Library | 266,300 | 10,000 | 10,700 | 267,000 |
| Administrative Division | 2,378,000 | | 81,000 | 2,459,000 |
| Subtotal | 4,219,300 | 11,500 | 152,700 | 4,360,500 |
| Reimbursements, Office of Alien Property | (−)50,000 | | | (−)50,000 |
| Total direct obligations | 4,169,300 | 11,500 | 152,700 | 4,310,500 |

GENERAL STATEMENT

This appropriation covers the cost of overall executive direction and administration of the Department of Justice. It also provides funds to support the activities of the Office of the Pardon Attorney, the Board of Immigration Appeals, and the Board of Parole.

The following activities are financed from this appropriation item:

Executive direction:

Office of Attorney General.
Office of Deputy Attorney General.

Administrative reviews and appeals:

Office of Pardon Attorney.
Board of Parole.
Board of Immigration Appeals.

Administrative services:

Administrative Division.
Library.

The amount requested for 1963 provides for small increases in personnel to meet heavier workloads in the Office of Deputy Attorney General and the Administrative Division. Funds are also included for within-grade promotions authorized by the Ramspeck Act and for rising costs for travel and communications.

Mr. ROONEY. Mr. Andretta, is there any request included in this for funds for parking fees?

Mr. ANDRETTA. No, sir.

Mr. ROONEY. And this requested increase of $146,000 is set forth under the various offices which make up this title "Salaries and expenses, general administration."

## Office of the Attorney General

The first of these is the Office of the Attorney General wherein there is a request of $221,700, which would be an increase of $6,700 over the amount appropriated to date for that office in the current fiscal year.

We shall insert at this point in the record pages 3–1 through 3–4 of the justifications.

(The pages follows:)

| | |
|---|---|
| Appropriation, 1962 | $215,000 |
| Estimate, 1963 | 221,700 |
| Increase | 6,700 |

The Attorney General is the head of the Department of Justice and the chief law officer of the Federal Government. He gives advice and opinions to the President and heads of the executive departments of the Government when so requested. The Executive Assistant to the Attorney General and the Director of Public Information are attached to the Office of the Attorney General and report directly to the Attorney General.

### AMOUNT REQUESTED

The sum of $221,700 is requested for the Attorney General's immediate office for the fiscal year 1963. The increase of $6,700 is needed to meet the higher costs of operation because of increased activity.

Recent events have greatly increased the demands on the Attorney General and his executive staff. The magnitude and gravity of these problems require that a substantial number be considered and handled in the Attorney General's office rather than in the Divisions of the Department. This increased activity which is expected to continue has created additional needs for travel and communications primarily, which cannot be met with present funds which are not adequate to cover the current rate of expenditures in these categories. The remainder of the increase is required for statutory provisions authorizing within-grade promotions and higher travel allowances.

The details are as follows:

| | |
|---|---|
| Cost of statutory changes: Within-grade promotions (Ramspeck Act) | $1,800 |
| Cost of program increases (heavier workload): | |
| Additional travel requirements | 1,700 |
| Communications | 2,700 |
| Printing | 500 |
| Program increases | 4,900 |
| Total increases | 6,700 |

### GENERAL STATEMENT

This office provides the executive staff and facilities for the Attorney General in directing the Department of Justice. In addition to the Attorney General, the office includes the Executive Assistant, Confidential Assistants, the Director of Public Information, and secretarial and messenger staffs.

Because of the Attorney General's personal interest in organized crime, civil rights, juvenile delinquency and antitrust matters additional workloads have been imposed on his office. The increases sought are necessary to cover statutory provisions and rising costs of travel, communications, and printing related to this heavier workload.

Mr. Rooney. The increases are set forth at page 3–3 and they include within-grade promotions required by the Ramspeck Act in the amount of $1,800; additional travel requirements in the amount of $1,700—and this, Mr. Attorney General, has nothing to do with the travel we were talking about a moment ago, does it?

Mr. Kennedy. It does not.

Mr. ROONEY. This is for people in your office?

Mr. KENNEDY. That is correct.

Mr. ROONEY. And it includes $2,700 for communications and $500 for printing, a total increase of $6,700.

Are there any questions, gentlemen, in regard to this?

## OFFICE OF THE DEPUTY ATTORNEY GENERAL

If not, we shall proceed to the Office of the Deputy Attorney General, which is to be found under tab 4 of these justifications.

We shall insert at this point in the record pages 4–1 through 4–6 of the justifications.

(The pages follow:)

| | |
|---|---|
| Appropriation, 1962 | $552,000 |
| Estimate, 1963 | 577,000 |
| Increase | 25,000 |

The Deputy Attorney General as the second ranking officer of the Department assists the Attorney General in the overall supervision and direction of the Department, including coordination of the activities of the departmental divisions and other units. In the absence of the Attorney General, he is the Acting Attorney General.

This Office handles all legislative matters and is the Department's chief liaison with the Congress and State and Federal departments and agencies. It formulates or approves departmental policies and programs, and oversees their execution; prepares, for the consideration of the Attorney General, recommendations for Presidential appointments to judicial positions and positions with the Department; and handles the recruitment and appointment of attorneys. The executive offices for U.S. attorneys and U.S. marshals are part of this Office.

Legislative proposals of the Department of Justice are drafted and cleared as are reports and recommendations relative to pending legislation originating elsewhere in the Government.

### AMOUNT REQUESTED

An appropriation of $577,000 is requested for the fiscal year 1963. The increase over 1962 of $25,000 is needed to implement statutory provisions relating to employees' compensation, to cover increased travel requirements, and to permit the employment of two additional attorneys to assist with the greatly increased workload of this Office, as follows:

| | |
|---|---|
| Cost of statutory provisions: | |
| Within-grade promotions (Ramspeck Act) | $5,700 |
| Increased travel requirements | 3,500 |
| Cost of additional positions: | |
| Salaries of 2 attorneys, GS–9 | 12,900 |
| Personnel benefits (retirement $800, health $100) | 900 |
| Rent (to be tranferred to GSA) | 2,000 |
| Total cost of new positions | 15,800 |
| Total increase | 25,000 |

### GENERAL STATEMENT

The workload of this Office has increased substantially as the result of the change in administration; the recent legislation adding 73 new Federal judges (Public Law 87–36); the turnover in U.S. attorneys' and marshals' offices of Presidential appointees; and the large number of new legislative proposals such as the new anticrime laws and other legislation. Correspondence, interviews, telephone calls, and other work in connection with these matters is voluminous and require thorough analysis and careful review.

In addition this Office is handling much of the regular business of the Attorney General's Office while the Attorney General is undertaking a number of important assignments for the President.

The present staff is not able to handle the heavy load of work without considerable overtime and frequent delays. The two positions requested should help relieve this situation.

The upward trend in the workload of this Office in recent years continues. The views of the Department of Justice were requested by congressional committees, the Bureau of the Budget, and miscellaneous sources on 1,221 public bills and 81 private relief bills, or a total of 1,302 for the 1st session of the 87th Congress. This represents a new high in the volume of this type of work.

The executive office for U.S. attorneys during fiscal year 1961 has been primarily concerned with the continuing drive to reduce the heavy load of pending cases in the attorneys' offices and the indoctrination and orientation programs for the new U.S. attorneys. Almost 400 new attorneys (assistant U.S. attorneys and the U.S. attorneys) entered on duty during the calendar year 1961. The entry on duty of these new attorneys has necessarily increased the workload of the executive office for U.S. attorneys which is, among other things, responsible for the processing of these applications and which provides general executive assistance and supervision to the 91 offices of U.S. attorneys.

The executive office for U.S. marshals provides executive assistance, direction, and supervision to the individual marshals' offices. Representatives of this Office participate in annual regional conferences of U.S. marshals, held at Federal penal institutions, which provide a forum for the exchange of mutual ideas and the resolution of problems common to all districts. The travel incident to such conferences is, whenever possible, combined with prisoner transportation to minimize expenses.

*Workload data*

| Congress | Reports on bills | | |
|---|---|---|---|
| | Public | Private | Total |
| 78th | 573 | 219 | 792 |
| 79th | 736 | 302 | 1,038 |
| 80th | 983 | 656 | 1,639 |
| 81st | 1,038 | 688 | 1,726 |
| 82d | 945 | 498 | 1,443 |
| 83d | 1,090 | 227 | 1,317 |
| 84th | 1,223 | 167 | 1,390 |
| 85th | 1,225 | 224 | 1,449 |
| 86th | 1,395 | 151 | [1] 1,546 |
| 87th, 1st sess | 924 | 60 | 984 |

[1] This total does not include 286 requests disposed of other than by report to a congressional committee or the Bureau of the Budget.

Mr. ROONEY. These pages indicate that the request is in the amount of $577,000, which would be an increase of $25,000 over the amount appropriated to date in the current fiscal year for this office. We referred to this awhile ago. The increases to which I referred awhile ago are set forth at page 4–3 and, as mentioned previously, there is included therein a request for two GS–9 attorneys in the amount of $12,900.

Mr. Deputy Attorney General, do you have a statement with regard to this item?

Mr. WHITE. No; I have no particular statement, Mr. Chairman.

Mr. ROONEY. You might dwell upon the alleged necessity of the two GS–9 attorneys.

Mr. WHITE. In the past year, and this probably still continues, we have had a substantially heavier load in making recommendations for new Federal judgeships and U.S. attorneys and marshals. We still

have practically 35 to 40 judgeships to make recommendations about. This is a substantial task in our Deputy's Office and also the Department's legislative program has been quite heavy in the past year and will continue to be heavy this year.

This is in addition to commenting upon bills which are submitted to the Department for comments by committees, Senators, and Congressmen.

This past year, and it will continue this year, this legislative program of the Department has required manpower somewhat in excess of the requirements in years gone by.

This year, and I think it will continue, the work of the Department of Justice in connection with bills sent to the Department for comment by Congress, and the work of the Department in connection with other departments has increased a good deal.

Mr. ROONEY. The facts with regard to these bills beginning in the 78th Congress are set forth on page 4–6 of these justifications?

Mr. WHITE. Yes, sir.

Mr. ROONEY. Are there any questions with regard to the Office of the Deputy Attorney General?

Mr. BOW. I have one, Mr. Chairman.

Mr. ROONEY. Mr. Bow?

Mr. BOW. You stated that some of this additional personnel will be needed for new judgeship determinations. The Attorney General, in his statement, said that these positions would all probably be filled within 60 days.

Mr. WHITE. That is right.

Mr. BOW. Which would be within the present fiscal year. This is not important so far as the next fiscal year, with respect to these two positions, is concerned, is it?

Mr. WHITE. I think that is true, Mr. Bow. Of course, there will always be continuing vacancies.

Mr. BOW. That is all; thank you.

Mr. ROONEY. Are there any further questions?

If not, gentlemen, we thank you Mr. Attorney General, for having appeared and spent your morning with us.

We have learned a great deal about what you have been doing in the Department of Justice and we are very well pleased with it.

I should like to suggest that we resume at 1:30 this afternoon when we will have the Pardon Attorney before us.

Mr. KENNEDY. Thank you very much, Mr. Chairman.

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AFTERNOON SESSION

## OFFICE OF THE PARDON ATTORNEY

### WITNESS

### REED COZART, PARDON ATTORNEY

Mr. ROONEY. The committee will please come to order.

The first item to which we shall direct our attention this afternoon is the item for the Office of the Pardon Attorney, which is to be found under tab 5 of the justifications.

We shall insert at this point in the record pages 5–1 through 5–5 of the justifications.

(The pages follow:)

| | |
|---|---|
| Appropriation, 1962 | $73,000 |
| Estimate, 1963 | 74,000 |
| Increase | 1,000 |

The Pardon Attorney performs a specialized service under the Attorney General, which deals with the receipt, investigation, and disposition of applications to the President for pardon, or other forms of Executive clemency.

AMOUNT REQUESTED

It is estimated that this Office will need an appropriation of $74,000 for 1963 to maintain its present staff and scale of operations. The increase over 1962 of $1,000 is required to meet the cost of within-grade promotions as authorized by the Ramspeck Act.

GENERAL STATEMENT

The Pardon Attorney performs a specialized service under the Attorney General which deals primarily with the receipt, investigation, and disposition of applications to the President for all types of Executive clemency. In addition, related matters are reviewed, considered, and disposed of on an "administrative basis" in accordance with established procedure.

During fiscal year 1961 new cases and matters received were 10 percent above those for 1960, and terminations were up by 28 percent. This upward trend in workload for 1961 was predicted in the budget estimates for 1962 and it is expected to continue into 1962 and 1963. During July and August 1961, 131 cases have been received as compared with 68 cases received during the same 2 months of 1960. This is an increase of almost 100 percent and it represents 28½ percent of all the cases received in 1961.

Every person convicted of a Federal offense is a prospective petitioner for some form of Executive clemency, and the increase in the rate of crime with proportionate conviction will enlarge their number. Moreover, persons whose veterans' rights or benefits have been duly forfeited in the past, even without criminal prosecution, because of their infractions of various laws relating to veterans are potential applicants. The needs and desires of the individual dictate the time when he may feel impelled to seek clemency. Then too, there is always the prospect that groups active in behalf of certain classes of offenders, for example, selective service violators, may prevail upon a large number to file petitions in concert.

Apart from consideration of the formal applications, this office must necessarily examine, review and dispose of many, many informal requests for pardon or other forms of Executive clemency, or for information or advice concerning the various aspects of clemency and loss and restoration of civil rights.

All positions in the office are filled at the present time, and we anticipate no vacancies.

Figures relating to actual workload for 1959, 1960, and 1961 and estimates for 1962 and 1963 are attached.

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | 369 | 398 | 437 | 408 | 433 |
| Received | 434 | 437 | 481 | 625 | 650 |
| Terminated | 405 | 398 | 510 | 600 | 625 |
| Pending end of year | 398 | 437 | 408 | 433 | 458 |

Mr. ROONEY. They indicate that the request is in the amount of $74,000 which would be an increase of $1,000 and it would appear that this increase is entirely concerned with within-grade promotions; is that right, Mr. Cozart?

Mr. COZART. Yes, sir. That is correct.

Mr. ROONEY. Is there anything you need to say about this?

Mr. COZART. I do not know of anything further to say. Of course, in the statement prepared and submitted, we made our preliminary estimates for our work load.

In the first 6 months of this fiscal year, we have almost hit it right on the button. We predicted about 600 new cases this year. We had 301 filed in the first 6 months and disposed of 237. So it sounds like we are pretty close to being right on our estimate.

Mr. ROONEY. Fine.

Are there any questions?

(No response.)

Mr. ROONEY. If not, thank you, Mr. Cozart.

Mr. COZART. Thank you. I appreciate this opportunity to appear before you.

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## BOARD OF PAROLE

### WITNESS

### R. A. CHAPPELL, CHAIRMAN, BOARD OF PAROLE

Mr. ROONEY. The next item is that for the Board of Parole which is to be found under tab 6 of the justifications. The request is in the amount $472,800, which would be an increase of $19,800. These increases are set forth at page 6–2. We shall insert at this point in the record pages 6–1 through 6–8 of the justifications.

(The pages follow:)

| | |
|---|---|
| Appropriation, 1962 | $453,000 |
| Estimate, 1963 | 472,800 |
| Increase | 19,800 |

#### AMOUNT REQUESTED

The Board of Parole estimates that $472,800 will be required to meet its needs for the fiscal year 1963. This amount exceeds the amount allotted to the Board in 1962 by $19,800. The amount requested is necessary primarily to meet the increased costs of handling a large increase in Board workload. It does not include funds for additional staff, but does include funds to permit the Board to maintain its presently authorized strength. The changes are as follows:

| | |
|---|---|
| Deduct nonrecurring provision for rent (to be transferred to GSA) | −$1,500 |
| Cost of statutory requirements: Within-grade salary increases (Ramspeck Act) | 4,900 |
| Other increases: Salaries (reduction in lapses) | 16,400 |
| Total | 19,800 |

#### GENERAL STATEMENT

Because of legislation enacted by Congress in 1959, which directly affected the Board's responsibilities generally, the workload of the Board has continued to increase steadily and rapidly. Since 1959, the number of hearings conducted by the Board has increased 20 percent. The number of hearings conducted by Youth Division members as a separate group has increased 35 percent. Correlated with the increase in number of Board hearings is, of course, a related increase in total operations performed by the members and staff of the Board. It is, therefore, imperative that the Board maintain its fully authorized staff. A complete staff is needed to assist the members in their many duties other than the holding of hearings and voting on cases. Funds are needed to maintain the staff without the necessity of absorbing unrealistically large lapses amounting to 7 to 10 percent which it has had to absorb during the past few years.

The Board estimates that the amounts shown below are the necessary amounts in the various categories to meet its needs for the fiscal year 1963.

*11 Personnel compensation, $382,000*

This amount includes funds for the Board to maintain its authorized strength with a personnel lapse of around 3 percent, rather than the 7 to 10 percent it has absorbed during the past 3 years. A full staff is urgently needed to assist especially in the following areas where the workload has steadily risen over the past few years:

1. Youth Division.
2. Processing of parole actions.
3. Preparing release certificates.
4. Processing of warrants against violators.
5. Processing of correspondence related to cases under consideration.

The amount requested also includes $4,900 for payment of mandatory within-grade increases occurring during the year.

*12 Personnel benefits, $25,300*

This amount includes funds for the various personnel benefits (life insurance, health benefits, and retirement contributions). It is the same amount allotted to the Board during 1962.

*21 Travel, $25,000*

Despite the fact that the length of time necessarily spent in travel status to conduct parole and revocation hearings is continuing to increase, the Board is requesting only the same amount allotted to it during 1962. This amount does not include any additional funds for payment of congressionally authorized per diem payments of $16.

*23 Rent, communications, $3,400*

This amount is $1,500 less than the appropriation of $4,900 available for 1962. It takes into account the fact that a nonrecurring item of $1,500 was included in the 1962 budget. The amount reflects the rising costs resulting from the general rise in cases and matters handled by the Board, and represents the actual costs in 1961.

*24 Printing and reproduction, $2,800*

This amount is the same amount allotted to the Board for 1962.

*25 Other services, $32,000*

This amount is the same amount allotted to the Board for 1962. These funds are used primarily to pay hearing report fees. Despite the rise in number of hearings conducted and the consequent rise in reporter costs, the Board asks for no increase in this item.

*26 Supplies and materials, $1,000*

This amount is the same amount allotted to the Board in 1962.

*31 Equipment, $1,000*

This amount is the same amount allotted to the Board in 1962.

83356—62——3

*Recapitulation*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Average population in institutions [1] | 22,683 | 23,470 | 24,448 | 25,200 | 26,200 |
| Parole decisions | 16,325 | 17,932 | 19,541 | 20,350 | 21,150 |
| On basis of hearings | 13,689 | 15,041 | 16,591 | 17,350 | 18,150 |
| Granted parole, all offenders | 4,385 | 4,666 | 4,768 | 5,000 | 5,200 |
| Denied parole, general law offenders | 5,598 | 5,461 | 5,923 | 6,050 | 6,250 |
| Juvenile and youth offender hearings (grants excluded) | 2,286 | 3,104 | 3,594 | 3,600 | 3,700 |
| Revocation and special interviews | 1,382 | 1,419 | 1,610 | 1,700 | 1,800 |
| Determination of eligibility dates | 38 | 391 | 696 | 1,000 | 1,200 |
| On basis of reviews | 2,636 | 2,891 | 2,950 | 3,000 | 3,000 |
| Progress reports reviewed | 2,503 | 2,797 | 2,872 | 2,900 | 2,900 |
| Washington review hearings | 133 | 94 | 78 | 100 | 100 |
| Warrants issued | 1,701 | 1,757 | 2,002 | 2,150 | 2,325 |
| Parole | 976 | 1,063 | 1,241 | 1,350 | 1,475 |
| Mandatory release | 725 | 694 | 761 | 800 | 850 |
| Meetings held at institutions | 168 | 171 | 181 | 182 | 182 |
| Hearings conducted | 11,661 | 12,640 | 14,001 | 14,600 | 15,000 |

[1] Population figures include prisoners in Bureau of Prisons institutions, Public Health Service hospitals, and the District of Columbia Youth Center. The Board of Parole has paroling authority for all Federal prisoners in those institutions.

*Youth Correction Division* [1]

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Average population, youth institutions [1] | 4,027 | 5,196 | 5,932 | 6,200 | 6,600 |
| Population, June 30, youth institutions [2] | 3,981 | 5,551 | 6,062 | 6,500 | 6,500 |
| Paroles granted by Youth Division | 1,646 | 1,945 | 2,052 | 2,200 | 2,300 |
| YCA | 700 | 966 | 1,125 | 1,250 | 1,350 |
| FJDA | 488 | 478 | 504 | 500 | 500 |
| District of Columbia juveniles | 89 | 87 | 30 | 50 | 50 |
| General law in youth institutions | 369 | 414 | 393 | 400 | 400 |
| Parole warrants issued by youth institutions | 604 | 707 | 785 | 875 | 975 |
| YCA | 269 | 382 | 524 | 600 | 700 |
| FJDA | 195 | 199 | 176 | 170 | 170 |
| District of Columbia juveniles | 31 | 25 | 5 | 5 | 5 |
| General law in youth institutions | 109 | 101 | 80 | 100 | 100 |
| Meetngs held at institutions | 68 | 77 | 89 | 90 | 90 |
| Hearings conducted | 4,794 | 5,613 | 6,479 | 6,750 | 7,000 |

[1] The Youth Correction Division has paroling authority over those committed under the Youth Corrections Act, the Federal Juvenile Delinquency Act, by the District of Columbia Juvenile Court to the National Training School for Boys, and those committed under the general criminal law but housed in any of the institutions designed primarily for youthful prisoners.

[2] Population figures include prisoners in the 9 youth-type institutions of the Bureau of Prisons plus the youth offenders in the District of Columbia Youth Center.

*General law offenders in adult institutions*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Average population, adult institutions | 18,661 | 18,274 | 18,516 | 19,000 | 19,600 |
| Paroles granted, general law in adult institutions | 2,739 | 2,721 | 2,716 | 2,800 | 2,900 |
| Parole warrants issued, general law in adult institutions | 372 | 356 | 456 | 475 | 500 |
| Meetings held at institutions | 100 | 94 | 92 | 92 | 92 |
| Hearings conducted | 6,867 | 7,027 | 7,522 | 7,850 | 8,000 |

Mr. ROONEY. Included in this requested increase of $19,800 is an item entitled "Salaries (reduction and lapses), $16,400."

Will you please explain that?

Mr. CHAPPELL. Yes, Mr. Chairman. That is to enable the Board to keep its staff up to full strength.

Mr. ROONEY. This would not permit the addition of any additional staff?

Mr. CHAPPELL. No, sir.

Mr. ROONEY. There is no such proposal in this request?

Mr. CHAPPELL. No proposal for any increases. That is merely to enable us to fill two vacancies. We have a lapse figure now of around 8 or 9 percent and we think about 3 percent would be more realistic. This would enable us to carry it around 3 percent.

Mr. ROONEY. The balance of the request includes $4,900 for mandatory, within-grade salary increases, does it?

Mr. CHAPPELL. That is correct.

Mr. ROONEY. Mr. Bow.

Mr. BOW. There is nothing in any of this budget, is there, Mr. Andretta, for parking fees?

Mr. ANDRETTA. No, sir.

Mr. BOW. That is all.

Mr. ROONEY. Thank you very much, Mr. Chappell.

Mr. CHAPPELL. Thank you, sir.

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## BOARD OF IMMIGRATION APPEALS

### WITNESS

### T. G. FINUCANE, CHAIRMAN

Mr. ROONEY. The next item is that for the Board of Immigration Appeals, which is included under Tab 7 of the justification book. We shall insert at this point in the record pages 7–1 through 7–6 of these justifications, which indicate that the request is in the amount of $289,000. This would be an increase of $7,000 over the amount appropriated in the current fiscal year.

(The pages follow:)

| | |
|---|---|
| Appropriation, 1962 | $282,000 |
| Estimate, 1963 | 289,000 |
| Increase | 7,000 |

The Board of Immigration Appeals is a body set up by order of the Attorney General to consider appeals in all administrative adversary and related proceedings arising under the immigration and nationality laws. The Attorney General has delegated to the Board power to exercise all of his authority in considering such appeals. Part 3, Code of Federal Regulations; sections 3.1 to 3.8 issued under section 103, 66 Stat. 173; 8 U.S.C. 1103, and section 2 of Reorganization Plan No. 2 of 1950, 64 Stat, 1261; section 292, 66 Stat. 235; 8 U.S.C. 1362.

AMOUNT REQUESTED

It is estimated that the Board will require a total of $289,000 or $7,000 more than the allotment for 1962 to maintain its staff and operations in fiscal year 1963. The details of the increase are as follows:

| | |
|---|---|
| Cost of complying with statutory provisions: | |
| Within-grade promotions (Ramspeck Act) | $1,900 |
| Net cost of reclassifications approved in 1961 | 3,800 |
| Personnel benefits | 700 |
| Total statutory provisions | 6,400 |
| Additional equipment | 600 |
| Total increase | 7,000 |

The major portion of the increase requested is needed to meet higher salary increments and payments for personnel benefits in compliance with provisions of existing statutes.

The present fund for equipment is $3,500. An additional $600 is requested in 1963 to permit the Board to complete the replacement of all office machines which are 10 years or more old. The allotment requested of $4,100 would cover the cost of replacing the following equipment:

| | |
|---|---|
| 3 dictating machines and 3 transcribing machines | $2,310 |
| 3 electric typewriters | 1,230 |
| Total | 3,540 |

In addition $560 is included to purchase card filing cabinets and tables for modernizing and improving Library facilities as follows:

| | |
|---|---|
| 8 card filing cabinets at $62.38 | $499 |
| 2 tables for library at $30.50 | 61 |
| Total | 560 |

GENERAL STATEMENT

The Board estimates that it will receive about 1,200 new cases during the fiscal year 1963.

The number of cases coming to the Board by way of appeal appears to have steadied during the past 2 or 3 years. Whether there will be an appreciable increase cannot be estimated at this time, but if this should occur there will have to be a corresponding increase in the personnel.

The percentage of cases in which demand for oral argument is requested shows an increase over the 2 prior years. The emphasis on the demand for oral argument, both by the attorney and the Immigration and Naturalization Service, is due, in part, to the nature of the issues presented. Argument on both sides is often prolonged and complicated, as has been the case in the last several years. The Service may press for reversal of a favorable decision by a special inquiry officer because of its possible impact on the administration of the immigration laws generally. The Service not infrequently will file motions seeking reconsideration of a Board ruling. During the past fiscal year the Service filed 33 such motions. All these matters require time and effort on the part of the Board staff.

The complexity of the problems on both issues of law and fact, and the close questions of discretion are reflected in many of the precedent decisions rendered by the Board during the past fiscal year. In fact, there were 53 precedent decisions during the last fiscal year.

SUMMARY AND CONCLUSION

The Board will require its present staff to operate efficiently and to maintain a normal and current activity.

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: [1] | | | | | |
| Pending beginning of year | 289 | 152 | 171 | 148 | 123 |
| Received | 1,930 | 1,240 | 1,075 | 1,150 | 1,200 |
| Terminated | 2,067 | 1,221 | 1,098 | 1,175 | 1,225 |
| Pending end of year | 152 | 171 | 148 | 123 | 98 |

[1] Oral argument heard by Board:

| | Number | Percent of cases received |
|---|---|---|
| 1959 (fiscal) | 457 | 23.7 |
| 1960 (fiscal) | 331 | 30.8 |
| 1961 (fiscal) | 288 | 26.8 |
| 1962 (fiscal) (E) | 325 | 27.7 |
| 1963 (fiscal) (E) | 340 | 28.4 |

Mr. ROONEY. Page 7–3, which sets forth the requested increase of $7,000, indicates that $1,900 thereof is for within-grade promotions required by law; $3,800 for net cost of reclassifications approved in 1961; $700 for personnel benefits, those being, I expect, retirement and insurance?

Mr. FINUCANE. Yes, sir.

Mr. ROONEY. And $600 for additional equipment.

Do you have anything to say about this, Mr. Finucane?

Mr. FINUCANE. Well, sir, we are keeping within our present personnel allotment. Our workload has steadied quite a bit and under regulations which became effective today the jurisdiction of the Board has been increased. We will have the final say, on adjustment-of-status cases under section 245 and section 249 of the INN Act. These matters will be included in deportation proceedings.

As a result of this, I think it is quite reasonable to expect an increase in the caseload beginning in the near future. We cannot estimate accurately what this increase will amount to but we certainly know there will be an increase and the normal complexity of cases coming before us ought to increase. We will also have the final say on a matter which has been troublesome to the Immigration Service and that is the country to which an alien is to be deported. There have been quite a few cases in court on this point recently and there are many aspects of this provision of law that remain unsettled.

This will be our problem beginning today and therefore we are asking for a continuation of what is our present personnel setup. We are not asking for an increase, but we do believe that the caseload for the years ahead will be increased, but to what extent we cannot say exactly. We are asking for money to replace some of our worn-out equipment. We use dictaphone machines and use electric typewriters with the dictaphone machines and the girls are using typewriters all day long and therefore they wear out quicker than in the case of a stenographer who may use a typewriter, let us say, a quarter of her time.

The girls we have are using the typewriter and transcribing from the Dictaphone machines 8 hours a day which is probably about four times as much use on the typewriter as the average typewriter used by a stenographer.

That is about it, Mr. Chairman.

Mr. ROONEY. Mr. Bow?

Mr. Bow. I would like to have you explain in a paragraph, if you can, this new function of the Board in taking jurisdiction over these cases you mentioned.

Give us a short paragraph on that.

Mr. FINUCANE. Section 245 permits the adjustment of the status of an alien who was admitted in a temporary category and who is eligible for permanent residence. That is where an immigration quota number is available, or it may be the alien is a nonquota immigrant, and otherwise he must meet the general requirements of the law.

Mr. Bow. This is a change of status agreement?

Mr. FINUCANE. That is right. It is a discretionary matter. Section 249 permits the adjustment of status to that of a permanent residence, also a discretionary matter, in the case of an alien who has been here prior to June 28, 1940, irrespective of family ties or hardship. It is based on the length of residence. It is discretionary and good character and fitness for permanent residence are elements to be considered.

The other item I mentioned, the country to which an alien is to be deported, is adjudged on certain standards not too difficult. There is a provision for withholding deportation to a country where the alien anticipates he will be persecuted because of political or religious beliefs. That has in the past and probably will continue in the future to be the basis of a good deal of controversy.

Mr. Bow. This now comes to your Board?

Mr. FINUCANE. These cases now come to our Board but have not heretofore.

Mr. Bow. Thank you.

Mr. ROONEY. Thank you, Mr. Chairman.

Mr. FINUCANE. Thank you, sir.

Mr. ROONEY. It is always good to see you.

Mr. FINUCANE. It is good to see you and good to be here.

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## LIBRARY

### WITNESSES

**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**
**E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE**
**J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE**

Mr. ROONEY. The next item we shall consider is the Library and the details are to be found under tab 8 of the justifications.

We shall insert at this point in the record pages 8–1 through 8–7 of these justifications.

(The pages follow:)

| | |
|---|---|
| Appropriation, 1962 | $266,300 |
| Estimate, 1963 | 267,000 |
| Increase | 700 |

The Library serves the staff of the Department of Justice through a collection of over 230,000 volumes of legal and other related reference material.

It is the responsibility of the Librarian to formulate library policy, develop and maintain a sound collection of legal texts, periodicals, etc. A most essential item in rendering proper service is the preparation and maintenance of current indexes and catalogs of the material.

AMOUNT REQUESTED

The appropriation requested for the Library in fiscal year 1963 is $267,000, or $700 more than the fund available for 1962. The increases actually total $10,700 when allowance is made for the nonrecurring item of $10,000 included in 1962 for purchasing West's Modern Federal Practice Digest.

The details are as follows:

| | | |
|---|---|---|
| Delete: 1962 fund for new digest | | —$10,000 |
| Add: | | |
| Within-grade promotions (Ramspeck Act) | $1,700 | |
| Increase in fund for binding books and library materials | 1,500 | |
| Higher charges for upkeep services for existing volumes | 7,500 | |
| | | 10,700 |
| Net increase | | 700 |

Increases are requested in 1963 to cover within-grade salary advancements pursuant to the Ramspeck Act, a small addition to the fund for binding, and the higher cost of continuation services for existing books and materials.

An additional $1,500 is needed for binding books and materials. This work is now being done at the Government Printing Office at rates considerably higher than those charged by the commercial contractors formerly used for this service. The Department was forced to discontinue the use of private firms for repairing and binding library materials due to the poor quality of their work and unsatisfactory service. We are requesting $8,000 for "binding" in 1963 or slightly more than the actual cost in 1961 of $7,577.

The cost of upkeep services has increased in the past year from $76,692 in 1960 to $84,285 in 1961. The amount available for 1962 is $77,500 or $6,785 less than the actual cost in 1961. It is requested that an allotment of $85,000 be allowed for 1963 in order to continue the upkeep services at current rates.

GENERAL STATEMENT

The amount requested for the library is for the support of all library activities both at the seat of Government (except the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the Bureau of Prisons) and in the field (except U.S. attorneys). The budget not only provides for the organized libraries but also covers all so-called "library materials" including newspapers, dictionaries, maps, directories, etc., throughout the Department. In addition, it provides for the purchase of new books and periodicals, upkeep service on existing materials, binding, repairing, supplies and equipment, and personnel and related costs.

More than 230,000 volumes on law and related subjects in the main library and the smaller collections are used to serve the employees of the Department of Justice in the preparation of legal briefs and memorandums, in the preparation of supporting economic and social findings necessary in litigation, as well as for general reference use. The libraries participate with other Government agencies and institutions in the area in an interlibrary loan program. These resources, together with the services provided by the staff, make the Department of Justice libraries among the foremost legal research centers of the Federal Government.

The libraries of the Department are organized and managed according to nationally recognized library standards with certain variations necessitated by the unique physical arrangement and work responsibilities of the Department which they serve. The main library is the principal repository of all research materials, now containing approximately 114,000 volumes. The division libraries, and other smaller collections, maintain basic working collections of Federal reports and statutes, and a few important and widely used reference materials having particular application to the work of these specialized units.

The main library has been fully cataloged and classified since 1938 and as time permits, the holdings prior to that time are also cataloged and classified. All the holdings of the smaller collections are cataloged and a union catalog of these holdings is maintained in the main library. The main purposes of the union catalog are to make all the resources of the libraries generally available throughout the Department and to avoid duplication. The libraries of the Department accumulate through purchase, gift, exchange, and deposit; organize; catalog; and keep up to date the collections of books and materials in the field of law and related subjects referred to above. The principal library functions performed throughout the library system may be grouped under broad headings as follows: Acquisitions (including ordering, gifts, and exchanges); technical processing (including cataloging, classifying, and binding); circulation (including interlibrary loan service); and reference; and the clerical functions necessary to support these activities.

*Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Volumes in libraries | 218,670 | 223,324 | 229,123 | 235,000 | 240,000 |
| Acquired during year by purchase, gift, etc. | 6,288 | 4,674 | 5,799 | 5,000 | 5,000 |
| Books and periodicals circulated | 170,484 | 234,992 | 205,075 | 200,000 | 200,000 |
| Books used in libraries for reference | 346,242 | 341,423 | 390,874 | 375,000 | 375,000 |
| Books borrowed from other libraries | 5,097 | 3,910 | 4,086 | 5,000 | 5,000 |
| Books loaned to other libraries | 1,063 | 652 | 525 | 500 | 500 |
| Material cataloged | 7,236 | 4,457 | 5,543 | 5,000 | 5,000 |
| Cards added to public catalog | 8,494 | 3,475 | 5,744 | 5,000 | 5,000 |

The figures given for books and periodicals circulated and used for reference (items 3 and 4) do not reflect use of the Criminal Division Library nor the smaller collections where there are no librarians on duty.

Mr. ROONEY. These pages indicate that the request is in the amount $267,000 which would appear to be an increase of $700 over the amount appropriated for the operation of the library in fiscal year 1962.

However, actually there is a nonrecurring item of $10,000 in connection with the new Digest, so that the increase is really $10,700; is that correct, Mr. Andretta?

Mr. ANDRETTA. Yes, sir; that is correct.

Mr. ROONEY. The breakdown of the requested $10,700 is to be found at page 8–3 of the justifications. The bulk of this money—to wit, $9,000—is for an increase in the fund for binding books and library materials as well as higher charges for upkeep services for the existing volumes in the library.

What have you to say about this?

Mr. ANDRETTA. Mr. Chairman, in addition to that, $1,700 is for within-grade promotions for the present library staff.

Mr. ROONEY. That is in addition to the $9,000?

Mr. ANDRETTA. That is correct.

Mr. ROONEY. The $9,000 to which I have made reference, together with the $1,700, makes up the requested increase of $10,700; correct?

Mr. ANDRETTA. Yes, sir. We are asking for $1,500 for binding of books. Many of our books are becoming worn and we have a lot of

volumes that receive quite a good deal of use. We have not done too much binding over the years; and, in order to preserve the investment in the library in these volumes, we feel we ought to do more binding to preserve them.

We are asking for $1,500, which is a modest amount to keep up these books in the library. We have almost 250,000 volumes, and in view of that substantial investment we think we ought to do everything that we can to protect it. Then the cost of continuations of the present volumes in the library has gone up.

The various looseleaf services and other continuation services we have in the legal reference volumes will require $7,500 more just to keep the present library up to date. We are not asking for any more money for accessions; that is, for new books and volumes.

Mr. ROONEY. What is this increase from $77,500 to $85,000 in connection with the upkeep services?

Mr. ANDRETTA. That is our continuations, Mr. Chairman. That is what it costs us for continuations of the present books in the library.

Mr. ROONEY. That is a very substantial increase, is it not? It runs to almost 10 percent.

Mr. ANDRETTA. That is correct. The cost of all of the books and volumes is going up. You remember that was one of the things that was a catch in our buying that new lifetime digest, the way they jumped the cost of that.

Mr. ROONEY. You state at the bottom of page 8–3 and at the top of 8–4,

> * * * an additional $1,500 is needed for binding books and materials. This work is now being done at the Government Printing Office at rates considerably higher than those charged by the commercial contractors formerly used for this service. The Department was forced to discontinue the use of private firms for repairing and binding library materials due to the poor quality of their work and unsatisfactory service. We are requesting $8,000 for binding in 1963, or slightly more than the actual cost in 1961 of $7,577.

What is the difference in the percentage between having this work done at the Government Printing Office and by private contractors?

Mr. BROWN. It is about 10 percent higher, Mr. Chairman.

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JANUARY 22, 1962.

ADMINISTRATIVE DIVISION

WITNESSES

S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL
E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE
J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE

Mr. ROONEY. The next item is for the Administrative Division.

The details in regard thereto are to be found under tab 9 of the justification book.

We shall insert at this point in the record pages 9–1 through 9–6 of these justifications.

(The pages follow:)

| | |
|---|---|
| Appropriation, 1962 | $2,378,000 |
| Estimate for 1963 | 2,459,000 |
| Increase | 81,000 |

The Administrative Assistant Attorney General is head of the Administrative Division which is charged with responsibility for the business management of the Department. This includes, among other things, the formulation, presentation, and execution of the Department's budget; the recruitment, appointment, placement, training, and classification of personnel; the allotment, disbursement, and accounting for funds; the collection and compilation of statistics; the purchase of supplies and equipment; allotment and utilization of space, along with necessary administrative services such as duplication, telephones, transportation, etc.; the receipt and distribution of mail; maintenance and disposition of files and records; the examination and inspection of field and judicial offices; the study of departmental offices with a view to effecting improvements in organization and practices; making management studies; and generally the administration of similar staff services. The Administrative Assistant Attorney General also supervises the administrative operations of the U.S. marshals' and attorneys' offices, the Board of Immigration Appeals, the Board of Parole, and the Office of the Pardon Attorney.

AMOUNT REQUESTED

It is requested that $2,459,000 be appropriated for the Administrative Division to carry out its responsibilities of conducting and managing the business affairs of the Department in 1963. This is $81,000 more than the amount currently appropriated for 1962 and is needed for the following purposes:

| | | |
|---|---|---|
| Cost of statutory provisions: | | |
| Within-grade promotions (Ramspeck Act) | $21,000 | |
| Personnel benefits related to above | 1,400 | |
| | | $22,400 |
| Increased travel requirements | | 14,000 |
| New Positions: | | |
| Salaries (1 GS–13 analyst $10,650, 1 GS–12 analyst $8,965) | 19,600 | |
| Personnel benefits (retirement $1,275, insurance $65, health $145) | 1,500 | |
| Travel | 1,500 | |
| Rent (to be transferred to GSA) | 2,000 | |
| | | 24,600 |
| Amount required to support increased employment in presently authorized positions due to increasing workloads: | | |
| Salaries (4 employees) | 18,600 | |
| Retirement contributions | 1,400 | 20,000 |
| Total increase | | 81,000 |

GENERAL STATEMENT

The Administrative Division conducts the business affairs of the Department and functions as the central office for departmentwide administrative and advisory programs. It maintains liaison with the Bureau of the Budget, Civil Service Commission, General Accounting Office, Treasury Department, and General Services Administration. It handles the Department's finances and housekeeping matters as well as the compilation of statistical information on litigation, examination of field offices and management studies. These duties continue to grow in volume and complexity as the activities of the Department and the growth of the country expand, particularly in the management area where increasing demands for studies and surveys are being made by the legal offices and divisions.

STATUTORY PROVISIONS

A total of $22,400 will be required in 1963 to comply with statutory provisions relating to employees' salaries and benefits as follows:

| | |
|---|---|
| Within-grade salary increases (Ramspeck Act) | $21,000 |
| Increased contributions to civil service retirement fund | 1,400 |

In addition $14,000 will be needed to meet increased demands for inspections and surveys by the Department's field examiners and management personnel. Calls for such services have increased sharply in the past year due mainly to the large-scale turnover in the U.S. attorneys' and marshals' offices. It will be impossible to comply with these requests with the funds currently available for travel and also pay the higher allowances for subsistence authorized by Public Law 87–139 approved August 14, 1961.

It is estimated that travel costs in 1962 will total $60,000, although the allotment for this year is only $50,000. Consequently $10,000 of the increase requested will be needed to meet existing requirements.

ADDITIONAL PERSONNEL

The request for 1963 includes $24,600 for salaries and related costs for two new analyst positions in the Management Office of the Division. This Office, which started out several years ago on a very modest basis, has developed into a valuable and active management task force mainly concerned with special surveys and studies throughout the Department. The increasing demands upon the office for management services have extended even to the field installations outside of Washington.

Currently the Management Office is spearheading a comprehensive "feasibility study" to determine whether the installation of automatic data processing equipment would be advantageous in the Department's operations and whether it would be economically justified.

Several reorganization proposals have been surveyed and recommendations made to the interested officials. One of these involved the reassignment within the Department of the functions of the Office of Alien Property.

The Department is convinced from the results so far achieved that substantial improvements in manpower utilization and in general operating efficiency can be realized through the strengthening of this Office. We believe that the potential benefits and economies inherent in this field justify the expenditure of the additional amount requested.

At present the Administrative Division is prevented from filling a number of authorized positions because of the large amount for "lapses" that must be saved each year in the allotment for personal services. Currently this is running better than 7 percent and involves about 27 positions. An average of around 3 percent is considered reasonable in most appropriations. The constantly mounting pressures on this Division due to the steady expansion of the work and personnel of the Department require that some measure of relief be requested. The situation is extremely acute in the accounting and financial reports sections.

Accordingly, the estimate includes $20,000 to permit filling four vacant positions in these sections.

INCREASES REQUESTED

Mr. ROONEY. These pages indicate that the request is in the amount of $2,459,000, which would be an increase of $81,000. The increases amounting to $81,000 are set forth at page 9–3 and continued over to the top of page 9–4.

It appears that there are requested two additional positions, a GS–13 analyst and a GS–12 analyst, at a cost of $19,600 per annum. There is also an increase of salaries for four employees, $18,600.

The salaries to which I have just made reference, Mr. Andretta, for these four employees, are for salaries of employees currently authorized?

Mr. ANDRETTA. No, sir; they are to permit us to fill vacancies we are not able to fill now.

Mr. ROONEY. The positions are already authorized?

Mr. ANDRETTA. The positions are authorized; yes, sir.

Mr. ROONEY. This is another way of saying what we came across just a while ago?

Mr. ANDRETTA. Yes; you know that in this Division, Mr. Chairman, with all of your increased costs of operation and whatnot, we have to build up a higher and higher lapse figure in order to come out. The result is that we will not be able to fill some of the positions that are authorized.

In other words, you can just fill up to the amount of money you have available and then you have to stop. Now we are under pressure because of increased work and demands on the Division, that we have got to fill some of these jobs.

As you know, the Administrative Division has been pretty much the same over the last several years. In fact, the only increases in personnel we have gotten have been in the Management Office that we made a start on with three analysts. Other than that we have been going along pretty well, and the rest of the Department, as you know, has been growing and expanding quite a bit. Today we have 345 people, which is about the same as it has been over the last few years.

We find, especially now with the change in administration, that the Management Office is an extremely valuable tool. Each of the new assistants who has come in has asked us to make management studies of his Division. We have had to spread our staff pretty thin. We have made management studies in the Antitrust Division, not only in the utilization of the legal staff, but the organization of the Division itself and in the utilization of their secretarial staff.

We are making a study in the Civil Division on the use of dictating equipment and for the Docket Section in their statistical operations.

We made a study for the Tax Division of a system of utilizing telephonic dictation which is now in the trial stage. We made a study in the U.S. attorney's office in New York on the use of secretarial help in pools and utilization of their personnel there.

We have also got a study going on all mechanical equipment in the Department to see how it is being used and whether we have excess mechanical equipment as well as evaluating the state and condition it is in.

We also made a study of the Office of Alien Property and its organization, duties and responsibilities, prior to its being absorbed into the Civil Division.

A number of things the management group came up with have been very helpful.

TRAVEL

Mr. ROONEY. It appears that you are asking for $15,500 for increased travel.

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. $14,000 at page 9–3 entitled "Increased Travel Requirement and $1,500 for Travel" for these two new positions; is that right?

Mr. ANDRETTA. That is correct.

Mr. ROONEY. How do you arrive at a thing like that?

Mr. ANDRETTA. The heavy travel increase of $14,000 is primarily for our examiners. As you know, Mr. Chairman, they are always in a continual state of travel and they are all over the United States. They never come back to their headquarters, which is Washington, and they go from one judicial district to another. They had been

getting a reduced travel rate and when the Congress raised the rate to $16, we raised them from $10 to $12 while on general assignments. When they go on a special examination, we pay them $15 a day.

In other areas, if they go on a quick examination, they get $15 a day. If they go into a district where they are going to spend considerable time, they get $12 a day, but the bulk of their travel expense is per diem and it is essential that we try to be fair with these men, and at least help them along the way of getting them something near what it is costing them to stay out in the field.

Mr. ROONEY. Is any of this money for reimbursement for private automobile travel?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. How much a mile?

Mr. ANDRETTA. Ten cents a mile.

Mr. ROONEY. The law has been changed, has it not, to 12 cents a mile?

Mr. ANDRETTA. Yes, but we have not gone for 12 cents anywhere in the Department. We have stayed with the 10 cents a mile. We have had some studies run and we find that at 10 cents a mile, they can generally make out pretty well.

Mr. ROONEY. How many of these examiners do you have on the road?

Mr. ANDRETTA. Eleven.

Mr. ROONEY. That would be better than $1,000 a year increase for each?

Mr. ANDRETTA. That is right.

Mr. ROONEY. How did you arrive at this figure?

Mr. ANDRETTA. We took the amount it costs them to travel, averaged it out, and then applied the percentage increase. Most of the increase is in per diem and the percentage increase was then applied according to the base and the amount they have been receiving. We then came up with the figure we have estimated.

### TRANSFER TO GENERAL SERVICES ADMINISTRATION FOR RENT

Mr. ROONEY. What about this $2,000 item for rent, to be transferred to GSA?

Mr. ANDRETTA. That is the automatic formula that goes with two new people. Actually, I doubt if we will be spending $2,000 for rent. They have a formula that every new person put on now you have to get $1,000 a person for rent in the District of Columbia. It is $750 in the field.

Mr. ROONEY. Will this $2,000 actually be transferred in its entirety to GSA?

Mr. ANDRETTA. No, I would anticipate that we will absorb these two people in our present Management and Space Unit.

Mr. ROONEY. Then you do not need this $2,000?

Mr. ANDRETTA. I would agree to that, yes.

### REQUEST FOR REPRESENTATION EXPENSE ALLOWANCE

Mr. ROONEY. Now, coming to this proposed language change—

* * * including, not to exceed $2,000 for official reception and representation expenses * * *.

This is the item to which reference was made this morning, is it?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. How do you justify this?

Mr. ANDRETTA. Mr. Chairman, for years now we have been trying to get some money for entertainment expenses. You will remember it came up before and we tried to get an item of this kind when the British were coming to visit us at the time of the American Bar Association meeting. We had been over in England a couple of years before that and they entertained and treated us royally and then when they came here, particularly it being a legal meeting, a good part of the burden of entertainment fell on the Department of Justice.

The result was that all of the Assistant Attorneys General had to dig down into their pockets to entertain these people and reciprocate their hospitality.

In the last few years, there have been representatives from foreign countries who have called on the Department and we have had the equivalent of Attorneys General in the way of Ministers of Justice from the various countries who have come to Washington that we have had to entertain. It is quite an expense.

Mr. ROONEY. Quite a number of the Members of the House of Representatives attended the meetings of the American Bar Association. They did attend the one in London several years ago and they made some acquaintances there and, as I understand it, when the British visited here, they entertained them but they did not have a clause such as this? They used their own money to entertain the friends they made abroad.

Mr. ANDRETTA. I do not think they should. I think this grows out of their official business and capacity and I think they should have some funds to rely on. We are willing to stand the gaff up to a certain point but when it gets awfully heavy or burdensome, especially as it arises because of your official capacity or the operation of the Department, we do not think you ought to take that on.

As the Attorney General pointed out, we have looked at the appropriations of 15 other agencies that have similar funds that vary considerably.

The figure for the Department of Agriculture was something like $25,000; the Department of Commerce had three appropriations, I think, that go from $2,000 on up, and so on down the line.

The 15 agencies that already have authority for the very thing we are asking for now are listed in this document.

The figure for the Department of Agriculture is $25,000; Department of Commerce, two, one for $237 and the other for $2,500; Panama Canal, I do not have the amount on that; the St. Lawrence Seaway Development, $2,000; the Executive Office of the President, OCDM, $2,500; FAA, $25,000; National Aeronautics and Space, $10,000; Department of Labor, $2,000; HEW, $3,500; Department of Army, $3,000; Export-Import Bank, $9,000; Atomic Energy Commission, $30,000; the Department of State has four appropriations with which you are familiar.

Mr. ROONEY. Do not even mention them.

Mr. ANDRETTA. The U.S. Information Agency has $500 in the United States and $90,000 abroad.

Treasury has $100,000 for the Coast Guard, I believe it is.

Mr. ROONEY. These 11 examiners to whom reference was made a while ago, what did they turn up in the past year, if anything?

Mr. ANDRETTA. They accounted for or collected $940,769.53 and that includes a court registry account in one district which an examiner persuaded the court to transfer from a local bank to the Treasury of the United States.

Mr. ROONEY. The money was there? You would not say they recovered that, would you?

Mr. ANDRETTA. No; but they accounted for that. It had been lying there and we put it in the U.S. account so that the Government would get the use of the money.

Mr. ROONEY. Where was this?

Mr. ANDRETTA. I do not have the district. I will have to get that.

Mr. ROONEY. Please insert that information at this point in the record.

Mr. ANDRETTA. Yes, sir.

(The requested information follows:)

Office of the clerk, U.S. District Court, Eastern District of New York.

Mr. ROONEY. That was all in one account?

Mr. ANDRETTA. $684,744.03 was in one account.

Mr. ROONEY. How many other items make that up?

Mr. ANDRETTA. $266,025.50, represented by balances in closed bankruptcy cases deposited in the registry account, unclaimed bankruptcy balances in registry account deposited in the Treasury, overpayments of mileage, per diem, overtime, fees, and so forth.

Mr. ROONEY. What did that amount to?

Mr. ANDRETTA. The latter amounted to $19,437.46 in 1961 and so far this fiscal year, $39,190.73. Of those amounts collected up to December 31, $10,777.84 applied to the 1961 items, and $7,057.78 was collected on the fiscal 1962 items.

These are all overpayments for mileage, per diem, and other fees both to judiciary personnel and Department of Justice personnel in the field.

Mr. ROONEY. What is the total amount of overpayments you have in the document you just read from?

Mr. ANDRETTA. The total?

Mr. ROONEY. Yes.

Mr. BUTTS. $58,628.19.

Mr. ROONEY. Does that mean that $58,628.19 was already paid out and later covered into the Treasury?

Mr. ANDRETTA. No, sir; $17,835.62 of the above amount has been collected and covered into the Treasury.

Mr. ROONEY. Mr. Magnuson?

Mr. MAGNUSON. The justifications on page 9–2, Mr. Andretta, lists the duties and administrative assistants to the Attorney General. Among them you state:

* * * collection and compilation of statistics * * *

I was aware that every department has somebody responsible for making Government statistics more complicated, but I want to commend the Department of Justice for identifying the culprit in your case.

Mr. ANDRETTA. Thank you.

Mr. MAGNUSON. Frankly, I thought you would have had that responsibility.

Mr. ANDRETTA. That is right. We can complicate it more.

Mr. MAGNUSON. That is all, Mr. Chairman.

Mr. ROONEY. Mr. Cederberg?

PRELIMINARY BUDGET ESTIMATES

Mr. CEDERBERG. Mr. Andretta, how much did you request in your overall budget before it went to the Bureau of the Budget?

Mr. ANDRETTA. You mean our preliminary estimate or budget estimate?

Mr. ROONEY. Are you speaking of the entire Department of Justice?

Mr. CEDERBERG. The entire Department.

Mr. ANDRETTA. In the Department's request that went to the Budget Review Committee as submitted by the Bureau heads and division heads, the total was $343,652,000.

Mr. CEDERBERG. How much was it after you reviewed that?

Mr. ANDRETTA. After our discussions with the Budget Bureau, we formally submitted a budget of $327,415,000.

They gave us $307,369,000, which is before the Congress.

Mr. CEDERBERG. That is all, Mr. Chairman.

Mr. ROONEY. That is about par for the course; is it not?

Mr. ANDRETTA. The big reduction is in construction—almost $28 million went out in construction.

Mr. ROONEY. Principally the Bureau of Prisons construction?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. That figure could not be $307 million. It is 309,-300,000?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. The Bureau of the Budget reduced it from $327-plus million to $309,300,000; am I correct?

Mr. ANDRETTA. That is right.

Mr. ROONEY. Very well.

JANUARY 22, 1962.

# SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

## WITNESSES

**ARCHIBALD COX, SOLICITOR GENERAL**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Permanent positions | 10,230 | 11,864 | 12,556 |
| | Positions other than permanent | 299 | 142 | 142 |
| | Other personnel compensation | 1,701 | 1,266 | 1,266 |
| | Total personnel compensation | 12,230 | 13,272 | 13,964 |
| 12 | Personnel benefits | 765 | 861 | 907 |
| 21 | Travel and transportation of persons | 448 | 502 | 776 |
| 22 | Transportation of things | 2 | 2 | 2 |
| 23 | Rent, communications, and utilities | 150 | 306 | 234 |
| 24 | Printing and reproduction | 430 | 417 | 429 |
| 25 | Other services | 181 | 189 | 194 |
| 26 | Supplies and materials | 110 | 120 | 121 |
| 31 | Equipment | 152 | 104 | 113 |
| | Unvouchered | | | 20 |
| | Total costs | 14,468 | 15,773 | 16,760 |
| | Change in selected resources | −533 | | |
| | Total obligations | 13,935 | 15,773 | 16,760 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 1,415 | 1,540 | 1,576 |
| Full-time equivalent of other positions | 36 | 17 | 17 |
| Average number of all employees | 1,268 | 1,460 | 1,524 |
| Number of employees at end of year | 1,354 | 1,500 | 1,530 |
| Average GS grade | 9.1 | 9.1 | 9.1 |
| Average GS salary | $8,218 | $8,150 | $8,271 |
| Average salary of ungraded positions | $12,780 | $12,780 | $12,780 |

Mr. ROONEY. The next item is entitled "Salaries and expenses, general legal activities" and is to be found at page 91 of the committee print.

The details are set forth under tab 11 of the justifications.

We shall insert at this point in the record pages 11–1 through 11–6 of these justifications.

83356—62——4

(The pages follow:)

SUMMARY ANALYSIS OF ESTIMATE

[In thousands of dollars]

| | |
|---|---|
| Appropriated 1962 | 15,785 |
| Transferred to GSA (rent) | 12 |
| Amount available, 1962 | 15,773 |
| Estimate, 1963 | 16,760 |
| Increase | 987 |

*Analysis by activities*

| Office or division | 1962 requirements | Decreases | Increases | 1963 estimate |
|---|---|---|---|---|
| Solicitor General | 428 | | 12 | 440 |
| Tax Division | 3,421 | 73 | 241 | 3,589 |
| Criminal Division | 2,471 | 43 | 672 | 3,100 |
| Civil Division | 3,633 | 8 | 83 | 3,708 |
| Lands Division | 3,545 | | 25 | 3,570 |
| Office of Legal Counsel | 484 | | 6 | 490 |
| Internal Security Division | 1,023 | | 29 | 1,052 |
| Civil Rights Division | 768 | 6 | 49 | 811 |
| Total obligations | 15,773 | 130 | 1,117 | 16,760 |

This appropriation provides for the operating expenses of—

Office of Solicitor General:
Tax Division.
Criminal Division.
Civil Division.
Lands Division.
Office of Legal Counsel:
Internal Security Division.
Civil Rights Division.

It is estimated that an appropriation of $16,760,000 will be needed for fiscal year 1963 to meet the requirements of the several legal divisions listed above. This is a net increase of $987,000 over the amount required for 1962 after eliminating nonrecurring items for rent totaling $130,000 which will be budgeted for by the General Services Administration in 1963.

LANGUAGE CHANGE

It is requested that the following provision be included in the appropriation language for fiscal year 1963: "not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate;".

The Department has been seriously handicapped in conducting investigations and obtaining evidence in criminal cases because the legal divisions have not been authorized to make expenditures for confidential purposes in appropriate situations. Investigations of organized crime and racketeering would be greatly facilitated if the requested authority is granted. The fund would be used solely for the purpose indicated and only as authorized and directed by the Attorney General.

PROGRAM AND PERFORMANCE

The following legal activities of the Department are financed from this appropriation:

1. *Conduct of Supreme Court proceedings and coordination of appellate matters.*—This consists of supervising and controlling all appellate matters and representing the Government before the Supreme Court.

2. *General tax matters.*—This involves the prosecution or defense of cases arising under the internal revenue laws and other tax statutes.

*Caseload*

| | Actual | | Estimate | |
|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 |
| Pending, beginning of year | 4,261 | 4,416 | 4,704 | 4,929 |
| Received | 6,469 | 6,885 | 7,225 | 7,600 |
| Terminated | 6,314 | 6,597 | 7,000 | 7,500 |
| Pending, end of year | 4,416 | 4,704 | 4,929 | 5,029 |

3. *Criminal matters.*—These embrace all actions in criminal law except tax, internal security, antitrust, and civil rights matters.

*Caseload*

| | Actual | | Estimate | |
|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 |
| Pending, beginning of year | 165 | 162 | 183 | 173 |
| Received | 3,980 | 3,777 | 3,880 | 3,965 |
| Terminated | 3,983 | 3,756 | 3,890 | 3,965 |
| Pending, end of year | 162 | 183 | 173 | 173 |

4. *Claims, customs, and general civil matters.*—The prosecution or defense of civil suits and claims of the Government, except tax, land, and civil rights, are handled by this activity.

*Caseload*

| | Actual | | Estimate | |
|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 |
| Pending, beginning of year | 14,303 | [1] 13,632 | 14,803 | 15,262 |
| Received | 9,231 | 9,116 | 9,994 | 10,278 |
| Terminated | [1] 9,902 | 7,945 | 9,535 | 9,905 |
| Pending, end of year | [1] 13,632 | 14,803 | 15,262 | 15,635 |

[1] Adjusted to reflect changes in statistics previously reported.

5. *Lands matters.*—These include all civil suits and matters relating to title, possession, and use of Federal land and natural resources, including civil litigation involving Indians and Indian affairs in which the United States is interested.

6. *Legal opinions.*—Opinions are prepared for the President and executive agencies, and proposed Executive orders and proclamations are reviewed as to form and legality.

7. *Internal security matters.*—This involves litigation and related matters concerning the internal security of the United States.

8. *Civil rights matters.*—Cases and matters involving the civil rights of persons within the jurisdiction of the United States are covered by this function.

*Caseload*

| | Actual | | Estimate | |
|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 |
| Pending, beginning of year | 401 | [1] 607 | 898 | 900 |
| Received | 2,188 | 2,957 | 3,500 | 4,000 |
| Terminated | [1] 1,982 | 2,666 | 3,498 | 4,000 |
| Pending, end of year | [1] 607 | 898 | 900 | 900 |

[1] Adjusted to reflect changes in statistics previously reported.

Mr. ROONEY. These pages indicate that the request is in the amount of $16,760,000, which would be an increase of $975,000 over the amounts appropriated to date in the current fiscal year.

When comparative transfers are taken into consideration, the actual increase is $1,117,000, is it not?

Mr. ANDRETTA. That is correct.

## OFFICE OF THE SOLICITOR GENERAL

Mr. ROONEY. The first of the items under "Salaries and expenses, general legal activities," is shown at page 11–1 and is the request for the Office of the Solicitor General. The details with regard thereto are to be found under tab 12 of the justifications, and we shall insert at this point pages 12–1 through 12–4 of the justifications.

(The pages referred to follow:)

| | |
|---|---|
| Appropriation, 1962 | $428,000 |
| Estimate, 1963 | 440,000 |
| Increase | 12,000 |

Under the direction of the Attorney General, the Solicitor General has special charge of the business of, and appears for and represents, the Government in the Supreme Court. When requested by the Attorney General, the Solicitor General may conduct and argue any case in any court of the United States in which the United States is interested, or may attend to the interests of the Government in any State court or elsewhere, conferring with and directing the activities of the Federal law officers throughout the country when the occasion so requires. No appeal is taken by the United States to any appellate court without the authorization of the Solicitor General.

### AMOUNT REQUESTED

It is estimated that this office will need $440,000 to maintain its staff and operations in fiscal year 1963. The increase of $12,000 is required to meet the cost of within-grade promotions under the Ramspeck Act and to cover higher costs of printing.

The items of increase are as follows:

| | |
|---|---|
| Within-grade promotions (Ramspeck Act) | $2,500 |
| Actual increase in printing requirements | 9,500 |
| Total | 12,000 |

### GENERAL STATEMENT

The work of this office continues at a fairly constant level. Although a slight upward trend in activities is in evidence, it is felt that the present staff will be sufficient to handle the expected increase in workload.

Additional funds are required, however, to pay the salary increments under the Ramspeck Act and the higher cost of printing resulting from constantly increasing prices and the greater volume of matter to be printed.

*Office of Solicitor General—Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | 117 | [1] 132 | [2] 149 | 142 | 131 |
| Received | 677 | 627 | 694 | 714 | 734 |
| Terminated | 665 | 614 | 701 | 725 | 745 |
| Pending end of year | 129 | 145 | 142 | 131 | 120 |
| Other activities: | | | | | |
| Appellate determinations made by the Solicitor General's Office | 943 | 863 | 932 | 952 | 972 |
| Certiorari determinations made by the Solicitor General's Office | 434 | 371 | 409 | 429 | 449 |
| Miscellaneous recommendations passed on in the Solicitor General's Office | 98 | 148 | 199 | 215 | 225 |
| Total cases or matters | 2,269 | 2,141 | 2,383 | 2,452 | 2,511 |

[1] Figure corrected to adjust omissions in 1959 report.
[2] Figure corrected to adjust omissions in 1960 report.

Under tab 12 at page 12–1, we find that the requested increase of $12,000 for the Office of the Solicitor General is detailed at page 12–3 and consists of two items; $2,500 for within-grade promotions required by law and $9,500, increased printing requirements.

Do you have a statement with regard to this, Mr. Solicitor General?

Mr. Cox. Our activities in the Division continue about the same from year to year. The actual volume of work increases slightly but it would seem that the existing personnel could carry it. The increases are, (1) as you said, the increases due to the Ramspeck Act and (2) an increase anticipated in our printing requirements.

As you know, the latter is pretty much controlled by the Supreme Court—by what cases come along—and is, therefore, at best an estimate.

It might be appropriate to say that thus far this year we have been running somewhat under the estimated costs of printing for the year and that is chiefly because the big records for the year have not come along yet.

We have got four more big records to be printed out of the present appropriation and I think that will probably end us up with about what the estimate was.

Mr. Rooney. How did you arrive at this requested $9,500 figure?

Mr. Cox. Mr. Andretta can probably fill in the details on that better than I can.

Mr. Andretta. Mr. Chairman, we brought the estimate for 1963 up to the actual expenditure in 1961, which was $173,237. This year we are going to have $164,000 available for printing, so to get up to the current level of expenditure we had to raise it up to that amount.

Mr. Rooney. What was it in 1960?

Mr. Andretta. I have not got that with me.

Mr. Rooney. Insert that information at this point in the record.

(The information requested follows:)

Expenditures for fiscal year 1960 were $152,636.

Mr. Rooney. Thank you, Mr. Cox.

MONDAY, JANUARY 22, 1962.

## TAX DIVISION

### WITNESSES

LOUIS F. OBERDORFER, ASSISTANT ATTORNEY GENERAL
C. G. TADLOCK, EXECUTIVE ASSISTANT
S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL
E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE
J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE

Mr. ROONEY. The next item under "Salaries and expenses, general legal activities," is that for the Tax Division. The details with regard thereto are to be found under tab 13 of the justification book. The request is in the amount $3,588,500, which would be an increase of $167,500 over the amount appropriated to date in the current fiscal year.

We shall insert pages 13–1 through 13–26 at this point in the record.

(The pages referred to follow:)

| | |
|---|---|
| Appropriation, 1962 | $3,421,000 |
| Estimate, 1963 | 3,588,500 |
| Increase | 167,500 |

The Tax Division under the direction of an Assistant Attorney General has the responsibility of representing the United States and its officers in civil and criminal litigation arising under the internal revenue laws pending in all Federal and State courts, except the Tax Court of the United States.

The Division's duties in civil tax litigation include (1) the preparation and trial of cases in the U.S. district courts, the U.S. Court of Claims and State courts; (2) the preparation of briefs and the conduct of oral arguments in the U.S. courts of appeals, including appeals from decisions of the Tax Court, and in State appellate courts; and (3) the preparation of petitions for certiorari and briefs and the conduct of oral arguments in the Supreme Court of the United States on assignment by, and under the supervision of, the Solicitor General. The Division exercises compromise and settlement functions with respect to civil tax litigation. It has jurisdiction over questions of intergovernmental tax immunity, whether arising by reason of an attempt by a State to impose a tax upon the exercise of the Federal power or by reason of resistance on the part of a State to the imposition of a Federal tax.

The Division's responsibilities with respect to criminal offenses under the revenue laws include the control and supervision of the institution of criminal proceedings and collaboration with U.S. attorneys in the conduct of such proceedings in the trial and appellate courts. Excluded from its jurisdiction are liquor and narcotic tax matters and offenses under the Wagering Tax Act.

#### AMOUNT REQUESTED

The Tax Division will require $3,588,500 to meet its needs in 1963. This is an increase of $167,500 over the amount available for 1962 and provides for salaries on an annual basis and related costs of the present staff, as well as costs of new statutory provisions relating to Government personnel.[1]

[1] The Congress supplemented the staff of the Division by authorizing 96 additional positions for the current year; 34 positions were added by the annual act of 1962 and 62 additional positions were included in the Supplemental Appropriation Act, 1962. The latter act provided funds for new positions (and related costs) for approximately 9 months. The request for 1963 includes funds to annualize the new positions approved for 1962.

The 1963 estimate provides for the following changes:

| | |
|---|---|
| Cost of complying with statutory provisions: | |
| Within-grade promotions (Ramspeck Act) | $71,000 |
| Personnel benefits related to above | 3,000 |
| Subtotal | 74,000 |
| Cost of annualizing new positions authorized in 1962: | |
| Salaries, additional positions authorized in: | |
| Annual act | 10,500 |
| Supplemental act | 128,100 |
| Personnel benefits related to above | 9,900 |
| Travel | 20,000 |
| Communications | 8,000 |
| Equipment (nonrecurring) | —10,000 |
| Subtotal | 166,500 |
| Total increases | 240,500 |
| Deduct balance of 1962 amount for rent to be budgeted for by GSA in 1963 | —73,000 |
| Net increase | 167,500 |

GENERAL

In these uncertain times it is imperative that there be a high level of compliance with the system of self-assessment of Federal taxes. While there is a commendable degree of compliance at present, it can and should be improved. To achieve this objective, the Treasury Department has commenced a full scale study of the type and degree of noncompliance in order to determine the reasons therefor and the steps appropriate to improve compliance. The Internal Revenue Service has already begun an expanded audit program. Part of the effect of this increase has already been felt in the Tax Division and the effect will be accelerated the coming year. Furthermore, the Congress is backing this effort with more personnel and funds.[2] Also, the Service began using its automatic data processing equipment on January 1, 1962.[3] This system promises even greater enforcement activity as its effects are felt. The Tax Division of the Department of Justice will inevitably feel the impact of these increased enforcement efforts with additional enforcement responsibilities of its own.

As the number of taxpayers grows, as the need for revenue expands and enforcement efforts increase, the absolute necessity of having an experienced, well-staffed and well-managed Tax Division becomes apparent. Failure of the Division to be in a position to act expeditiously and affirmatively when it is called upon to bring or defend civil suits and prosecute criminal violations would undermine the expanded compliance and enforcement efforts of the Treasury Department and Revenue Service and would result in the loss of an undetermined amount of Federal revenue.

The number of criminal cases is already on the rise; the number of suits against the Government for the refund of taxes is increasing; and, the number of delinquent taxpayers is growing.[4] While this is not a new experience for this Division inasmuch as the principal problem facing the Division over the past two decades has been the steady rise in the volume of litigation that it is called

[2] In fiscal 1961, 2,000 additional enforcement employees were authorized for the Revenue Service and approximately 4,000 more were authorized for the current year.

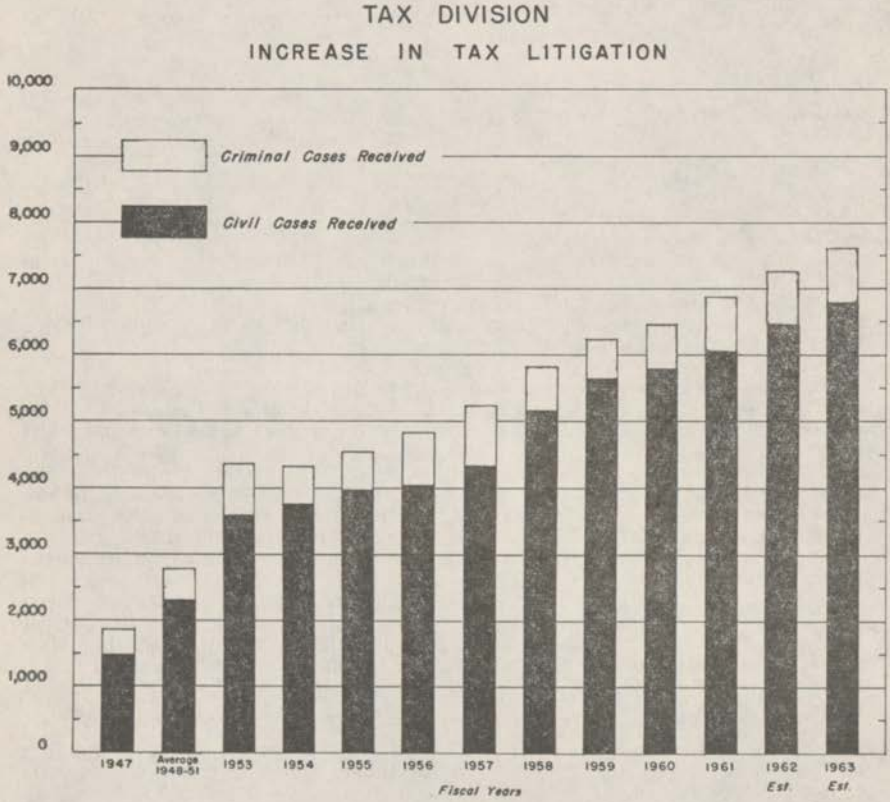
[3] In an Internal Revenue Service news release dated Aug. 18, 1961, it stated that ADP promises vast improvements in procedures for processing returns, keeping accounts, issuing bills and refunds, utilizing independent information to detect nonfilers, errors and ommissions in reporting income, etc.

[4] Tax litigation rose 6.4 percent in fiscal 1961 and is up 38 percent in the past 5 years and 150 percent in the past 10 years. More significantly, the increase in the first 5 months of fiscal 1962 was better than 20 percent over the comparable period the previous year, with the number of criminal cases up 29 percent in those 5 months.

upon to handle, it is important that the staggering growth of revenue controversies be made apparent. This growth is revealed by the following tabulation:

| | 1961 | 1960 | 1955 | 1950 | 1947 |
|---|---|---|---|---|---|
| New tax cases in court | 6,885 | 6,472 | 4,544 | 3,091 | 1,860 |

Thus, in the past 11 years the work has been more than doubled and in the past 15 years more than triplied while the staff has increased only 75 percent in 11 years and 90 percent in 15 years.[5] A graphical illustration of the ascent over the past 15 years is furnished by the following bar chart.




DETAILED EXPLANATION OF ESTIMATE BY ACTIVITY

The work of the Tax Division is divided into two main categories, i.e., civil and criminal tax litigation and matters. However, the Division represents a single activity under the appropriation for general legal activities. Civil cases and matters comprise 88 percent of the volume of work, and criminal, the remaining 12 percent. The civil work accounts for 90 percent of the cost of operations and the criminal activity 10 percent.[6]

[5] At the outset it should be noted that for the most part the Tax Division has no control over the number or types of revenue cases and matters it is called upon to handle. Civil work arises from suits filed by taxpayers and requests for action received from the Commissioner of Internal Revenue, while criminal work results from the referral of cases from the Revenue Service and has a direct relation to the fraud investigation activities of that Agency.

[6] Twenty-one attorneys are assigned to criminal tax work, about 12 percent of the authorized legal staff. During rush periods, attorneys and clerical employees from other sections are assigned temporarily to criminal tax work.

*A. Workload data and past year's performance*

Fiscal 1961 was a busy, successful and productive year. In spite of record receipts of new business, the Division, for the most part, met all deadlines and maintained the work on a current basis; set new highs for work production; maintained its margin of success in court decisions and criminal convictions; and, for the fourth straight year returned to or secured in the Treasury more than $100 million in taxes.[7]

1. *Workload data and backlog.*—(*a*) Workload and predictions: During fiscal year 1961, the volume of new business continued to increase as it has in every year except one since the conclusion of World War II. There is every indication that the upward trend will continue. (See section on work pending and anticipated, infra.) The situation is revealed by the following table, which in addition to showing the actual situation for the past 13 years, makes predictions for the current and budget years.

*Workload data, actual 1949–61; estimated 1962–63*

| Work | Actual | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 1949 | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 |
| Pending | 3,234 | 3,687 | 4,454 | 4,875 | 5,540 | 6,606 | 6,770 | 6,210 |
| Received | 2,603 | 3,091 | 3,130 | 3,836 | 4,360 | 4,314 | 4,544 | 4,827 |
| Closed | 2,150 | 2,324 | 2,709 | 3,171 | 3,294 | 4,150 | 5,104 | 5,973 |
| Pending | 3,687 | 4,454 | 4,875 | 5,540 | 6,606 | 6,770 | 6,210 | 5,064 |

| Work | Actual | | | | | Estimated | |
|---|---|---|---|---|---|---|---|
| | 1957 | 1958 | 1959 | 1960 | 1961 | 1962 | 1963 |
| Pending | 5,064 | 4,685 | 4,386 | 4,261 | 4,416 | 4,704 | 4,929 |
| Received | 5,225 | 5,811 | 6,227 | 6,469 | 6,885 | 7,225 | 7,600 |
| Closed | 5,604 | 6,110 | 6,352 | 6,314 | 6,597 | 7,000 | 7,500 |
| Pending | 4,685 | 4,386 | 4,261 | 4,416 | 4,704 | 4,929 | 5,029 |

NOTES.—Predictions:

Received: Increased 6.4 percent in fiscal 1961, and it is predicted that new work will go up 5 percent in 1962 and 1963.

Closed: Increased 4.4 percent in fiscal 1961, and it is estimated that closings will increase approximately 5 percent in 1962 and approximately 6 percent in 1963.

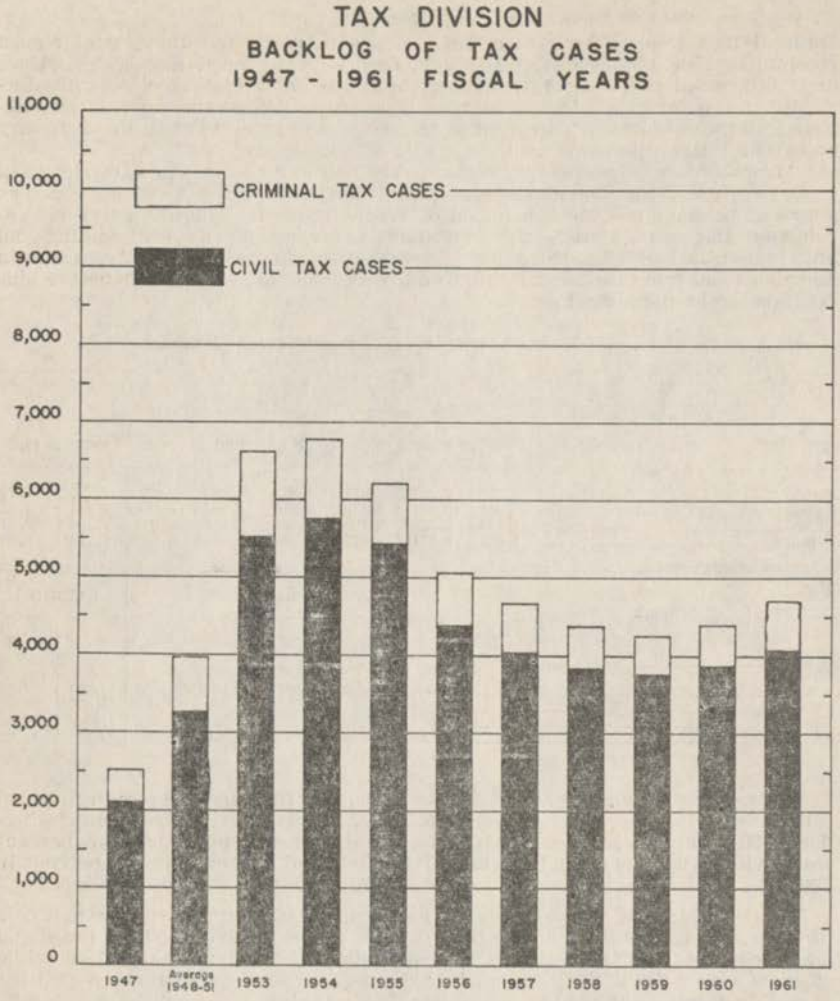
In presenting the workload data chart with the justification for the 1962 fiscal year it was predicted that the Division would receive 6,800 tax cases and matters in fiscal 1961 and close 6,800. As indicated, receipts totaled 6,885 while closings were 6,597 with the result that the pending workload increased slightly.

(*b*) Backlog: As indicated in the workload tabulation, supra, the backlog increased at the end of the 1961 fiscal year despite an increase in closings. This was due principally to two factors; i.e., receipts were higher than predicted and the work at the beginning of the year was on a current basis (better than 90 percent of all tax cases, civil and criminal, had been pending less than 2 years).

The increase in backlog was small (288 cases) as was the increase in fiscal 1960 (155 cases); however, every effort should be made to insure that the number will not reach the proportions experienced in late 1940's and early 1950's. The dangers involved are revealed in the following bar chart which reflects among other things, the success in reducing the backlog in the 5-year period 1955–59, and the reversal of that trend in fiscal 1960.

Reductions in backlog cannot be predicted for fiscals 1962 and 1963 because of the anticipated rise in new cases. However, the emphasis will be directed toward allowing only moderate increases and the work will be kept current. If this posture is maintained the high peaks of former years (as revealed in the chart) will be avoided.

[7] However, as indicated infra, all statistical data are not favorable when compared with fiscal 1960, but, when compared with periods of 5 to 10 years ago, the results in every work measurement for 1961 showed substantial progress.




2. *Work production.*—There has been a steady rise in work production in the past 10 years and a sharp increase since 1955. For the fourth straight year the legal staff made more than 1,000 formal court appearances to try or argue cases.

| | 1961 | 1960 | 1959 | 1958 | 1957 | 1956 | 1955 | 1954 | 1953 | 1952 |
|---|---|---|---|---|---|---|---|---|---|---|
| Cases tried or argued | 1,198 | 1,131 | 1,281 | 1,017 | 922 | 921 | 756 | 683 | 578 | 446 |
| Briefs prepared | 1,398 | 1,114 | 1,071 | 976 | 946 | 933 | 789 | 731 | 583 | 504 |
| Pretrials conducted | 575 | 492 | 438 | 387 | 243 | (1) | (1) | (1) | (1) | (1) |
| Legal memorandums | 2,949 | 2,826 | 2,812 | 2,607 | 2,847 | 2,485 | 2,059 | 1,941 | 1,728 | 1,470 |
| Responsive pleadings | 1,243 | 1,478 | 1,405 | 1,096 | 1,053 | 1,014 | 896 | (1) | (1) | (1) |
| Complaints filed | 273 | 359 | 427 | 285 | 175 | 141 | 116 | 196 | 140 | 124 |

[1] Figures not available.

Tax Division attorneys conducted 90 percent of all trials and arguments in fiscal 1961, a 5 percent increase over last year. In addition, hundreds of court appearances were made by Division attorneys to argue motions, conduct pretrial conferences, etc.; increased use was made of the discovery procedures provided for in the Rules of Civil Procedure, e.g., taking of depositions, serving interrogatories, requests for admissions and the production of documents[8]; and, numerous field trips were made to obtain witnesses and exhibits and to otherwise prepare cases for trial.

3. *Speedup.*—The Tax Division continued during the 1961 fiscal year its program to speed up the handling of litigation and remove roadblocks to expeditious conclusion of court cases. The swift pace set in recent years was maintained in: (1) Holding the number of requests for extensions of time to file responsive pleadings and in requesting continuances to a minimum; (2) shortening the time to conclude an average case; (3) reducing the period required to process settlement offers; (4) speeding up the time required to process criminal tax cases; and (5) expediting the time required to get checks into the hands of taxpayers who had been successful in refund suits.

That every case and matter was handled with maximum dispatch within the limited resources available is revealed by the following summation:

| | 1961 | 1960 | 1952 |
|---|---|---|---|
| Average time to— | | | |
| Handle a tax case | 1 year, 6 months | 1 year, 3 months | 3 years. |
| Process criminal cases | 2 months, 16 days | 2 months, 5 days | 8 months, 15 days. |
| Process settlement offer | 2 months, 22 days | 2 months, 17 days | 6 months. |
| Issue checks to taxpayers | 2 months, 6 days | 1 month, 7 days | 7 months, 16 days. |
| Average number of extensions per case. | 0.09 | 0.06 | 2.+. |

The record in fiscal 1961 is significant for several reasons; e.g., new work was a burden, increasing more than was expected; during the middle months of the fiscal year (November–February) the staff was at a low ebb; a shortage of judges prevailed throughout most of the fiscal year; etc.

4. *Success.*—In fiscal 1961 the Tax Division maintained a high margin of success in handling tax litigation in the courts. For the second consecutive year, the percentage of Government victories was 70 percent or better, and the results of the past 2 years (71 percent wins in fiscal 1960) were the highest measures of success in over 15 years. Taxpayers seeking tax refunds in civil courts recovered only 19 percent of the amounts claimed, the third lowest percentage on record. And, on the criminal side, convictions were obtained in 95 percent of the cases disposed of during the year. The following figures compare recent results with various periods in the past:

[In percent]

| | 1961 | 1960 | 1955 | 1950 | 1948 |
|---|---|---|---|---|---|
| Government wins | 70 | 71 | 61 | 67 | 69 |
| Taxpayers' recoveries | 19 | 12 | 27 | 52 | 61 |
| Criminal convictions | 95 | 94 | 93 | 98 | 95 |

The final box score in an active Supreme Court term for tax cases shows 15 Government wins, 7 losses, and 4 partial decisions. The issues in those cases attracted nationwide interest, involving hundreds of millions of dollars in tax

[8] A concerted effort is underway to take the offensive in all litigation but especially in refund suits. The Division represents the defendant in refund suits and while the normal practice is to await moves by the plaintiff, the Government is taking the initiative and, in addition to making early discovery, is exploring possibilities for counterclaims and is urging early court determinations through the extensive use of pretrials and special tax calendars.

liability, and had far-reaching consequences for the assessment and collection procedures of the Revenue Service.[9]

In the first 5 months of the current (1962) fiscal year the Division has prevailed in 76 percent of appellate decisions in tax cases.

The Government's position was upheld in 210 of 292 decisions of the Courts of Appeal (a 72-percent margin) while the Government was successful in 337 of 521 trial court judgments (a 67-percent margin).

The conviction of 462 persons for tax fraud brought to 5,279 the number found guilty in the past 10 years, and 8,179 in the past 30 years.

5. *Savings and recoveries.*—During fiscal 1961, the Tax Division saved the Treasury $104.5 million, and limited recovery against the Government to 19 percent of the amount claimed in refund suits.[10] The percentage of recovery was the third lowest for taxpayers in the history of the Division, while the monetary savings marked the fourth consecutive year in which more than $100 million has been secured in the Treasury. Additionally, the Division collected directly from delinquent taxpayers $11.7 million during 1961, compared with $19.2 million the year before, $7.1 million in 1958, and $6.1 million in 1953. In the past 10 years, the Tax Division with an average of 220 employees (legal and nonlegal) has collected $124 million in delinquent taxes and successfully defended $670 million refund claims against the Government. Thus, the average employee each year collects $56,000 in delinquent taxes and saves the Government $300,000 in refunds. In the long run, these figures will be maintained for the new employees, although there may be a lag before the additional personnel are reflected in actual closings and in any one year the total may be affected by the timing of decisions in important cases.

6. *Current posture of tax litigation.*—The Tax Division has as its principal objectives the handling of civil tax cases and matters in the most efficient and expeditious manner commensurate with the best interests of the United States and taxpayers, and to prosecute swiftly and vigorously criminal violations of the revenue laws, having in mind the deterrent effect upon future violations as well as the rights of the individuals involved.

A reference to section 3, supra, will indicate the speedy course of cases through the Division and the courts. As a result of this drive, which was commenced in 1955 when it was discovered that about one-half of all cases had been pending more than 2 years, only about 10 percent of the cases in the Division at the end of fiscal 1961 had been pending more than 2 years. The following tabulation is of significance.

*Cases under 2 years old, end of fiscal year*

[In percent]

| | 1961 | 1960 | 1956 | 1955 |
|---|---|---|---|---|
| Criminal cases | 92 | 89 | 63 | 53 |
| Civil cases | 80 | 90 | 67 | 56 |
| Total | 83 | 90 | 65 | 55 |

7. *Procedural improvements.*—Constant review is made of the Tax Division methods of operation and numerous steps have been taken to improve (1) the processing and handling of cases; (2) liaison with the Internal Revenue Service,

[9] After much litigation in the lower courts the Department of Justice concluded cases before the Supreme Court which: (1) Blocked attempts by taxpayers to obtain deductions for transactions with no economic substance, the only result being the production of an artificial tax deduction; (2) greatly limited the scope of relief granted for abnormal income under the Korean war excess profits tax law; (3) prohibited discriminating taxation by a State of lessees of Federal property; (4) defined and narrowly limited the conditions under which support payments by a husband to his estranged wife are not deductible from his income; (5) determined that under accrual tax accounting principles, a contested expense may be deducted only in the year in which the contest was settled; and (6) determined that accrual tax accounting does not permit a taxpayer to allocate prepaid income ratably over the period during which it will be earned even though that method was in accord with commercial accounting principles. In a spectacular reversal, which has great effect upon criminal enforcement of the revenue laws, the Supreme Court overruled an earlier decision which had excluded embezzled funds from taxable income.

[10] If taxpayers had recovered 26 percent of the claims during the past year (the 15-year average, 1947–61) rather than 19 percent an additional $10.2 million would have been disbursed by the Treasury Department.

the U.S. attorneys, and the courts; and (3) to modernize the office procedures in Washington.

Many of the measures adopted in the past have been reported in previous justifications and the work continues to benefit from their installation and operation. The Trial Section was organized into units along geographical lines in order to realize some of the advantages of the local practitioner while retaining the benefits of centralized organization. An arrangement was worked out with the Revenue Service which expedites the settlement of relatively small and unimportant civil cases. A procedure was adopted which alerts taxpayers' counsel immediately after cases are filed of the machinery available for working out stipulations, completing discovery, and exploring settlement possibilities. A monthly inventory system calling for the listing of cases in various postures and the operation of a followup system have assured that no problems are allowed to accumulate. Criminal and Civil Tax Liaison Committees were established between the Tax Division and the Internal Revenue Service. A Litigation Policy Committee was formed in 1958 to eliminate unnecessary and wasteful litigation. A Litigation Control Unit was established within the Division, in 1957, to be responsible for expediting the flow of cases and matters through the Division and through the courts. A new Claims Section was created in December 1957 to handle all civil matters in the courts of original jurisdiction other than refund suits which remain with the Trial Section.

Following 6 months of study and faced with an ever-increasing workload, the Trial and Settlement Sections were reorganized early in the current year in order to assure that the Division will carry out its responsibilities in the expanded enforcement drive by Treasury as well as to provide the machinery needed to take the offense in the defense of taxpayers' refund suits. The Trial Section was reconstituted as four sections, three to handle refund suits in the Federal district courts and one to be responsible for refund suits in the Court of Claims. The Claims Section was renamed the General Litigation Section. And, all five sections placed under the general supervision of an assistant for civil trials. In addition, the Compromise Section was renamed the Review Section and not only will its settlement functions be expanded and coordinated more effectively with the Civil Trial Sections, but, it will be given the added responsibility for research in the legislative and general legal areas.

The Tax Division has obtained excellent results in tax litigation generally. However, it is apparent that these results can be improved with a return to the Government many times in excess of the costs of such improvements.

In the past, Tax Division attorneys have been able to direct their attention only to matters facing an immediate court deadline and private attorneys have known that they will have an opportunity to present cases in the form selected by them without aggressive discovery procedures and counterclaims by the Government. It is imperative that the Division's staff have the time and the means to take such actions as this will immediately produce much better results in pending cases and in the long run will result in more taxpayers settling their differences with the Internal Revenue Service rather than through litigation.

It is believed that the new organization for trials and settlements will bring about the maximum use of existing and new personnel, focusing their attention and efforts toward important cases and issues as well as affording them the opportunity to take the initiative in the preparation of cases for trial or settlement.

8. *Comparisons.*—(*a*) Current period 1951–61: The achievements of the past decade are due partly, of course, to the provision for additional funds and personnel. It is important to note, however, that the legal staff has increased since 1951 by only 90 percent, while work production has increased as follows:

*1961 fiscal year over 1951*

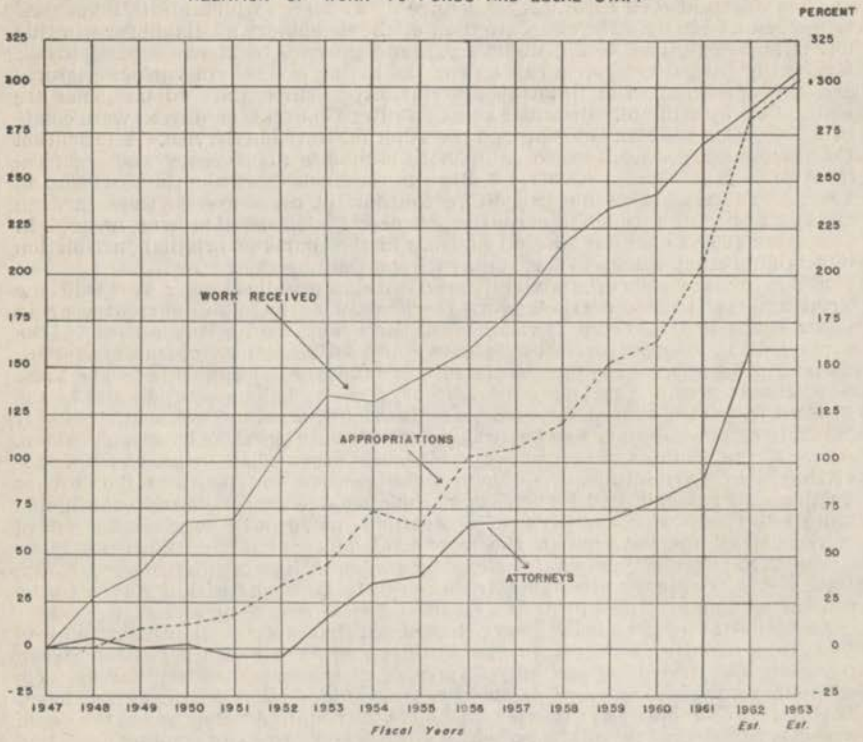
| | *Percent* |
|---|---|
| Cases received | 180 |
| Cases closed | 143 |
| Trials and arguments | 145 |
| Briefs written | 185 |
| Collection from delinquent taxpayers | 112 |

The following graph depicts the rise in tax litigation and shows the disparity in the past between the amount of work received and the funds available for operation and the number of attorneys authorized. While new cases have risen

270 percent in the last 14 years funds have risen only sligthly more than 200 percent, and this increase was due in substantial part to automatic or uncontrollable increases in operating costs, such as pay raises, employee benefits, increased travel costs, rental payments, and price increases. Over the same period, the Division's legal staff has increased only 90 percent.

TAX DIVISION

RELATION OF WORK TO FUNDS AND LEGAL STAFF




In the current year, due to a substantial increase in funds, the disparity in the past between the workload and total funds is almost eliminated. The spread between the percentage increase in the volume of work and the number of attorneys has been narrowed somewhat. The disparity which was 3 to 1 in 1961 will be approximately 2 to 1 in 1962 and 1963.

(*b*) Twenty-nine years of tax enforcement in the courts: In the 29 years since the creation of the Tax Division, 8,179 persons have been convicted of income tax fraud and the Division has collected or saved $1.5 billion in civil tax litigation.

The following table shows the tremendous growth in the volume of tax controversies and the very substantial record of accomplishment in recent years:

| | 20 years | 9 years | Total |
|---|---|---|---|
| Convictions | 2,900 | 5,279 | 8,179 |
| Savings and collections | [1] $593 | [1] $871 | [1] $1,464 |
| Cases received | 21,543 | 48,631 | 100,063 |
| Cases closed | 45,861 | 49,498 | 95,359 |
| Trials and arguments | 12,918 | 8,472 | 21,390 |
| Briefs written | 12,804 | 9,574 | 22,378 |

[1] Shown in millions of dollars.

9. *Summary.*—In summary, the Tax Division's performance under the budget allotment covering the past year shows (in the face of a record number of new cases) (*a*) increased work production, (*b*) continued acceleration of all phases of case processing and litigation, (*c*) maintenance of a high margin of success in winning cases and limiting recoveries against the Government, and (*d*) substantial monetary savings in principal and interest in litigated cases.

*B. Work pending and anticipated—Current and budget year program*

1. *Pending.*—At the beginning of the 1962 fiscal year 4,704 tax cases and matters were pending in the courts in which there was $632 million in controversy. The pending caseload is the highest in over 5 years, while the amount of money in litigation is the highest on record. Of the total volume, there were 3,004 civil actions in the Federal district courts, 435 in the Court of Claims, 170 in State courts and 461 in the appellate courts. There were 634 criminal tax fraud cases pending in either the Federal district or appellate courts.

It has been estimated that the Tax Division will receive approximately 7,225 cases in fiscal 1962 and close 7,000 and the workload at the beginning of the budget year will approximate 5,000 cases. This will represent an average caseload per attorney of 30 active court cases, with each attorney's docket involving about $3.6 million in taxes. This is a larger caseload than the average practitioner handles, and while it represents a much greater caseload than the average Government lawyer should be expected to handle, it is a marked improvement over the caseload of 40 to 60 cases per attorney in prior years.

To the pending caseload must be added some 7,000 to 7,500 new cases each year involving an additional $200 million or 40 additional cases involving $1.1 million per attorney. These figures are based upon a continuation of the full staff as authorized for the current year.[11] The averages are determined, as has been the custom in the past, by considering those attorneys with dockets of cases.

Thus, without reference to additional work in fiscal 1963, the pending volume will be of sufficient volume to justify a continuation of the authorized staff.

2. *New tax litigation.*—(*a*) General: As noted, the volume of tax litigation is on the rise. Analysis of the factors which influence the workload of the Division—all of which are beyond Division control—confirm continuation over the next few years of the rising trend in the volume of work.[12] Further evidence to support the upward trend is furnished by statistics covering the past 8 months. New York increased 6.4 percent in fiscal 1961 (a 5-percent rise was predicted); however, the major increases were recorded in the last 6 months of the fiscal year. And, in the first 5 months of the current year, receipts jumped 20.6 percent. While it is still estimated that receipts will increase 5 percent in 1962 and another 5 percent in 1963, there remains a serious possibility that the expanded enforcement program of the Treasury Department (discussed, infra) may skyrocket the figures. Certainly, if the trend of the past 5 months continues, a reappraisal of the Tax Division's financial resources would have to be undertaken. A breakdown of the increases in the first 5 months of the current fiscal years shows the increases in work as follows: Criminal tax cases, up 28.6 percent; civil tax cases, up 17.1 percent; lien cases, up 24.6 percent.

(*b*) Expansion of collection and enforcement activities: In fiscal 1961, the Internal Revenue Service launched its long-range plan to encourage full compliance with the tax laws. Basically, the plan calls for a gradual buildup in personnel and the adoption of new and improved methods of detecting errors and violations. The measures decided upon to accomplish the objective are (1) a step-up in the audit program and (2) a broad expansion in collection and enforcement activities.

In fiscal 1961, the Congress authorized a 2,000-man increase in enforcement personnel and provided funds to commence the study and the initial installation of automatic data processing machines and systems.

For fiscal 1962, the President requested funds to employ 4,500 additional employees and to finance the next phase of the automatic data processing system. In House Documents No. 97 and No. 120, the President urged the Congress to continue to support the long-range plan by making substantial additions in fiscal 1962.

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[11] One hundred eighty-four operating attorneys are authorized in 1962.

[12] In prior written justifications, some of these factors were discussed, e.g., the increase in population; expansion in business activity; intricate tax laws; the continuance of high tax rates; and the sharp rise in the number of bankruptcies and mortgage foreclosures.

The Secretary of the Treasury informed the Congress[13] that the problem of strengthening tax collection machinery is being aggressively attacked in many ways on a broad front. He explained that the request for additional employees for 1962 represented the second step in long-range plans to strengthen the enforcement over the next several years. And he stressed that, in addition to Treasury enforcement personnel, there must be a well-balanced support staff.

The Commissioner of Internal Revenue Service gave the details of the program to Congress and reported that[14]—

1. In 1962, Internal Revenue Service will examine 500,000 more returns, verify 800,000 more, and develop an additional 250,000 delinquent accounts.
2. Assessments are running well ahead of 1960 and will be further increased.
3. The automatic data processing program will be inaugurated on January 1, 1962.
4. Agents and others will be permitted sufficient scope to develop issues, particularly fraud. This will be achieved by eliminating so-called quota systems and statistical approaches to performance.

The Congress, in passing the Treasury Department's appropriation bill, authorized the employment of an additional 3,500 permanent enforcement personnel and 500 additional part-time and temporary employees. Likewise, the Congress provided funds to continue the automatic data processing program.

(*c*) Effect of Treasury program on Tax Division: An expansion of activities by the Division's chief client will inevitably reflect an increase in workload of the Tax Division. In fact, as previously indicated,[15] the first phase of the stepped-up Treasury program has already had a marked effect upon the volume of new tax litigation.

Additional deficiency assessments are the principal source of refund suits and the increase in this activity will lead to more litigation. Similarly, an increase in delinquent accounts will lead to a greater number of collection and intervention suits. And, of course, both types of action create criminal tax cases.

(*d*) Effect of increased defense spending: A progressively more active field of law, and one in which great outlays of Federal funds are at stake, arises from attempts of local governments to tax many Federal properties and activities throughout the country, as well as aspects of commercial transactions entered into by private contractors with the United States, all of which indirectly results in a local tax burden being borne by the Federal Government. This litigation is distinguished from the other litigation supervised by this Division in that it does not arise under the Federal tax laws but concerns the United States as the ultimate taxpayer of local taxes.

Informal advice from the Office of the General Counsel of the Defense Department is to the effect that as expenditures for defense increase and States are increasingly pressed to look for new tax sources, it can be expected that additional attempts will be made by local governments to tax Federal facilities. An example of what can happen on a large scale is the present attempt of California to tax the possessory interests of private contractors who are constructing missile sites in that State.

4. *Insolvency proceedings.*—Concomitant with the increase in population, expanded business activity, and related factors, there has been a rise in the number of insolvency proceedings over the past decade. In a high percentage of such proceedings (bankruptcies, receiverships, foreclosures, etc.) delinquent tax claims are involved.

The Director of the Administrative Office of the United States Courts in his annual report for fiscal 1961, reports the sharp rise in bankruptcies and reports a continued rise over the next few years. The recent trend is revealed by the following figures:

| Fiscal year: | *New petitions filed* | Fiscal year—Con. | *New petitions filed* |
|---|---|---|---|
| 1961 | 146,643 | 1956 | 62,086 |
| 1960 | 110,034 | 1955 | 59,404 |
| 1959 | 100,670 | 1954 | 53,136 |
| 1958 | 91,668 | 1953 | 40,087 |
| 1957 | 73,761 | | |

[13] Hearings, subcommittee, House Appropriations Committee, fiscal 1962, pp. 25–26.
[14] Hearings, subcommittee, House Appropriations Committee, fiscal 1962, pp. 462–489.
[15] See footnote 3 and discussion under "New Tax Legislation," supra.

The increase in mortgage foreclosures has paralleled the increase in bankruptcies and the number of such actions in which the United States is named as a party defendant because of the existence of a tax lien increased again in fiscal 1960 and has increased more than 150 percent since 1952. In the Nonfarm Real Estate Foreclosure Report for the first quarter of the calendar year, the Federal Home Loan Bank Board released the following figures:

| Calendar year: | *Number of foreclosures* | Calendar year—Con. | *Number of foreclosures* |
|---|---|---|---|
| 1960 | 51,353 | 1956 | 30,963 |
| 1959 | 44,075 | 1955 | 28,529 |
| 1958 | 42,367 | 1954 | 26,211 |
| 1957 | 34,204 | 1953 | 21,473 |

There is a direct effect of the increase in insolvency actions upon the work of the Tax Division inasmuch as it is essential to pursue with all vigor those claims for taxes which are contested in court.

5. *Summary.*—In the beginning of fiscal 1963, the Tax Division will be faced with a substantial caseload of active litigation. As cases generated by the first and second phases of Treasury's long-range program are received, this caseload will become staggering. In addition to the responsibilities for securing and protecting the Federal revenue through court action, the Tax Division will be called upon with more frequency to resist the attempts of State and local governments to tax directly or indirectly the instrumentalities and facilities of the Federal Government.

The Tax Division, with the present authorized staff, will be prepared to handle with required efficiency and dispatch the cases and matters it is now estimated will be referred for action. However, it must be recognized that there is the possibility of an unprecedented upsurge in tax litigation which will force reexamination of authorized strength.

*C. Details of request*

1. *Personal services.*—No increase is requested in the current authorized strength of 401 positions. The allotment recommended for the budget year will provide funds for the following 377 net positions on an annual basis:

| | Attorneys | | | Nonlegal | | | Total |
|---|---|---|---|---|---|---|---|
| | Base, 1961 | Additions | | Base, 1961 | Additions | | |
| | | Regular | Supplemental | | Regular | Supplemental | |
| Executive | 8 | 0 | 0 | 47 | 2 | 2 | 59 |
| Appellate | 38 | 3 | 8 | 20 | 2 | 3 | 74 |
| General litigation | 26 | 4 | 5 | 17 | 2 | 2 | 56 |
| Review | 11 | 3 | 3 | 7 | 1 | 1 | 26 |
| Criminal | 16 | 5 | 6 | 9 | 2 | 3 | 41 |
| Court of Claims | 15 | 2 | 5 | 8 | 1 | 2 | 33 |
| Unit 1 | 18 | 1 | 4 | 10 | 1 | 2 | 36 |
| Unit 2 | 18 | 1 | 4 | 10 | 1 | 2 | 36 |
| Unit 3 | 7 | 1 | 3 | 4 | | 1 | 16 |
| Total | 157 | 20 | 38 | 132 | 12 | 18 | 377 |

(*a*) Executive: No increase in executive direction is contemplated. In the current year a position of Assistant for Civil Trials was created and will be continued in the budget year. The 8 legal and 51 nonlegal positions cover the Office of the Assistant Attorney General, his First, Second, and Executive Assistants, the Litigation Control Unit, and administrative, statistical, docket, digest, library, and messenger personnel, and stenographers and typists assigned to the Secretarial Unit.

(*b*) Criminal section: Twenty-seven attorneys and 14 nonlegal employees will enable the Division to fulfill its vital role in the expanded enforcement program of the Treasury Department, as well as assume responsibility for tax cases developed by the Attorney General's drive on organized crime and racketeering.

(*c*) General litigation: A staff of 35 lawyers (plus 22 supporting personnel) will insure the vigorous use of civil processes to collect taxes from those reluctant to pay their fair share.

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(*d*) Refund trial sections: A combined force of 79 attorneys and 43 nonlegal personnel will permit the Government to begin to move from a defensive to an offensive position in resisting attempts of taxpayers to recover taxes paid under protest.

(*e*) Appellate section: Forty-nine attorneys, supported by 24 nonlegal employees, will handle criminal and civil appeals in the tax field, appeals which grow in number correspondingly with the increase in cases and matters in other sections. More briefs on the merits are prepared in the Tax Division than in all other legal divisions combined.

(*f*) Review section: A staff of 25 (17 lawyers and 8 nonlegal employees) will process an ever-increasing number of offers to settle civil tax suits. In the past year 47 percent of all court cases were concluded by compromises—an increase of 4 percent over the prior year and a 10 percent increase over fiscal 1959. If the avalanche of new business is to be processed properly, the ratio of settlements must be maintained or enlarged.

2. *Other expenses.*—Expenses of operation other than personnel services amount to about 20 percent of the total allotment to the Tax Division.

Increases in these items for 1963 are either to provide for the additional personnel authorized in the current year on an annual basis or to meet statutory increases; e.g., increase in the amount of per diem.

An affirmative approach to tax litigation will require some increase in expenditures for travel, printing, communications, expert witnesses, exhibits, and supplies and equipment. Travel and other costs are kept to the minimum commensurate with the best interest of the United States through carefully supervised coordination between sections and consolidation of assignments. Extensive use is made of Revenue Service personnel and services and other agencies of the Federal Government are called upon for technical and expert assistance as often as possible.

However, as the volume of work grows resulting in the meeting of court deadlines and other commitments in ever-increasing number, costs of operation will rise.

*D. Conclusion*

The flow of tax litigation, which is on the rise, cannot be turned off or on by the Department of Justice. At a time when every dollar of revenue is essential to the national welfare such litigation must be handled with all possible dispatch. It is now estimated that the operational program and objectives outlined in this justification can be accomplished with the staff and funds requested herein. However, it is entirely possible that the enforcement program of the Treasury Department will generate court controversies in such numbers as to call for a reappraisal of the manpower and financial needs of the Tax Division.

*Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | 4,366 | 4,261 | 4,416 | 4,704 | 4,929 |
| Received | 6,227 | 6,469 | 6,885 | 7,225 | 7,600 |
| Terminated | 6,352 | 6,314 | 6,597 | 7,000 | 7,500 |
| Pending end of year | 4,261 | 4,416 | 4,704 | 4,929 | 5,029 |

NOTES.—Received increased 6.5 percent in fiscal 1961 and it is predicted that new work will go up 5 percent in 1962 and 1963. Closed increased 4.4 percent and it is estimated that closings will increase approximately 5 percent in 1962 and approximately 6 percent in 1963.

Mr. ROONEY. At page 13–3 are to be found the requested increases. Have you a general statement with regard to this, Mr. Oberdorfer?

Mr. OBERDORFER. Yes, Mr. Chairman.

The particular increases do not reflect any increase in personnel in the fiscal year. The principal items are $71,000 for within-grade promotions under the Ramspeck Act and a related item there, and $138,600 reflects the annualization of the compensation for the personnel authorized for the fiscal year 1962.

Mr. ROONEY. How many positions were allowed in fiscal 1962?
Mr. OBERDORFER. The total of new positions allowed was 96.
Mr. ROONEY. Of which how many are lawyers?
Mr. OBERDORFER. A gross of 63 and a net of 58.
Mr. ROONEY. Very well.

TRAVEL

Mr. OBERDORFER. There is an item, Mr. Chairman, for travel, which is a reflection of the increase in the staff for that year, and for communications.
Mr. ROONEY. For this year?
Mr. OBERDORFER. Yes, sir.
Mr. ROONEY. How did you arrive at this $20,000 requested increase in travel?
Mr. OBERDORFER. We calculated that the staff of attorneys had increased 40 percent, and that about half of them would be in travel status. This $20,000 is a function of that calculation.

WORKLOAD

Mr. ROONEY. Are you able to keep up with your work with the present staff, including the 96 additional personnel allowed in the current year?
Mr. OBERDORFER. Mr. Chairman, we are trying to. Our workload has grown up quite a bit in the first 6 months of this fiscal year. We estimate an overall increase of 20 percent in the new cases we receive has occurred in the first 6 months. I think we have been very fortunate and have worked very hard to fill the positions which the committee authorized. The committee authorized 63 new attorneys, and on October 29 we had employed 63 attorneys. We had some terminations, and therefore we are still not quite up to the full strength authorized. We hope that we have plugged that hole in the dike because whe have asked the new people who are coming in to consider themselves as being employed for 4 years. It is not an official contract, but there is an understanding that they will be with us for approximately 4 years. They know that we would not hire them if they did not believe in their hearts that that is what they wanted to do.
In answer to your precise question, Mr. Chairman, we hope that we will able to keep up with our workload even with its increase, but we want to have a sort of shakedown cruise with all these new attorneys and make sure we are putting them to the most efficient use before we are in position to express ourselves about whether the present staff is sufficient.
As I said, the workload has gone up in the first 6 months of this fiscal year, and it is possible, for example, in the criminal field, that the workload will continue to increase. We are quite aware of the increase in enforcement personnel which has been authorized by the Congress for the Internal Revenue Service. We also understand they are requesting an additional 4,000 enforcement personnel for the fiscal year which is before us here now, fiscal year 1963. In addition, the Internal Revenue Service has installed and is beginning operations this year with its automatic data processing machinery.

We do not know just what impact that will have on our work. We think that it will inevitably multiply our responsibilities, but until we know with some precision and on the basis of experience, we do not feel that we can make anything that would represent a reasonable estimate.

The committee will recall that when we were here last year I had been in office only a few weeks and had very little to say about what we planned and hoped to do. We have, I think, made some substantial progress. I think the most significant thing we have done was, with the help of this committee, to increase our staff. The personnel situation was a crying need. I think we have a chance of getting our cases per man workload down to reasonable proportions. According to present calculations, it now is in the neighborhood of 30 cases per man, which is about what we had hoped it would be when we were making our request.

Mr. ROONEY. Looking at the justifications, it would appear that while generally your workload is up, there is a statement at page 13–13, the fifth line from the top:

> The Division collected directly from delinquent taxpayers $11.7 million during 1961, compared with $19.2 million the year before * * *.

How did that happen?

Mr. OBERDORFER. Mr. Chairman, the collections are partly a matter of accident, depending on the particular items that are referred to us by the Internal Revenue Service. A case, whether it involves $100,000 or $10,000, requires almost as much work one way or the other. The other factor in this and another indication of some slight decline in our production are two things: First of all, our predecessors stopped hiring in November of 1960, and our personnel fell to a low of 141 lawyers during the course of the winter.

Mr. ROONEY. That was a year when you had a collection of $19.2 million.

Mr. OBERDORFER. No, sir. This is the fiscal year 1961 to which I refer.

Mr. ROONEY. I take it these figures all refer to fiscal years. We do not have calendar years.

> The Division collected directly from delinquent taxpayers $11.7 million during 1961, compared with $19.2 million the year before * * *.

I am trying to find out how it was there is such a variance between these two years.

Mr. OBERDORFER. The one point is that in the fiscal year 1961, our personnel dropped to 141.

Mr. TADLOCK. During those 5 middle months, we were very low.

Mr. OBERDORFER. November 1960 through January 1961 is fiscal 1961. That is the year of the $11 million collection. The other factor——

Mr. ROONEY. You have made the explanation. I get it.

Mr. OBERDORFER. The other thing is that the U.S. attorneys' offices were, of course, at sixes and sevens at that time.

In addition to this, in this period, with the authorizations and appropriations of the last session of Congress, we have increased the staff of our Criminal Section and have recruited and are continuing to try to recruit additional seasoned trial lawyers, people who have had experience.

CRIMINAL WORK

Mr. ROONEY. This is the criminal part of the Tax Division?

Mr. OBERDORFER. The criminal tax cases, yes. We supervise them. We have sent our attorneys out to assist U.S. attorneys in the *Mickey Cohen* case, which was successfully concluded out on the west coast last summer. One of our attorneys participated.

Mr. ROONEY. What is the status of that case at the moment?

Mr. OBERDORFER. It is on appeal. I think it is pending. The conviction was affirmed by the ninth circuit, and I assume that the defendant will petition for certiorari.

Mr. ROONEY. He is not in jail at the moment?

Mr. OBERDORFER. If he is not out on bail. I think he has a bail application pending. I think he is in jail.

Mr. ROONEY. I thought he was in Alcatraz and got out.

Mr. OBERDORFER. That is true. I think he was arrested again after the ninth circuit decision and is being detained pending an application for bail.

The Criminal Section attorneys have also participated directly in the presentation of some of our major criminal cases, and it is our expectation that those cases which are of particular importance to the Attorney General, cases of considerable difficulty and of national importance, will either have our Criminal Section trial attorneys participating as assistants or in some cases having actual charge of the particular cases.

One interesting facet of our criminal work, Mr. Chairman, is that we have a lawyer who has, more or less on his own time, become a reasonably competent expert with respect to insanity defenses. We have had a number of psychiatric and insanity defenses invoked against us in criminal cases.

Mr. ROONEY. In tax cases?

Mr. OBERDORFER. We have.

Mr. ROONEY. One would never figure that.

Mr. OBERDORFER. One of those was in the *Goldfine* case, of course. Our man worked his shoe leather off investigating and developing the answer to the defense that was raised there, and I think is as responsible as any man——

Mr. ROONEY. That was a case where you had the unusually high psychiatric fees.

Mr. OBERDORFER. That is correct. I mention this, among other reasons, because——

PAYMENT OF FEES FOR PSYCHIATRISTS

Mr. ROONEY. While we are at this point in the record, Mr. Andretta, has there been any improvement with regard to the ordering of payment of fees for psychiatrists in cases in which the Department of Justice has been involved?

Mr. ANDRETTA. Yes, there has.

Mr. ROONEY. You really mean something good has come out of what we started last year with your help?

Mr. ANDRETTA. I think so.

Mr. ROONEY. Have you some figures with regard thereto?

Mr. ANDRETTA. Not specifically, no. It does not show up in the total, but I have noticed the requests for consultations that have come through during the year are all at very reasonable rates. We have not had any cases where we thought they were exorbitant.

FEES FOR COMMISSIONS IN LAND CONDEMNATION CASES

Mr. ROONEY. What is the situation with regard to another matter that we aired fairly thoroughly, the matter of fees for commissioners in land condemnation cases?

Mr. ANDRETTA. There again, although we did not accomplish much in the way of reducing the rates that were established at the time, the general volume, at least from the figures we have, has declined. In other words, we are not spending as much money this year as we did last year for the commissioners.

Mr. ROONEY. Will there be appropriate provision made for reduction in both these items when we get to them?

Mr. ANDRETTA. I doubt it.

Mr. ROONEY. Then what good does it do us?

Mr. ANDRETTA. Except that we were fearful at the time that the $200,000 we had was not going to be sufficient, the way we were going.

Mr. ROONEY. You are now speaking of the land commissioners?

Mr. ANDRETTA. Of the land commissioners, yes. We never know. You see, we cannot anticipate or control this. We do not know what we shall be up against. As of now——

Mr. ROONEY. He is putting in a saving clause again.

Mr. ANDRETTA (continuing). We are running a little less than last year.

Mr. ROONEY. Very well, Mr. Oberdorfer.

Mr. OBERDORFER. If the chairman would be interested, we have some information which was not available to us at the time we filed our justifications about our 1961–62 load.

Mr. ROONEY. We shall be glad to have it.

COMPARISON OF NEW WORK

Mr. OBERDORFER. Very well. There are several copies.

Mr. ROONEY. We shall insert this comparison of new work, first 6 months each fiscal year, in the Tax Division, at this point in the record.

(The information referred to follows:)

*Comparison of new work first 6 months each fiscal year*

| | 1962 | 1961 | 1960 | 1959 | Increase, 1962 over 1961 |
|---|---|---|---|---|---|
| New cases: | | | | | *Percent* |
| Criminal | 470 | 391 | 384 | 332 | 20.0 |
| Civil | 3,256 | 2,698 | 2,602 | 2,649 | 20.5 |
| Total | 3,726 | 3,089 | 2,986 | 2,981 | 20.6 |
| Trials and arguments | 611 | 582 | 445 | 437 | 4.9 |
| Briefs written | 750 | 606 | 481 | 543 | 23.7 |
| Prosecution memorandums | 434 | 388 | 317 | 295 | 11.8 |

REINFORCEMENT OF APPELLATE SECTION

Mr. OBERDORFER. Mr. Chairman, one of the other places where we have put a great deal of effort, the first place we built up after we built up our Criminal Section, was our effort to reinforce our Appellate Section. The group of older men in the Appellate Section, who have been there for many years, are really the backbone of the thinking process in tax litigation. We were able to hire two or three older people who had been out of the Government or had never been in the Government. I guess the ones of whom I speak had been in the Government and had come back again. They were immediately productive and very useful and very helpful. We have hired and brought in a number of other talented people to help in this section.

I do not know whether it is relevant here or not, but I take the liberty of suggesting, Mr. Chairman, that at the proper time we would like to explain to the committee in some detail what I believe to be justification for not only increasing the strength of the lawyers in the Appellate Section in the way that has already been done, but also to consider further special compensation for them. They are not administrative people, they do not command a lot of other lawyers, but the work they do is highly specialized and, because they have this investment of experience, it is almost irreplaceable. In my judgment, it is most unfair that these men have worked as hard and as well as they have with the reward that they do get.

Another thing we have done in our Appellate Section: We found that the criminal appeals cases which are handled by the U.S. attorneys' offices have been what I might describe as stepchildren in that office. The U.S. attorneys took these cases and briefed and argued them, and copies of the brief were sent up here and thrown around and not really considered. We have had some situations where the Solicitor General has had to confess error in the Supreme Court because of cases briefed and argued by U.S. attorneys without contact with what was going on in our office and without a feel for the policies of the Solicitor General. We are now staffed to review the briefs prepared by U.S. attorneys in criminal cases, and we have directed—and I think the directive has had reasonable compliance—U.S. attorneys to send in drafts of each criminal appellate brief in sufficient time before the brief is due to give us a chance to review it. As I say, we now have seasoned, experienced people sitting there in a position to review and supervise that work.

Another area we felt could use some more attention and one of the things we put additional personnel to work on is our lien work. Some people would consider this grubby, unproductive, unromantic, and not exotic work. It is not like the tax refund defenses, where the men travel around the country and argue cases in court. This is hard, but we think important work financially. Again, the practice had been to send these lien cases out to the U.S. attorneys and then more or less to forget about them. We have now worked out a control procedure so we supervise those cases after they have gone out. They are handled by U.S. attorneys, but we keep in touch with them and encourage the U.S. attorneys to correspond with us about them.

INCREASE IN BACKLOG

The chairman may have noticed our statistics. In some respects our backlog is up slightly.

Mr. ROONEY. I have been looking at that.

Mr. OBERDORFER. Part of the explanation of that, Mr. Chairman, is this change in the time when we close our lien cases. Instead of closing them as soon as they are forwarded to the U.S. attorneys, we have kept them open to review the answers and to ride herd on them. So, in this year, sort of like the Ruml plan, there is a lag in our closings in lien cases.

MECHANIZATION OF LIEN WORK

In addition to this, we are trying now—with what success I am not yet sure, and I do not know what the results of the study will be—to work out a system which might enable us to mechanize some aspects of the lien work by using printing typewriters and other procedures adopted in business for the handling of the volume of the routine form aspect of this work.

Also, with a lot of assistance and support and guidance from Mr. Andretta, we have started an experiment with mechanical dictation to a degree that has not been used before. In our pool now we have three transcribing devices which are connected to telephones, which will enable the men in the section who are hitched to this system to dictate on their telephones. We have had some disappointments about the character of the secretarial staff that we have used for that. First, we tried to bring in inexperienced girls out of school and start them with the system. That did not prove successful. Four of those girls survived, however, and did well. We brought in four other experienced stenographers. We now have a pool of eight, supervised by an experienced stenographer. They are taking, not all of the stenography, but they are taking the rough drafts and the first dictation that comes out of our Criminal Section and what used to be our Compromise and is now our Review Section. This week we have started one of our refund sections using that.

I hope you will understand it is an experiment. It may not work, but we have really given it all of the support that somebody in my position can give it. Mr. Tadlock has worked very hard on it, and Mr. Andretta has supported it very well. The outcome of that remains to be seen.

AUTOMATIC DATA-PROCESSING PROGRAM OF THE INTERNAL REVENUE SERVICE

Mr. ROONEY. Throughout your justifications you have referred to the automatic data-processing program. For the record, will you explain what that is?

Mr. OBERDORFER. As I understand it, Mr. Chairman, the Internal Revenue Service was authorized in the last Congress to give every taxpayer a number, ordinarily the social security number. For those who do not have one, the taxpayer will be given a number by the Treasury. Those numbers will be placed in the hands of all paying agents who distribute dividends, interest, royalties, and I believe wages, and some other categories of recurring income. The informa-

tion on an individual's tax return will be punched onto cards bearing this number. The information by corporations paying dividends, interest, and other forms of recurring income will also be punched on cards.

Those cards will be fed into machines, and then those machines will correlate the information about who paid dividends with the information about who received dividends. As I understand it, in the past this kind of information has been available in the Internal Revenue Service, that is, dividend paying agents who pay more than $600 to each stockholder report this, but the physical problem of sifting through that material and correlating it has been more than the Service could handle. These machines will correlate that information, so if an individual reports $100 in dividends from the American Telephone & Telegraph Co. and in fact the American Telephone & Telegraph Co. paid him $1,000, that fact will immediately become apparent through the mechanical process.

This will have two effects. It should release manpower from doing these clerical jobs to doing more complicated investigatory and analytical work, and it should——

Mr. ROONEY. Of course, this has nothing to do with the instant budget. This is all over in the Bureau of Internal Revenue.

Mr. OBERDORFER. We do not think we will feel the impact of this in this fiscal year, that is correct. However, in calendar year 1962, on January 1, 1962, I understand these machines began processing the business returns filed in the Atlanta region of the Internal Revenue Service, which is in the southeast, and the information collected in the Atlanta region will be correlated at Martinsburg, W. Va., with information put in nationally by dividend-paying companies.

I had the privilege of going up to Martinsburg when this was inaugurated, along with a lot of other tax people, and they showed us in a crude way how it would work. I had envisioned some machine in a great big building like the armory, four stories high and a block long. They had eight machines, each the size of a television set. They were going to have 16 more, and that was it. It is a perfectly amazing mechanical gadget.

Mr. ROONEY. Mr. Magnuson?

### INITIATORS OF TAX CASES

Mr. MAGNUSON. Can you give an estimate of the ratio between tax cases initiated by the Tax Division and those initiated by taxpayers?

Mr. OBERDORFER. By tax cases initiated by taxpayers, you mean also the cases in the Tax Court, the ones that do not come to us?

Mr. MAGNUSON. Yes.

Mr. OBERDORFER. I am trying to call that up, sir.

Mr. MAGNUSON. You defend cases in which a taxpayer challenges the Internal Revenue Service on, say, the size of the refund?

Mr. OBERDORFER. Where the taxpayer has filed a claim for refund and that refund claim is denied or the Service fails to act on it within 6 months, and the taxpayer files suit, we defend those suits. We do not participate in cases where the Internal Revenue Service makes an assessment and the taxpayer elects, as he is entitled to elect, to file a petition in the Tax Court for redetermination of that assessment.

I am reminded that 81 percent of our civil cases are initiated by taxpayers.

I would be glad to present this in some detail for the record if the Congressman would like.

Mr. MAGNUSON. No, that is close enough. I just wanted a general idea of who the initiator is in a majority of the cases.

Mr. OBERDORFER. Actually, you might say the Internal Revenue Service initiates them all, because I was reading some statistics last night which show that very few of our cases are filed by taxpayers who actually have paid the tax on their return and then sued to get it back. We have some of those, but the majority of our refund cases are taxpayers against whom the Internal Revenue Service has made an additional assessment, so the Internal Revenue Service has started the controversy. Then the taxpayer pays the assessment and sues to get it back.

Mr. TADLOCK. The remaining 19 percent the Internal Revenue Service institutes, not the Department of Justice. We do not institute any of them.

Mr. MAGNUSON. That is all.

Mr. ROONEY. Mr. Bow?

AMOUNT OF REFUNDS AND INTEREST PAID

Mr. Bow. Mr. Attorney General, what was the amount paid by the Government in refunds last year?

Mr. OBERDORFER. I have the figure here. We paid out $22,748,897.

Mr. Bow. As against $16.9 million the year before?

Mr. OBERDORFER. That is correct.

Mr. Bow. What was the amount of interest that it cost the taxpayers last year?

Mr. OBERDORFER. It cost the taxpayers?

Mr. Bow. The amount of interest that was paid. Mr. Rooney asked you last year for the amount of interest on those refunds. Do you have that figure this year?

Mr. OBERDORFER. I am very sorry I do not have it. I would like to put that figure in. It is entirely relevant, and I should have brought it.

Mr. Bow. I wish you would insert that at this point in the record.

Mr. OBERDORFER. Very well.

(The information requested follows:)

Taxpayers who were successful in refund suits against the Government were paid $3,388,519.97 in fiscal year 1961 as interest on overpayments of taxes to the Internal Revenue Service.

Mr. ROONEY. Mr. Cederberg?

AMOUNTS IN GENERAL SERVICES ADMINISTRATION BUDGET FOR RENT

Mr. CEDERBERG. I have just one question of Mr. Andretta. I notice through the budget there is a referral to amounts that are now budgeted in the GSA account. How much is the total of this figure in your budget?

Mr. ANDRETTA. You mean for rent?

Mr. CEDERBERG. That formerly had appeared in your budget.

Mr. BROWN. A total of $342,000 was appropriated in 1962 for rent, which will now be picked up by the GSA.

Mr. CEDERBERG. In other words, $342,000 for rent appeared in your 1962 budget, and this amount has been transferred to the 1963 budget of GSA?

Mr. BROWN. That is right, sir.

Mr. CEDERBERG. In other words, if this amount were in your budget, then, of course, the increase over 1962 for operation of the Department of Justice from 1962 to 1963 would be that much higher, if you still had to pay the rent.

Mr. BROWN. That is right.

Mr. CEDERBERG. That is all I have.

Mr. ROONEY. I think that is all. Thank you, gentlemen.

## CIVIL RIGHTS DIVISION

### WITNESSES

BURKE MARSHALL, ASSISTANT ATTORNEY GENERAL
W. J. HOLLORAN, EXECUTIVE ASSISTANT
S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL

Mr. ROONEY. The next and last item to which we shall direct our attention this afternoon is for the Civil Rights Division. The details with regard thereto are to be found under tab 19 in the justification book.

The request is in the amount of $810,900, which would be an increase of $42,900 over the amount appropriated to date in the current fiscal year.

We shall insert at this point in the record, pages 19–1 through 19–56 of the justifications.

(The pages follows:)

| | |
|---|---|
| Appropriation, 1962 | $768,000 |
| Estimate, 1963 | 810,900 |
| Increase | 42,900 |

Under the general direction and supervision of the Attorney General, the Assistant Attorney General in charge of the Civil Rights Division has jurisdiction over and is responsible for the enforcement of all Federal statutes relating to civil rights. This jurisdiction and responsibility includes the so-called civil rights statutes; 18 U.S.C. 241, 242, 243, and 244, and the Civil Rights Acts of 1957 and 1960, as well as the statutes relating to extortion and threats, fugitive felons, obstruction of justice, peonage and slavery, misuse of search warrants, shanghaiing of sailors, merchant seamen, the escape and rescue of prisoners, those applicable to election frauds, and interference with the right to vote and the Hatch and Corrupt Practices Acts.

The Division also has responsibility for all legal and administrative questions and problems arising from the time of the arrest of a Federal prisoner until his final discharge from custody, as well as those relating to the application and construction of the Probation Act, the parole statutes, the Juvenile Delinquency Act and the sentencing provisions of the Youth Corrections Act. The Division also has cognizance over all matters involving habeas corpus (except those relating to selective service and immigration) and the handling of problems relating to mentally defective defendants temporarily committed pending recovery. Problems concerning the custody of minors sentenced in the District of Columbia juvenile court also are handled by this Division.

AMOUNT REQUESTED

It is estimated that the Civil Rights Division will need $810,900 to meet its responsibilities during the fiscal year 1963 or $42,900 more than the current appropriation. The additional amount is needed for the following purposes:

| | | |
|---|---|---|
| Cost of statutory provisions: | | |
| Within-grade promotions | $9,700 | |
| Personnel benefits related to above | 600 | |
| | | $10,300 |
| Annualization of program change authorized for 1962: | | |
| Supplemental Act for only 9 months: | | |
| Salaries (¼ of annual cost of $60,960) | 15,200 | |
| Personnel benefits (7½ percent of above) | 1,100 | |
| Travel ($10,000 estimate annual cost, $8,000 allowed) | 2,000 | |
| | | 18,300 |
| New positions: | | |
| Salaries (3 GS–5 at $4,347=$13,041 | 13,000 | |
| Personnel benefits (7.5 of above=$978) | 1,000 | |
| Rent to be transferred to GSA | 3,000 | |
| Travel | 1,000 | |
| Supplies (3 at $100 each) | 300 | |
| Equipment (3 at $700 each $2,100) | 2,000 | 20,300 |
| Total | | 48,900 |
| Less provision for rent to be budgeted for by GSA in 1963 | | 6,000 |
| Net increase | | 42,900 |

The overall acceleration in the Division's activities, as pointed out in detail below, necessitates the hiring of three additional research analyst clerks at grade 5. The cost of their personal services, together with increased costs of contributions and supporting expenses, are estimated at $20,300. These costs, together with the costs of statutory provisions and the annualization of program change authorized for fiscal 1962, as outlined above, total $42,900, which represents the minimum additional amount required for the fiscal year 1963.

GENERAL STATEMENT

Litigation to protect the right of Negroes to vote, and to eliminate segregation in interstate transportation facilities, action in the fields of school segregation, and of Federal voting fraud investigations, have highlighted the accelerated activities of the Civil Rights Division in fiscal year 1961. The enforcement policies of the Division have been strengthened by further judicial approval of the Civil Rights Act of 1957 and 1960, in addition to significant legal victories in the Supreme Court reported last year, which established the constitutionality of the 1957 act. (*United States* v. *Raines, United States* v. *Alabama, United States* v. *Thomas*). Briefly, under the 1957 act the Attorney General can file civil suits on behalf of persons deprived of the right to vote or to register to vote on account of race or color. A key provision of the 1960 act (title III) permits Federal inspection of registration and voting records, and requires local officials to keep records for 22 months. The Court of Appeals for the Fifth Circuit upheld the constitutionality of title III in cases rising out of the Attorney General's demand for the production of voting records in Montgomery, Ala. (*Crum Dinkens* v. *The Attorney General of the United States*). Numerous investigations of racial voting cases were made during the year in some 40 counties and parishes where it appeared that Negroes, for racial reasons, were not being allowed to register, and vote. As of June 30, 1961, this Division had filed 12 cases under the 1957 and 1960 acts, with a number of others in preparation.

Of the 12, 2 may be regarded as terminated with no further action required by this Division. One filed in the Eastern District of Louisiana and ultimately reaching the Supreme Court, resulted in restoring to the voting rolls of Washington Parish, La., 1,377 Negroes who had been illegally purged. (*United States* v. *McElveen*). In another, a consent decree was obtained whereby a "white primary" in Fayette County, Tenn., was abandoned. (*United States* v. *Fayette County Democratic Executive Committee*). The additional cases pending in district courts in Alabama, Georgia, Louisiana, and Tennessee are more fully described in the material relating to the Trial Section. Of particular interest are

the three pending Tennessee cases, which involve widespread economic discrimination against Negroes who registered or attempted to register to vote. (*United States* v. *Beaty*; *United States* v. *Barcroft*; *United States* v. *Atkeison*). These are the first cases brought under section 1971(b) of the 1957 act, which affords authority to bring injunctive proceedings against persons who by intimidation, threats, or coercion interfere with the rights of others to register and vote in Federal elections. This section of the act was also involved in a Louisiana case (*United States* v. *Deal*) in which a stipulation was entered and the case continued on the docket pending defendants' compliance with the agreement.

The Division has moved for voting referee appointments in six cases in Georgia, Louisiana, and Alabama, as provided for by title VI of the 1960 act which calls for such appointment where the court finds that citizens have been deprived of their right to vote without distinction of race or color pursuant to a pattern or practice of discrimination. As of June 3, 1961, no such appointment had been made although the court found that such pattern or practice existed in Bullock County, Ala. and has directed the Government to submit names of possible voting referees (*U.S.* v. *Alabama*).

Corrective measures have been taken by State and local authorities in a number of counties because of the policy established by the Attorney General whereby the Division files no legal action under the civil rights acts without giving State and local authorities full notice and opportunity to avoid recourse to litigation by corrective measures at their levels.

The inspection of records pursuant to the authority granted by title III has proved to be an extremely useful discovery device, but very time consuming. Literally thousands of registration records must be analyzed by staff members for proper trial preparation. Thousands of such records have already been analyzed or are in the process of being analyzed in pending cases.

During fiscal year 1961, demands for inspection and copying have been made in 11 counties and parishes in 5 States. Since the enactment of the 1960 act, demands have now been made in 23 counties and parishes in 6 States. More demands are contemplated as necessary to enforce the statute. A selection of counties is made on the basis of available information suggesting that Negroes have been subjected to registration procedures, standards, or requirements not applied to white citizens similarly situated. In eight of the counties and parishes demands were resisted and resort to the courts was necessary. Although the courts, including the Court of Appeals for the Fifth Circuit (*Crum Dinkens* v. *the Attorney General of the United States*) have ruled favorably upon all of our applications for enforcement which thus far have been litigated, the resistance encountered and the subsequent court actions have increased the burdens on the members of the Division's staff. For example, the two cases involving counties in Mississippi are still pending after months of protracted parrying and resistance. Further, each case, in addition to the analyses of the voluminous voting registration records, requires that the Division attorneys interview a great many witnesses after the investigation stage. This has required a serious work-load problem, as evidenced by the fact that 25 Division attorneys have spent an accumulated 904 days in the field during the past fiscal year.

Accordingly, authority is requested to hire three research analysts at grade GS–5 to provide necessary assistance in the examination and analysis of the thousands of voting registration records already obtained and to be obtained in the future. They will perform a useful and necessary service to the attorneys in charge of the voting cases in their analyses. Their services in the discovery of evidence of discrimination and distinction in the voting or registration processes based upon race or color will serve as the basis for pleadings in suits brought by the Division. The statistical data of such discrimination will be useful to the trial attorneys in determining whether such pattern or practice exists as to warrant action under the voting referee provision of the 1960 act. The records of the 23 counties involved had been analyzed or were in the process of analysis as of June 30, 1961, and thousands of records continue to be received as further compliance with demands is made. A large number of demands for voting registration records are now in preparation, and it is expected that such demands will continue to be made more frequently than in the past. The number and type of records available varies considerably from one locality to another, and it is impossible to predict the length of time required to analyze the records of any one county. One Louisiana parish, for example, provided some 45,000 records, while another parish maintained only 2,800 for the period involved.

One Alabama county furnished only 5,500 records, but these involved complicated breakdowns as to questionnaires with 21 separate questions, supplemental applications, examinations of supporting witnesses, actions of the board, and the like. The analyst will be required to know the type of records maintained, the voting and registration procedures, and the qualification requirements of the various States, counties, and localities involved. In reviewing a rejected application, the analyst must determine the reason for rejection—residence, education, age, literacy, color, or race, or any combination of such factors, and primarily whether rejection was based on discrimination for race or color. Further analysis of the rejected application must be made to determine whether rejection was based on relationship with other rejected persons as well as in connection with applications by others exhibiting the same education, literacy, and the like, which were accepted.

The burden in making these necessary examinations and analyses now falls on the attorneys in charge, with such assistance as can be obtained from available clerical help and, when possible, from temporary law student assistants during the summer.

The volume of work in this aspect of the Division's activities is expected to increase, and the addition of three analysts to assist in this operation is believed necessary and justified.

During the fiscal year the Division became an active participant in a number of school desegregation cases. In order to protect the integrity of court orders and the due administration of justice, the Division took a series of actions in New Orleans to enjoin enforcement of emergency legislation enacted by the Louisiana Legislature as well as against other acts of State officials designed to obstruct the operations of the Orleans Parish school system which had been ordered to be desegregated in November 1960 (*Bush* v. *Orleans Parish School Board*). These actions were successful in enjoining such interference and in freeing funds for the payment of schoolteachers. The Department also filed an original lawsuit against the State of Louisiana and all State law enforcement officials to enjoin enforcement of a State criminal statute imposing punishment upon Federal officials seeking to implement Federal court desegregation decrees (*United States* v. *Louisiana*). Further action was taken in the eastern district of Louisiana where the court granted the Department's request to appear as amicus curiae, with privileges of extensive and active participation, in four school cases in St. Helena and East Baton Rouge Parishes and involving a number of trade and vocational schools (*Hall* v. *St. Helena Parish School Board*, *Davis* v. *East Baton Rouge Parish School Board*, *Allen* v. *State Department of Education*, *Angel* v. *Louisiana State Board of Education*). The Department has filed petitions in these actions to enjoin enforcement of recent anti-integration statutes and the closing of the schools involved. The Division has taken part in other school desegregation cases in New York (*Taylor* v. *Board of Education, New Rochelle, New York*), and in Virginia (*Allen* v. *Prince Edward County School Board*).

The Division has also participated as amicus in a number of Supreme Court cases involving racial and voting issues. Of particular significance are *Boyton* v. *Virginia*, 364, U.S. 454, and *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, which are of far-reaching effect on discriminatory practices in interstate commerce and State-owned facilities. Fourth efforts to eliminate discrimination in interstate commerce facilities are being made in Alabama (*United States* v. *Klans*), Georgia (*United States* v. *Southern Stages, Inc.*), and Missouri (*United States* v. *Pacific Missouri Railroad Company*). The Division's initial effort to halt racially discriminatory practices at airport has been undertaken in a suit to halt discrimination against Negroes in facilities in the New Orleans International Airport (*United States* v. *City of New Orleans*).

In addition, since the lack of rules and regulations clearly enunciating the rights of all passengers on interstate motor carriers and the facilities provided had given rise to confusion as to the carriers' duties in respect to their passengers, and had contributed to unrest and disorder, the Division has filed a petition with the Interstate Commerce Commission in the name of the Attorney General, proposing that the Commission issue regulations governing the operation of motor carriers.

If issued, the rules and regulations will eliminate discrimination which continues to exist in a majority of the bus terminal facilities in some States despite the Supreme Court decision in *Boyton* v. *Virginia*, which held that discrimination in facilities forming a part of interstate bus service was in violation of Federal law. Hearings are scheduled for August 15, 1961.

Prior to the filing of this petition, the breakdown in local law enforcement following the first freedom riders, impelled the Attorney General to deputize a substantial number of U.S. marshals to assist local authorities in restoring and maintaining order and protecting the rights of interstate bus travelers in Montgomery, Ala. This action resulted in permitting the free movement of interstate buses to resume.

The Division was also active in processing complaints arising from the November 1960 elections and the preceding preliminary contests. The complaints reflected widespread misunderstanding as to the limited enforcement responsibilities and jurisdiction of the Federal Government in election irregularities. This misunderstanding was most graphically illustrated in the more than 5,000 letters and telegrams requesting the Department to recount ballots, a function which belongs to the States concerned and not to the Federal Government. All charges which did involve possible Federal voting fraud were carefully considered, and a number of matters remained under active consideration. The evidence disclosed to date has not been sufficient to warrant prosecutive action except one vote-buying case in Chicago (*United States* v. *Crown*).

The overall increase of the Division workload is also illustrated in the report of the Federal Custody Unit. Decisions by the Court of Appeals for the District of Columbia holding that prisoners, no matter where confined, may bring suit in the District when they attack adverse administration decision by the Board of Parole (*Hurley* v. *Reed*), together with a holding that the failure to allow a prisoner to be represented by counsel at his parole revocation hearing cannot be corrected by a subsequent offer of a new hearing (*Glenn* v. *Reed*) have resulted in a flood of litigation. As a result there is a potential of 1,700 lawsuits in the District of Columbia in which the validity of a parole revocation will be the issue. As of June 30, 1961, 115 cases brought by prisoners confined elsewhere are pending in the District of Columbia.

Apart from the activities described above, the Civil Rights Division has been assigned the functions of the Department of Justice under section 312 (b) and (c) of Executive Order 10925 of March 6, 1961, "Establishing the President's Committee on Equal Employment Opportunity." (Order 238–61, Mar. 17, 1961.) The order relating to obligations of Government contractors and subcontractors agreements provides in part that the contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The sections in question provide that the President's Committee or the appropriate contracting agency may recommend to the Department of Justice that appropriate proceedings be brought for enforcement or that criminal proceedings be brought for the furnishing of false information in appropriate instances. It is, of course, impossible at this time to measure precisely the full impact of Executive Order 10925 and its effect on this Division. It seems clear, however, that the handling of complaints and maintenance of liaisons with the President's Committee, appropriate contracting agencies, and the FBI, as well as eventual litigation in conjunction with U.S. attorneys, will impose additional burdens on the Division personnel.

The continuing general interest in civil rights matters has resulted in an ever-increasing amount of correspondence, with a consequent severely increased workload. This increase is reflected in the following table for the past 3 fiscal years:

| | 1959 | 1960 | 1961 |
|---|---|---|---|
| Incoming correspondence | 12,388 | 13,398 | 30,717 |
| New complaints | 1,947 | 1,916 | 2,759 |
| Outgoing correspondence | 8,694 | 8,795 | 13,436 |
| Including: | | | |
| Investigative requests and FBI | 471 | 723 | 950 |
| Advisory opinions | 696 | 853 | 913 |

APPEALS AND RESEARCH SECTION

This Section handles cases falling within the jurisdiction of the Division in the Supreme Court, in the courts of appeals, and where novel and complex legal problems are anticipated in the Federal district courts. It prepares briefs, motions, memorandums and other pleadings and recommendations for or against appeal by the Government, and participates in oral argument of cases in those

courts. The Section also conducts research projects and maintains files of legal memorandums and legislative material affecting the work of the Division, and collects data on private litigation in the field of civil rights.

*Supreme Court litigation*

Of particular significance during fiscal year 1961 was the amicus curiae participation of the Department in a number of Supreme Court cases involving racial and voting issues.

*Gomillion* v. *Lightfoot*. 364 U.S. 339, involved an Alabama statute which recharted the city of Tuskegee, Ala., so as to exclude several thousand Negroes, but no white persons, from the city limits. Practically all of approximately 400 qualified Negro voters were thus disenfranchised from participation in municipal elections. Negro citizens brought suit to enjoin the redistricting which transformed the city from a square to a dragon-shaped district, and which, in particular, excluded the area occupied by Tuskegee Institute, a well-known Negro educational institution. Petitioners alleged deprivation of 14th and 15th amendment rights. The United States entered the case as amicus curiae after lower courts had dismissed the suit for want of jurisdiction. On November 14, 1960, the Supreme Court reversed the decisions of the lower courts and remanded the case for trial. The court rejected the contention that a State has unlimited power to establish its own boundaries. It held:

"When a State exercises power wholly within the domain of State interest, it is insulated from Federal judicial review. But such insulation is not carried over when State power is used as an instrument for circumventing a federally protected right * * *."

The Court further held that if petitioners' allegations of denial of their constitutional rights remain uncontradicted upon trial, the conclusion would be "tantamount for all practical purposes to a mathematical demonstration that the legislation is solely concerned with segregating white and colored voters by fencing Negro citizens out of town so as to deprive them of their preexisting municipal vote."

Upon remand, the district court declared the statute unconstitutional and enjoined its enforcement.

Two other cases in which the Section prepared amicus briefs involved the issue of racial discrimination in restaurants. *Boynton* v. *Virginia*, 364 U.S. 454, was an appeal by a Negro passenger in an interstate bus from his conviction for refusal to leave the white section of the Trailway Bus Terminal Restaurant in Richmond, Va. On December 5, 1960, the Supreme Court reversed the judgment of conviction on the basis of section 216(d) of the Interstate Commerce Act, which prohibits motor carriers in interstate commerce from subjecting persons to any unjust discrimination or unreasonable prejudice or disadvantage. The Court found that the bus terminal "was just as essential and necessary * * * to passengers and carriers like Trailways that use it, as though such carriers had legal title and complete control over all its activities * * *."

In *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, a Negro plaintiff was refused service in a Wilmington, Del., restaurant leased by a private corporation from the Wilmington Parking Authority, a body corporate and politic of the State of Delaware. Reversing a lower court judgment in favor of the plaintiff, the Supreme Court of Delaware held that the Parking Authority's lease of the restaurant space to a private corporation did not represent "State action" and that the acts of the private restaurant corporation therefore did not violate the 14th amendment. Upon appeal to the Supreme Court, the United States filed a brief amicus curiae supporting reversal, and the Solicitor General participated in the oral argument. On April 17, 1961, the Court, in a 6 to 3 opinion, reversed the Supreme Court of Delaware, holding:

"The State has so far insinuated itself into a position of interdependence with [the restaurant] that it must be recognized as a joint participant in the challenged activity, which, on that account, cannot be considered to have been so 'purely private' as to fall without the scope of the 14th amendment."

The Court made clear, however, that its decision was limited to the specific circumstances of this case.

The Section also prepared an amicus brief in *Baker* v. *Carr*, a most unusual and significant case. In that case, private citizens of Tennessee had brought suit in Federal court under the civil rights laws alleging denials of constitutional rights resulting from gross malapportionment of the Tennessee Legislature. Specifically, it was claimed that, under the existing apportionment, "a

minority of approximately 37 percent of the voting population of the State now controls 20 of the 33 members of the senate," and "a minority of 40 percent of the voting population of the State now controls 63 of the 99 members of the house of representatives." A three-judge court dismissed the complaint on the ground that "the Federal rule, as enunciated and applied by the Supreme Court, is that the Federal courts, whether from a lack of jurisdiction or from the inappropriateness of the subject matter for judicial consideration, will not intervene in cases of this type to compel legislative reapportionment." Plaintiffs appealed to the Supreme Court. In its amicus brief the Department, for the first time, took the position that gross underrepresentation of certain segments of the population in the legislature constitutes a denial of due process of law and the equal protection of the laws, and that the courts can and should provide a remedy.

The Court has issued an order setting down the case for reargument in the October term of 1961 (366 U.S. 907).

In the New Orleans school cases, discussed at greater length below, a motion to stay and numerous appeals were taken by the State of Louisiana to the Supreme Court from orders of the three-judge district court declaring unconstitutional various statutes designed to perpetuate segregated education and obstruct Federal court decrees. In a number of these cases the Department moved to affirm and opposed a stay of district court decisions. The Supreme Court in all instances sustained and Department's position.

*Payne* v. *Madigan*, 366 U.S. 761, and *Young* v. *United States*, 363 U.S. 839, which arose by way of petitions for writ of habeas corpus, involved various problems of construction of sentence in Federal criminal cases. The Section prepared a brief on the merits and an attorney from the Section argued the case before the Supreme Court. An equally divided Court affirmed the lower court's approval of the procedure followed by the sentencing courts.

The Section prepared 45 briefs in opposition to petitions for writs of certiorari and 1 brief in opposition to an original petition for a writ of habeas corpus, as compared with 24 such briefs prepared in the previous fiscal year. The petitions were denied in all but six cases. Of the six, two were dismissed per stipulation after the Government's brief was filed, and two had not been acted on by the Supreme Court when the term of Court ended. In another, *Simcox* v. *Madigan*, 366 U.S. 765, the Government supported the petitioner's request for a writ of certiorari because of the unusual circumstances of the case. The Supreme Court granted the petition for certiorari, reversed, and remanded for a hearing as suggested by the Government. And certiorari was granted on June 19, 1961, in *Lynch* v. *Overholser*, a case involving the question of whether a defendant in a criminal case in the District of Columbia has the right to plead guilty where it appears that he was insane at the time of the commission of the offense.

Twenty-nine memorandums to the Solicitor General were also prepared, recommending for or against appeal by the Government, or against response to certain petitions, as against 25 in the previous fiscal year.

*Court of appeals and district court litigation*

The Section directly prepared 17 briefs for cases heard or pending in the courts of appeals, an increase of 10 over the same previous period. The Government was successful in all but one of the cases which have been decided. In addition, the Court of Appeals for the Ninth Circuit granted the Government's petition for a writ of mandamus in *United States* v. *Kunzel*, 284 F(20) 935, a case involving probation and the Narcotics Act, which had been briefed during the preceding fiscal period.

Twenty other appellate cases were reviewed by the Section and close liaison was maintained with the U.S. attorneys handling the matters. The Section also assisted in the preparation of pleadings and research material in connection with 5 other appellate and 18 district court cases.

One of the more significant appellate cases handled during the year involves the scope and interpretation of 42 U.S.C. 1971(b)—section 131(b) of the Civil Rights Act of 1957—which penalizes interference by private individuals with the right to vote in Federal elections. In *United States* v. *Beaty and United States* v. *Barcroft*, 288 F. 2d 653, Negro sharecroppers in Haywood County, Tenn., had been evicted from their farms because they had registered to vote. Economic coercion had also been exerted against the Negroes by local businessmen. The district court enjoined the latter group from interfering with the voting rights of the sharecroppers but refused to enjoin the evicting landlords. The Depart-

ment successfully obtained a temporary restraining order which prevented a mass eviction during the last week of December 1960. On April 6, 1961, the court of appeals entered an order reversing the district court and remanding the cases with direction to enter a preliminary injunction. The court of appeals held that 42 U.S.C. 1971(b) had been violated, even though the form which the intimidation had taken related to land or contracts with Negro sharecroppers. The court made it clear that persistence on the part of any landowner defendant to evict any tenant for the above purposes would subject him to punishment for contempt. These cases are more fully described in the material relating to the Trial Section.

Another significant pair of cases challenged a provision of the Civil Rights Act of 1960. These cases arose out of the Attorney General's demand under the act for the production of voting records in Montgomery County, Ala., in May 1960. To counter this demand the attorney general of Alabama obtained an injunction in a State court forbidding the Attorney General and his agents from inspecting voting records in any county in Alabama and challeging the constitutionality of the 1960 act. The case was removed to Federal court and an enforcement proceeding then brought by the Government against the Montgomery County registrar. The combined cases were argued in the district court in July 1960. The court, in upholding the constitutionality of title 3, held that a Federal court rather than a State court was the only proper forum for actions involving the Civil Rights Act of 1960, and ordered compliance with the record demand and dismissal of the suit brought by the attorney general of Alabama. The Court of Appeals for the Fifth Circuit affirmed this holding on January 23, 1961. *Crum Dinkens* v. *The Attorney General of the United States*, 285 F. 2d 430. The Supreme Court denied certiorari on May 1, 1961 (366 U.S. 913).

In other records demand litigation, the Section directly handled the briefing and argument of four cases involving counties in Alabama and Mississippi. Two of these, which resulted in a court order for the production of the voting records of Sumter County, Ala., involved issues similar to those present in the *Crum Dinkens* case described above. The other two cases, involving counties in both judicial districts in Mississippi, are still pending after months of protracted parrying with dilatory motions. The Section also assisted in the handling, particularly the briefing, of four other records demand cases, three of which resulted in court orders for the production of records. The fourth case, involving a demand in Wilcox County, Ala., is still pending, more than 1 year after the first request for enforcement was made to the Federal court.

Continuing litigation concerning demands for voting records may be expected.

*School desegregation cases*

The Section has prepared or assisted in the preparation of briefs and pleadings in a number of school desegregation cases.

In *Bush* v. *Orleans Parish School Board*, a school desegregation suit instituted by private plaintiffs in 1952, the district court, after prolonged litigation repeatedly delayed by the enactment of segregationist legislation, ordered desegregation of the New Orleans public schools, beginning with the first grade, in the fall of 1960. Thereafter, additional State laws were passed, designed to maintain the status quo of segregated education, including an act of interposition (Act 2 of the first extraordinary session of the 1960 legislature) which purported to renounce the Supreme Court's decision in *Brown* v. *Board of Education* and to interpose the authority of the State of Louisiana between Federal court orders and the State's system of segregated schools. The United States immediately brought suit attacking this measure in November 1960, and at the same time entered the *Bush* case and the companion case of *Williams* v. *Davis* as a friend of the court. On November 30, 1960, a three-judge court struck down Act 2 and its accompanying package of segregationist legislation and enjoined the enforcement thereof (188 F. Supp. 916). A motion for a stay of these orders was denied by the Supreme Court on December 12, 1960.

On December 21, 1960, March 3, and May 4, 1961, a three-judge court struck down further segregationist enactments of the State of Louisiana. The United States as amicus in the *Bush* case applied for and obtained these injunctions. Two of the acts enjoined in *Bush* provide penalties for persons assisting in school desegregation and rewards for other persons for informing on such activity. In four other like school desegregation cases, the Department also successfully filed amicus petitions to enjoin the use of these statutes.

In St. Helena Parish, under court order to desegregate its public schools, a local option election was held on April 22, 1961, in accordance with a recent State law, which authorizes the closing of the public schools in that parish. The Department, at the request of the court, filed an amicus brief which challenges the closing law on equal protection and due process grounds and as an effort to circumvent the orders of the court.

In New Rochelle, N.Y., the district court found that de facto segregation existed in the Lincoln Elementary School, due to previous gerrymandering of the district and the adherence of the school board to a neighborhood school policy. At the district court's request, the Department prepared an amicus brief suggesting certain guidelines to be followed in formulating a plan for alleviating the segregated status of Lincoln school pupils.

The Prince Edward County, Va., school case has been in the courts even longer than the New Orleans case. Although it was one of the five major school segregation cases of 1954 and 1955, in which the United States participated as amicus, the schools remained segregated until 1959, at which time the county commissioners, in the face of a court order to desegregate in the fall of 1959, refused to appropriate funds for the coming school year and the schools were accordingly closed. They have remained closed to the present day. White pupils are educated in a private foundation through the use of State-supplied tuition grants. The United States sought to intervene in an action brought by private litigants which challenges the closing and the use of tuition grants as a substitute for the maintenance of public schools. Although the court denied the Government's motion to intervene, the Division is continuing to follow the matter closely.

*Amicus participation in State supreme court*

Marlon D. Green, a qualified Negro pilot, filed a complaint with the Colorado Anti-Discrimination Commission against Continental Air Lines, an interstate air carrier, alleging that Continental violated the Colorado Anti-Discrimination Act of 1957 by refusing to employ him, after an interview conducted in Denver, solely because of his race. The commission ordered Continental to hire Green. Upon review of the proceedings and order of the commission, the District Court in and for the city and county of Denver, held (1) that the Colorado Anti-Discrimination Act, as applied, constituted an unconstitutional burden on interstate commerce, and (2) that such application of the Colorado Act was preempted by the Railway Labor Act, the Civil Aeronautics Act, and the Executive order on Government contracts. The case, *Colorado Anti-Discrimination Commission and Marlon D. Green* v. *Continental Air Lines*, is now before the Supreme Court of Colorado on appeal. An amicus brief on behalf of the United States was prepared by the Section and filed with the Colorado court. This brief takes the position that the Colorado law is valid and not preempted by Federal legislation. No hearing date has been set.

The five attorney members of the Section argued 2 cases before the Supreme Court, 17 in the courts of appeals, and 2 cases in district courts during fiscal 1961.

*Research*

At the same time that the value of maintaining files on private suits involving racial discrimination was being realized in the increased amicus participation by the United States in such cases, a continuing effort was being made to increase the information available in the section's research files, which include cases involving schools, public accommodations, transportation, governmental facilities, and the like. Special attention was given to State legislative programs affecting civil rights, particularly where the effective implementation of Federal court orders was involved.

The Section was able also to conduct some two dozen major research projects. These included several continued studies in depth of the legal implications of racial discrimination where Federal funds or property are involved, and analysis of certain portions of the Civil Rights Act of 1960. Other studies were made of Federal fair election practices legislation and the use of injunctive measures to prevent interference with interstate transportation.

Liaison was maintained with the Civil Rights Commission and the United Nations Commission on Human Rights, and material was supplied these agencies for the preparations of reports.

Numerous legislative proposals were submitted to the Section for comment and drafts of Department-proposed legislation were prepared or reviewed and evaluated. The Section also maintained files of bills whose subject matter falls within the jurisdiction of the Division and checked the progress of the measures.

*Future plans*

The workload of the Section is expected to continue to increase during fiscal year 1963.

The reargument of *Baker* v. *Carr* before the Supreme Court is scheduled for the October term of 1961. A number of replies to petitions for certiorari are in preparation and this phase of the Section's work promises to be fully as heavy as during the past year.

An amicus brief in the three Louisiana sit-in cases in the Supreme Court is being prepared. Further appeals are expected in the five Louisiana school cases.

*United States* v. *Alabama* is pending in the court of appeals and three records demands cases are still in the district court. In a field of such scope and lack of precedent as civil rights and racial discrimination, there is continuing work to be done in the fields of legislation and research as well as in the preparation of briefs, pleadings, and memoranda of law.

GENERAL LITIGATION SECTION

The General Litigation Section is charged with supervising the enforcement of all the Federal statutes within the jurisdiction of the Division, other than those relating to elections and voting. This responsibility covers both the investigatory and trial stages (the latter in conjunction with the trial staff), and includes general direction of U.S. attorneys and their staffs and furnishing necessary legal assistance, which may include actual trial of the case. For operational convenience, the Section is divided into the Constitutional Rights and Federal Custody Units. Both Units have experienced an increased workload during the fiscal year.

*Constitutional Rights Unit*

The Constitutional Rights Unit has cognizance of all matters and cases involving alleged denial of due process of law under the 5th and 14th amendments. Such denials may arise as the result of the infliction of unlawful summary punishment by law enforcement officers, the coercion of confessions from persons in custody by means of force or threats, the unlawful infliction of summary punishment by jail personnel, the illegal detention of persons under color of law, or the unlawful taking of a person from one State to face criminal charges in another State without following the proper extradition procedures. In addition, this Unit supervises the enforcement of the Federal statutes relating to peonage and slavery, merchant seamen, the unlawful use of search warrants, and the shanghaiing of sailors.

This Unit is responsible for the supervision of all cases and matters arising under sections 241 and 242 of title 18, United States Code, which involve an alleged denial of the equal protection of the laws guaranteed by the 14th amendment. In addition, it supervises enforcement of the statutes relating to extortion and threats, exclusion of jurors because of race or color, interstate transportation of explosives (including the making of threats and the giving of false information concerning attempts to damage or destroy real or personal property by fire or explosives), and discrimination against persons wearing the uniform of the Armed Forces.

During fiscal year 1961, the Constitutional Rights Unit received 1,979 complaints, an increase of 354 complaints over last fiscal year's total of 1,625; 1,743 matters were closed; and 543 complaints were pending on June 30, 1961. Six matters were deferred to State authority, while 11 matters were presented to grand juries with no bills returned. The Unit supervised the prosecution in 26 cases in Federal courts, of which 8 were pending on June 30, 1961. The highlights of the Unit's activities are set out below.

*United States* v. *Dunn*.—Fourteen custodians of the Florida State Prison at Raiford went on trial on June 27, 1960, on 23 indictments charging systematic mistreatment of prisoners, in alleged violation of 18 U.S.C. 242. Presentation of the Government's case by three attorneys from the Division, together with the U.S. attorney, continued for 6 weeks. Although strong evidence of brutality was developed from the testimony of more than 60 witnesses, the court granted defense motions for judgment of acquittal at the close of the Government's case.

The court was of the opinion that the evidence did not indicate that the prison guards had knowledge that prisoners have the right not to be subjected to summary punishment; therefore, they could not have acted with intent to deprive the prisoners of such right. In dismissing the charges, however, the court acknowledged that substantial evidence of brutality had been adduced, stating: "If the sole issue had been whether the guards had mistreated or brutalized the prisoners, certainly I would have to hold that the Government had made a case which should be answered by these defendants * * *."

*United States* v. *Lowery*.—The defendant, a police officer employed by the Civil Aeronautics Administration, was indicted on December 8, 1959, by a Federal grand jury for violation of section 113(d) of title 18, United States Code, charging him with striking and beating the victim in the National Airport at Arlington, Va. Since this offense occurred on a Government reservation the above statute, which covers assaults by striking, beating, or wounding on such territory was utilized, instead of section 242, title 18, United States Code. The defendant was found guilty and fined on May 12, 1961. His appeal to the Court of Appeals for the Fourth Circuit is pending.

*United States* v. *Taelour*.—On April 25, 1961, a Federal grand jury at Carson City, Nev., returned an indictment charging a police officer of the city of Reno, Nev., with violations of 18 U.S.C. 242. The indictment charged in three counts that the defendant, while acting under authority of his position as a police officer, wilfully beat three men for the purpose of inflicting summary punishment upon them. The trial will be held in the near future.

*United States* v. *Elliott, et al.*—On May 22, 1961, an indictment was returned in the eastern district of Pennsylvania charging three police officers with having inflicted summary punishment on a prisoner in violation of title 18, section 242. This case is also awaiting trial.

*United States* v. *Sartin, et al.*—On May 8, 1961, an indictment was returned in the eastern district of Tennessee, charging a deputy sheriff and another with having made an unlawful arrest, inflicting summary punishment on a prisoner and coercing a confession from a prisoner in violation of title 18, section 242. This case is awaiting trial.

*United States* v. *Harrison County, Mississippi, et al.*—This case, previously reported, involves the policy enforced by the county, its officials, and Biloxi City officials of excluding Negroes from the county beach in violation of an agreement that the beach, constructed with Federal funds, would be maintained for public use perpetually. Decision on the Government's motion for summary judgment is awaited.

On May 22, 1961, following the so-called freedom rider disturbances, complaints were filed before a U.S. commissioner charging four Anniston, Ala., residents with violation of section 33, title 18, United States Code, in that on or about May 14, 1961, at or near Anniston, Ala., they unlawfully and wilfully assisted in the damaging, disabling, and destruction by fire of a Greyhound bus while traveling in innterstate commerce. Arrested upon warrants, each is free on bond pending a grand jury hearing.

*United States* v. *Klans, et al.*—In this civil action, brought by the Division in an effort to suppress the disorders associated with the freedom riders' efforts to use the facilities of interstate commerce without unjust discrimination, the U.S. District Court for the Middle District of Alabama, on June 2, 1961, issued a preliminary injunction. The court's order enjoined the U.S. Klans, Knights of the Ku Klux Klan; the Alabama Knights, Knights of the Ku Klux Klan, certain police officials and other individuals from conspiring to interfere with the travel of passengers in interstate commerce through Alabama, free from racial segregation and other unjust discrimination, and from obstructing, impeding, or interfering with the free movement of interstate commerce. Evidence presented at the hearing revealed that Klan members and others had committed physical violence upon Negroes and whites who had journeyed to the Southern State for the purpose of testing the right to use facilities of interstate commerce without regard to race, while the police had failed to provide protection.

*United States* v. *Southern Stages, Inc., et al.*—A criminal information was filed on April 21, 1961, in the middle district of Georgia, charging Southern Stages, Inc., an interstate motor carrier, and George W. Hamlin, a busdriver, with having violated section 216(d) of the Interstate Commerce Act, in subjecting a Negro interstate passenger to unjust discrimination by forcing him to move to the rear of the bus because of his race. Southern Stages, Inc., entered a nolo contendence plea to the charges in the information. The driver pleaded guilty. Fines were imposed upon both defendants by the court.

*United States of America v. Missouri Pacific Railroad Company.*—A forfeiture action was filed in the U.S. District Court for the Western District of Missouri against the defendant railroad for violation of a cease and desist order served upon the defendant railroad by the Interstate Commerce Commission and effective on January 10, 1955. This order required the defendant to cease and desist from discriminating against its Negro interstate passengers. The complaint alleged that the defendant had failed to obey the order and sought the forfeiture to the United States for the sum of $5,000 on each of two counts. The case is awaiting trial.

Concluding that the lack of rules and regulations clearly enunciating the rights of all passengers on interstate motor carriers and in waiting rooms, rest room, and eating and drinking facilities had given rise to confusion on the part of motor carriers as to their duty to their passengers, and had contributed to unrest and civil disorder, the Division on May 29, 1961, filed a petition with the Interstate Commerce Commission in the name of the Attorney General proposing that the Commission issue regulations governing the operation of motor carriers. To support its petition the Division initiated a survey of most of the bus terminals maintained in the South and at the end of the fiscal year was preparing a fully documented statement to be filed with the Commission justifying the proposed regulation. It is expected that, in the event the Commission sees fit to adopt this regulation, the number of complaints involving racial segregation on interstate motor carriers will be sharply curtailed.

*United States v. City of New Orleans, et al.*—The initial effort of the Division to halt racially discriminatory practices in airports was undertaken on June 26, 1961, when the Division filed a civil suit in the eastern district of Louisiana, seeking an injunction to halt asserted discrimination against Negroes in facilities at Moisant International Airport, New Orleans, La. The complaint alleged that the policy of the airport restaurant of refusing to serve Negroes in certain areas of the restaurant violated the terms of a grant agreement between the United States and the city of New Orleans under the Federal Airport Act, as well as the non-discrimination provision of the Federal Aviation Act and, in addition, imposed an unconstitutional burden upon interstate commerce. The Department expects to press for an early hearing date.

*Federal custody unit*

This unit handles legal and administrative questions arising from the time of arrest of a Federal prisoner to his final discharge. It is responsible for the rendering of assistance in such matters to U.S. attorneys, the Bureau of Prisons, the Board of Parole, and others, including prisoners and their representatives, regarding such matters as the construction and validity of criminal sentences, the application and construction of the Probation Act, the parole statutes, the Juvenile Delinquency Act and the sentencing provisions of the Youth Corrections Act. The unit also has responsibility for furnishing advice to U.S. attorneys in habeas corpus matters (except those involving the Selective Service Act or immigration matters), of assisting them in the preparation of pleadings to resist nonmeritorious petitions by Federal prisoners for writs of habeas corpus, handling problems relating to mentally defective defendants temporarily committed pending recovery, and problems arising in connection with the custody of juveniles in the District of Columbia. Finally, the unit supervises the Federal laws with respect to the escape and rescue of prisoners, as well as the Fugitive Felon Act.

The Federal Custody Unit received 398 matters during the fiscal year 1961, closed 371, and had 45 pending at year's end. In addition, 161 cases in which the Unit participated were pending on June 30, 1961.

In the field of mental competency, the Unit has been concerned with problems which have arisen regarding the continued custody of defendants who are initially committed under 18 U.S.C. 4246, because they are not competent to stand trial. In such cases where an individual's prognosis is poor, efforts are made to have the State of residence assume the care and custody of the defendant upon dismissal of the pending Federal charge. In cases where defendants are dangerous to the interests of the United States within the meaning of section 4247, title 18, United States Code, it sometimes is necessary to retain such prisoners in Federal custody, although there has been for some time a split of judicial authority as to what degree and kind of danger is involved. The Unit closely follows all developments in this area.

The Unit also directly handles most suits brought by U.S. prisoners in the District of Columbia. Usually, these actions take the form of complaints for declaratory judgments and mandatory injunctions. The workload of the Unit has increased as a result of several decisions by the Court of Appeals for the District of Columbia which have resulted in a flood of litigation in that district. That court held that prisoners, no matter where confined, may bring suit in the district when they attack adverse administrative decision by the Board of Parole, which has its office at Washington. *Hurley* v. *Reed*, 288 F. 2d 844. It also held that under particular factual situations the failure to allow a prisoner counsel at his parole revocation hearing (which, in the eyes of this court, is a prejudicial error) cannot be corrected by a subsequent offer of a new hearing, with an opportunity to have counsel present. *Glenn* v. *Reed*, 289 F. 2d 462.

As a result, there is a potential of 1,700 lawsuits in the District of Columbia in which the validity of a parole revocation will be the issue. As of June 30, 1961, 115 cases brought by prisoners confined elsewhere are pending in the District of Columbia. These cases, inter alia, test the applicability of the Glenn case; assert the right to appointment of counsel, witnesses, confrontation, and cross-examination at revocation hearings; attack the timelag between the date of arrest and date of hearing; raise the question of venue for such proceedings; and question the right of the Board to continue to exercise supervision over a prisoner where, but for the revocation of his parole (which was regarded as invalid in the first instance), he would have reached the maximum expiration date of his sentence.

The Unit briefs and argues matters relating to its field both in the various district courts and in the Courts of Appeals, and during the fiscal year was involved in 33 court actions outside the District of Columbia. A recent case involved L. B. Binion, a well-known gambler from Las Vegas, Nev., who by raising various unique legal questions regarding parole and sentencing, has been trying for some time to avoid returning to the penitentiary to complete a sentence imposed upon him for tax evasion. On June 26, 1961, the Court of Appeals for the Ninth Circuit affirmed the District Court of Nevada which ordered him to complete his sentence.

### TRIAL STAFF

The trial staff is responsible for conducting grand jury proceedings and the trial of any case or lawsuit within the jurisdiction of the Division. It also furnishes any necessary or denied assistance to U.S. attorneys in the presentation of evidence to a Federal grand jury or in any court proceedings in civil rights matters.

Greatly increased activity in the voting field has highlighted the activities of the trial staff. Trial activities in the 12 cases filed under the 1957 and 1960 Civil Rights Acts have placed a burdensome workload on the attorneys assigned to these cases. These duties include the detailed analysis of complex factual situations; preparation for and direction and conduct of court actions on a county-by-county basis, through separate actions in each county where evidence of discrimination exists. Substantial field preparation and courtroom trial time are required.

Major activities of the trial staff in criminal and civil fields, are set out below.

*United States* v. *Alabama (Macon County, Ala.)*.—The Government filed an amended and supplemental complaint in the middle district of Alabama alleging discrimination in the registration process in Macon County, Ala. An earlier suit was dismissed by the district court on the ground that the defendants, including the State of Alabama, could not be sued under the 1957 act. The Supreme Court in May 1960, vacated the judgments of the lower courts, remanding the case to the trial court because of the intervening enactment of the Civil Rights Act of 1960, which specifically authorized suit against a State (362 U.S. 17). The present complaint joins the State of Alabama and the new registrars of Macon County as defendants.

The case involved discrimination in voting in Macon County, where Negroes outnumber whites 5 to 1. The Government charged that the defendants had, for many years, assisted uneducated white applicants in completing their application forms and registering them while at the same time rejecting highly-qualified, well-educated Negro applicants. In addition, the new registration board had attempted to freeze Negro registration by requiring each applicant to go through an extremely slow and tedious process of writing unreasonably long portions of the Constitution. The registrars would permit only one applicant at a time to apply.

The Division obtained the registration records, analyzed them and submitted to the court, as documentary proof of discrimination, more than a thousand documents. In addition, more than 50 witnesses testified during the trial of the case. The court ordered 64 Negroes who had previously applied to be registered immediately and issued a detailed, mandatory injunction setting forth the groundrules under which the registrars must operate in the future.

In addition, at the Government's request, the court found pursuant to the Civil Rights Act of 1960, that the deprivations of the right to vote were pursuant to a continued pattern and practice of racial discrimination. This was the first finding, under the 1960 act, of a pattern and practice, which finding automatically implements the referee provisions. Although the court's order required the Government to furnish it names of eligible persons to serve as referees, thus far, because of the close supervision by the court of the decree, it has been unnecessary for the court to in fact appoint referees. Approximately 200 Negro citizens have registered in Macon County since the court's decree of March 17, 1961.

The defendants appealed from the portion of the decree requiring them to register certain Negroes found by the court to be qualified.

*United States* v. *Alabama, et al. (Bullock County)*.—This suit was filed in January 1961 by the Government, attacking the requirement of the Board of Registrars of Bullock County that applicants for registration must produce a supporting witness who is a registered voter to vouch for the residence of the applicant. The board limited the number of applicants for which any registered voter could vouch to two each calendar year.

Prior to the institution of this suit, only 6 Negroes of the approximately 4,300 of voting age were registered to vote in Bullock County, whereas over 2,000 of the approximately 2,200 white persons of voting age in the county were registered. The Government in this case, as in the Macon County case, asked the court to find a pattern and practice of discrimination under the provisions of the 1960 act.

The case was tried in March 1961 after which the court ruled from the bench that the limitation on the number of applicants for which a registered voter could vouch was patently unconstitutional. The court reserved ruling on the other issues of the case and required the board of registrars to file with the court monthly reports as to the progress of registration in Bullock County. At the time of this report, Negro registration had risen from 6 to about 90 in Bullock County.

*United States* v. *Majors, et al. (Dallas County, Ala.)*.—The Government filed its first case in the southern district of Alabama in April 1961. The defendants included the State of Alabama and the only remaining member of the Board of Registrars in Dallas County.

The complaint charged the defendants with engaging in racially discriminatory acts and practices including applying different standards to Negro and white applicants, delaying registration of Negroes and rejecting qualified Negro applicants. Here, as in the other two Alabama cases, the Government asked for a finding of a pattern and practice of discrimination under the 1960 act.

At the time the suit was filed the Department moved to obtain the voter registration records. The Government showed that at least since 1952, at least 75 Negroes have applied for registration—some have made more than one attempt—but none have been registered. Fifty-six of these Negroes have high school education, 28 of them have college degrees. As with the other two Alabama counties, the majority of the population is Negro, yet only a token number have been registered. The case has not been set for trial.

*United States* v. *The Association of Citizens Councils of Louisiana, et al. (Bienville Parish, La.)*.—The Department filed suit against the registrar, 3 white citizens' councils and 17 members of the citizens' council charging them with purging 95 percent of the registered Negro voters in the parish from the registration rolls. In addition, the complaint charged the registrar with engaging in racially discriminatory acts since the purge. The Government also asked for a finding of a pattern and practice of discrimination under the 1960 act. The case was tried in November 1960. Over 6,000 registration records were analyzed and introduced in evidence to show that more than 80 percent of the white voters in the county had made mistakes in filling out their application forms, which mistakes formed the basis for purging Negroes. In addition, approximately 50 witnesses testified. Each citizens' council member claimed his privilege under the fifth amendment and refused to testify. Many Negro witnesses, including college graduates, stated that they had been denied

registration because the registrar had advised them they had not satisfactorily interpret a provision of the Louisiana constitution. This case will be decided in the near future.

*United States* v. *Manning; United States* v. *Deal (East Carroll Parish, La.).*—The Department has filed two suits in East Carroll Parish. The first came as an aftermath to hearings held by the U.S. Commission on Civil Rights in Louisiana. One of the witnesses at that hearing testified with regard to his attempts to register to vote in East Carroll Parish. He is a small marginal farmer. When he returned from the Commission hearings, local merchants refused to sell him any goods for the operation of his farm or for family necessities. Local ginners refused to gin his cotton and grain elevators refused to buy his grain. The Department filed suit under 42 U.S.C. 1971(b) which protects the right to vote in elections for Federal candidates against threats, intimidation, and coercion.

A stipulation was entered into by the defendants and the Department, whereby the defendants agreed to abandon the economic boycott of the Negro farmer. The suit is still pending, but further proceedings will be suspended unless the defendants fail to comply with the agreement. Thus far, the Negro farmer has been able to gin and sell his cotton and obtain farm and family supplies.

No Negroes are registered to vote in East Carroll Parish. The second suit involving this parish filed by the Government is against the registrar and against the State of Louisiana under section 1971(a) and title VI of the 1960 act. The complaint charges that the registrar has refused to permit Negroes to apply for registration on the ground that each needed two registered voters from their precincts to identify them. It is alleged that this practice of the registrar is racially discriminatory where no Negroes are registered and therefore cannot serve as identifying witnssess. As in the Bienville Parish case, the Government has asked the court to find a pattern and practice of discrimination. A trial date for this case has not yet been set.

*United States* v. *Raines, et al. (Terrell County, Ga.).*—Here the U.S. Supreme Court reversed the district court decision in this case holding unconstitutional the 1957 act and dismissing the complaint (362 U.S. 17). The Court's validation of the 1957 act was a significant decision, permitting the Department to use and enforce this act throughout the country.

At the trial of this case in the district court, the evidence introduced by the Department demonstrated that the defendants had engaged in racially discriminatory acts which had deprived Negroes of the right to register to vote. The court issued an order requiring the defendants to place the names of certain Negroes on the registration rolls and enjoined the defendants from further engaging in any acts or practices of a racially discriminatory nature.

After judgment, the Government filed a motion requesting the court to find a pattern and practice of discrimination under the provisions of the 1960 act. The court refused to make such a finding, but retained jurisdiction of the case.

*United States* v. *Beaty; United States* v. *Barcroft; United States* v. *Atkeison (Haywood and Fayette Counties, Tenn.).*—These were the first cases under 42 U.S.C. 1971(b) (Civil Rights Act of 1957) in two Tennessee counties to secure to Negroes in those counties the right to register and vote free from coercion and intimidation. In both counties, until about 2 years ago, Negroes were not permitted to register. All three cases involved similar factual patterns.

The complaint charged the defendants who are merchants, corporations, and landowners, with engaging in acts of economic pressure and reprisal against Negroes who had registered, persons active in promoting Negro registration and others who failed to cooperate with the total scheme of economic pressure. Principally, the acts involved termination of sharecropping and farming relationships and the refusal of white merchants to deal with Negroes because of their registration activity. In December, the hearing on the Department's motion for a temporary injunction was held in the *Beaty* and *Barcroft* (Haywood County) cases to prevent certain of the defendants from terminating sharecropping arrangements until a hearing could be held on the merits. The district court enjoined 13 of the defendants from intimidating or coercing other persons for the purpose of interfering with their right to register and to vote for Federal candidates. The court refused to enjoin the landowner-defendants on the theory that the injunction would interfere with contract and property rights and was not authorized by the Civil Rights Act of 1957.

The Department appealed from the denial of the preliminary injunction with respect to landowners and, on April 7, the Court of Appeals for the Sixth Circuit

reversed the district court and found that the evidence supported the Department's claim that the eviction of sharecroppers and tenants was part of the plan to keep Negoes from registering. On remand, the district court entered an order enjoining 34 landowner-defendants from evicting Negro tenants, for the purpose of interfering with the voting rights.

All three cases have not as yet been set for hearing on the permanent injunction.

*Criminal cases*

*U.S.* v. *Robert C. Beckett et al.*—On September 20, 1960, two attorneys from the trial staff of the Civil Rights Division began the trial in Federal district court of Dayton, Ohio, for one of a series of indictments involving the Montgomery County sheriff's office. The Government called 13 witnesses to prove the allegations of police brutality involving defendant Beckett and other members of the police force, and the trial continued until Wednesday, September 28, at which time the jury returned a verdict of not guilty. This case had been selected for trial because it appeared to be stronger and more likely to result in a conviction than the remaining cases. In view of the result the remaining indictments were dismissed.

*U.S.* v. *Bobby Hartman Dunn.*—Following the receipt of a complaint concerning the killing of Jeffrey Perkins by a member of the Cleveland, Ohio, police force, Robert H. Dunn, on March 14, 1960, a thorough investigation was made by the FBI concerning the incident and on April 25 and 26, 1961, an attorney from the trial staff of the Civil Rights Division interrogated some 30 witnesses in presenting the case to the Federal grand jury in Cleveland, Ohio.

Although the victim Perkins was unarmed and sitting behind the wheel of his automobile in front of his home when Officer Dunn shot him, because the officer claimed he was afraid the victim might have a gun in the dashboard of the car, the grand jury failed to return an indictment.

OTHER ACTIVITIES OF MEMBERS OF THE TRIAL STAFF

Assistance rendered to the Civil Rights Commission in New Orleans, La., hearings in October 1960 and May 1961: Twice during the fiscal year, a trial staff attorney accompanied members of the Civil Rights Commission and staff to New Orleans, La. (on September 26–29, 1960, and on March 5 and 6, 1961), in order to assist the Commission during the hearings and be available in the event legal proceedings were needed to force reluctant witnesses to testify or produce documentary evidence.

Public Law 85–345, act of September 9, 1957, requires that in cases of contumacy the Attorney General should apply to the district court for an order requiring such testimony or evidence.

Following the hearings conducted in September of 1960, one witness was made the victim of reprisals because of the testimony given at that time. These reprisals were the basis of a suit filed in Federal District Court in the Western District of Louisiana, discussed in another part of this report dealing with East Carroll Parish, La. (See *U.S.* v. *Manning*, and *U.S.* v. *Deal*, described elsewhere.)

VOTING AND ELECTIONS SECTION

*General*

The Voting and Elections Section is charged with enforcement of the voting provisions of the Civil Rights Acts of 1957 and 1960, under which injunctive relief against racial voting discrimination in any election and against intimidation or coercive practices in connection with Federal elections is provided for. The Section is also responsible for the Federal criminal statutes dealing with unlawful political and election practices. These laws appear in title 18, sections 241 and 242, and chapter 29.

The heavier workload of the Section, in part, arises from the clarification of the constitutional and other legal issues which were raised under the 1957 and 1960 civil rights legislation as well as in the additional experience acquired in dealing with problems of investigation and proof of racial voting discrimination.

Because of the national elections of November 8, 1960, and preceding primary elections in which candidates were nominated for the Senate and House of Representatives, considerable activity in the investigation and enforcement of the criminal statutes dealing with elections and political practices also occurred.

*Racial voting cases; investigation and preparation; litigation as last resort*

Numerous investigations of racial voting cases were made during the year in various counties and parishes where it appeared that Negroes for racial reasons were not being allowed to register and vote. The Voting and Elections Section was responsible for supervision of the inevstigations of these matters and for the preparation of the complaints which were filed in court where litigation had to be resorted to. Detailed discussion of these racial voting cases, which involved both discrimination at the registration stage leading to the filing of actions under 42 U.S.C. 1971(a)(c), and intimidation and economic oppression, which involved the filing of actions under 42 U.S.C. 1971 (b)(c), occurs in the material relating to the activities of the trial staff.

The Civil Rights Division, pursuant to a policy established by the Attorney General, files no legal action under the Civil Rights Act, either under the foregoing provisions of the Civil Rights Act of 1957 or under title III of the Civil Rights Act of 1960 to compel the production of Federal election records, without giving the State and local authorities full notice and opportunity to avoid recourse to litigation by corrective measures at the State and local level.

*Federal election records*

Title III of the Civil Rights Act of 1960 vests in the Attorney General authority to require the production of records and papers relating to elections for Federal office. Local officials are required to retain such records. These provisions provide an effective means whereby preliminary investigations of registration practices can be made in order to ascertain whether such practices conform to the requirements of law. Title III, which requires only a statement of basis and purpose, provides greater facility to the Government in gaining access to Federal election records than that previously afforded by discovery procedures in connection with litigation. Title III provisions were invoked in many instances during the past year.

During fiscal year 1961, the Attorney General requested the inspection and copying of voter registration records in 11 counties or parishes involving 5 states, as follows: Alabama: Autauga County, Greene County, Lowndes County, and Pickens County; Florida: Union County; Georgia: Gwinnett County; Louisiana: Claiborne Parish and Jackson Parish; Mississippi: Bolivar County, Forrest County, and Leflore County. These demands are in addition to the 12 served in the previous year. In all but two counties, State and local officials cooperated, and the records have been photographed. In Bolivar and Forrest Counties, Miss., resort to enforcement proceedings was necessary. These two cases are still pending.

The selection of counties was made on the basis of information in the posession of the Attorney General suggesting that Negroes had been subjected to registration procedures, standards, or requirements not applied to white citizens similarly situated.

The examination of the voter registration records has proved to be a very useful investigative aid. The records reveal the names of the persons who have registered to vote, those who have applied for registration but have been rejected, and those who have previously been registered but have been removed from the voter rolls. Sometimes the reasons for the rejection of applicants are disclosed by the records, as well as the standards applied by the registrars.

The inspection of records pursuant to the authority granted by title III is an extremenly useful discovery device, but very time consuming. Literally thousands of registration records must be analyzed by staff members for proper trial preparation. Thousands of such records have already been analyzed or are in the process of being analyzed in pending cases.

*November 8, 1960, general election*

The Voting and Elections Section received, either directly or by reference from U.S. attorneys or the FBI, many complaints of irregularities in the November 8, 1960, general election. In numerous instances, as is often true in a general election year, the complaints reflected widespread misunderstanding as to the limited enforcement responsibilities of the Federal Government as compared with those of the States. This misunderstanding was perhaps most graphically illustrated by the sending directly after the election of some 5,000 telegrams and letters, emanating usually from the various areas where the presidential vote was close, which asked the Department of Justice to make a recount of the ballots.

That function, of course, belongs to the States concerned and not to the Federal Government. A recurring complaint[1] made in connection with the general election was that the registration rolls in many places still contained the names of persons who had moved from the area, of persons who had died, or of those who were otherwise not properly registered to vote. The responsibility for keeping the voting rolls current, however, and for removing the names of those not properly listed lies with the State and local authorities; the Federal Government cannot perform the function of purging the voting lists. Though the failure to follow State procedures in this respect may be conducive to State and Federal election frauds, the Federal Government lacks authority to intervene, in the absence of evidence that a conspiracy or other Federal violation exists as distinguished from plain failure to follow State procedures. But evidence of Federal fraud for the most part was not forthcoming, though at the end of the fiscal year some matters remained under active consideration from the standpoint of possible Federal violations. All charges which did involve possible Federal vote frauds in the 1960 general election were carefully considered and investigations were made by the FBI wherever warranted. A Federal grand jury sitting in Chicago, an area about which many election fraud complaints were made, heard considerable testimony about voting irregularities. However, the evidence disclosed was not sufficient to warrant prosecutive action except in one case involving vote buying which is reported below.

*United States* v. *Bernard Joseph Crown, Jr., et al.*—A grand jury in the Northern District of Illinois, on December 29, 1960, returned a five-count indictment against two Democratic precinct workers in Chicago charging vote buying in the November 8, 1960, general election, in violation of 18 U.S.C. 597. This case has not yet come to trial.

Another case under the same statute, *United States* v. *Knee, et al.*, involving vote buying for Federal candidates during the November 4, 1958, election in York County, Pa., has not yet come to trial.

Disposition of three cases under section 610 of title 18, United States Code, occurred during the year. Section 610 prohibits political contributions and expenditures by corporations and labor organizations and consenting officers of either. Two of these arose in the Eastern District of Missouri and one in the District of Alaska.

*United States* v. *Warehouse Distribution Workers' Union, Local 688, et al.*—A severance was granted of the counts in that case which applied to the Taxicab Drivers' Local 405 and certain officers, and that case was disposed of separately as noted below. In the *Local 688* case, a judgment of acquittal was entered by Judge George H. Moore on October 26, 1960, at the end of the Government's case. The court held in effect that the labor union's contributions and expenditures were not prohibited by the statute, even though allocations from general dues were involved, since the payments were made from funds voluntarily designated for such purposes by a majority of the union members. The Government's position in this case had been that section 610 forbids the use of general treasury funds derived from members' dues and that approval by the members did not change the character of the money used. The court also held, contrary to the Government's position, that the statute requires proof of criminal intent and that evidence of such intent was lacking. Since the Government was unable to appeal these rulings, arising as they did on a judgment of acquittal, the case was closed.

*United States* v. *Taxicab Drivers' Local 405, et al.*—Following severance of the counts in the original indictment which applied to the Taxicab Drivers' Union and certain officers, a superseding information under 18 U.S.C. 610 was filed on September 7, 1960.

On March 13, 1961, the defendant union, Taxicab Drivers' Local 405, entered its plea of nolo contendere to the first count of the information under section 610, which charged it with making a $250 political contribution out of general treasury funds to a candidate for Federal office in connection with the November 6, 1956, general election. The court entered a finding of guilty and imposed a fine of $1,000 and $50 costs against the union. The second count of

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[1] A spate of complaints in connection with the 1960 general election also came to the section over the disenfranchisement of citizens who had moved too recently to satisfy voting residence requirements—again a matter not within the jurisdiction of the Department of Justice. It has been estimated that as many as 8 million people were not able to vote for that reason alone (see, e.g., 107 Daily Congressional Record, p. A538; Saturday Review, Mar. 18, 1961, p. 14). Proposals have been made to correct the situation by constitutional amendment or State legislative action.

the information charging the individual defendants, officers of local 405, with having consented to the contribution was dismissed on the defendants' motion without objection by the Government. At the time of sentencing, the court (Judge Randolph H. Weber), in contrast to the ruling in the *Local 688* case, *supra*, expressed serious doubt that a regulatory statute like section 610 requires any proof of criminal intent.

*United States* v. *The Anchorage Central Labor Council, Anchorage, Alaska* (AFL–CIO). This case, involving payments from the general treasury of a labor organization for political telecasts, came to trial during this past year, but, like the *Local 688* case, referred to above, also resulted in a judgment of acquittal, which the court entered on defendant's motion on April 19, 1961, after 3 days of trial.

While conceding that the broadcasts for which the union expenditures had been made constituted "political advocacy" as charged in the indictment, the court held that the evidence disclosed that the payments, having received union authorization, were of a voluntary nature and hence were not prohibited by the statute. The court reasoned, moreover, that even though the broadcasts reached the public at large, no statutory violation occurred since the broadcasts were maintained by the defendant labor organization in the regular course of its business activities.

The outcome of this case like that of the Local 688 prosecution accents the prosecutive difficulties involved in the enforcement of 18 U.S.C. 610. Still left for trial under 18 U.S.C. 610 in West Virginia are *United States* v. *International Hod Carriers, Builders and Common Laborers, AFL, et al.*, and a related matter involving an individual defendant, Radford. An information containing a conspiracy count in addition to the substantive count which had been contained in the indictment was filed in December 1960. The case still awaits a trial setting.

Three indictments were returned involving violations of 18 U.S.C. 612, which prohibits anonymous publications relating to Federal candidates. One of these was tried; the other two are pending.

*United States* v. *Vondra* (N.D. Ill.).—In January 1961, a grand jury in Chicago returned a one-count indictment charging Miles Michael Vondra, Jr., with publishing and distributing an anonymous political circular in violation of 18 U.S.C. 612. The circular contained derogatory information concerning Tyler Thompson, the unsuccessful Democratic candidate for Congress from the 13th Congressional District of Illinois. The defendant moved to dismiss the indictment on the ground that the statute was an unconstitutional invasion of freedom of speech and freedom of press. The court overruled the motion to dismiss. The case, which came to trial in May 1961, resulted in an acquittal.

*United States* v. *John W. Scott.*—On November 15, 1960, an information was filed in the District Court for North Dakota charging John W. Scott with the publication and distribution of anonymous political literature in violation of section 612. During the month of June 1960 Scott had published and distributed in North Dakota a pamphlet concerning Quentin Burdick, Democratic candidate for U.S. Senator from the State of North Dakota. The pamphlet, entitled "Is This Smear—Or Are They Facts?" did not contain the names of the publisher or distributor. Defendant filed a motion to dismiss on the ground that section 612 is unconstitutional. Arguments were made in March 1961 on defendant's motion and the court reserved decision.

*United States* v. *Horace Herschel Lyons et al.*—On March 20, 1961, a three-count indictment under section 612 was returned in Shreveport against three Democratic Party primary election workers charging the anonymous publication and distribution of scurrilous political campaign material concerning the candidacy of Congressman T. A. Thompson for reelection to Congress in the August 27, 1960, primary election. The material was issued over the name of an individual who had nothing to do with its publication or distribution, to conceal the identities of those who were really responsible. Motions to dismiss and alternatively for bills of particulars are pending.

The tremendous increase of volume of the work done by the Section is reflected in the fact that it received 665 complaints (as against 162 in the previous fiscal year); terminated 575 (as against 105); and had pending 102 on June 30, 1961 (as against 98). Action by this Section on these complaints included presentation of four matters to grand juries, two of which resulted in no true bills, with two pending; and one matter was referred to State authorities. The Section was involved in 26 new cases during the year; 22 were terminated, and 25 were pending as of June 30, 1961.

An overall increase in the volume of work may be expected. The Section is in the process of filing additional suits and formulating demands for voting registration records in a number of counties in various States under the Civil Rights Acts.

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | 409 | 401 | 607 | 898 | 900 |
| Received | 2,089 | 2,188 | 2,957 | 3,500 | 4,000 |
| Terminated | 2,097 | [1] 1,982 | 2,666 | 3,498 | 4,000 |
| Pending end of year | 401 | [1] 607 | 898 | 900 | 900 |

[1] Adjusted to reflect changes in statistics previously reported.

INCREASES REQUESTED

Mr. ROONEY. The increases are set forth at pages 19–3 and 19–4. It appears therefrom that there are three additonal positions requested, to wit, three GS–5's. These GS–5's are clerks, are they, or clerk-stenographers?

Mr. HOLLORAN. Research analysts.

Mr. ROONEY. What do you have to say about this, Mr. Marshall?

Mr. MARSHALL. The increase, Mr. Chairman, which asks for three research clerks, is for the purpose of having extra people who are not lawyers to analyze records and voting situations. We have taken records, either by formal demand or in some other fashions, in a number of counties. The records are voluminous. We photograph them and put them through a machine which blows up the negatives and the clerks would sit in an office and go through the records comparing the registration applications submitted by white applicants with those submitted by Negro applicants to determine whether or not there is any distinction made in rejecting or accepting them on the basis of race. That is the purpose of the increase.

In the past a good deal of that work has been done by lawyers, but I concluded that under proper supervision and direction it could be done by research clerks rather than lawyers.

WORKLOAD

Mr. ROONEY. Where is the workload table?

Mr. MARSHALL. There is a workload table on pages 19–13 and 19–14 and also a summary on page 19–56.

Mr. ROONEY. There certainly is an appreciable increase in the workload table for 1961 fiscal year as compared to the year before and the year before that.

Mr. MARSHALL. I made a little check, Mr. Chairman, to see whether that increase was continuing into the current fiscal year and I found out that it is running at about the same rate that it did in the last 6 months of 1961.

On correspondence, incoming correspondence, taking the period since July 1, 1961, I discovered we have had more incoming correspondence than during the entire fiscal year 1960.

Mr. ROONEY. Referring to the workload table at page 19–56, a schedule with regard to cases or matters, what is a case or matter as referred to in this table?

Mr. MARSHALL. I believe that those statistics cover matters which are actually pending in courts and those which are sufficiently serious so we had to authorize an investigation in them.

Mr. ROONEY. And you had 3,010 of those terminated in fiscal 1961?

Mr. MARSHALL. That is correct.

Mr. ROONEY. Can you tell us, with regard to the 898 cases or matters pending at the end of the fiscal year, to wit, last June 30, how many of those were court cases?

Mr. MARSHALL. 208 cases were pending in court on June 30, 1961.

Mr. ROONEY. And what were the other cases or matters that make up the 898?

Mr. MARSHALL. Those would be matters under investigation.

Mr. ROONEY. All of them?

Mr. MARSHALL. I believe that is correct. Yes, Mr. Chairman, that is correct.

Mr. ROONEY. You do not include matters of correspondence in this table at page 19–56, do you?

Mr. MARSHALL. No, sir, the correspondence is much more voluminous than that.

Mr. ROONEY. And there is no duplication as between the two tables?

Mr. MARSHALL. There might be matters which would be counted as correspondence as well as a pending matter. It depends how it is initiated. If a complaint comes in to us as a letter, that is treated as a piece of correspondence as well as a case or matter that requires investigation, so that there is a duplication.

Mr. ROONEY. When it comes to this figure of cases or matters pending at the end of the year, you cannot tell us how many of those are merely matters initiated on a letter?

Mr. MARSHALL. No, I could not give you that, Mr. Rooney. I do not think the records of the Department would reveal that.

Mr. ROONEY. With regard to the figure of 3,010 cases or matters terminated in the fiscal year ended last June 30, can you tell us how many of those are court cases?

Mr. MARSHALL. There were 237 of the 3,010 cases or matters terminated during fiscal year 1961 which were court cases.

I should tell you, Mr. Chairman, that these figures on page 19–56 have been adjusted. It does not affect the 898 cases or matters pending at the end of the year, but the 3,010 has been adjusted and it is now 2,666, and the figure right above that under fiscal 1961, cases or matters received, should be 2,957 instead of 3,074.

Mr. ROONEY. Do you have a new page?

Mr. ANDRETTA. Yes.

Mr. ROONEY. Suppose we insert this new page at this point in the record. There being no objection, we shall do so.

(The page follows:)

*Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | 409 | 401 | 607 | 898 | 900 |
| Received | 2,089 | 2,188 | 2,957 | 3,500 | 4,000 |
| Terminated | 2,097 | [1] 1,982 | 2,666 | 3,498 | 4,000 |
| Pending end of year | 401 | [1] 607 | 898 | 900 | 900 |

[1] Adjusted to reflect changes in statistics previously reported.

Mr. ROONEY. In the Attorney General's statement this morning with regard to the Civil Rights Division, on page 5 he said:

> In the field of civil rights the Department's basic policy is to seek effective guarantees and action from local officials and civic leaders, voluntarily and without court action where investigation has disclosed evidence of civil rights violations. This policy is proving successful and civil rights problems and difficulties generally are being resolved at the local level.

Does this mean that the balance of the cases or matters in the workload over and above the 237 court cases terminated in 1961 are in the category to which the Attorney General referred?

Mr. MARSHALL. No. That would not be correct, Mr. Chairman. The figures in the workload tables include cases or matters within the Division which do not fall within the category of things the Attorney General was speaking of. He was talking about civil rights matters which basically have a racial problem involved in them.

Mr. ROONEY. He was talking about matters not included in your workload table, is that right?

Mr. MARSHALL. No. Many of the matters he was talking about are included in the workload table but the workload table includes many other things. For instance, it includes Federal Custody matters.

Mr. ROONEY. Do you have a breakdown of these figures?

Mr. MARSHALL. No.

Mr. ROONEY. Then this workload table at page 19–56 does not mean very much in order to give us a picture of what you have been doing.

Mr. MARSHALL. I think, as in any statistical study of a legal workload, you count as one thing both something that takes a lawyer 1 hour and something that takes a number of lawyers several days or weeks. That is true of these workload statistics as in any statistics of a legal workload.

Mr. ROONEY. It would appear from the statement of the Attorney General, the part that I previously read to you, that the connection of the Department of Justice with these problems of local officials and civic leaders who voluntarily and without court action went ahead with regard to civil rights violations, that these sorts of matters should not be included in your workload unless you had something to do with them.

Mr. MARSHALL. On the contrary, Mr. Chairman, I do not think the Attorney General meant to indicate we did not have anything to do with those. He referred to matters that had been investigated.

Mr. ROONEY. For instance, when he says, "This policy is proving successful and civil rights problems and difficulties generally are being resolved at the local level," does that mean you still had something to do with the cases being resolved at the local level?

Mr. MARSHALL. Yes, Mr. Chairman. It means we follow this policy: If we receive a complaint or if we have some other reason to believe a Federal statute is being violated, we do in fact call it to the attention of the local people where there is some action they can take to correct the situation themselves, but before that is done we go through the investigative process. I, personally, get deeply involved in discussions and conversations with the local people, and if I do not do it personally some lawyer from my Division does it. So in terms of actual workload, in terms of my time and the time of the lawyers, these matters that are resolved without court action take a great deal of time.

COURT CASES TERMINATED DURING FISCAL YEAR 1961

Mr. ROONEY. You mentioned 237 court cases in fiscal 1961. Do you have a statement that would indicate the disposition of these 237 court cases?

Mr. MARSHALL. In terms of a breakdown by subject matter of the cases, Mr. Chairman?

Mr. ROONEY. Yes, and the disposition.

Mr. MARSHALL. I think I would have to supplement the record on that, Mr. Chairman. I do not have anything with me that would break down those cases by subject matter, but I could get that information.

Mr. ROONEY. What are those sheets you have there?

Mr. MARSHALL. Those are the cases pending at the close of the fiscal year, but the 237 were cases that were terminated during the fiscal year and I do not have with me any breakdown of that.

Perhaps this would be helpful, Mr. Chairman, though I will have to get a breakdown by subject matter. When a complaint is received and I am in a position to close the file on the complaint without bringing court action, that is counted in the workload tables as a case or matter terminated, and it would appear in the terminations.

Mr. ROONEY. I am only talking of the 237 terminated court cases right now.

Mr. MARSHALL. I will have to get that information for you, Mr. Chairman, and supplement the record.

Mr. ROONEY. Will you insert at this point in the record a statement with regard to these 237 cases indicating the nature of the case, how far the case went, and the disposition or present status of the case as of the moment? Can you do that?

Mr. MARSHALL. Yes, sir.

Mr. BOW. Mr. Chairman, will you yield at this point?

Mr. ROONEY. Yes, Mr. Bow.

Mr. BOW. Could they also show in that table the number of days the case was in trial?

Mr. ROONEY. Very well; if the case went to trial, please indicate the number of days it was on trial.

(The information requested follows:)

*Civil Rights Division—Court cases terminated during fiscal year 1961*

CRIMINAL

| District | Title of case | Nature of case | Disposition | Estimated days at trial [1] |
|---|---|---|---|---|
| Eastern Virginia | *U.S. v. Lowery* | Police brutality | Mistrial | 1 |
| Eastern Virginia | do | do | Conviction; on appeal | 1 |
| Northern Illinois | *U.S. v. Crosley* | do | Acquittal | 3 |
| Southern Ohio | *U.S. v. Peckett, et al.* (12 related cases dismissed) | do | do | 7 |
| Middle Tennessee | *U.S. v. Chinn, et al* | Hatch Act—political activities | do | 2 |
| Southern Florida | *U.S. v. Dunn, et al.* (14 defendants charged in 23 indictments—14 separate cases consolidated in 1 case). | Prison brutality | do | 32 |
| Arizona | *U.S. v. Goldberg, et al* | Anonymous political literature | Conviction | 3 |
| Alaska | *U.S. v. Anchorage Central Labor Council* | Political activities | Acquittal | 3 |
| Eastern Arkansas | *U.S. v. Trunko, et al* | Illegal arrest | do | 3 |
| Eastern Missouri | *U.S. v. Warehouse Distribution Workers, Local 688* | Political expenditures and contributions | do | 3 |
| Do | *U.S. v. Taxicab Drivers, Local 405* | do | Nolo contendere; 2d count dismissed | 3 |
| Middle Alabama | *U.S. v. Davis, et al* | Police brutality | Indictment dismissed | 1 |
| Southern New York | *U.S. v. Barrett* | Obstruction of justice | Conviction | 1 |
| Northern Alabama | *U.S. v. Damron* | Police brutality | Acquittal | 2 |
| Eastern Arkansas | *U.S. v. Miller, et al* | Illegal transport of explosives | Deferred to State authorities | |
| Eastern Louisiana | *U.S. v. Gremillion* | Contempt | Conviction | 2 |
| Northern Illinois | *U.S. v. Vondra* | Anonymous political literature | Acquittal | 2 |
| Middle Georgia | *U.S. v. Southern Stages, Inc., et al* | Discrimination in interstate travel | Conviction | 1 |

CIVIL

| | | | | |
|---|---|---|---|---|
| Middle Georgia | *U.S. v. Raines, et al* | Voting discrimination | Judgment for United States; further action pending. | 15 |
| Middle Alabama | *Crum Dinkens v. Kennedy* | Voting record demand enforcement | United States sustained by CA.5; certiorari denied by U.S. Supreme Court. | 4 |
| Do | *Alabama, et rel.; Gallion v. Kennedy* | do | do | 4 |
| Eastern Louisiana | *U.S. v. Manning* | Voting discrimination | Judgment for United States | 5 |
| Do | *In re Palmer* | Voting record demand | do | 1 |
| Western Louisiana | *U.S. v. Deal* | Intimidation-civil rights | Stipulation for United States | 1 |
| Eastern Louisiana | *U.S. v. McElreen, et al* | Voting discrimination | Judgemnt for United States | 10 |
| Western Louisiana | *In re Lucky; in re Manning* | Voting record demands | do | 1 |
| Do | *Manning v. Rogers* | do | do | 1 |
| Northern Alabama | *In re Gallion, et al* | do | do | 1 |
| Do | *U.S. v. Hildreth, et al* | do | do | 1 |
| Middle Alabama | *U.S. v. U.S. Klans, et al* | Discrimination in interstate travel | Injunction issued | 1 |
| Western Tennessee | *U.S. v. Fayette Co. Democratic Exec. Comm* | "White primary" | Consent decree | 3 |
| Middle Alabama | *U.S. v. Alabama, et al.* (Bullock County) | Voting discrimination | Judgment for United States; further action pending. | 3 |
| Do | *U.S. v. Alabama, et al.* (Macon County) | do | do | 10 |
| Eastern Louisiana | *U.S. v. Louisiana* | Enforcement of school desegregation orders. | Judgment for United States | 1 |

| | | | | |
|---|---|---|---|---|
| Middle Alabama | *Gomillion* v. *Lightfoot* | Appeal on Tuskegee gerrymander | Reversed and remanded by U.S. Supreme Court. | 1 |
| Eastern Virginia | *Boynton* v. *Virginia* | Segregation in interstate facilities | do | 1 |
| Southern New York | *Camacho* v. *Rockefeller* | Voting literacy test | Judgment for defendant | 2 |
| Delaware | *Burton* v. *Wilmington Parking Authority* | Discrimination in State facility | U.S. Supreme Court reversed; sustained U.S. position. | 1 |
| Eastern Louisiana | *Hall* v. *St. Helena Parish School Board* | Enforcement of school desegregation orders. | Judgment for plaintiff | 2 |
| Do | *Davis* v. *E. Baton Rouge Parish School Board* | do | do | 2 |
| Do | *Allen* v. *State Board of Education* | do | do | 2 |
| Do | *Angel* v. *La. Board of Education* | do | do | 2 |
| Do | *Bush* v. *Orleans Parish School Board, et al* | do | Judgment for plaintiff in this and 5 related cases. | 15 |

FEDERAL CUSTODY [2]

| | | | | |
|---|---|---|---|---|
| Northern Texas | *Howard* v. *U.S.* | Federal custody [2] | Certiorari denied, U.S. Supreme Court | 1 |
| District of Columbia | *Cannon* v. *Stucker* | do | Habeas Corpus granted | 1 |
| Eastern Pennsylvania | *Rinion* v. *O'Brien* | do | Habeas Corpus granted; on appeal | 1 |
| Northern Georgia | *Rushing* v. *Wilkinson* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Middle Pennsylvania | *Atkinson* v. *Kish* | do | Judgment for United States | 1 |
| Southern Ohio | *U.S.* v. *Haley* | do | Judgment for United States; on appeal | 1 |
| Southern California | *Smith* v. *Settle* | do | Certiorari denied, U.S. Supreme Court | 1 |
| District of Columbia | *Smith* v. *Waters* | do | Judgment for United States | 1 |
| Do | *Doherty* v. *Attorney General* | do | do | 1 |
| Western Pennsylvania | *Williams* v. *U.S.* | do | Dismissed | |
| Minnesota | *Whitehead* v. *Erickson* | do | Judgment for United States | 1 |
| Colorado | *Taylor* v. *Warren* | do | do | 1 |
| Arizona | *U.S.* v. *Meadows* | do | Dismissed | 1 |
| Maine | *Duncan* v. *Madigan* | do | Certiorari denied, U.S. Supreme Court | 1 |
| District of Columbia | *Hurley* v. *Reed* | do | Judgment for United States | 1 |
| Do | *Smith* v. *Reed* | do | do | 1 |
| Northern Georgia | *Smith* v. *Wilkinson* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Western Missouri | *Hill* v. *Settle* | do | do | 1 |
| Northern Georgia | *Hogue* v. *Wilkinson* | do | Judgment for United States | 1 |
| Southern California | *Johnson* v. *U.S.* | do | Dismissed | |
| Alaska | *Oughton* v. *U.S.* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Northern California | *Pagan* v. *Madigan* | do | Judgment for United States; on appeal | 1 |
| Colorado | *Poortwood* v. *Taylor* | do | Judgment for United States | 1 |
| Northern Texas | *Godwin* v. *Taylor* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Massachusetts | *Taylor* v. *Baker* | do | do | 1 |
| Kansas | *Burnett* v. *Taylor* | do | Judgment for United States | |
| Middle Pennsylvania | *Washington* v. *Hagan* | do | Certiorari denied, U.S. Supreme Court | |
| Minnesota | *U.S.* v. *Birnbaum* | do | Judgment for United States | |
| Northern Ohio | *U.S.* v. *Moore* | do | Dismissed | |
| Western Tennessee | *Payne* v. *Madigan* | do | Judgment for United States | 1 |

**See footnotes at end of table.**

*Civil Rights Division—Court cases terminated during fiscal year 1961*—Continued

| District | Title of case | Nature of case | Disposition | Estimated days at trial [1] |
|---|---|---|---|---|
| Southern California | *U.S. v. Lane* | Federal custody [2] | Judgement for United States | 1 |
| District of Columbia | *Stultz v. U.S.* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Northern Alabama | *Burns v. Taylor* | do | do | 1 |
| Southern New York | *Winston v. Krimsky* | do | Dismissed | |
| District of Columbia | *Wylie v. Reed* | do | Judgment for United States | 1 |
| Do | *Bell v. Rogers* | do | Judgment for United States; on appeal | 1 |
| Kansas | *Gill v. Taylor* | do | Judgment for United States | 1 |
| Do | *Morton v. Taylor* | do | do | 1 |
| District of Columbia | *Goodson v. Reed* | do | do | 1 |
| Do | *Jenkins v. Reed* | do | do | 1 |
| Do | *Strignano v. Reed* | do | do | 1 |
| Eastern Michigan | *Goodson v. Stevens* | do | Habeas corpus denied | 1 |
| District of Columbia | *Carter v. Secretary of Defense* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Southern Ohio | *Carter v. Minton & Wilson* | do | Habeas corpus denied | 1 |
| District of Columbia | *Lantham v. Reed* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Do | *Boldon v. U.S. et al* | do | do | 1 |
| Do | *Frierson v. Reed* | do | Judgment for United States | 1 |
| Do | *Frierson v. Reed* | do | Dismissed | 1 |
| Northern Georgia | *Duncan v. Rogers* | do | Judgment for United States | 1 |
| District of Columbia | *Whitney v. Pennett* | do | do | 1 |
| Do | *Morgan v. Reed* | do | do | 1 |
| Do | *Thomas v. Reed* | do | do | 1 |
| Southern California | *U.S. v. Gibbs & Wachs* | do | do | 1 |
| District of Columbia | *Penny v. Reed* | do | do | 1 |
| Do | *Glenn v. Reed* | do | do | 1 |
| Do | do | do | Judgment for petitioner | 1 |
| Do | *Sommerville v. Reed* | do | Judgment for United States | 1 |
| Middle North Carolina | *Parker v. U.S.* | do | Habeas corpus denied, U.S. Supreme Court. | 1 |
| Northern California | *Edwards v. Associate Warden et al* | do | Judgment for United States | 1 |
| District of Columbia | *Shadiz v. Reed* | do | do | 1 |
| Do | *Staples v. Reed* | do | do | 1 |
| Do | *Kessel v. Reed* | do | do | 1 |
| Do | *Brooks v. Reed* | do | do | 1 |
| Do | *Torkington v. Reed* | do | do | 1 |
| Do | *Buono v. Reed* | do | do | 1 |
| Do | *Daubach v. Reed* | do | do | 1 |
| Do | *Richmond v. Reed* | do | do | 1 |
| Do | *Lamoree v. Department of Justice* | do | do | |
| Colorado | *Way v. U.S.* | do | Habeas corpus denied, U.S. Supreme Court. | |
| Western Oklahoma | *U.S. v. Ragan* | do | Dismissed | |

| | | | | |
|---|---|---|---|---|
| District of Columbia | *Miller v. Taylor* | do | do | |
| Do | *Magby v. Reed* | do | Judgment for United States | 1 |
| Western Texas | *Sanders v. Hagan* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Maine | *U.S. v. Workman* | do | Judgment for United States | 1 |
| District of Columbia | *Delaney v. Reed* | do | do | 1 |
| Do | *Reneau v. Reed* | do | do | 1 |
| Do | *Proctor v. U.S.* | do | Habeas corpus denied, U.S. Supreme Court. | 1 |
| Arizona | *U.S. v. Hartford* | do | Dismissed | |
| District of Columbia | *Hartford v. Settle* | do | Habeas corpus denied, U.S. Supreme Court. | |
| Do | *McWhorter v. Eckenore* | do | Judgment for United States | 1 |
| Northern Georgia | *Sanchez v. Wilkinson* | do | Certiorari denied, U.S. Supreme Court | 1 |
| District of Columbia | *Sanchez v. Heritage* | do | do | 1 |
| Do | *Brown v. Reed* | do | Judgment for United States | 1 |
| Do | *Smith v. Reed* | do | Dismissed | |
| Do | *Whittington v. Overholser* | do | Habeas corpus denied, U.S. Supreme Court. | 1 |
| Wyoming | *Sturdevant v. U.S.* | do | Certiorari denied, U.S. Supreme Court | 1 |
| District of Columbia | *Green v. Clemmer* | do | Dismissed | |
| Do | *Green v. Pegelow* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Do | *Paccione v. Heritage* | do | Judgment for United States | 1 |
| Do | *Holloman v. Reed* | do | do | 1 |
| Northern California | *Lipscomb v. Madigan* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Southern New York | *Morrison v. Heritage* | do | do | 1 |
| Do | *Morrison v. U.S.* | do | Habeas corpus denied, U.S. Supreme Court. | 1 |
| District of Columbia | *Ghaskin v. U.S. & Clemmer* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Do | *U.S. ex rel Binion v. Stewart* | do | Judgment for United States | 1 |
| Southern Indiana | *Grier v. Markley* | do | Habeas corpus denied | 1 |
| District of Columbia | *Young v. U.S.* | do | Judgment for United States | 1 |
| Eastern Michigan | *Hoover v. Stevens* | do | Habeas corpus denied | 1 |
| Southern Indiana | *U.S. v. Worri* | do | Dismissed | |
| Colorado | *U.S. v. Harrison* | do | do | |
| District of Columbia | *Edwards v. Warden, Federal Penitentiary, Lewisburg, Pa.* | do | Judgment for United States | 1 |
| Kansas | *Ragan v. Secretary of Air Force, et al* | do | Certiorari denied, U.S. Supreme Court; on appeal. | 1 |
| Southern Texas | *Castillo v. Taylor* | do | Judgment for United States | 1 |
| Northern California | *Simcox v. Madigan* | do | do | 1 |
| District of Columbia | *Edwards v. Bennett* | do | Dismissed | |
| Do | *Costner v. Rogers* | do | do | |
| Do | *Rich v. Heritage* | do | Habeas corpus denied | 1 |
| Do | *Hawkins v. Rogers* | do | Judgment for United States | 1 |
| Do | *Adams v. U.S. Bureau of Prisons* | do | do | 1 |
| Do | do | do | Judgment for United States in Supreme Court. | 1 |
| Do | *Buono v. Kenton* | do | Judgment for United States | 1 |
| Do | do | do | Certiorari denied, U.S. Supreme Court | 1 |
| Southern New York | *U.S. v. Hopkins* | do | Judgment for United States | 1 |
| District of Columbia | *Edwards v. McQuire* | do | do | 1 |

See footnotes at end of table.

*Civil Rights Division—Court cases terminated during fiscal year 1961*—Continued

| District | Title of case | Nature of case | Disposition | Estimate days at trial [1] |
|---|---|---|---|---|
| Eastern Michigan | *Burdette v. Stevens* | Federal custody [2] | Habeas corpus denied | 1 |
| Do | *Manners v. Stevens* | do | do | 1 |
| Do | *Wilson v. Stevens* | do | do | 1 |
| District of Columbia | *Casey v. Taylor* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Do | *Kelley v. Rivers* | do | do | 1 |
| Do | *Binder v. Bennett* | do | Judgment for United States | 1 |
| Southern Texas | *Ching v. U.S.* | do | Habeas corpus denied, U.S. Supreme Court. | 1 |
| Northern Florida | *Meadows v. U.S.* | do | Judgment for United States | 1 |
| Western Wisconsin | *Deille v. U.S.* | do | Habeas corpus denied, U.S. Supreme Court. | 1 |
| District of Columbia | *Warner v. U.S.* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Western Texas | *Miles v. Settle* | do | do | 1 |
| Western Washington | *Myers v. U.S.* | do | do | 1 |
| District of Columbia | *Fitzpatrick v. U.S. Attorney General* | do | Dismissed | |
| Do | *Tillery v. Kennedy* | do | Judgment for United States | 1 |
| Do | *Tillery v. U.S. Army and Air Force Clemency and Parole Board.* | do | do | 1 |
| Do | *Langston v. Heritage* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Do | *Farmer v. Willingham* | do | Judgment for United States | 1 |
| Do | *Langston v. Letts* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Kansas | *Simpson v. Taylor* | do | Judgment for United States | 1 |
| District of Columbia | *Garner v. Bennett* | do | do | 1 |
| Kansas | *Brown v. Taylor* | do | Certiorari denied, U.S. Supreme Court | 1 |
| District of Columbia | *Brown v. Reed* | do | Judgment for United States | 1 |
| Do | *Mokus v. Kenton* | do | Certiorari denied, U.S. Supreme Court | 1 |
| Do | *Blair v. Reed* | do | Judgment for United States | 1 |
| Do | *Adams v. U.S. Penitentiary, Leavenworth, Kans.* | do | do | 1 |
| West Louisiana | *U.S. ex rel. Connelly v. Cormier* | do | Dismissed | |
| District of Columbia | *U.S. v. Hudson* | do | Judgment for United States | 1 |
| Do | *U.S. ex rel Williams v. Wilkins* | do | do | 1 |
| Eastern Kentucky | *U.S. v. Farnsley* | do | do | 1 |
| District of Columbia | *James v. U.S.* | do | Referred to Civil Division | |
| Do | *Williams v. U.S.* | do | Dismissed | |
| Southern California | *Hill v. Warden* | do | Judgment for United States | 1 |
| District of Columbia | *Hill v. Boldt* | do | Judgment for United States in Supreme Court. | 1 |
| Colorado | *U.S. v. Smaldone* | do | Judgment for United States | 1 |
| Western North Carolina | *Goodman v. U.S.* | do | Dismissed | |
| District of Columbia | *Arbuckle v. Markley* | do | Judgment for United States | 1 |
| Northern Florida | *Abrams v. Goodwyn* | do | Judgment for prisoner | 1 |
| Northern Illinois | *U.S. v. Hills* | do | Habeas corpus denied | 1 |

| | | | | |
|---|---|---|---|---|
| District of Columbia | *Dugger* v. *Byington* | do | Judgment for prisoner | |
| Do | *Goldfine* v. *U.S.* | do | Defendant's bail application denied | |
| Do | *Wells* v. *U.S.* | do | Dismissed | |
| Do | *Ragan* v. *U.S. Air Force* | do | do | |
| Maine | *U.S.* v. *Workman* | do | do | |
| Nebraska | *U.S.* v. *Aldridge* | do | do | |
| Southern California | *U.S.* v. *Terry* | do | do | |
| Southern Iowa | *Carlson* v. *U.S.* | do | do | |
| Western Missouri | *U.S.* v. *Stroud* | do | Referred to Criminal Division | |
| District of Columbia | *Baldwin* v. *Kennedy* | do | Judgment for United States; on appeal | 1 |

[1] Cases tried by Civil Rights Division attorneys and U.S. attorneys. Numbers of trial days represent best estimate on information available.

[2] All cases listed under this heading involve litigation under the Federal custody statutes administered by this Division, including those pertaining to parole, mental defectives, juvenile delinquency, and the like. These cases were tried by Division attorneys or by U.S. attorneys under the Division's supervision and guidance.

Mr. ROONEY. It would appear, of the $42,900 increase requested for the Civil Rights Division, $10,300 is for within-grade promotions required by law and personnel benefits such as retirement and insurance; $18,300 of it would be to annualize the additional personnel allowed in the last supplemental appropriation bill; and $20,300 of it would provide the requested three GS–5 analysts.

Is that a correct statement?

Mr. MARSHALL. That is correct, Mr. Chairman.

Mr. ROONEY. These analysts are going to travel, are they?

Mr. MARSHALL. No, Mr. Chairman.

Mr. ROONEY. I would not expect they would.

Mr. MARSHALL. They will be in Washington.

Mr. ROONEY. So they would not need this $1,000 for travel, would they?

Mr. ANDRETTA. That is a general travel increase.

Mr. ROONEY. Oh, no. That is under "New positions."

Mr. ANDRETTA. I am sorry.

Mr. ROONEY. You have $3,000 for rent to be transferred to GSA. Do you have enough room down there for the three analysts so we can save that $3,000?

Mr. MARSHALL. We are very crowded, Mr. Chairman, I can tell you that.

Mr. ROONEY. Where will you put these three analysts? Will you put them up here on Capitol Hill or in Foggy Bottom or keep them in the outfit?

Mr. ANDRETTA. We will keep them in the outfit. We will have to move some out.

Mr. ROONEY. To make room for these three?

Mr. ANDRETTA. The Civil Rights Division is in an awful shape. This is really one of the places in tough shape.

Mr. MARSHALL. These people also work with machinery which is very large and crowds the room.

Mr. ANDRETTA. They have readers which take up a lot of room.

Mr. ROONEY. Is that the equipment mentioned at page 19–4 in the amount of $2,000?

Mr. HOLLORAN. No.

Mr. ROONEY. This is in addition to the microfilming readers?

Mr. ANDRETTA. We already have those.

Mr. ROONEY. This is an automatic matter when you add someone to the payroll. You add this GSA rent you do not need, and the travel you do not need because they will not be in travel status, and also the supplies and equipment. That is about it, is it not?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. Thank you very much, gentlemen. We shall meet again at 10 o'clock in the morning.

## CRIMINAL DIVISION

TUESDAY, JANUARY 23, 1962.

### WITNESSES

H. J. MILLER, JR., ASSISTANT ATTORNEY GENERAL
W. E. FOLEY, FIRST ASSISTANT
H. W. ABELL, ADMINISTRATIVE ASSISTANT
S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL
E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE
J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE

Mr. ROONEY. The committee will please come to order.

The first item with which we shall concern ourselves this morning is for the Criminal Division, which is part of the overall appropriation, "Salaries and expenses, general legal activities, Department of Justice."

The details are to be found under tab 14 in the justifications book.

It appears that the request is in the amount $3.1 million, which would be an increase of $629,000 over the amount appropriated to date in the current fiscal year.

We shall insert at this point in the record pages 14–1 through 14–50.

(The pages follow:)

| | |
|---|---|
| Appropriation, 1962 | $2,471,000 |
| Estimate, 1963 | 3,100,000 |
| Increase | 629,000 |

AMOUNT REQUESTED

The Criminal Division requests an appropriation of $3,100,000 to continue the stepped-up program in the organized crime field and to meet new responsibilities as the result of recent legislation increasing the scope of the Division's activities. This represents a net increase of $629,000 as follows:

| | |
|---|---|
| Cost of statutory provisions: | |
| Within-grade promotions (Ramspeck Act) | $28,900 |
| Personnel benefits related to above | 2,000 |
| | 30,900 |
| New positions: | |
| Salaries (33 positions) | 285,900 |
| Personnel benefits | 21,500 |
| Travel | 60,000 |
| Rent | 33,000 |
| Communications | 9,000 |
| Equipment | 17,600 |
| | 427,000 |
| Increased travel requirements | 169,000 |
| Maintenance of currently authorized staff at higher average employment level to handle increased workload: | |
| Salaries | 42,600 |
| Personnel benefits | 2,500 |
| | 45,100 |
| Nonrecurring provision for rent (to be budgeted for by GSA in 1963) | −43,000 |
| Net increase | 629,000 |

GENERAL STATEMENT

The Assistant Attorney General in charge of the Criminal Division has general supervisory responsibility over the enforcement of Federal criminal laws, with the principal exception of the antitrust and tax laws, and directs the Federal enforcement effort against organized crime in the United States. Thus, the Criminal Division has general direction and supervision over the States attorneys with respect to the conduct of criminal prosecutions involving violations of more than 900 Federal statutes covering approximately 2,800 sections of the United States Code.

To implement these responsibilities during fiscal year 1962 the Criminal Division has been authorized 247 positions, 146 attorneys and 101 nonprofessional employees, organized into 5 principal sections. These sections, whose duties will be detailed below, are the Organized Crime and Racketeering Section, the Administrative Regulations Section, the Appeals and Research Section, the Fraud Section, and the General Crimes Section. In addition, there is a Trial Staff and the necessary executive and administrative personnel to supervise and service the Division.

In light of the increased workload reviewed in the subsequent portion of the request, the Criminal Division requests that 280 positions be authorized, consisting of 174 attorney positions and 106 nonprofessional staff. This represents an increase of 28 attorneys and 5 nonprofessionals. The additional legal personnel is necessary primarily to discharge the complex and significant responsibilities assumed by the Federal Government in recent months in the organized crime field and to implement new legislation increasing the scope of the activities of the Criminal Division.

Another significant increase requested for fiscal year 1963 is the expenditure for travel. This is necessitated entirely by the travel undertaken in pursuance of the organized crime and racketeering program. Experience has clearly demonstrated that in order to maintain effective liaison with and direction of investigators engaged in the comprehensive investigations of organized criminal activities in specific localities, frequent personal direction by the attorneys charged with responsibility in the particular areas is essential. In many instances these attorneys are required to conduct grand jury proceedings in conjunction with the investigation. As a result, travel expenditures have been increasing and if the program is to achieve the desired results, the present travel expenditures will not only continue but increase during fiscal year 1963. This will be particularly true when the trial stages of cases now in progress are reached. Although it is hoped that wherever possible, U.S. attorneys will be able to try the cases now being developed, there will undoubtedly be many instances in which assistance will be required from the attorneys who have developed the cases. During the first 5 months of fiscal year 1961 travel for organized crime purposes has approximated $13,700 per month. Travel expenditures for organized crime represent 91.6 percent of all travel expenditures of the Criminal Division. It is believed that the full amount requested for fiscal year 1963 will be essential for the continued expansion of this program.

ORGANIZED CRIME AND RACKETEERING SECTION

The Organized Crime and Racketeering Section of the Criminal Division is the prinicpal vehicle through which the Federal Government is seeking to curtail the activities of interstate criminal syndicates.

As of December 15, 1961, 54 attorneys were assigned to the Organized Crime and Racketeering Section, including a Section Chief, Deputy Chief, and executive assistant. This represents an increase from a professional staff of 23 attorneys during fiscal year 1961 as authorized by supplemental funds furnished by the Congress. Of the attorneys assigned to the Section, 14 attorneys have been assigned to the analysis, preparation and trial of cases in the labor-management field. In the key areas of New York, Chicago, and Los Angeles, permanent units have been maintained in the U.S. attorneys' offices to lead antiracketeering efforts in those cities. The salaries and expenses of the staffs in the New York and Los Angeles offices are paid from the funds appropriated to maintain the U.S. attorneys' offices, whereas the personnel of the Chicago staff is paid from the funds appropriated to the Criminal Division.

The remaining attorneys in the Section are primarily engaged in the evaluation of evidence developed by the diverse Federal investigative agencies pertaining to leading racketeers or aggravated criminal situations. Experience has

indicated that Section attorneys are more productive when assigned responsibility for following all phases of specified investigations. Section attorneys analyze reports from all the concerned investigative agencies, suggesting further investigation where allegations indicating possible Federal violations are disclosed, and conduct appropriate grand jury proceedings. Under this plan of operation the attorneys are in the field at frequent intervals where they become closely familiar with the racketeering situation under investigation, as well as maintaining close liaison with the agents and investigators working on the cases and, where feasible, with State and local enforcement officers.

Investigations currently in progress under the coordination of the Organized Crime and Racketeering Section pertain to potential violations of numerous Federal statutes. The subtle complexity of much of the criminal activity under investigation often requires the expenditure of considerable time on a single investigation. For example, in one large Midwestern city investigation of some undocumented allegations regarding a few seemingly isolated racket violations yielded evidence of tightly organized criminal activity throughout the city. Further extensive investigation in preparation for grand jury presentation occupied one Section attorney on the scene for approximately 8 months. In other areas, initial allegations relating to notorious rackets figures have disintegrated upon Section investigation but have yielded substantial evidence of public corruption which must necessarily be pursued vigorously.

During fiscal year 1961, attorneys of this Section have, in the course of supervising these investigations, spent 2,469 days in the field. In that period court actions accounted for 372 man-days; grand jury investigations accounted for 553 man-days.

Court actions supervised by the Section during recent months included the 8-week trial of Frank Carbo and associates for conspiracy to violate the Hobbs Act, and contempt proceedings for the failure to honor subpenas issued by officials of the Internal Revenue Service and the Labor Department concerned with investigations of racketeer cases being coordinated by attorneys of this Section. A pending grand jury investigation into organized criminal activity in the Newport, Ky., area resulted early in the proceedings in the indictment for perjury of three witnesses subpenaed to appear before the grand jury and has stimulated extensive State action directed at criminal activity and public corruption in Newport. In New Orleans an indictment was returned against Sam DiPiazza and 12 other gamblers and associates charging conspiracy to defraud the United States stemming from the securing of free unauthorized long-distance telephone service.

Intensified investigation into potential violations of the labor statutes has been undertaken by Section attorneys. Matters have been presented to Federal grand juries in 16 cities throughout the country. In the 8 months prior to December 15, 1961, 14 indictments have been returned against individuals charged with violations of the labor laws and related offenses, including indictments against Thomas Keegan, powerful Teamster business agent in Chicago, for accepting money in violation of the Taft-Hartley Act, and against Edward J. Donovan and Ralph J. McLaughlin, officials of a Teamster local in Chicago, also charged with similar violation. Two lengthy proceedings, the *Dranow* case in Minneapolis involving 51 days in court and the *Hucks* case in Washington involving 42 days in court, resulted in the convictions of three individuals.

In all these investigations and prosecutions the attorneys coordinate their activities with the U.S. attorneys. Maximum emphasis has been placed on obtaining the full participation of U.S. attorneys or their designated assistants in the investigations into syndicated criminal activities in the territory under the jurisdiction of the U.S. attorney. In many instances Section attorneys have presented cases to the grand jury or assisted in the trial of important cases at the request of the responsible U.S. attorney.

In addition to participating actively in these diverse investigations and prosecutions, the Organized Crime and Racketeering Section maintains supervisory jurisdiction over statutory violations involving areas often related to organized criminal activity. Illustrative violations are the following: narcotics, liquor, wagering tax, lotteries, Hobbs Act, and Slot Machine Act. In each of these areas investigative reports are referred by the agencies directly to the U.S. attorneys, who are instructed to inform the Section when any case suggests the involvement of a syndicated operation extending beyond the confines of a single judicial district or State. Alleged violations of the Labor-Management Reporting and Disclosure Act of 1959 are now processed in similar fashion, in accordance with

detailed instructions prepared by the Section upon the basis of 18 months' experience with the statute and designed to insure uniform application of the act. By authorizing direct referral of such potential violations to the U.S. attorneys the Section endeavors to make personnel available for the other Section functions.

The experience over the past several months indicates that even without the anticipated workload arising from the newly enacted anticrime laws additional attorneys are needed in order to fulfill the mission of the Section. In addition to assignments previously detailed, two attorneys have been occupied almost exclusively on preparation and grand jury investigation of labor violations involving the Bakery Workers Union, and three are assigned to covering the thousands of violations in liquor and narcotics cases and violations of the Labor-Management and Disclosure Act where such violations are not of major organized crime significance. Some of the most experienced trial attorneys in the Section have devoted months of effort to prepare or try principal cases, such as the case against Frank "Buster" Wortman in East St. Louis and the *Stirone* case in Pittsburgh.

As a result some of the attorneys are attempting to carry an excessive workload and to cover extensive geographical areas. For example, one attorney is assigned to analyze racket situations in 8 States and to coordinate the activities of numerous Federal agencies in the investigations of 46 major racketeers in those areas as well; another attorney has 8 States assigned to him as well as 26 top racketeers and yet he has found it necessary to devote much of his time for several months on a case with extensive national and international ramifications. The same situation is repeated in other sections of the country. In addition, two attorneys have had to devote considerable time to assist the four-man staff of the New York unit. Only three men have been assigned to the Chicago unit which requires a complement of at least five.

Accordingly, it is essential that the number of attorneys available for general assignment be increased. There are several major cities where the existence of racketeering problems demands the full-time effort of at least one attorney and preferably a team of two. There are also numerous smaller localities or special situations which require at least the partial effort of an attorney. The staffs of the U.S. attorneys' offices will soon be at the fully authorized strength and it is hoped that some assistant U.S. attorneys can be assigned to work with Section attorneys and especially to take over the trial of cases developed by or in conjunction with the Section. It is estimated, however, that to cover the areas of racketeering activity adequately at least 18 additional attorneys are required.

The core of the entire drive against organized crime is the comprehensive docketing system which was established as a central clearinghouse for all intelligence relating to the major racketeers and racketeering sections. This unit charged with this function serves to give the attorney immediate access to every detail concerning the individuals or situations on which he is working. Rackets have been broken down into 47 basic categories of information and tens of thousands of index cards have been prepared. In order to process effectively the vast amount of information channeled in from more than 20 investigative agencies a staff of 15 clerical employees operating under 1 supervisor has been found essential.

To assist the specific racketeer investigations being supervised by Section attorneys, Congress has provided new weapons for use in the attack against organized crime. These legislative weapons were specifically designed and enacted by the Congress in response to the request of the Attorney General for statutes which would enable the Federal Government to make a direct attack on entrenched racketeering interests. The new laws prohibit interstate transmission of gambling information, the interstate transportation of wagering paraphernalia, and travel in aid of the management of gambling, liquor, narcotics, and prostitution rackets. These statutes will enable the Federal Government to move directly and simultaneously against the interstate facets of organized crime which have removed such syndicated operations from the effective jurisdiction of State and local law enforcement officials. Such centrally controlled operations can be effectively curtailed only if the Federal Government can successfully prosecute the leaders, such as the gambling banker, the illicit liquor financier, and the corrupt public officials who protect them.

To insure the maximum use of these statutes and to implement the manifest congressional intent, a decisive blow against entrenched criminal elements, personnel of the Organized Crime and Racketeering Section have been assigned to

each area of activity vital to a continuing criminal structure. It is difficult after only 2 months' experience with the new legislation to give an accurate estimate of the workload which will be entailed in meeting the responsibilities of the Criminal Division in supervising the enforcement of these new laws. From the following brief discussion of two of these statutes it is clear that each is going to make a heavy impact upon the Division's total workload. It is possible, however, that some of the workload may be integrated with the current responsibilities of the attorneys of the Section. Until a longer period of experience under the statutes has passed, it will be difficult to present any accurate representation of the workload involved.

Public Law 87-216 prohibits the transmission of bets, wagers, and related information by wire communication. Attorneys of the Section are required to develop analyses, present and argue cases which arise under this statute, and advise the U.S. Attorneys with respect to particular factual or legal questions as they arise in the implementation of the statute. The principal and most demanding task is to develop cases for prosecution. There are wire-service activities in many cities throughout the country. Each of these organizations services the gambling fraternity in a multi-State area. The number of cases against wire services and bookmakers under this statute cannot be approximated. Since each and every bookmaking operation is dependent on these services or a combination of them for race results necessary to the illegal business enterprise, it is clear that each wire service and bookmaking operation throughout the United States presents a potential case for criminal prosecution. Necessarily the Section intends to pursue only those operations with interstate aspects or ramifications suggesting a relationship with more extensive syndicated activity.

In addition, the civil implications of the Transmission of Gambling Information Act promise to increase the Section's workload substantially. Under the law, whenever there is evidence of an illegal gambling business and the use of a wire communication facility for the purposes spelled out in the act, the common carrier is legally required to discontinue service upon notification of the illegal use of the telephone by local, State, or Federal law-enforcement officers. The Department intends to utilize this technique whenever possible. Such action may involve the Federal Government in injunction actions brought by subscribers. At the very least it may be necessary for Section attorneys to provide the telephone company with the information necessary to justify the withdrawal of service if the goals of the statute are to be achieved.

Public Law 87-228 makes it a criminal offense to use any facility in interstate or foreign commerce to facilitate unlawful business activity in liquor, narcotics, gambling, or prostitution, or with respect to extortion or bribery in violation of the laws of the United States or the several States. This act, which is intended to strike at the direction and control of unlawful business activities, promises to present a complexity of legal and enforcement problems. In each instance which arises, the law of the State in which any part of the transaction occurs must be analyzed as well as the implications of Federal law.

To meet this problem it is necessary to compile the liquor, narcotic, gambling, prostitution, extortion, and bribery statutes of each State. State court decisions must be examined to determine the reach and scope of the particular statute. Only then will we be in a position to advise the Federal officers investigating the cases as to the nature of the evidence required. These problems will arise with each of the hundreds of investigations expected to be undertaken. With this statute, as with the others, it is necessary to examine each case presented for prosecution to insure that the case, both in form and substance, meets the tests of legal sufficiency and will serve to implement the statute along the lines stressed by Congress.

There is no intention on the part of the Federal Government in the enforcement of this particular statute, or under the related acts, to supersede local enforcement agencies. In each and every instance the Department will look first to the local enforcement officials. When the confines of local jurisdictions are reached, it will be the function of the Federal Government to continue the investigation to its necessary conclusion in order to enforce the mandates of the statutes.

*Caseload—Organized crime and racketeering section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases pending beginning of year | 23 | 33 | 31 | 41 | 41 |
| Cases received during year | 685 | 493 | 403 | 375 | 375 |
| Cases terminated during year | 675 | 495 | 393 | 375 | 375 |
| Cases pending end of year | 33 | 31 | 41 | 41 | 41 |

ADMINISTRATIVE REGULATIONS SECTION

This Section is charged with the enforcement of those criminal sanctions, the violations of which generally are investigated by other departments and agencies of the Government. This Section, for example, supervises and assists the U.S. attorneys in all litigation, civil and criminal, arising under the immigration and nationality laws; the Federal Food, Drug, and Cosmetic Act; the enforcement of the criminal, and frequently the civil, sanctions of regulatory statutes such as the Federal Trade Commission Act; the prosecution of such violations as smuggling, white slave traffic, and interstate transportation of fireworks; and the prosecution of all libels for forfeiture of property used in violation of the liquor, narcotic, customs, and gambling laws. The Section acts on behalf of the Attorney General on all petitions for remissions and compromises on forfeitures in these categories. In addition, the Section handles all matters involving international extradition coming before the Department of Justice.

For administrative convenience the Section has been organized into three units: Immigration and Nationality Unit, Trade and Consumers Unit, and the General Regulations Unit. As of October 1, 1961, there were 16 attorneys. The present request asks for an increase of four attorneys, necessitated in part because of the new immigration law.

A major area of Section effort during the past year has been in the enforcement of the immigration and nationality laws and in the field of international extradition. Although the total number of cases in the field of immigration and naturalization declined from 1,004 in 1960 to 958 in fiscal year 1961, the number of suits for declaratory judgments and injunctive relief, which represent a much heavier strain upon manpower, rose from 130 in fiscal year 1959 to 180 in 1960, and 186 in 1961. In addition, 17 extradition cases were concluded in 1961, 9 of these representing requests for extradition by foreign governments. At the beginning of fiscal year 1962, eight cases were pending in the courts, four of them representing requests by foreign governments, and a number of matters are in preliminary stages which will undoubtedly result in the institution of extradition proceedings.

The highly specialized nature of the immigration laws, as well as the complexity of the legal problems raised, has resulted in an increasing demand upon Section attorneys for assistance to the U.S. attorneys and other Government officials. Because the attorneys dealing in these laws have become recognized as experts in the field, they normally prepare numerous briefs for use in cases in the district courts, appellate courts, and the Supreme Court of the United States, and frequently argue these cases in the courts. Working in close collaboration with the Organized Crime and Racketeering Section, attorneys specializing in the immigration and nationality laws have been in charge of the denaturalization and deportation cases of prominent racketeers. This is a phase of the Section's activities which has been proceeding at an accelerated pace in the second half of fiscal year 1961 and should continue at a greater pace during fiscal years 1962 and 1963 as the results of the coordinated program of the Organized Crime and Racketeering Section make available evidence for use in instituting denaturalization and deportation cases.

The enactment by the Congress in September 1961 of an amendment to the immigration laws will have a substantial effect on the workload of the Section. It is requiring, for example, an immediate review of all 300 cases now pending in the district courts to determine whether under the new statute they must be removed to a court of appeals. Since the new law also requires aliens desiring review to take action within 6 months from the date of enactment of the statute and since there are over 4,000 outstanding deportation orders, it is likely that at

least many hundreds of suits for review (out of the potential 4,000) will be filed before the end of April 1962. In addition, the venue provision of the new law will result in the bringing of suits in areas in which the U.S. attorneys in the past have had little experience in immigration matters. This will undoubtedly result not only in the need for closer supervision initially by the Section, but also will bring many demands for direct participation by attorneys of the Criminal Division.

The total number of extradition cases belies the man-hours required, as well as the impact upon the Division's budget. The cases entail extensive analysis and require the engaging of foreign counsel to represent the United States in countries from which we are seeking extradition of defendants in cases in U.S. courts. During the past year, for example, attorneys of the Section have succeeded in securing the extradition from Canada of three notorious narcotic violators and have likewise represented the Government of Mexico in its efforts to obtain the return of defendants in criminal cases. Consistently with treaty obligations it has been necessary to furnish assistance to the Government of Venezuela in its protracted efforts in the courts to secure the return of the former dictator of that country, Marcos Perez Jimenez. The treaty with Brazil, now awaiting approval by that country and the formal exchange of ratifications, will substantially affect the number of extradition cases, since several fugitives from the United States have heretofore found sanctuary in Brazil. Notorious among this group is Lowell M. Birrell, a defendant in several securities fraud cases.

Because of the impact on the Section of the 1961 amendment of the Immigration and Nationality Act, as well as the large increase in denaturalization and deportation cases expected to result from the accelerated organized crime program and the heavily added burdens of extradition cases, it is believed that two additional attorneys will be needed to augment the staff of the Section engaged in immigration, nationality, and extradition matters.

Suits under the Federal Food, Drug and Cosmetic Act have included condemnation and injunction actions, suits for judicial review of administrative determinations, and criminal prosecutions based on the adulteration and misbranding of foods, drugs and similar matters. These cases all require close coordination with the investigative agency, the Food and Drug Administration, and with the U.S. attorneys' offices. They involve the preparation of proposed informations or indictments, as well as instructions and memorandums of law. During the past year cases arising under this act have ranged from the illegal sale of amphetamines and barbiturates to the mislabeling as to weight and size of well-known household products, including cereals, candy bars, and the like.

The total number of cases brought under the Federal Food, Drug and Cosmetic Act has remained relatively stable during the past 3 years: 1,381 in 1959, 1,408 in 1960, and 1,390 in fiscal year 1961. Fiscal year 1962 should see an increase in the total number of cases when the provisions of new statutes relating to color additives and hazardous substances become fully effective. Moreover, the Criminal Division has not been able because of manpower limitations to meet the demands of the U.S. attorneys' offices and of the Food and Drug Administration for the services of Criminal Division attorneys in the preparation and trial of the cases under the Federal Food, Drug and Cosmetic Act. The number of cases handled would be substantially higher if the Criminal Division were in a position to give more direct attention to these cases. In order to fulfill more adequately the demands made upon the Criminal Division it is believed that the services of an additional attorney is needed for this area of activity.

In other areas of the Section's activity, significant increases can be expected in the number of cases arising under the Universal Military Training and Service Act in view of the accelerated national defense program and the consequent substantial rise in draft calls. A large increase in the number of cases under the Shipping Act referred by the Maritime Board can be expected to continue, as well as the referrals under such statutes as the Fair Labor Standards Act, the Elkins Act, and other regulatory statutes carrying criminal penalties. The workload in the field of forfeitures remained heavy during fiscal year 1961. Hundreds of libels were reveiwed and 148 petitions for remission or mitigation and offers in compromise were processed as compared with 154 in fiscal year 1960. The volume of cases in this field should remain relatively constant during fiscal years 1962 and 1963.

One area of significant increase in the Section's work has been in the complaints received in cases of alleged wiretapping in violation of the Communications Act. In the period from July 1, 1961, to December 15, 1961, 117 new complaints were received by the Criminal Division, an increase of 15 percent over previous years. Based upon the Section's evaluation of the complaint, a preliminary inquiry is requested of the Federal Bureau of Investigation if the complaint appears to have a basis in fact. It is estimated that in the period above mentioned 75 percent of the complaints received were referred for preliminary investigation. Based on the results of this preliminary investigation, a determination is made as to whether a full field investigation is warranted. The impact of these complaints upon an already heavily burdened Section prompts the request for the addition of one attorney to the complement of the Section who can handle these complaints and also handle the increased workload expected under the Universal Military Training and Service Act as a result of the accelerated national defense program.

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases pending beginning of year | 36 | 45 | 54 | 38 | 38 |
| Cases received during year | 1,332 | 1,976 | 1,748 | 1,800 | 1,850 |
| Cases terminated during year | 1,323 | 1,967 | 1,764 | 1,800 | 1,850 |
| Cases pending end of year | 45 | 54 | 38 | 38 | 38 |

GENERAL CRIMES SECTION

The General Crimes Section supervises the administration and enforcement of approximately 760 Federal criminal statutes relating to four major areas covering integrity in Goverment operations, protection of the channels of interstate commerce, protection of the postal system, and the special maritime and territorial jurisdiction of the United States. As of October 1, 1961, the Section was composed of 14 attorneys. Because of the impact of six new criminal statutes enacted during the first session of the 87th Congress which have been assigned to the General Crimes Section for administration and enforcement, it is requested that this Section be increased by 2 attorneys at this time. After an initial period of experience under these laws it may be necessary to request additional manpower, but it is safe to predict that at least two attorneys will be required.

Criminal law enforcement in the area of integrity in Government operations extends to all branches of the Government. Protection of the functions of the court and the grand jury, for example, resulted during the past year in the conviction in Wisconsin of Dr. Milton Margolis for obstruction of justice based on his attempt to bribe the judge about to sentence him in an income tax fraud case, and later for attempting to influence the decision of a juror in the obstruction of justice case. The Section has under consideration investigative reports relating to officers of the Government whose cases have been heard before congressional committees and referred to the Department of Justice for possible violation of the conflict of interest statutes.

Matters referred for possible violations of the perjury statutes and of contempts committed either before the courts or congressional committees are responsible for a large proportion of the work of the Section in this important field relating to the integrity of Government operations. A significant recent perjury prosecution was that of Gordon Van Liew, president of a company charged with adulterating and misbranding its product, who was convicted because of his testimony in the civil proceedings against the company. Similarly, the theft of Government property is subject to other statutes within the jurisdiction of the Section. During the past year a civilian employee of the Navy Department was convicted and sentenced along with 18 other defendants of stealing heavy equipment valued in excess of $460,000 from a Navy supply depot in Rhode Island.

Crimes related to the protection of interstate and foreign commerce include kidnaping, theft from interstate shipments, and interstate transportation of stolen property, forged or stolen securities, and obscene material. A typical case under the recently enacted automobile information disclosure statute re-

sulted in the conviction in Denver of a man who not only removed legitimate labels on a car but actually affixed labels listing inflated prices which he had counterfeited himself. One attorney of the Section was engaged almost full time for several months in assisting the U.S. attorney in Baltimore in the kidnaping trial of Melvin David Rees, Jr., and the Section likewise lent assistance to the Virginia State authorities in the murder trial of this defendant.

Statutes aimed at safeguarding the postal system, including those proscribing post office robbery, theft from the mails, extortion, and the mailing of obscene material, represent a heavy workload for the Section. The stepped-up investigative program of the postal inspectors aimed at obscenity has resulted in a heavily increased prosecutive burden. Arrests in this type of case in fiscal year 1961 rose to 457. The rate of convictions in obscenity cases also show a steady rise: 175 in 1957, 213 in 1958, 272 in 1959, 306 in 1960, and 377 in 1961. That this increase will continue is reflected in the statistics for the first part of fiscal year 1962 (from July 1 to November 10, 1961) : 172 arrests, an increase of 31 percent, and 135 convictions, an increase of almost 27 percent over the same period in the prior year.

Probably the most time-consuming matters handled in the Section are those involving determinations of whether Federal authority extends to offenses allegedly committed in the special maritime or territorial jurisdiction of the United States. The constant increase in the acquisition of new Federal property has brought about a steady rise in these matters. Other areas of constant concern are the statutes proscribing major crimes within the Indian territories, counterfeiting and debasement of the currency, and the National Firearms Act.

Of the six new statutes assigned to the General Crime Section in September 1961, at least five are expected to result in a large increase in the Section's workload.

Public Law 87-197, the so-called aircraft piracy statute, extends Federal jurisdiction to several crimes committed aboard aircraft which are normally enforced locally. These range from assault or intimidation of flight personnel to simple assault, maiming, theft, murder, manslaughter, and rape. Attempts to pirate or hijack an aircraft can result in imposition of the death penalty. The statute also carries penalties for imparting false information concerning attempts to commit crimes aboard aircraft. In view of the rash of cases which immediately preceded enactment of this statute, it is believed that a considerable number of matters may be referred to the Section under this new statute entailing complicated venue problems as well as constitutional issues.

The new statute relating to the perpetration of bomb hoaxes on aircraft creates two classes of crimes for this offense, a felony when willfulness can be proved, and a misdemeanor. Bomb hoax matters, which increased substantially in fiscal year 1961, will probably result in many additional cases in the future. In these cases U.S. attorneys generally consult the General Crimes Section because of the national interest in stamping out this type of activity and because of the difficulties heretofore encountered in proving the elements of the offense.

Public Law 87-221, which prohibits the destruction of or injury to property moving in interstate or foreign commerce, may well result in a substantial increase of cases in the Federal courts. The amendment to section 1362 of title 18 provides a penalty for malicious damage to communication facilities. Another new statute prohibits the interstate transportation of forged tax stamps of the individual States.

The precise impact of these several new statutes upon the caseload and the number of matters that will have to be considered in the General Crimes Section cannot be accurately forecast. It is anticipated that there will be a number of matters arising under the aircraft piracy and bomb hoax statutes, and that the statute prohibiting the destruction of property in interstate commerce may have the heaviest impact upon the Section's workload. The present personnel in the Section have been unable, without considerable overtime by the attorneys, to cope with the Section's present workload. In order to achieve adequate coverage of matters under previously existing statutes, as well as to meet the impact of the 6 new statutes, it is requested that 2 new attorney positions be authorized, raising the complement of the Section to 16 attorneys.

83356—62——8

*Caseload—General crimes section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases pending, beginning of year | 35 | 10 | 2 | 24 | 14 |
| Cases received during year | 576 | 571 | 569 | 585 | 625 |
| Cases terminated during year | 601 | 579 | 547 | 595 | 600 |
| Cases pending, end of year | 10 | 2 | 24 | 14 | 9 |

FRAUD SECTION

The Fraud Section supervises the prosecution by the U.S. attorneys of criminal frauds arising under the mail fraud statute, and the securities acts, as well as frauds resulting from Government procurement, the Federal housing program, the various Federal agricultural projects, and the Federal-aid highway program. As of December 15, 1961, the Section had 11 attorneys regularly assigned for the performance of these duties. In addition, four attorneys have been assigned to the Sun Valley land fraud case in Orlando, Fla. This request seeks to increase the regular complement by one attorney.

Prosecutions in the field of commercial mail fraud reached an alltime high during fiscal year 1961. There were 651 arrests for mail fraud and the Post Office Department, which investigates these cases, has estimated that they represent a defrauding of the consuming public of more than $75 million. These schemes to defraud include, for example, fees for the sale of realty and loans, so-called work-at-home schemes, vending machine frauds, and contest swindles.

Typical of some of these cases and illustrative of the time-consuming nature of the prosecutions is the mail fraud trial in Baltimore of *United States* v. *Suchman*, completed in the spring of 1961, which required 18 weeks of actual trial and many months of preparation, requiring direct assistance and participation by members of the Criminal Division. In the southern district of New York the mail fraud trial involving Texas-Adams Oil Co. lasted 14 weeks, and in Fargo, N. Dak., a large-scale "advance fee" mail fraud case involving Lenders Service Co. was in trial 4½ months and culminated in the conviction of 20 of the 30 defendants. In all of these cases attorneys of the Fraud Section prepared the indictments and numerous legal memorandums and guidance instructions.

The postal inspectors are continuing their intensive investigations of these mail fraud schemes and the caseload should, accordingly, remain heavy during the present and next fiscal years. That this increase will continue is reflected in the fact that in the period from July 1 to December 1, 1961, 186 convictions for mail fraud were obtained, representing an increase of 26 percent over the comparable period of the prior fiscal year.

A number of new prosecutive programs have been initiated, aimed at eradicating commercial swindles on the consumer public and cooperating with State officials in effectuating this enforcement program. The mail fraud program relating to the previously unregulated savings and loan associations in Maryland has been stepped up. Approximately 20 cases are either awaiting trial or under investigation and the daily influx of complaints promises to increase this caseload. The Fraud Section is correlating these cases and affording the U.S. attorney extensive legal and evaluation assistance. A program both under the mail fraud statute and the Federal Housing Administration fraud statute has been initiated aimed to prevent fraudulent operators from entering the field of fallout shelters. In addition, a program of Federal-State cooperation has been initiated in the interstate sale of subdivision properties where fraud has been practiced. Recently a cooperative program, coordinating the Federal Communications Commission, the Post Office, and our prosecutions, has been initiated against fraudulent mail order ventures which utilize the uncontrolled Mexican radio stations.

The Fraud Section is also working directly with the Securities and Exchange Commission in the vigorous enforcement of the securities acts to deter the increasing number of frauds against the investing public. These cases also involve long investigations and careful preparation for presentation to grand jury and for trial. Attorneys of the Section are frequently called upon to assist directly

in the preparation of these cases. During fiscal year 1961, 46 indictments involving 205 defendants were returned in securities fraud cases. In the same year convictions were obtained against 126 defendants in 46 cases. This is another program which can be expected to continue at an accelerated pace during fiscal years 1962 and 1963. It is not unlikely that congressional hearings, such as the investigation recently authorized of the American Stock Exchange, may result in the referral of additional matters of this type to the Criminal Division.

Alleged frauds and irregularities in the Federal-aid highway system have increased during fiscal year 1961 and the first quarter of fiscal year 1962. Four indictments were returned in August 1961 in matters arising out of the Federal grants-in-aid relating to the Massachusetts highway system. Several other investigations are in process and will undoubtedly result in additional indictments in other parts of the country. In order to combat these frauds and to establish Federal jurisdiction in a program involving many millions of dollars, the Criminal Division has been conferring with the Bureau of Public Roads and examining existing administrative procedures and regulations as well as legislation for their adequacy in sustaining criminal prosecution. It is expected that as a result of this program, various administrative procedures and probably proposals for additional legislation will result to expand the basis for prosecution.

The increasing number of banking violations involving embezzlement, misapplication, violations of the Federal Reserve acts and the Federal Deposit Insurance Corporation statutes, has been reflected in the workload of the Section. Among the better known cases has been the conviction and sentencing in Iowa of Burnice Geiger whose actions resulted in a loss of $2 million to the bank by which she was employed.

The total number of new cases received in the Fraud Section during fiscal year 1961 was 449, an increase of 86 new cases over the prior fiscal year. In addition, the Section received 1,319 new matters of all types, as well as 12,352 letters, reports, and memorandums. It is estimated that this increasing trend of new cases will continue during fiscal years 1962 and 1963, particularly in the areas of mail frauds, securities violations, and frauds arising from the Federal-aid highway program. The stepped-up defense procurement also carries with it an increased potential for additional allegations of fraud in this area. It is estimated that the services of at least one additional attorney will be required to meet this increasing workload.

*Caseload—Fraud section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases pending, beginning of year | 7 | 13 | 8 | 3 | 8 |
| Cases received during year | 295 | 363 | 449 | 475 | 500 |
| Cases terminated during year | 289 | 368 | 454 | 470 | 490 |
| Cases pending, end of year | 13 | 8 | 3 | 8 | 8 |

APPEALS AND RESEARCH SECTION

The Appeals and Research Section is responsible for preparation of briefs and presentation of arguments in the Supreme Court on assignment by the Solicitor General; preparation of memorandums to the Solicitor General recommending for or against appeal or certiorari; drafting of legislation; and critical comment regarding legislative proposals having any impact on criminal enforcement. For administrative convenience the Section has been divided into two units, one concerned with appellate matters and the other with legislative liaison and research. The present complement of the Section is 20 attorneys.

Criminal Division cases in the Supreme Court which represent the bulk of the appellate work of the Division surpassed all prior records in fiscal 1961. A total of 628 such cases was handled, an increase of 31 over the prior fiscal year. Petitions for certiorari filed by opponents numbered 307 and the Section filed 283 briefs in opposition, representing increases of 31 and 16 percent, respectively, over the preceding year. Supreme Court briefs on the merits, which require the most exhaustive preparation per case, totaled 24 during this period. While this figure has been exceeded on two prior occasions, it represents substantially more than the 10-year average, which is slightly under 21.

There is no reason to believe that the appellate workload of the Criminal Division during the next year will fall below that of fiscal year 1961. In fact, indicative of an increasing trend is the number of cases carried over into fiscal year 1962. As of July 1, 1961, 31 petitions for certiorari and 12 briefs on the merits were pending, the largest total in the Division's history.

The attorneys engaged in legislative liaison and research activity have had the most active year since a unit was established primarily for these purposes. Of the bills drafted in the unit during fiscal year 1961, 8 were submitted to the Congress by the prior Attorney General and 10 by the present administration. Eight of the latter represent major proposals in the field of organized crime, and five of these bills had been passed by the 87th Congress in the 1st session. The preparation of this legislation represented not only the task of drafting the proposed bills and accompanying explanatory memorandums but also the maintenance of constant liaison with the Bureau of the Budget, other interested executive branch agencies, and committees of Congress. This liaison required consultation on proposals for changes in the bills and the preparation of supporting memorandums while such bills were under consideration by the committees.

In addition, all legislative proposals containing any criminal sanctions or which may have an impact on criminal law enforcement are submitted to the Criminal Division for consideration and critical comment. During fiscal year 1961, 232 proposals were commented upon in the unit, as compared with 171 in fiscal year 1960. Upon the passage of any bill these attorneys are required to prepare appropriate explanatory memorandums and instructions for the investigative agencies and for the U.S. attorneys and their staffs. These attorneys are also charged with preparing briefing materials on criminal matters for newly appointed U.S. attorneys and their assistants, as well as instructional material for new attorneys of the Criminal Division based on the extensive files maintained by the Section. The attorneys of the Section also examined proposed indictments and informations and furnish expert advice on specialized matters, such as the Federal Rules of Criminal Procedure.

In addition to the preparation of briefs, memorandums, and comments on legislative proposals, the Section prepared, during fiscal year 1961, 249 legal memorandums and letters as compared with 168 in the prior fiscal year, and 906 factual letters, telegrams, and memorandums as compared with 728 in fiscal year 1960. The upward trend in the workload of the Appeals and Research Section is expected to continue during fiscal year 1963. In addition, by fiscal year 1963 the impact of the organized crime program should be felt in the appellate courts. Accordingly, the services of one additional attorney are requested for fiscal year 1963.

*Caseload—Appeals and Research Section*

| | Fiscal year 1959 (1958 term) | Fiscal year 1960 (1959 term) | Fiscal year 1961 (1960 term) | Estimate fiscal year 1962 | Estimate fiscal year 1963 |
|---|---|---|---|---|---|
| Cases pending beginning of year | 28 | 41 | 33 | 43 | 38 |
| New cases received [1] | 572 | 556 | 595 | 600 | 600 |
| Cases closed during fiscal year | 559 | 564 | 585 | 605 | 605 |
| Cases pending at close of year | 41 | 33 | 43 | 38 | 33 |

[1] New cases received were as follows:

| | Fiscal year 1959 | Fiscal year 1960 | Fiscal year 1961 |
|---|---|---|---|
| Petitions for certiorari filed by opponents | 277 (277 Nos.) | 234 (257 Nos.) | 307 (312 Nos.) |
| Briefs on merits in Supreme Court | 20 ( 20 Nos.) | 27 ( 29 Nos.) | 17 ( 29 Nos.) |
| Petitions for certiorari and direct appeals filed by Government | 8 ( 8 Nos.) | 3 ( 3 Nos.) | 3 ( 3 Nos.) |
| Miscellaneous motions and memorandums in Supreme Court | 30 ( 30 Nos.) | 61 ( 61 Nos.) | 40 ( 40 Nos.) |
| Courts of appeals and miscellaneous briefs prepared or assisted in preparing | 23 ( 23 Nos.) | 35 ( 35 Nos.) | 25 ( 25 Nos.) |
| Memorandums to Solicitor General recommending for or against appeal or certiorari | 214 (214 Nos.) | 196 (196 Nos.) | 203 (203 Nos.) |

TRIAL STAFF

The trial staff consists of a small group of experienced trial lawyers who can be assigned to assist U.S. attorneys in cases of unusual difficulty or where special circumstances exist and to handle grand jury presentation and trial of special cases supervised directly by the Criminal Division.

During fiscal year 1961 and the first part of fiscal year 1962 the attorneys of the trial staff have been assisting U.S. attorneys in the transition period between administrations when frequently the U.S. attorneys' offices have not been operating at full complement. They have also assisted in the trial of certain special cases. For example, one attorney assisted the U.S. attorney in Baltimore for several weeks prior to and for the 18 weeks of trial of the Commercial Savings & Loan Association case. Two attorneys assisted in the trial preparation of an important immigration fraud case involving Chinese aliens illegally brought into the United States and presented four perjury cases arising out of that case, all of which resulted in pleas of guilty. Two attorneys have spent several weeks in the presentation of cases to a grand jury in the District of Columbia, thus far resulting in the indictment of a former employee of the Securities and Exchange Commission.

At the present time the trial staff is below full strength and insufficient to meet the needs of the U.S. attorneys' offices and of the Criminal Division. As a result most requests for assistance have had to be declined. It is hoped that two attorneys with considerable trial experience can be added to the present staff of seven in order more properly to meet the requirements placed upon the Division for experienced trial attorneys.

*Caseload—Trial staff*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases pending beginning of year | 17 | 23 | 34 | 34 | 34 |
| Cases received during year | 12 | 21 | 13 | 20 | 20 |
| Cases terminated during year | 6 | 10 | 13 | 20 | 20 |
| Cases pending end of year | 23 | 34 | 34 | 34 | 34 |

| Public Law No. | Short title | Date of enactment | Assignment |
|---|---|---|---|
| 1. 87-197 | Crimes and offenses committed on aircraft. | Sept. 5, 1961 | General crimes. |
| 2. 87-216 | Interstate transmission of gambling information. | Sept. 13, 1961 | Organized crime and racketeering. |
| 3. 87-218 | Interstate transportation of gambling paraphernalia. | do | Do. |
| 4. 87-221 | Destruction of property in interstate commerce. | do | General crimes. |
| 5. 87-228 | Prohibit travel in aid of racketeering enterprises. | do | Organized crime and racketeering. |
| 6. 87-301 | Omnibus Immigration and Nationality Act amendments—judicial revue of deportation and exclusion orders. | Sept. 26, 1961 | Administrative regulations. |
| 7. 87-306 | Crimes and offenses, communication facilities, damage to. | do | General crimes. |
| 8. 87-338 | Crimes and offenses, false bomb reports. | Oct. 3, 1961 | Do. |
| 9. 87-342 | To strengthen the Federal Firearms Act. | do | Do. |
| 10. 87-354 | Crimes and offenses, gold or silver, merchandise composed of. | Oct. 4, 1961 | Administrative regulations. |
| 11. 87-371 | Crimes and offenses, counterfeiting of State obligations. | do | General crimes. |

*Supplement to criminal division justification caseload statistics by sections*
*(to supplement pp. 3–91 and 3–92)*

| | Estimate | |
|---|---|---|
| | 1962 | 1963 |
| Administrative Regulations Section, average number of attorneys | 16 | 20 |
| Appeals and Research Section, average number of attorneys | 20 | 21 |
| Fraud Section, average number of attorneys | 12 | 13 |
| General Crimes Section, average number of attorneys | 14 | 16 |
| Organized Crime and Racketeering Section, average number of attorneys | 53 | 71 |
| Trial staff, average number of attorneys | 7 | 9 |

*Workload*

| | Actual | | | Estimate | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases of matters: | | | | | |
| Pending, beginning of year | 146 | 165 | 162 | 183 | 173 |
| Received | 3,472 | 2,980 | 3,777 | 3,880 | 3,965 |
| Terminated | 3,453 | 3,983 | 3,756 | 3,890 | 3,965 |
| Pending, end of year | 165 | 162 | 183 | 173 | 173 |
| Average number of attorneys | [1] 92 | [1] 99 | [1] 112 | 174 | 174 |

[1] Includes special attorneys.

*Caseload statistics by sections*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Administrative Regulations Section: | | | | | |
| Cases pending beginning of year | 36 | 45 | 54 | 38 | 38 |
| Cases received during year | 1,332 | 1,976 | 1,748 | 1,800 | 1,850 |
| Cases terminated during year | 1,323 | 1,967 | 1,764 | 1,800 | 1,850 |
| Cases pending end of year | 45 | 54 | 38 | 38 | 38 |
| Average number of attorneys | 13 | 16 | 17 | | |
| Appeals and Research Section: | | | | | |
| Cases pending beginning of year | 28 | 41 | 33 | 43 | 38 |
| Cases received during year | 572 | 556 | 595 | 600 | 600 |
| Cases terminated during year | 559 | 564 | 585 | 605 | 605 |
| Cases pending end of year | 41 | 33 | 43 | 38 | 33 |
| Average number of attorneys | 17 | 20 | 19 | | |
| Fraud Section: | | | | | |
| Cases pending beginning of year | 7 | 13 | 8 | 3 | 8 |
| Cases received during year | 295 | 363 | 449 | 475 | 500 |
| Cases terminated during year | 289 | 368 | 454 | 470 | 490 |
| Cases pending end of year | 13 | 8 | 3 | 8 | 18 |
| Average number of attorneys | 12 | 10 | 11 | | |
| General Crimes Section: | | | | | |
| Cases pending beginning of year | 35 | 10 | 2 | 24 | 14 |
| Cases received during year | 576 | 571 | 569 | 335 | 595 |
| Cases terminated during year | 601 | 579 | 547 | 595 | 600 |
| Cases pending end of year | 10 | 2 | 24 | 14 | 9 |
| Average number of attorneys | 18 | 13 | 14 | | |
| Organized Crime and Racketeering Section: | | | | | |
| Cases pending beginning of year | 23 | 33 | 31 | 41 | 41 |
| Cases received during year | 685 | 493 | 403 | 375 | 375 |
| Cases terminated during year | 675 | 495 | 393 | 375 | 375 |
| Cases pending end of year | 33 | 31 | 41 | 41 | 41 |
| Average number of attorneys | 13 | 17 | 37 | | |
| Trial staff: | | | | | |
| Cases pending beginning of year | 17 | 23 | 34 | 34 | 34 |
| Cases received during year | 12 | 21 | 13 | 20 | 20 |
| Cases terminated during year | 6 | 10 | 13 | 20 | 20 |
| Cases pending end of year | 23 | 34 | 34 | 34 | 34 |
| Average number of attorneys | 5 | 9 | 7 | | |

*Statistical work data (June 27, 1960, thru Dec. 31, 1960)*

| | Division total | Administrative regulations | Appeals and research | Fraud | General crimes | Organized crimes | Trial staff |
|---|---|---|---|---|---|---|---|
| Days in court | 124 | 0 | 0 | 4 | 9 | 61 | 50 |
| Days in field | 866 | 0 | 0 | 3 | 53 | 660 | 150 |
| Days before grand juries | 176 | 0 | 0 | 0 | 57 | 100 | 19 |
| Days on special projects | 2,047 | 0 | 178 | 181 | 206 | 1,207 | 275 |
| Matters on which oral advice given | 6,338 | 898 | 1,544 | 935 | 138 | 2,800 | 23 |
| Intradepartmental memos prepared | 2,935 | 1,487 | 143 | 433 | 149 | 711 | 12 |
| Appellate briefs prepared | 25 | 0 | 15 | 1 | 1 | 3 | 5 |
| District court briefs prepared | 35 | 5 | 1 | 0 | 4 | 20 | 5 |
| Appellate briefs reviewed | 174 | 44 | 0 | 34 | 2 | 89 | 5 |
| District court briefs reviewed | 92 | 81 | 0 | 4 | 2 | 3 | 2 |
| Memoranda on legislation | 125 | 18 | 86 | 1 | 5 | 5 | 10 |
| Matters reviewed and referred | 8,234 | 348 | 1,206 | 5,153 | 201 | 1,314 | 12 |
| Matters reviewed and closed | 6,011 | 1,200 | 1,534 | 2,089 | 231 | 952 | 5 |

JAN. 2, 1961, THROUGH JUNE 30, 1961

| | Division total | Administrative regulations | Appeals and research | Fraud | General crimes | Organized crimes | Special projects | Trial staff |
|---|---|---|---|---|---|---|---|---|
| Days in court | 387 | 14 | 2 | 0 | 2 | 193 | 118 | 58 |
| Days in field | 2,407 | 54 | 0 | 7 | 285 | 1,187 | 622 | 252 |
| Days before grand juries | 517 | 2 | 0 | 3 | 12 | 55 | 398 | 47 |
| Days on special projects | 4,334 | 143 | 298 | 91 | 42 | 2,064 | 1,240 | 456 |
| Matters on which oral advice given | 7,694 | 1,684 | 1,203 | 1,063 | 114 | 2,997 | 517 | 116 |
| Intradepartmental memos prepared | 4,832 | 2,316 | 133 | 550 | 232 | 1,136 | 418 | 47 |
| Appellate briefs prepared | 105 | 3 | 82 | 8 | 4 | 6 | 0 | 2 |
| District court briefs prepared | 71 | 8 | 0 | 0 | 7 | 27 | 22 | 7 |
| Appellate briefs reviewed | 124 | 79 | 18 | 2 | 0 | 17 | 0 | 8 |
| District court briefs reviewed | 140 | 115 | 0 | 0 | 14 | 6 | 0 | 5 |
| Memoranda on legislation | 445 | 43 | 194 | 10 | 120 | 26 | 45 | 7 |
| Matters reviewed and referred | 6,281 | 664 | 1,245 | 2,834 | 388 | 788 | 347 | 15 |
| Matters reviewed and closed | 6,298 | 1,102 | 1,473 | 2,029 | 409 | 1,100 | 175 | 10 |

*Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | 146 | 165 | 162 | 183 | 173 |
| Received | 3,472 | 3,980 | 3,777 | 3,880 | 3,965 |
| Terminated | 3,453 | 3,983 | 3,756 | 3,890 | 3,965 |
| Pending end of year | 165 | 162 | 183 | 173 | 173 |
| Average number of atterneys | [1] 92 | [1] 99 | [1] 112 | ---------- | 174 |

[1] Includes special attorneys.

Mr. ROONEY. It should be noted that this request would entail the addition of 33 positions to the payroll and that there is included a request for $169,000 additional for travel.

Do you have a general statement with regard to this, Mr. Assistant Attorney General?

Mr. MILLER. Yes, Mr. Chairman.

## General Statement

The Criminal Division is charged with the responsibility for supervising the Federal Criminal Statutes of the United States with notable exceptions in the tax, antitrust and internal security fields.

We have in the past attempted to do two things in the Criminal Division and, I think, have succeeded.

In the first place, we have tried to increase the excellence of the work done; the second thing we have attempted to do is to impart a sense of urgency to the operations of the Criminal Division itself.

When we came before you a year ago at approximately this time, an increase was requested primarily for the Organized Crime and Racketeering Section. The appropriation was granted and the authorized strength of the Criminal Division has been increased in accordance with that budget request. The program in the organized crime field breaks down primarily into three categories. The first category I could term "legislative." During the year we requested and there was enacted by the Congress several statutes which I might term collectively the "Attorney General's crime program."

These statutes, for the first time since the Kefauver committee, put on the books of the United States Code, title 18, a provision which prohibited the interstate transportation of gambling information, a provision prohibiting travel in aid of racketeering enterpises and a provision prohibiting the interstate transportation of wagering paraphernalia.

These three bills were enacted into law in September of 1961, and in addition, another part of the program for the Organized Crime Section was the establishment of a so-called Intelligence Unit. This Unit is in receipt of intelligence data from more than 28 investigative agencies; information which we receive is cataloged and placed in such a situation that it can be used by the various attorneys in the organized crime program.

It has proved very beneficial and while we do not expect it to be completed for perhaps another 6 to 9 months, even now it has begun to pay dividends because it provides a source of information which can be utilized by the attorneys.

It has nationwide application so that we can take those items of intelligence at one end of the country and use them where needed at the other end of the country.

The third thing we have attempted to do is to obtain a closer cooperation and coordination with the various investigative agencies and the attorneys in the Organized Crime Section.

I may say that this has worked spectacularly well and for the first time now our attorneys are going out in the field, meeting with the investigative agencies involved, be it Narcotics, the Internal Revenue Service, the Federal Bureau of Investigation, or Post Office, and are actually being on the scene at the time the investigations are being run.

This has proved invaluable and I think the investigative agencies will bear this out, that there is legal advice during the course of the investigation which is of extreme help to the investigators themselves.

The way the Section has operated can best be shown by the fact that the amount of days spent in the field has increased substantially, and also the time before grand juries has increased substantially.

I have tried to find a way to portray the change that has occurred and I came up with this graph which I will submit for your information and which shows, starting in fiscal 1960 through 1961, and halfway through fiscal 1962, the days spent in the field.

As you can see from the graph, there is a substantial increase in the amount of time that is actually spent in the field, which includes both investigatory work and grand jury work.

I think an even more significant statistic is shown on this graph.

Mr. ROONEY. What does this prove?

Mr. MILLER. What we are trying to show by that graph is that the attorneys, instead of staying in Washington and reading reports, are actually going out to the scene of the activity which is involved.

Mr. ROONEY. This was formerly done by the district attorneys in the districts, was it not?

Mr. MILLER. To a certain extent.

Mr. ROONEY. Does not this chart prove you are taking over the job of the district attorneys in the districts, and, instead of fieldwork being done by them and their staffs, you are doing it out of Washington; is that a fair statement?

Mr. MILLER. To a certain extent it is true, but I will say this, Mr. Chairman, which is also true: In the field we are talking about now, it is very, very difficult to make cases. It is exceedingly difficult to make a narcotics case or to make a case against any one of these top racketeers. The U.S. attorneys themselves have neither the time nor the staff in most instances to accomplish this result and I will give you an example in this case of New York where the contrary is true.

There, Mr. Morgenthau has four people in a Special Prosecutions Unit and that Unit spends its time on organized crime cases.

However, to get into the specifics, they had up there what is called the *Agueci* case, which is a substantial narcotics case. When that case went to trial, Mr. Brodsky, the head of that Unit, required the assistance of two, three, and four people and it was a 5- to 6-week trial which, I am glad to say, resulted in a conviction.

While he was so engaged, the intelligence reports and data were left unmanned, so to speak, and that is an example of why we have had to assign, on a part-time basis, men to the New York area.

Then we go to Chicago and there, there are three men stationed permanently in the office of the U.S. attorney, Mr. Jim O'Brien, and also in Los Angeles, there are two men stationed permanently in the office of Mr. Whelan.

We try actually to put the men out in the field so that they can perform the specific mission.

I will now go around to an example of where there is a man assigned in Detroit, Mr. Paul Komives, who used to be in the Organized Crime Section, but who is now on the staff of the U.S. attorney in Detroit. He is working there with another assistant on organized crime matters, but he still has so many cases in the normal workload of the office that he cannot devote full time to it. Consequently, we still have to have a man who will work with the investigative agencies and turn the results over.

I might say that in every instance where we can, we will turn the matter over to the U.S. attorney and, in fact, there are some 25 instances which I could cite to you where we have turned the case over.

The *Agueci* case is a good example and that case was developed by the Organized Crime Section and yet when Mr. Morgenthau indicated he had the personnel, it was presented to the grand jury and was tried by his personnel. We do not have the time nor the manpower to work these cases and then try them. I am very cognizant of the role the U.S. attorneys can and do play in this field, and I am hopeful that their participation will increase because——

REFLECTION ON DISTRICT ATTORNEYS

Mr. ROONEY. It would seem to me that this is a reflection on these U.S. district attorneys and their staffs. I do not know why they should not be able to handle these cases without half a dozen people from Washington. This is an expensive business. There is an added travel item, and it all comes to quite a bit.

Mr. MILLER. I grant you that, and there is no question but that it is expensive business. I agree with you wholeheartedly.

Mr. ROONEY. It would appear from your chart—and I always love charts and graphs—that in the month of April in fiscal year 1961, you had a $1,965,000 appropriation and you had far more days in the field, according to this, than you did last month; is that a fair statement?

Mr. MILLER. Last month, you say?

Mr. ROONEY. Yes.

Mr. MILLER. The last month would be December. Yes, that is right.

Mr. ROONEY. Is that correct?

Mr. MILLER. That is correct.

I might say that was an initial period where these men had familiarized themselves with the various areas in which they were going to be working; they received the intelligence reports, and then they started to go into the field and meet with the investigative agencies to seek that coordination between the investigative agencies which is so necessary in this type of work. Believe me, this is not a reflection on the U.S. attorneys and I will cite you another example, a case just made under the new travel statute where it ran, in effect, through three different districts of U.S. attorneys.

It started in New Jersey and then it went into Mr. Haly's district in the eastern district and then Mr. Morgenthau's district.

There you had the transportation of the results of a large gambling operation which went through three judicial districts. As it turned out, Mr. Morgenthau was the one designated and——

Mr. ROONEY. You are citing a case which exactly justifies what I have been talking about. I suspect you do not have too many like that?

Mr. MILLER. We are getting more and more and we find, in this field, that it is not the single individual who is operating by himself, but we find there are groups of individuals operating in conjunction with one another.

They are not all located in one spot and we have a tremendous amount of travel, for example between Detroit and the States in the Far West.

Obviously, someone has to coordinate that information with respect to the "why" of that travel, and what these people are trying to do and trying to accomplish.

The same thing you can find in the Pennsylvania area and in the New Jersey area where Mr. Satz is.

We do not—believe me, and I think you can ask any of the U.S. attorneys—try, and do not in fact step in and attempt to take these cases away from them. We want them to try them because we cannot possibly try them all ourselves.

PRACTICE OF PUTTING CASES BEFORE GRAND JURY

Mr. ROONEY. What is the present practice with regard to presenting these cases before the grand jury?

Mr. MILLER. The practice is that if the U.S. attorney can handle them and is willing to, we are more than happy to turn them over.

I might say that I have on my desk right now requests for grand jury activity in Louisville, Ashville, and in West Virginia. All three cases were followed through and the facts coordinated and we are in a position where we can indict. In all three of those instances, the U.S. attorneys are requesting our help and if we can, we will give it to them.

I can assure you, sir, that there is no attempt here to exclude the U.S. attorneys from this operation and, in fact, where we can, we try to make them an integral part of it.

ASSESSMENT OF PROGRESS AND WORKLOADS

On the results, and I hasten to emphasize, it is very difficult to attempt to assess progress and also difficult to assess workloads in terms of statistics, I have attempted to come up with that in some way and, frankly, I must admit I have come up with nothing. I hope to give it further thought but it is very difficult to assign the workload of an attorney as a statistic and attempt to demonstrate by that statistic what he had accomplished.

Mr. ROONEY. There is nothing like anticipation, is there? You must have been looking at page 14–50.

Mr. MILLER. I will say that one way that you can look at these results is by how many indictments and how many convictions have been obtained.

I went back to the 6-month period from July 1, 1960, to December 31, 1960, and in that period of time the Organized Crime Section worked on three cases which involved three indictments and six defendants.

Mr. ROONEY. That was all a waste of money.

Mr. MILLER. And two convictions involving eight defendants.

Mr. ROONEY. Did any of those cases stick? None of them. You are speaking of the so-called Wessel group?

Mr. MILLER. No; this was immediately after. This was when it was reorganized.

I cite that as an example of how difficult it is to come across cases in this field.

Starting with January 1, 1961, and going through June 30, 1961, we have 11 indictments involving 24 individauls and 11 convictions involving 39 individuals.

In the period July 1 through December 31, 1961, last, there have been 34 indictments involving 97 individual defendants and 13 convictions involving 34 individual defendants.

This does not include cases in which the Organized Crime Section attorneys did not participate.

I cite as an example the case of Carlos Marcello, a very famous personage in Louisiana. He was indicted when he returned to the United States for unlawful entry, and that case was worked up by Mr. Hepburn Many in conjunction with our people, but he did the job.

In the meantime we were very fortunate and found information which indicated that Carlos Marcello falsified a birth certificate which he had used to indicate birth in a country other than Italy, to which he was attempting to be deported. He had actually signed an oath that he had not done so and consequently on the basis of the testimony we were able to adduce, he was indicted on two cases in Louisiana.

Mr. ROONEY. That is still pending, it is?

Mr. MILLER. Yes, it is still pending; all three cases.

Mr. ROONEY. How many years has the Government been trying to deport him?

Mr. MILLER. I think it started in 1952 and the case has been up to the Supreme Court. We have a list of proceedings on that case back at the office and I believe the document is four pages.

He just recently filed another proceeding in the district court down in Louisiana to set aside his narcotics conviction. He was convicted after he plead guilty in 1938 and wanted to set aside this narcotics conviction because he was not represented by counsel.

I cite these as an example of how we are beginning to, and have begun to, make inroads into this problem. The indictments and convictions, there is no question but what they are significant and I hope that we will continue to increase that number.

We have made an estimate which will cover the next 6 months and I think the same ratio will continue on a constantly expanding basis.

I might say there were some top individuals in the country we had nothing on, really, and I am happy to say that, of this group, we have been able to indict five within the last year.

I think that is a significant accomplishment and I am hopeful that we can do very much better in this field.

### INVESTIGATION OF VIOLATIONS OF NEW STATUTES

As for the new statutes which were enacted by Congress, the FBI has already commenced to investigate potential violations of these new statutes. In the first 4 months of experience under the new statutes, they have made approximately 2,100 investigations under the wagering paraphernalia statute, transmission statute, and travel statute.

These new statutes are going to account for a significant increase in the workload of the Organized Crime Section. We have already set up a unit in the Section comprising four attorneys, which is headed by Mr. Ed Joyce, to serve as a focal point for prosecutions and investigations under these new statutes.

We find this has been necessary because, as I say, of the some 2,100 investigations which have been initiated by the FBI, since they are new statutes, the U.S. attorneys, when the cases are referred to them, are requesting help in every step of the proceedings.

I indicated earlier that I have a request from three U.S. attorneys on my desk now and we expect to obtain an indictment in New York next week. Mr. Morgenthau has asked that we go over the indictment and make sure that the facts square with the provisions of the new statute.

This is a constantly increasing burden which is going to be put on the Unit of four men and furthermore it has been unofficially, or perhaps officially, estimated that before the calendar year is out, there will be something like 10,000 or better investigations which will result in a rather substantial number of cases. All of these cases will have to be funneled through this Unit so that we have a standard of prosecution applicable throughout the country and so that the statute is not strained by going too far on the basis of facts which perhaps do not support the charge that is made.

In addition to this, we have a very substantial need for more attorneys in the Organized Crime Section in New York, in the New York area, which would cover both the southern district and the eastern district.

Mr. Morgenthau has a very difficult time, which has been demonstrated already in trying to keep up with the many investigations which involve narcotics, which involve labor corruption, and which involve racketeering. He has only four men he can assign to this Special Prosecutions Unit and when they are in trial, of necessity, other work must come to a halt and we try to pick it up.

I am hopeful that we will be able to assign three or four or more men to Mr. Morgenthau's office to pick up that slack.

An additional man should be assigned to the eastern district of New York and in Chicago there is a crying need for two additional men. In Chicago, frankly, we are having a very difficult time cracking the operation.

IMPACT OF NEW JUDGES

Mr. ROONEY. What effect does the addition of new district judges have on the subject you are discussing, if any?

Mr. MILLER. The only impact that the new judges would have that I could see is the fact that these cases would come to trial sooner than they have in the past. In other words, the timelag between indictment and trial would be substantially lessened.

As I say, where we can, we try to turn it over to the U.S. Attorney's Office anyway, because, frankly, we feel he is more equipped to try the case. He knows the people and knows the area and knows the makeup of the jury.

Mr. ROONEY. He knows the respective jurors, too.

Mr. MILLER. I will use one example, or two examples, actually, where we are going to have to try the case ourselves.

One is in the Newport area which is an indictment which grew out of the Ratterman incident and the other involving Frank Andrews and several other individuals.

He has been one of the biggest number operators in that area for years.

Some sections of the country, as it now stands, are completely untouched and when you take away the four men in Mr. Joyce's Unit, working on the new statutes, we have three men assigned to liquor and narcotics violations, which frankly is more of a review proposition than anything else.

You take away the three supervisory personnel in the Section and you ultimately end up with approximately 33 people who are actually available for geographical assignment.

For example, in the past year we have had one man who has covered practically all of the Southeastern part of the United States with the exception of Florida.

He has had a very difficult time because it was he who obtained the information which enabled us to make the *Marcello* case. When something like that comes up, he has no choice but to go down to the grand jury and present the facts. In the meantime, the intelligence reports in the various areas are continuing to build up.

I might say that in the course of the year there have been significant convictions in this field.

I would point out one which is particularly dear to me since I come from Minneapolis, the so-called Kid Cann operation in Minneapolis.

He was convicted and during the course of the trial we ascertained that he attempted to bribe a juror. He was found guilty and within 4 days he was indicted and pleaded guilty to a charge of obstruction of justice. He and his cohorts are now—he is actually serving but the others are out on appeal— are now serving time.

Mr. ROONEY. What connection did the Criminal Division have with that, if any?

Mr. MILLER. With the *Kid Cann* case?

Mr. ROONEY. Yes.

Mr. MILLER. The Criminal Division did not have any connection. That was before my time. I do not believe the Criminal Division worked on that case other than to consult and help prepare the indictment.

The trial of the case we had nothing to do with.

Mr. ROONEY. Is there anything involved about an indictment like that?

Mr. MILLER. Yes, sir; because we have to be very careful in these cases.

Mr. ROONEY. Who did you have in Minneapolis who could not draw an indictment without help from Washington?

Mr. MILLER. Very probably the U.S. attorney out there could do it without help from Washington but he chose to seek help. We get requests of this nature every day, Mr. Chairman. This is not a new thing. I cannot tell you how many requests that we get every day, but we get a substantial number of requests every week for help in drafting indictments and in preparing cases and on questions as to the scope of the statute.

This is really the prime function of the Criminal Division, to act as a repository to help the various U.S. attorneys. I do not think we have ever seen it more clearly than we have in the first 6 months of this year when the U.S. attorney's offices were—I would not say decimated—but were certainly at a low ebb, and the people coming in, perhaps, had not had the experience and training their predecessors had when they left the job.

So they needed help. They needed help badly.

I can give you an example. In the southern part of Illinois we had to send out two men; the U.S. attorney was the only person there and he had two offices 300 miles apart.

Mr. ROONEY. Did the Criminal Division have anything to do with it other than by way of advising with regard to the indictment?

Mr. MILLER. During the course of the trial and before the trial, I understand they consulted and when the information came in that there had been an attempt to obstruct the juror in the course of the trial, to bribe the juror in the course of the trial, that was handled directly here from Washington. Of course, the U.S. attorney was filled in the whole time while he was trying the case but that whole operation was conducted from here because it was a very sensitive thing.

In a case where you have a bribe attempt like this there is always the question of whether or not a mistrial should be declared, whether or not you should go ahead; whether you can, in fact, even talk to the juror during the course of the trial. That whole thing was a very sensitive thing and I may say that it apparently was handled properly because the end result was that he pleaded guilty.

Mr. MARSHALL. Would the chairman yield?

Mr. ROONEY. Yes, Mr. Marshall.

Mr. MARSHALL. How much time was involved in this Kid Cann trial in Minneapolis?

Mr. MILLER. In the trial itself?

Mr. MARSHALL. From the time it was decided he was guilty; how long a period of time until the time he started to serve his time?

Mr. MILLER. As I recall that case, and I would have to check the exact statistics, he was found guilty for filing false liquor returns.

In that case the bribe attempt was made to the juror and I think it was within a matter of a week he had come in and plead guilty to the charge of obstructing justice in his attempt to bribe the juror.

I could not give you the exact time, but it is my impression that it was shortly thereafter he commenced serving time on the obstruction charge, the obstruction of justice charge.

Mr. MARSHALL. He also appealed his case, did he not?

Mr. MILLER. He did not appeal, as I recall. He did not appeal the obstruction conviction because he pled guilty to that, but he did appeal the liquor case. In addition there was one other case which was brought in, I believe in 1959, which was a Mann Act case involving Kid Cann himself, and not any of the rest of the people who worked with him.

Mr. ROONEY. How old is Kid Cann?

Mr. MILLER. I believe he is about 65, but I could be wrong on that.

If I can reminisce for a minute, I remember as a child when they had a very crusading newspaper editor out there and he started taking off on the Kid Cann syndicate, as it was called there, and they found this man later brutally shot in an alley someplace. Of course, the allegations were throughout the year that Cann was the man who did it, but nobody ever found the murderer and nobody ever proved it.

Mr. ROONEY. Was that the Jake Lingle case?

Mr. MILLER. No, I do not believe so.

Mr. ROONEY. This does not help us to explain these phenomenal figures on travel.

Mr. MILLER. Maybe I should not get into the specific cases, but there was the Carbo case out on the west coast and I would also cite the Agueci case, which was tried by Mr. Morgenthau's operation, which has made a substantial dent in the narcotics problem in New York City.

I think the prime push behind any organized crime program in the United States, the first thing we have to recognize is that the hierachy is very well protected.

It is very difficult to move in and find a case on the people we consider to be, and know to be, the top men in the particular area. These men are surrounded by lieutenants, most of whom would not talk under any circumstances and that is why these cases are not the kind of cases you find that facts are made, and the cases brought in, and that is all there is to it. It takes very careful analysis and digging of all of the various facets of the operation to see who is involved, and who is doing what type of thing. Unless you can assign someone to follow that investigation, and we have got instances where, frankly, investigations have gone on for over a year now with no hope of success, there is no question about that. Some of these unquestionably are blind alleys and we have had our best attorneys participating in many, many conferences with the investigative agencies on these cases and yet we just have not gotten the break that is necessary.

We have not turned up anything.

On the other hand, I think in some other cases we have had significant success, some of which I mentioned here today.

It is not the type of case where we can just sit back and wait for the case to be packaged and brought to us.

This is something we actually have to go out and look for. In the course of looking for it, that is when we are going to find these facts which will help us make the cases, if not against the top man, at least against some of the juniors who are around them.

This is why it is necessary to go out in the field, because these attorneys go out and they actually meet with the investigative agencies who are actually working on the case. They sit down and they go over it.

In the Detroit area, for example, there is a grand jury going on now with the results being turned over to the U.S. attorney's office.

I may say that in the last fiscal year or the last calendar year, there have been 30 grand jury investigations with some 26 judicial districts involved, which is, again, a statistic, but I think it demonstrates the fact we are not sitting back and waiting for the cases to be delivered to us.

We are trying to go out and see what there is right on the spot and then, when we find something, present it to the grand jury.

### REQUEST FOR ADDITIONAL ATTORNEYS

In addition to the Organized Crime Section for which we have requested an increase of 18 attorneys, we have requested 10 additional attorneys spread around the remaining sections of the Criminal Division.

Mr. ROONEY. How many attorneys did you say, for the Organized Crime and Racketeering Section?

Mr. MILLER. Eighteen.

Mr. ROONEY. Eighteen more and you have how many now? Thirty-seven?

Mr. MILLER. No; we have a total of 58 which includes the 3 assigned to the U.S. attorney's office in Chicago, Ill.

CASELOAD STATISTICS, ORGANIZED CRIME AND RACKETEERING SECTION

Mr. ROONEY. Will you look at page 14–47 of your justifications with regard to caseload statistics, Organized Crime and Racketeering Section.

You had 13 lawyers in 1959 and they terminated 675 cases. You have 58 now in 1962 and you contend you will terminate 375. How about this substantial difference in figures?

Mr. MILLER. There are several things that account for that.

In the first place, this is not an area where case statistics are significant. We could, as a practical matter, probably put in the Organized Crime Section petitions for forfeiture and remission in liquor cases and narcotics cases, too.

Mr. ROONEY. Why would you do that? We are looking for comparative figures and we assume the figures you gave us are comparative.

Mr. MILLER. I grant you that. What I was saying, Mr. Chairman, is that this is not a field where you are going to turn up with a tremendous number of cases. It is not that type of operation. This is a long, hard pull and every case we make, sometimes I will admit we get a break, but normally it is a result of many hours of effort, not only by the investigative agency but by ourselves.

Let me see if I can explain. For example, in fiscal 1959, there were 685 cases and in 1960 there were 493 cases. As near as I can ascertain that dropped between 1959 and 1960.

Mr. ROONEY. I am not talking about the drop between 1959 and 1960. I am talking about the drop between 1959 and the current year, right now, when you have 58 lawyers as compared with 13 in 1959.

Mr. MILLER. Yes, sir. You must remember that in 1961, the first half of 1961, the program was just beginning to get underway and we did not have those additional personnel until late in fiscal 1961.

I have some figures here which bring the first 6 months of fiscal 1962 up to date and those figures show that in the Organized Crime Section in the first 6 months, which would be July 1 through December 31 of 1962, that the cases received——

Mr. ROONEY. 1961?

Mr. ANDRETTA. Calendar 1961.

Mr. MILLER. The last half of calendar 1961.

The cases received by that Section have increased to 226 and this is for a 6-month period.

If you continue that on the same basis, it is going to raise to 452 as compared with the 403 here.

Mr. ROONEY. Let me see that document, please.

Mr. MILLER. Yes, sir.

Mr. ROONEY. This is the same information we have at page 14–47 to which I directed your attention a while ago?

Mr. MILLER. Yes, sir; but there is an additional significant addition there in that we have the first 6 months of fiscal 1962 which shows that there have been 226 cases received by the Organized Crime Section.

If that is continued at that rate, we will have 452 cases in the Organized Crime Section for the full fiscal year of 1962.

I wonder if I might submit——

Mr. ROONEY. Less 51 cases in the General Crime Section?

Mr. MILLER. Yes, sir.

Mr. Chairman, I would like to submit this document for the record.

Mr. ROONEY. This is what I was looking at?

Mr. MILLER. Yes, sir.

Mr. ROONEY. It would appear from this that you were in court far less in the last 6 months of calendar 1961 than you were in the first 6 months.

Mr. MILLER. Days in court?

Mr. ROONEY. Yes, 387 days?

Mr. MILLER. The answer to that is, "Yes, we were in court less days." That is right.

CRIMINAL DIVISION WORKLOAD STATISTICS

Mr. ROONEY. We shall insert this document with regard to the first half of fiscal year 1962 at this point in the record.

(The document follows:)

*Workload*

| | Actual | | | | Estimate | |
|---|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1st 6 months 1962 | 1962 | 1963 |
| Cases: | | | | | | |
| Pending beginning of year | 146 | 165 | 162 | 183 | 183 | 173 |
| Received | 3,472 | 2,980 | 3,777 | 2,222 | 3,880 | 3,965 |
| Terminated | 3,453 | 3,983 | 3,756 | 2,122 | 3,890 | 3,965 |
| Pending end of year | 165 | 162 | 183 | 283 | 173 | 173 |
| Average number of attorneys | [1] 92 | [1] 99 | [1] 112 | 138 | 146 | 174 |

[1] Includes special attorneys.

*Caseload statistics by sections*

| | Actual | | | | Estimate | |
|---|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1st 6 months 1962 | 1962 | 1963 |
| Administrative Regulations Section: | | | | | | |
| Cases pending beginning of year | 36 | 45 | 54 | 38 | 38 | 38 |
| Cases received during year | 1,332 | 1,976 | 1,748 | 1,220 | 1,800 | 1,850 |
| Cases terminated during year | 1,323 | 1,967 | 1,764 | 1,187 | 1,800 | 1,850 |
| Cases pending end of year | 45 | 54 | 38 | 71 | 38 | 38 |
| Average number of attorneys | 13 | 16 | 17 | 17 | 16 | 20 |
| Appeals and Research Section: | | | | | | |
| Cases pending beginning of year | 28 | 41 | 33 | 43 | 43 | 38 |
| Cases received during year | 572 | 556 | 595 | 262 | 600 | 600 |
| Cases terminated during year | 559 | 564 | 585 | 268 | 605 | 605 |
| Cases pending end of year | 41 | 33 | 43 | 37 | 38 | 33 |
| Average number of attorneys | 17 | 20 | 19 | 19 | 20 | 21 |
| Fraud Section: | | | | | | |
| Cases pending beginning of year | 7 | 13 | 8 | 3 | 3 | 8 |
| Cases received during year | 295 | 363 | 449 | 235 | 475 | 500 |
| Cases terminated during year | 289 | 368 | 454 | 233 | 470 | 490 |
| Cases pending end of year | 13 | 8 | 3 | 5 | 8 | 18 |
| Average number of attorneys | 12 | 10 | 11 | 10 | 12 | 13 |
| General Crimes Section: | | | | | | |
| Cases pending beginning of year | 35 | 10 | 2 | 24 | 24 | 14 |
| Cases received during year | 576 | 571 | 569 | 267 | 585 | 595 |
| Cases terminated during year | 601 | 579 | 547 | 285 | 595 | 600 |
| Cases pending end of year | 10 | 2 | 24 | 6 | 14 | 9 |
| Average number of attorneys | 18 | 13 | 14 | 15 | 14 | 16 |
| Organized Crime and Racketeering Section: | | | | | | |
| Cases pending beginning of year | 23 | 33 | 31 | 41 | 41 | 41 |
| Cases received during year | 685 | 493 | 403 | 226 | 375 | 375 |
| Cases terminated during year | 675 | 495 | 393 | 133 | 375 | 375 |
| Cases pending end of year | 33 | 31 | 41 | 134 | 41 | 41 |
| Average number of attorneys | 13 | 17 | 37 | 60 | 53 | 71 |
| Trial staff: | | | | | | |
| Cases pending beginning of year | 17 | 23 | 34 | 34 | 34 | 34 |
| Cases received during year | 12 | 21 | 13 | 12 | 20 | 20 |
| Cases terminated during year | 6 | 10 | 13 | 16 | 20 | 20 |
| Cases pending end of year | 23 | 34 | 34 | 30 | 34 | 34 |
| Average number of attorneys | 5 | 9 | 7 | 10 | 7 | 9 |
| Average number of attorneys (total) | | | | | 122 | 150 |
| Front office, SAAG's, administration | | | | 7 | 24 | 24 |
| Total | | | | 138 | 146 | 174 |

*Statistical data work (July 1, 1961, through December 31, 1961)*

| | Division total | Administrative regulations | Appeals and research | Fraud | General crimes | Organized crimes | Trial staff |
|---|---|---|---|---|---|---|---|
| Days in court | 168 | 1 | 4 | 10 | 1 | 116 | 36 |
| Days in field | 2,679 | 3 | 0 | 22 | 134 | 2,439 | 81 |
| Days before grand juries | 535 | 0 | 0 | 0 | 6 | 518 | 11 |
| Days on special projects | 4,506 | 34 | 28 | 67 | 150 | 3,611 | 616 |
| Matters on which oral advice given | 32,796 | 1,392 | 1,556 | 1,106 | 357 | 28,270 | 115 |
| Intradepartmental memos prepared | 19,548 | 2,515 | 196 | 453 | 275 | 16,046 | 63 |
| Appellate briefs prepared | 178 | 0 | 151 | 7 | 10 | 9 | 1 |
| District court briefs prepared | 17 | 0 | 0 | 1 | 2 | 14 | 0 |
| Appellate briefs reviewed | 163 | 71 | 56 | 1 | 4 | 31 | 0 |
| District court briefs reviewed | 90 | 53 | 4 | 2 | 14 | 17 | 0 |
| Memorandums on legislation | 347 | 26 | 123 | 14 | 91 | 92 | 1 |
| Matters reviewed and referred | 6,095 | 331 | 810 | 2,425 | 339 | 2,177 | 3 |
| Matters reviewed and closed | 7,427 | 1,438 | 1,518 | 2,503 | 578 | 1,390 | 0 |

ADMINISTRATIVE REGULATIONS SECTION

Mr. MILLER. The Administrative Regulations Section handles a great variety of cases and gets a great number of requests from U.S. attorneys throughout the country because of the type of case they handle, and this is normally a very specialized case. One of the best examples that I can give you of the specialized type of case they handle is the immigration and naturalization case, the so-called deportation case.

These cases, if you have ever examined the code provisions governing this, are not only sometimes quite long from a record standpoint but the statute itself is very technical and as witnessed by the litigation, many parts of the statute lack the clarity that might be desired.

IMMIGRATION AND DEPORTATION CASES

In the last Congress the Judicial Review Act was enacted which applies to appeals in immigration cases and deportation cases.

This act required that the Administrative Regulations Section and the unit which specifically works on these cases review some 300 cases to determine whether or not they should be transferred to the court of appeals.

The new Judicial Review Act applicable to this type of case in effect transfers the appeal from the district court with certain specified exceptions to the court of appeals.

The act also provided that within 6 months, any individual who was under an order for deportation, if he was going to contest the administrative deportation order, would have to file suit.

There are outstanding today over 4,000 deportation orders and it is expected that there will be a substantial number of people who will file appeals from the court deportation orders.

These cases in practically all instances will go to the court of appeals and in many cases they are going to go to the court of appeals and the U.S. attorney assigned is going to have no working knowledge of the immigration laws. This will require a substantial amount of help from the attorneys in this section.

In fiscal 1960, again going back to statistics, there were 11,786 deportation hearings instituted by the Naturalization and Immigration Service.

In fiscal 1961 there were 17,323 cases instituted and I know of personal knowledge that the attorneys in this section have been working many, many hours overtime, and on weekends, too, trying to keep up with this constantly increasing workload.

It is a very technical subject and it is a very difficult subject. As I say, it is so technical that the U.S. attorneys require and request a great amount of assistance from our people in this area, and the only way that the caseload in the immigration and deportation field can go, I am afraid, is up.

VIOLATIONS OF FOOD, DRUG, AND COSMETICS ACT

These deportation hearing figures demonstrate that this is indeed the fact, and in addition to that, we also have in that same section a unit which deals with violations of the Federal Food, Drug, and Cos-

metics Act. Two significant legislative changes have been made in that area which are going to affect the workload of the Section. The first is the Hazardous Substance Labeling Act which will require that labels be placed on certain types of hazardous substances and that has been postponed. The effective date has been postponed for approximately 2 years now, I believe, but we expect it to go into effect and full force this coming year. When that happens, there is going to be a substantial increase in litigation and seizures, where a product is found not to bear the requisite label.

In addition, the Federal Food, Drug, and Cosmetics Act was amended to provide for the utilization of certain coloring additives. This, too, is going to increase the workload of the Section and, again looking at the statistics, the Food, and Drug Administration has requested an increase in personnel, but in the period from January to June 1961, there were 506 seizure cases under the Federal Food, Drug, and Cosmetics Act.

From July to December 1961, the last 6 months of the calendar period, there were 697 seizure cases.

The Federal Food, Drug, and Cosmetics Act statute provides for seizures and often involves complicated situations. Again, because of their expertise in the field, the men in the Administrative Regulations Section work on this type of case and are called upon very substantially by the U.S. attorneys for aid and assistance in these cases. Where necessary, they will go out and handle the case or argue an appeal.

We have not actually gone out and handled, to my knowledge, on a trial basis, any case under the Federal Food and Drug Act because, frankly, we just do not have the personnel and we feel we can accomplish our mission in a much better way by having this expertise available when the U.S. attorney needs it, rather than have these men out of the Section.

CASELOAD OF ADMINISTRATIVE REGULATIONS SECTION

Mr. ROONEY. I note at page 14–24 of these justifications that this sheet is not captioned.

This sheet refers to the caseload of the Administrative Regulations Section?

Mr. MILLER. Yes, sir.

Mr. ROONEY. It would appear from this that your workload is going to be less in the current year and in the coming year than it was in 1960.

Mr. MILLER. The figures here would reflect that there would be a slight increase over 1961, but a decline from 1960.

Mr. ROONEY. You had fewer lawyers in 1960 than you have in 1962?

Mr. MILLER. Yes, sir.

I might say that in this particular Section the cases which have been worked on during the first 6 months of fiscal 1962, July 1, 1961, through December 31, 1961, totaled 1,220. If it continues at the same rate, for the entire fiscal year, we will have 2,440 cases which, of course, will be some 640 more than we actually had estimated and will actually be a substantial increase over the peak year of 1960.

Mr. ROONEY. Are you referring to cases received or terminated?

Mr. MILLER. Cases received.

Mr. ROONEY. According to page 14–24 you expect to have no more than 1,850 cases received in the coming year?

ACCURACY OF ESTIMATED WORKLOAD

Mr. MILLER. Yes, sir. That was an estimated figure.

Mr. ROONEY. This is wrong?

Mr. MILLER. It was an estimate and we will know whether that is wrong at the end of the fiscal year. What I am saying is that we have the actual statistics for the first half of the fiscal year and those statistics show that there were 1,220 cases in the first half of fiscal 1962.

Mr. ROONEY. Are you saying that the figures shown on page 14–24 are not worth a darn?

Mr. MILLER. I am saying that the estimate——

Mr. ROONEY. What do we have it in here for?

Mr. MILLER. Mr. Chairman, all we can do is estimate and an estimate is a knowledgeable guess.

Mr. ROONEY. This is your up-to-date estimate, is it not? You say the figure is 1,850 cases in 1963 and is that an incorrect estimate?

Mr. MILLER. I will know in 6 months whether that estimate is incorrect.

Mr. ROONEY. We will all know that by then?

Mr. MILLER. Yes, sir. What I am saying is that what the actual figure was for the 6 months——

Mr. ROONEY. These are expert estimates, are they not?

Mr. MILLER. Yes, sir. It is not a guess. I do not mean that at all.

Mr. ROONEY. An expert guess?

Mr. MILLER. An expert guess. And obviously there is a chance for error.

Mr. ROONEY. There is always an error when we find the figures are on our side. All right.

EXTRADITION CASES

Mr. MILLER. There is one other significant type of case handled in the Administrative Regulations Section and that is the extradition case.

We have had a substantial increase in these, and these are, again, highly technical types of proceedings.

We have spent a substantial number of man-hours assisting in the case of Jimenez down in Florida.

In addition we had to send an attorney to Canada to help out in the extradition of three defendants in the Agueci narcotics case. This is the case I referred to earlier which was tried by Mr. Brodsky in Mr. Morgenthau's office. This is a difficult field because the ground rules are not too clear and, again, whenever one of these types of cases comes up it requires a substantial amount of man-hours by the attorneys in the Section.

This, again, is looking to the future, but if there is ratified the proposed extradition treaty with Brazil we will undoubtedly have a sub-

stantial increase in workload in this field because there are several individuals who have fled to Brazil from the United States to avoid prosecution on the basis that there was no extradition treaty.

GENERAL CRIME SECTION

In addition to the Administrative Regulations Section, there is also the General Crime Section, and this Section has approximately 792 criminal statutes assigned to it.

This Section works on cases involving obscenity, cases involving the integrity of governmental operations, and also cases involving obstruction of justice, plus, as I say, some 700 other criminal statutes.

In the last year Congress has enacted six statutes which, we believe, will have a substantial impact on the workload of the General Crime Section. The first of these statutes passed was the Aircraft Piracy Act. This not only makes piracy of aircraft a crime, but it also makes a crime certain other matters, such as interfering with crewmembers of an aircraft while they are performing their duties or carrying guns aboard the aircraft itself.

In addition, the bomb-hoax statute was amended to provide for felonies and misdemeanors for the first time. Now, there is a misdemeanor where willfulness is not present.

In addition, the statute was enacted which made it a Federal crime to damage communication facilities and also made it a Federal crime to destroy property which was being carried in interstate commerce.

We have attempted to get an estimate as to whether or not there is going to be much more work generated in the General Crime Section by reason of these new statutes. Since the statutes were passed, which was approximately September, as I recall, that they became effective, we have had 25 aircraft piracy cases which includes carrying guns aboard an aircraft and interfering with crewmembers.

The bomb-hoax cases remain fairly constant because it was not a new statute but was merely amended.

It means there will be more prosecutions since it contains a misdemeanor provision. There have been 215 of those cases. There are 20 cases which involve damage to communications facilities and some 40 cases which involve damage and destruction of property being carried in interstate commerce.

In addition to that, we expect a significant increase in obscenity cases in that the Post Office has increased by approximately 2,000 the number of investigations they have made in these cases and the arrest and conviction rates are up 26.7 and 27.8 percent, respectively.

We expect, in addition to the constantly increasing workload of the Section, that there will be this additional burden of these new statutes.

I might say that any time a new statute is enacted, what we do is write a résumé of the statute, get together all of the legislative history, give prosecutive instructions and send all of these things out to the field so that the various U.S. attorneys will have, at least to the extent that you can get it from legislative history and reading the statute, a working basis for working with these new statutes.

FRAUD SECTION

The Fraud Section of the Criminal Division primarily handles SEC cases and mail fraud. In addition to these, you have the fraud in Federal housing programs, fraud in Federal-aid highway programs, and fraud in Government procurement.

The fraud cases, as you gentlemen, I am sure, are aware, are, in many instances, such as to consume a substantial amount of time. The facts are often complicated and the records are usually long. It is the function of this Fraud Section to review these cases to make sure that the prosecution is warranted and to make certain that the facts will justify an indictment and that we can secure a conviction. The same is true in the Securities and Exchange Act field.

Now let me slip back to mail frauds for just a minute and I will give you an example of where we have had to give substantial aid to the U.S. attorney in Baltimore, Md.

He has several mail fraud cases pending over there and many of them involve savings and loan associations. While he has been working very hard and very long hours, he needs some additional help. We have had to assign one man full time to do nothing but give him aid and assistance and this will help him out, but, of course, the other cases around the country will suffer to a certain extent. For example, we have a request from the U.S. attorney in Arizona. He has a fraud case out there that might last 2 or 3 months. We had to send one of our trial attorneys out there to work on that case. We have one attorney helping Ed Boardman down in Miami. Again, this was a fraud case and we had one out in North Dakota on the *Lenders Service Co.* case. The trial went approximately 4 months.

I just give you these examples to give you an idea of the complexity of this type of case. I am sure that you are familiar with this and with the investigation of the SEC currently being conducted into the American Stock Exchange. There is always a substantial possibility we will have more cases there.

Mr. ROONEY. You would not have enough time on statistics, would you, if you got more SEC cases?

Mr. MILLER. The statistics——

ERRORS IN WORKLOAD STATISTICS

Mr. ROONEY. Some of your statistics are amazing. Let us take a look at page 14–45 entitled "Criminal Division Workload." It covers the years 1959, 1960, 1961, and the estimate for 1962 and 1963.

Now, let us take a look at page 14–50. The Department of Justice Criminal Division workload there covers exactly the same years; 1959, 1960, and 1961 actual; estimated for 1962 and 1963.

These two charts are exactly the same, are they not, with one exception, of one figure, and that is at page 14–45 on the next to the last column toward the right where you have the figure 174 which is missing on page 14–50? Is there any difference between these two charts except for that one figure?

Mr. MILLER. I do not see any difference, Mr. Chairman.

Mr. ROONEY. Then on another sheet you handed across the table this morning entitled "Criminal Division Workload" which document was inserted in the record, the only difference between the two previous

sheets and this third one is the figure to which you just referred, 174, which is listed as 146 in this third sheet? Is there any difference between these three sheets except for that one figure, 174 in the first instance at page 14–45, no figure at page 14–50, and appearing as 146 on the third sheet?

Mr. MILLER. I really do not know.

Mr. ROONEY. Is 14–45 wrong? I am going to show you where 14–50 is wrong. Do you see the figure 3,980 under 1960 fiscal year at page 14–50? Now take a look at 14–45 and you will find the figure out by a thousand, 2,980.

Mr. ANDRETTA. That must be a typographical error.

Mr. ROONEY. This is the most unusual thing I ever came across.

Mr. MILLER. I agree, Mr. Chairman. There obviously is a typographical error there.

Mr. ROONEY. Typographical error? But how many people do you have down there putting out three charts exactly the same except for this typographical error on one and the omission of the figure on the other?

Mr. FOLEY. I hate to pass the buck, but this is Mr. Andretta's shop which did this.

Mr. MILLER. Thank you very much, Mr. Foley.

Mr. ROONEY. What have you to say about this, Mr. Butts?

Mr. BUTTS. I think we have the original from the Division to prove it. I will check it out.

### INCREASE REQUESTED FOR TRAVEL

Mr. ROONEY. This travel business is fantastic. You have a request for an increase from $80,000 last year to $88,000 in the current year, and now you want to go to $317,000, an increase of $229,000. I, for the life of me, cannot see how this can be justified.

Mr. MILLER. Mr. Chairman, let me see if I can try to justify it.

Mr. ROONEY. That is an introduction.

Mr. MILLER. It is. As I said before, the only way this organized crime program is going to be made to operate is to actually have attorneys out working with the investigative agencies on the scene. It was tried before with attorneys sitting and reviewing intelligence reports, and this was found not to do the job at all. It is necessary that those attorneys actually go out in the field and meet with the agents who are working on the case so the entire investigative effort in that area can be coordinated and channeled.

I may say that there is a saving involved in this which is not apparent, and I cannot justify it by statistics, but the fact that there will not be the potential duplication that may have existed in the past. This is particularly so, I might add, where you have Internal Revenue Service and the FBI now both investigating crimes which have the same or similar nature. This is something new which has never happened before. The FBI has never had investigative jurisdiction in this field. We have had a substantial number of conferences in the field trying to see how we can work out and iron out the problem of this potential overlap in jurisdiction.

This program does not work and will not work unless those attorneys go out and actually follow those cases as they move along. We have found that out from experience.

We could have attorneys, and frankly it would be much easier for me, I suppose, just sitting in Washington reading intelligence reports and writing memos, but you just cannot accomplish the job that way. You must get out in the field. You must get out with the investigative agencies. You must work these cases through to their conclusion. Otherwise, you will accomplish very little.

PROPOSED ASSIGNMENT OF NEW PERSONNEL REQUESTED

Mr. ROONEY. Will you please insert at this point in the record a concise statement indicating, with regard to the 33 requested positions, the areas in which they are to be assigned, the grades and the cost.

(The information requested follows:)

Proposed assignment of 33 persons requested for 1963:

I. Organized Crime and Racketeering Section:
  (a) Unit handling new statutes:
    1 GS–15, $13,730;
    1 GS–13, $10,635;
    2 GS–9, $12,870.
  (b) Chicago:
    1 GS–13, $10,635;
    1 GS–11, $7,560.
  (c) New York area:
    2 GS–14, $24,420;
    1 GS–12, $8,955;
    1 GS–11, $7,560.
  (d) Florida: 1 GS–14, $12,210.
  (e) Section attorneys, to be assigned to trials and to geographical areas:
    2 GS–15, $27,460;
    1 GS–14, $12,210;
    1 GS–13, $10,635;
    3 GS–9, $19,305.
  (f) Nonprofessional staff, Organized Crime and Racketeering Section:
    1 GS–7 (administrative aid), $5,355;
    2 GS–6 (secretaries to Deputy Chief and Executive Assistant), $9,660;
    2 GS–2 (clerical), $7,000.
II. Administrative Regulations Section:
    1 GS–13, $10,635;
    1 GS–12, $8,955;
    2 GS–9, $12,870.
III. Fraud Section: 1 GS–9, $6,435.
IV. General Crimes Section:
    1 GS–13, $10,635;
    1 GS–9, $6,435.
V. Trial Staff:
    1 GS–14, $12,210;
    1 GS–13, $10,635.
VI. Appeals and Research Section: 1 GS–9, $6,435.

Mr. ROONEY. Mr. Marshall?

REFERRAL OF LANDRUM-GRIFFIN ACT VIOLATIONS

Mr. MARSHALL. In connection with the cases involving violation of the Landrum-Griffin bill, last year in the hearings, on pages 133 and 134, it was stated that you expected that the Labor Department would refer 220 cases for further investigation. How many did they refer?

Mr. MILLER. I do not have that here.

Mr. MARSHALL. Could you supply that for the record?

Mr. MILLER. I certainly would be happy to. I should have had that here this morning. I apologize.

(The information requested follows:)

REFERRALS BY THE DEPARTMENT OF LABOR

During the calendar years 1961 the Bureau of Labor Management Reports, Department of Labor, made 156 referrals to the Department of Justice regarding possible Landrum-Griffin Act violations and 12 referrals for possible violation of the Welfare and Pension Plan Disclosure Act.

DISPOSITION OF LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT CASES

Mr. MARSHALL. Also on page 135 there were some six cases listed where you have indictments pending. How many of those cases were brought to a successful conclusion?

Mr. MILLER. I would have to supply that, too. I do not know offhand.

(The information requested follows:)

DISPOSITION OF LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT CASES REPORTED AS PENDING INDICTMENTS AT HEARINGS BEFORE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, 87TH CONGRESS, FIRST SESSION, PAGE 135

Owen Lowe Lawson, former business manager and financial secretary-treasurer, Pipefitters Local 205; indicted September 8, 1960, Northern District of Oklahoma; convicted February 27, 1961; sentenced March 9, 1961, to 2 years; case on appeal.

Elizabeth M. Dudley, former treasurer, local 142, Commercial Telegraphers' Union; indicted October 11, 1960, Southern District of Ohio; convicted February 28, 1961; sentenced April 25, 1961, 3 months suspended.

John Oscar Haverlick, treasurer, local 420, United Papermakers and Paperworkers Union; indicted September 28, 1960, Northern District of New York; convicted June 26, 1961; imposition of sentence suspended; 2 years probation.

Theodore R. Kosinski, former business agent, Culinary Workers Union Local 266; indicted December 20, 1960, District of Nevada; convicted November 16, 1961; sentenced November 27, 1961, 6 months imprisonment, 5 years probation in order to make restitution.

Robert Edward Pappas, former business agent, Culinary Workers Union Local 266; indicted December 20, 1960, District of Nevada; convicted April 17, 1961; sentenced May 1, 1961, to 1 year and 1 day.

Dorothy Edwina Watford, financial secretary, local 5-390, International Woodworkers of America; indicted February 6, 1961, Eastern District of Virginia; convicted May 2, 1961; sentenced May 31, 1961, to 3 years suspended, 3 years probation.

Mr. MARSHALL. How many attorneys do you have assigned to that work in fiscal 1962, and how many are you estimating you will need in 1963?

Mr. MILLER. We have assigned at the present time approximately 12 attorneys who are working in the labor field. The violations we have discovered have primarily been Taft-Hartley cases. There has been one case, a gentleman by the name of Serio that we have turned up, which was a violation of section 504, I think it is, of the Labor-Management Reporting and Disclosure Act, the section which prohibits holding office after you have been convicted of a certain crime.

TAFT-HARTLEY ACT INDICTMENTS AND CONVICTIONS

In the Taft-Hartley field there have been 12 indictments under the Taft-Hartley Act in 1961 and 1962. I am sorry. That is an incorrect figure. I will have to supply that. I do not have the Taft-Hartley figures.

(The following was subsequently furnished for the record:)

*Taft-Hartley Act, fiscal year 1961 and first half of fiscal year 1962*

| Name | Date indicted | Date convicted |
|---|---|---|
| John Shipula, president, Local 7519, UMW | Aug. 16, 1960, middle district of Pennsylvania. | |
| William Dombroski, secretary, Local 7519, UMW | do | |
| John Salvo, committeeman, Local 7519, UMW | do | |
| Philip Gelso, president, No. 14 Coal Co | do | |
| Samuel J. Gelso, secretary, No. 14 Coal Co | do | |
| Stoy Decker, president, Local 86, Teamsters, Louisville, Ky. | Sept. 30, 1960, western district of Kentucky. | |
| City Products Co.; Pilsener Brewing Co. of Cleveland; George S. Carter, former president Pilsener Brewing Co. of Cleveland; John J. Felice, president and business manager, Local 293, and trustee Joint Council No. 41. | Dec. 16, 1960, northern district of Ohio. | May 10, 1961; City Products, $10,000 fine; Pilsener, $4,500 fine; Carter, 90 days imprisonment; Felice, 90 days and $4,500. All defendants appealing. |
| Mack S. Tane, business agent, local 239, IBT | Feb. 7, 1961, eastern district of New York. | |
| Roy Fruehauf, Fruehauf Trailer Co.; Burge M. Seymour, Associated Transport, Inc.; Brown Equipment & Manufacturing Co.; Dave Beck, former president, International IBT. | June 17, 1959; dismissed by court Feb. 18, 1960; appealed; Feb. 20, 1961 judgment vacated, set aside and remanded for trial on valid indictment. | |
| John Joseph Neira, trustee and executive board member, Merchandise Drivers Local 641, IBT. | Sept. 20, 1961, New Jersey | |
| Thomas H. Keegan, business representative, Local 710, IBT. | Sept. 21, 1961, northern district of Illinois. | |
| Edward J. Donovan, secretary-treasurer, Local 755, IBT; Ralph J. McLaughlin, president, Local 755, IBT; United Film Carriers, Inc., Chicago, Ill. | Sept. 27, 1961, northern district of Illinois. | |
| George Roxburgh, business agent, Local 299, IBT | Oct. 6, 1961, eastern district of Michigan. | |
| Rolland B. McMaster, secretary-treasurer, Local 299, IBT; William F. Wolff, Sr., president, Youngstown Cartage Co. | Oct. 30, 1961, eastern district of Michigan. | |
| Lawrence J. Mullen, secretary-treasurer, Local 161, IBT; Joseph Westenberg, organizer, Local 107, IBT. | Dec. 6, 1961, eastern district of Pennsylvania. | |
| James N. Jameson, business agent, Local 20, IBT | Dec. 14, 1961, northern district of Ohio. | |
| Milton Holt, secretary-treasurer, Local 805, IBT; Continental Industries, Inc.; National Vending Corp.; Continental Vending Corp.; Harold Roth, vice president, Continental Vending Machine Corp.; Herbert S. Sternberg, vice president, Continental Vending Machine Corp. | Dec. 26, 1961, southern district of New York. | |
| Sam Bakley, secretary-treasurer, Local 628, IBT | Jan. 11, 1962, eastern district of Pennsylvania. | |

## Labor-Management Reporting and Disclosure Act Indictments and Convictions

Mr. Marshall. I am particularly interested in the Landrum-Griffin end of it, and would like you to supply for the record the criminal cases under the Landrum-Griffin bill and a list of convictions that you had last year under the criminal aspects of the Landrum-Griffin end of it.

Mr. Miller. All right.

(The information requested follows:)

*Labor-Management Reporting and Disclosure Act of 1959—Fiscal year 1961 (29 U.S.C. 501(c)) and first half of fiscal year 1962*

| Name | Date indicted | Date convicted |
|---|---|---|
| Owen Lowe Lawson, former business manager and financial secretary-treasurer, Pipefitters Local 205. | Sept. 8, 1960, northern district, Oklahoma. | Feb. 27, 1961; 2 years; on appeal. |
| Armand Palmerine, former president, Local 61, Industrial Union of Marine and Shipbuilding Workers. | Sept. 12, 1960, western district, Pennsylvania. | Jan. 23, 1961; 2 years, (6 months to be served) 21 months probation and ordered to make restitution. |
| Charles Basaman, president, Local 1857, International Brotherhood of Electrical Workers. | Sept. 13, 1960, Newark, N.J. | Oct. 25, 1960; 1 year imprisonment; 4 years probation. |
| John Oscar Haverlick, treasurer, Local 420, United Papermakers & Paperworkers. | Sept. 28, 1960, northern district of New York. | June 26, 1961; imposition of sentence suspended and 5 years probation. |
| Elizabeth M. Dudley, former treasurer, Local 142, Commercial Telegraphers'. | Oct. 11, 1960, southern district of Ohio. | Feb. 28, 1961; 3 months; suspended. |
| Abraham Vainstein, former secretary-treasurer, Local 826, Taxicab Drivers & Terminal Employees Union, IBT. | Nov. 4, 1960, southern district of New York. | Nov. 17, 1960; 2 years probation. |
| Albert Ring, former secretary-treasurer, Local 140, Printing Pressmen and Assistants Union. | Dec. 16, 1960, southern district of California. | Jan. 9, 1961; 5 years, suspended; 5 years probation; ordered to make restitution. |
| Robert Edward Pappas, former business agent, Local 266, Culinary Workers Union. | Dec. 20, 1960, Las Vegas, Nev. | Apr. 17, 1961; 1 year and 1 day imprisonment. |
| Theodore R. Kosinski, former business agent, Culinary Workers Union, Local 266. | ----do---- | Nov. 16, 1961; 6 months imprisonment; 5 years probation in order to make restitution. |
| Joseph A. Leccese, employee, Local 810, Steels, Metals, Alloys and Hardware, Fabricators and Warehousemen, IBT. | February 1961, eastern district, New York. | |
| Dorothy Edwina Watford, financial secretary, Local 5-390, International Woodworkers of America. | Feb. 6, 1961, eastern district Virginia. | May 2, 1961; sentenced to 3 years, suspended; 3 years probation. |
| James Preston, financial secretary-treasurer, Local 1722, BRC. | Mar. 9, 1961, eastern district Los Angeles. | Apr. 26, 1961; imposition of sentence suspended; 2 years probation and ordered to make restitution. |
| Betty Mariea Simpson, former secretary-bookkeeper, Local 1232, Paint Makers Union, Brotherhood of Painters, Decorators & Paperhangers. | June 7, 1961, southern district, California. | June 26, 1961; sentenced to 3 years, suspended; 3 years probation. |
| John Vidakovich, financial secretary, Local 338, International Hod Carriers, Building & Common Laborers. | June 12, 1961, southern district, Illinois. | |
| Carl Thomas Moore, former financial secretary and business manager, Bricklayers & Masons Protective Union No. 14. | Oct. 5, 1961, eastern district, Texas. | Nov. 11, 1961; sentenced to 2 years imprisonment and 2 years suspended. |
| Henry Miller, chapel chairman, Baltimore Typographical Union No. 12. | Mar. 14, 1961, Baltimore, Md. | Dec. 8, 1961; imposition of sentence suspended and 2 years probation on condition he make restitution. |
| Donna Jean Samon, secretary-treasurer, Local 298, UAW. | Oct. 5, 1961, southern district, Florida. | |
| Ralph Dayton Fleming, former financial secretary-treasurer, Local 40, International Chemical Workers Union. | Oct. 18, 1961, southern district, California. | Nov. 28, 1961; sentenced to 3 years imprisonment. |
| Robert Charles Kirby, former secretary-treasurer, Stereotypers & Electrotypers Union. | Oct. 26, 1961, Seattle, Wash. | |
| Francis Raymond Lenaburg, former assistant business agent, Local 22, International Woodworkers of America. | Oct. 31, 1961, Portland, Oreg. | |
| Herman Taylor, former branch manager, American Guild of Variety Artists. | Dec. 1, 1961 (information), Honolulu, Hawaii. | |
| William E. Cowart, financial secretary and business manager, Local 26, International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, etc. | Nov. 14, 1961, southern district, Georgia. | |
| Lois Franklin Langford, secretary, Union of Musicians Association of Jacksonville. | Nov. 20, 1961, southern district, Florida. | |
| Thomas Ray Kyser, secretary-treasurer, Pensacola Typographical Union No. 239. | Oct. 17, 1961---------- | Oct. 24, 1961; 85 days imprisonment, 5 years probation, and ordered to make restitution. |
| David Walter Fuehring, bookkeeper, Local 208 IBT. | Nov. 1, 1961, southern district, California. | |
| Stoy Decker, president, Local 86 IBT, Floyd Guinn, secretary-treasurer, Local 86 IBT, Robert Matthew Cox, former assistant business agent, Local 86 IBT. | Mar. 17, 1961, western district, Kentucky. | Apr. 5, 1961; Decker, 9 years, $10,000 fine; Guinn, 2 years, $4,500; Cox, 4 years; on appeal. |

*Labor-Management Reporting and Disclosure Act of 1959—Fiscal year 1961 (29 U.S.C. 501(c)) and first half of fiscal year 1962*—Continued

| Name | Date indicted | Date convicted |
|---|---|---|
| James Alton Sawyer, financial secretary, Local 5-502, International Woodworkers of America, Clifton B. White, treasurer, Local 5-502. | Aug. 14, 1961 | Aug. 24, 1961; Sawyer, 2 years suspended, 5 years probation; $750 fine and restitution; White, 1 year and 1 day, 5 years probation and ordered to make restitution. |
| Harry F. Serio, business representative, Local 478 IBT. | Dec. 13, 1961, Newark (violation 29 U.S.C. 504) | |
| Mary Jane Williams, bookkeeper and secretary, Local 505, IBEW. | May 19, 1961 (information charging violation 29 U.S.C. 439). Pleaded guilty same date and sentenced to $250 fine. | |

FUNDS FOR WORK UNDER LANDRUM-GRIFFIN ACT

Mr. MARSHALL. Last year you estimated that you would need $540,000. How much are you estimating in the 1963 budget for this purpose, comparable with your $540,000?

Mr. MILLER. Actually, the $540,000 increase covered the whole organized crime field. It was not limited to labor racketeering as such. I do not believe any breakdown was made as to how much of that $540,000 would be applicable, assigned in effect to attorneys working on labor racketeering cases.

Mr. MARSHALL. Would you furnish a figure which is comparable to the $540,000 figure that you supplied to me last year, and an estimate of how much of that is necessary as far as Landrum-Griffin?

Mr. MILLER. Yes, sir; we would be very happy to do that.

(The information requested follows:)

It is not proposed that any of the additional funds requested for fiscal year 1963 for the Criminal Division be used for work arising under the Landrum-Griffin Act.

Mr. MARSHALL. Has any charge been brought against James Hoffa as a result of the passage of the Landrum-Griffin Act?

Mr. MILLER. The answer to that is, "No," sir. As you know, he has been indicted in a mail fraud case, but no charges have been brought under the Landrum-Griffin Act against Mr. Hoffa.

KID CANN CASE

Mr. MARSHALL. As I recall, in the *Kid Cann* case in Minneapolis, the first charge that was brought against him was violation of the Mann Act.

Mr. MILLER. Yes, sir. As I recall, that commenced in 1959. I could be wrong. I think that was the time.

Mr. MARSHALL. Did the Criminal Division in Washington furnish any assistance at that time?

Mr. MILLER. I have no idea whether they participated in the Mann Act case or not.

Mr. ROONEY. Mr. Foley knows, I believe.

Mr. FOLEY. I do not think so, sir; other than possibly for preparing a memorandum of law, something to that effect.

Mr. MARSHALL. When did the Criminal Division in Washington come into this case?

Mr. MILLER. I would have to check to be certain on that. I know they participated in the obstruction of justice case, and I am substantially positive they participated in the filing false liquor tax returns case, which was the case going on at the time the obstruction case arose. We can get that exact figure for you.

(The information requested follows:)

The Criminal Division was in close and constant contact with the U.S. attorney for the district of Minnesota and his principal assistants who tried the *Kid Cann* case at every stage of the proceeding from authorization of the indictments to the extremely sensitive matter of authorizing the jury tampering investigation. In addition, because of the somewhat novel theory of the false statement conspiracy case, the U.S. attorney made several trips to the Department to discuss all the ramifications of this matter and received technical assistance in the framing of the indictment. Likewise, in this same case the Criminal Division served as liaison with the Internal Revenue Service on matters of mutual interest to the two departments.

DRANOW CASE

Mr. MARSHALL. You stated the case in Minneapolis, the *Dranow* case, required 51 days in court. What was so complicated that required that much time?

Mr. MILLER. The *Dranow* case was a bankruptcy fraud case and required proving the fact that the assets of the John W. Thomas Co. had been diverted by the defendant in that case. I do not know the exact facts, but he would set up false inventory reports. In other words, the records of the company would show that there were "X" number of dollars worth of furs in the warehouse someplace which belonged to John W. Thomas Co., whereas in fact those furs were nonexistent. He would get people to sign bills of lading and other documents which would indicate the furs had been transferred to storage in the name of John W. Thomas Co. In proving the case it was necessary to bring in all of these witnesses, and also to bring in an FBI accountant as an expert witness to testify where these diversions occurred. Witnesses testified that no furs in fact existed.

As I recall, I think there were some 31 counts in that case as it originally went in. I think he was convicted on 18. Don't hold me to those figures. In addition to the false inventory records, as I recall it, there was also a diversion of cash, more in the nature of an embezzlement. It was a very complicated case. Mr. Essling and Mr. Neal tried the case, and I may say that they were complimented on the excellent job they did. The trouble with the fraud cases is that there are so many facts that have to be brought in that it does make for a long record. This is true not only of the *Dranow* case but of just about any fraud case you get into.

CASES UNDER FEDERAL AID HIGHWAY SYSTEM

Mr. MARSHALL. How many cases have you had presented to you because of fraud under the Federal Highway Act?

Mr. MILLER. I will have to get you those figures. I will try to answer it to a certain extent. We have one case which we are considering now whether or not to go to the grand jury. There is another

case which is under active investigation. There have been, I believe, four convictions in Boston—a lawyer by the name of Connell and three other people who were either appraisers or connected with it. I think the other three were appraisers. There is another grand jury which is still considering further evidence. I cannot think of any others offhand.

Mr. MARSHALL. From briefly trying to add up the figures you gave me, that would be less than a dozen cases that you have had.

Mr. MILLER. Yes. I would think about six cases would be about it.

Mr. MARSHALL. Would you furnish the exact figure for the record?

Mr. MILLER. Yes, sir, I would be very happy to.

(The information requested follows:)

CASES UNDER THE FEDERAL AID HIGHWAY SYSTEM

I. *United States* v. *Hughes et al.* (alleged irregularities in right-of-way acquisition.) (Ind. Ed. Ark. 18 U.S.C. 1020) dismissed due to technical insufficiency October 1958. No reindictment because later acquired information cast cloud upon both the falsity and materiality of statements involved.

II. *United States* v. *Crowder et al.* (Ark.) (Fraud in delivery of gravel for roadbed.) Indictment in three counts and pleas of guilty by the two defendants, Nelson Crowder and Albert M. Lessenberry. On October 9, 1957, each defendant sentenced to 30 months' imprisonment on each count to run concurrently.

III. Massachusetts: (*a*) Perjury (18 U.S.C. 1621) against *Joseph J. Barca* of Leominister, a fee appraiser. The charges are based on Barca's denials before the grand jury that he had access to the State appraisal figures on certain named parcels of property in Gardner. The materiality concerns the requirement for an independent appraisal.

(*b*) Perjury (18 U.S.C. 1621) against *Edward A. DeSimone* of Boston, a fee appraiser. The charges are based on his testimony before the grand jury that he submitted only one appraisal report on a property in Peabody when in fact he submitted two. The materiality concerns the alteration, revision, or replacement of the original report.

(*c*) Conspiracy to defraud the U.S. Government by interfering with acquisition of right-of-way procedures, (18 U.S.C. 371) charging *Joseph I. Mirkin* of Newton, a negotiator in the Right of Way Division of the Department of Public Works (Massachusetts) as defendant and *Vincent Inserra* and *John Turchi*, landowners of Newton, as coconspirators but not defendants. In essence the conspiracy charges that, although the landowners were willing and agreed to accept $17,500 as damages, Mirkin persuaded them they could and would get $19,500, the maximum settlement price set by the State Review Board. In return Mirkin demanded and obtained a $400 "cut" from the landowners.

(*d*) Conspiracy to defraud the United States (18 U.S.C. 371), also involving acquisition of right of way, charging the following:

*Francis L. Harney, Jr.* (defendant) of Wellesley Hills, negotiator in the Right-of-Way Division of the Department of Public Works.

*James S. O'Connell* (defendant) of Scituate, an attorney who reportedly is the brother of Judge Daniel O'Connell, a State judge, described as being former Chief Secretary of Governor Furculo.

*Charles H. Lawton, Jr.* (defendant) of Pawtucket, R.I., operator of a real estate and insurance brokerage firm, C. H. Lawton & Sons, and a fee appraiser for the Department of Public Works (Massachusetts).

*Walter M. Webb*, (coconspirator but not defendant) president and sole stockholder of Damort Land Corp. whose improved land in South Attleboro included the parcels taken for highway purposes. C. H. Lawton & Sons, since 1957, were the agents for the management, rental and sale of this realty.

*Ernest T. Collins* and *Joseph T. Schwarz* (coconspirators but not defendants) fee appraisers for the Department of Public Works (Massachusetts).

*Erroll G. Hopkins* (coconspirator but not defendant) appraiser and negotiator for the Department of Public Works, Right-of-Way Division.

The last case, that of *United States* v. *O'Connell et al.*, has been already brought to a successful conclusion. Trial commenced on October 24, and on November 2, a guilty verdict was returned against all three defendants. Each

defendant was fined $5,000 and sentenced to 1 year in jail, during the month of of December. Trial in the second conspiracy case *United States* v. *Mirkin* began on January 15 before Judge Wyzanski. Guilty verdict January 16, 1962.

IV. *United States* v. *Dwight Reeves et al.* (W.D. Tex.) (alleged fraud in use of material for roadbed). Thirteen persons were indicted and convicted for violations of 18 U.S.C. 1020 for making false representations as to the quantity of work performed and materials furnished. Sentences ranging from 90 days to 18 months and fines of $200 and $250 were imposed. Fines in the case totaled $2,750.

Mr. MARSHALL. That is all, Mr. Chairman.

Mr. ROONEY. Mr. Bow?

JUSTIFICATION OF INCREASE REQUESTED

Mr. BOW. Mr. Attorney General, a year ago when the first budget came up here to this committee, the request was for $1,815,000. Before we got into hearings on it there was an addition to that budget of $540,000. There was an actual appropriation for 1962 of $2,471,000, is that correct?

Mr. MILLER. Yes, sir.

Mr. BOW. Your estimate this year is $3,100,000.

Mr. MILLER. Yes, sir.

Mr. BOW. That is an increase of $1,285,000 over the original request for 1962.

Mr. MILLER. Yes, sir.

Mr. BOW. How do you justify that in view of your workload?

Mr. MILLER. We justify it on two bases. One, I think the excellence of the work is increasing and, two, we have embarked substantially all of this money——

Mr. BOW. "Excellence of the work" is a good statement, but on the workload and the other evidence you submit to the committee this morning, can you justify an almost three-quarters increase over the amount budgeted for the previous year?

Mr. MILLER. Yes, sir. There is no question that the case figures which have been submitted are either constant or show a drop in the various sections. That is why we also submitted this morning the case figure for the first 6 months of fiscal 1962, which, I think, if you will look at it, will show that there is an increase in the caseload carried.

I have attempted to ascertain the "why" of the decrease in some of these figures, and in some cases there is no explanation, except perhaps the fact that the U.S. attorneys' offices were not operating at full strength and consequently the cases were not being presented in the last half of fiscal 1961, and consequently we did not get into as many cases as we do normally.

I would say, sir, that the primary thrust of the increase in expenditures is going for a new program or an expansion of an old one, if you will, because it has been ascertained, and there is no question about it, that this is a field which must be looked into and inroads must be made into it. I am the first to admit that there is a substantial increase here, and I recognize it and am very cognizant of it.

Mr. BOW. It is quite substanial when you go from $1,815,000 to $3,100,000.

Mr. MILLER. Yes, I agree with you, it is quite an increase. Yes, sir.

Mr. Bow. It is a little hard to understand. You have mentioned here this morning the number of times the district attorneys are calling you for advice and information. I would suggest that this probably will keep increasing so long as you encourage it. It is much easier for a lawyer to sit down and call you and ask for information and have some research and study done here, than to do it himself. But I am wondering if you are not encouraging this sort of thing, rather than to have the district attorneys do the homework for themselves.

Mr. MILLER. I am certain that there is that element in it. To what extent, of course, I really would not know. I would have to sit down and examine it with the U.S. attorneys. Really, the Criminal Division itself not only establishes policy for prosecuting criminal cases in Federal court, but also, it has in effect a background of expertise and knowledge in the criminal field which, frankly, is just not available to an individual office of the U.S. attorneys. The U.S. attorneys, of course, get a tremendous array of cases. They might get one under the 28-hour law, they might get a case under the new expanded coverage for the minimum wage, they might, as I mentioned before, get the food, drug, and cosmetic-type of cases. I believe there are some 900 Federal criminal statutes. When the expertise can come into play, we are more than happy to supply it, because it helps the entire criminal process. We do not have mistakes being made, because they have come to us for help.

ADDITIONAL PERSONNEL REQUESTED

Mr. Bow. How many more people do you ask for in this budget?

Mr. MILLER. Thirty-three, of which 28 are attorneys.

Mr. Bow. In what fields are you going to put them?

Mr. MILLER. Ten will be divided among 4 sections, and 18 will be in the organized crime field.

Mr. Bow. Are you going to get experts in this particular field to take these jobs?

Mr. MILLER. In the organized crime field?

Mr. Bow. No, in these jobs you request. You are talking about your expertise. Where are you going to get these experts?

Mr. MILLER. If we could find them and pay them the salary, we would, but obviously we will not be able to do this.

Mr. Bow. No. So perhaps your district attorneys are more expertise than the men you are going to get in to advise them on the telephone.

Mr. MILLER. In certain instances, very probably, but in the U.S. Attorney's offices, for example, how many have handled an appeal in an immigration case? You will find perhaps in New York and Washington, D.C., some of them have, but go out to perhaps Minneapolis or further west, and you will find——

Mr. Bow. In Cleveland, Ohio, they have handled a good many of them.

Mr. MILLER. That could well be, but in other areas of the country you will find they have had no expertise. They never had one before. If we can save him a substantial amount of time, which in fact we can, by having these people available to help him out in cases

which have these technical aspects, I think we have accomplished a good deal. He does not have to become an expert in the law of the case himself if he has somebody here who can give him what he needs. If he is going to take the time to become an expert in that field, he will be gone for about 6 months, because that is really a high technical field.

Mr. Bow. You are not saying to this committee this morning, are you, that a good lawyer, a man good enough to be a district attorney in these districts, will have to take 6 months to study how to handle an appeal in a deportation case?

Mr. Miller. No, but I would say——

Mr. Bow. Of course not.

Mr. Miller. No, but I would say if he was going to become an expert in the field, which would include more than the specific issues he would find in one appeal, he would have to spend a substantial amount of time.

Mr. Bow. That is all, Mr. Chairman.

Mr. Rooney. Mr. Cederberg?

INCREASE REQUESTED

Mr. Cederberg. I share the concern about the very dramatic increase in the budget for the Criminal Division. I was interested in your reply to Mr. Bow stating that the caseload would be one of the reasons. You do not estimate that your 1963 caseload is going to be anything dramatic over 1962?

Mr. Miller. That is right.

Mr. Cederberg. So, the increase here seems to me to be out of proportion to what the caseload is going to be. Of course, like the chairman, I am a little confused about the charts that appear in your justifications.

I am also concerned about this increase in travel requirements of $160,000. We had one of these so-called special——

Mr. Rooney. $229,000.

Mr. Cederberg. $229,000. We had one of these special mobile groups of attorneys that we were concerned about some time ago. Now we are just going to have a mobile group of attorneys, it appears, who are going to be on the go all the time. While some increase may be necessary, I find it difficult, in listening to what I heard in the testimony this morning, to believe that this kind of increase is justified.

I also see on page 14–2 another statement which says: "Maintenance of currently authorized staff at higher average employment level to handle increased workload"; $42,600 for salaries, $2,500 for personnel benefits, for a total of $45,100.

Would a simple word for that be "overtime"?

Mr. Abell. No, sir. That is for the additional personnel who were authorized last year but on less than a full-year basis.

Mr. Cederberg. It does not appear that way in some of your other justifications. This is the only place where this wording appears in your justification, as I have gone through it very quickly. Is that correct?

Mr. Brown. That is to provide for a higher average number of employees.

Mr. CEDERBERG. Is this the only division in which this is going to occur?

Mr. BROWN. To that extent. There are some other minor increases.

Mr. CEDERBERG. Will you show me somewhere else in this budget where this wording appears?

Mr. ROONEY. We had it yesterday.

Mr. BROWN. It appears under the request for the Board of Parole.

Mr. CEDERBERG. It is the same thing, except the wording is a little different, is that correct?

Mr. ANDRETTA. Here it is for the Lands Division.

Mr. CEDERBERG. That answers my question. It just appeared to me that I could not find the same wording in other areas.

Is there any other division in the Department of Justice that shows so dramatic an increase as the Criminal Division in the past 2 fiscal years?

Mr. ANDRETTA. No. This is where all the emphasis is going in the Attorney General's drive on organized crime. It has been beefed up.

Mr. CEDERBERG. That is all I have.

### DISPOSITION MADE OF CASES IN ORGANIZED CRIME AND RACKETEERING DIVISION

Mr. ROONEY. Will you please insert at this point in the record a statement similar to the one that begins at page 120 of last year's printed hearings which indicates, with regard to the Organized Crime and Racketeering Division cases, the names of defendants, the violation, and the disposition of the cases, since the date of the table that we have in last year's record?

Mr. FOLEY. Yes, sir.

(The information requested follows:)

| Name of defendant | Violation | Disposition |
|---|---|---|
| *United States* v. *Francis Richard* | 18 U.S.C. 1407 | Dismissed. |
| *United States* v. *Levi Morris* | 26 U.S.C. 7206(4) | Do. |
| *United States* v. *Morris W. Foller* | 21 U.S.C. 174 | Do. |
| *United States* v. *Ashley L. Prescott et al* | 21 U.S.C. 176(a) | Do. |
| *United States* v. *Vennie Pittman* | 26 U.S.C. 5601(a) | Do. |
| *United States* v. *Arthur C. Bembry* | do | Do. |
| *United States* v. *James Glover, Jr* | 21 U.S.C. 174 | Pending. |
| *United States* v. *David James Mansfield* | 21 U.S.C. 176(a) | Convicted. |
| *United States* v. *Otto E. Lüpfert et al* | 29 U.S.C. 186 | Pending. |
| *United States* v. *Daniel Perez and Joe Villagrana Baca.* | 21 U.S.C. 176(a) | Do. |
| *United States* v. *William E. Bishop, Jr* | 26 U.S.C. 8704 | Convicted. |
| *United States* v. *Rudolfo Tite Munoz* | 21 U.S.C. 176(a) | Pending. |
| *United States* v. *Leonard Green Martin* | 26 U.S.C. 5601 | Do. |
| *United States* v. *L. B. Williams* | 26 U.S.C. 5601, 5681 | Do. |
| *United States* v. *George Mills et al., Lawrence Dunlop.* | 21 U.S.C. 174 | Convicted; reversed as to Dunlop. |
| *United States* v. *William W. Howard et al* | do | Pending. |
| *United States* v. *Lincent J. Motzell* | 29 U.S.C. 186 | On appeal. |
| *United States* v. *Betty Mariea Simpson* | 29 U.S.C. 501(c) | Pending. |
| *United States* v. *Joseph DeGrandis and Ernest Zumdel.* | 29 U.S.C. 439(a) | Do. |
| *United States* v. *Solomon Fillmore et al* | 26 U.S.C. 4462; 7203 | Dismissed. |
| *United States* v. *Freeman Payton* | 26 U.S.C. 7203 | Do. |
| *United States* v. *Tom Reeves* | do | Do. |
| *United States* v. *James Whiting* | 21 U.S.C. 174 | Reversed on appeal. |
| *United States* v. *Bobby R. McGee* | 26 U.S.C. 7201 | Dismissed. |
| *United States* v. *John G. Moore* | do | Do. |
| *Huey A. Powell* v. *United States* | 18 U.S.C. 371 | Reversed on appeal. |
| *United States* v. *Tom Hester et al* | 26 U.S.C. 7201 | Dismissed. |
| *United States* v. *Edward W. Crocket, Jr* | 18 U.S.C. 371 | Indicted. |
| *United States* v. *Contrades* | 18 U.S.C. 1403 | Acquitted. |
| *United States* v. *Carroll D. Estep* | 21 U.S.C. 174 | Indicted. |
| *United States* v. *Haywood Erwing* | do | Reversed on appeal. |
| *United States* v. *Berthelma Nolen et al* | do | Do. |
| *United States* v. *Wilma J. Jefferson* | do | Convicted. |
| *United States* v. *Henry Taylor* | 29 U.S.C. 501(c) | Indicted. |
| *United States* v. *Pedro A. Escobar* | 21 U.S.C. 176(a) | Dismissed. |
| *United States* v. *Rudolph G. Reyes et al* | 18 U.S.C. 695 | Do. |
| *United States* v. *George D. Clover* | 26 U.S.C. 5686 | Do. |
| *United States* v. *William G. Crawley* | 26 U.S.C. 5205(a)(2) | Do. |
| *United States* v. *William Lawrence, Jr* | 18 U.S.C. 1403 | Do. |
| *United States* v. *William H. Betsill* | 18 U.S.C. 371 | Do. |
| *United States* v. *Tenyson Rutherford* | 26 U.S.C. 5601(a)(1) | Do. |
| *United States* v. *Pierce Paythress* | 18 U.S.C. 371 | Do. |
| *United States* v. *Joseph LaCorte* | do | Do. |
| *United States* v. *Billy Joe Thompson* | 26 U.S.C. 5601(a)(7) | Do. |
| *United States* v. *Rose E. Morrell* | 26 U.S.C. 5601(a)(1) | Do. |
| *United States* v. *John W. Sowell* | 26 U.S.C. 5691(a) | Do. |
| *United States* v. *Raymond H. Midchum* | 26 U.S.C. 5691 | Do. |
| *United States* v. *Okey Hudson* | 26 U.S.C. 7263 | Convicted. |
| *Odell Clark* v. *United States* | 26 U.S.C. 5632, 5205(a)(2), 5604(a). | On appeal. |
| *United States* v. *Leopoldo A. Ochoa* | 18 U.S.C. 1407 | Dismissed. |
| *United States* v. *Bernice Merritt* | 26 U.S.C. 7203 | On appeal. |
| *United States* v. *Kasprzak* | 18 U.S.C. 1951 | Convicted. |
| *United States* v. *Jesus P. Enriquez* | 21 U.S.C. 174 | Reversed on appeal. |
| *United States* v. *Alonzo Padgett* | 26 U.S.C. (stills) | Indicted. |
| *United States* v. *Eca L. Brown* | 26 U.S.C. 5601 | Dismissed. |
| *United States* v. *Owen Lowe Lawson* | 29 U.S.C. 186 | Indicted. |
| *United States* v. *Carl O. Pressley* | 26 U.S.C. 4401, 4411 | Do. |
| *United States* v. *James A. Sherman* | do | Do. |
| *Horace Ingram* v. *United States* | 26 U.S.C. 7201 | On appeal. |
| *United States* v. *David J. Mansfield* | 21 U.S.C. 174 | Convicted. |
| *United States* v. *Elijah Jackson* | do | On appeal. |
| *United States* v. *Marvin D. White* | do | Reversed on appeal. |
| *United States* v. *Henry J. Ponce* | do | Indicted. |
| *United States* v. *Francis R. Lenaburg* | 29 U.S.C. 501(c) | Do. |
| *United States* v. *M. J. Daffin et al* | 18 U.S.C. 371 | Do. |
| *United States* v. *Ronola R. Yodes* | 21 U.S.C. 174 | Dismissed. |
| *United States* v. *Dominic Giadone* | 26 U.S.C. 5301(c) | Convicted. |
| *United States* v. *Reuben W. Harrell, Jr* | 21 U.S.C. 174; 26 U.S.C. 4705(a). | Indicted. |
| *United States* v. *Mario Verrilli* | 26 U.S.C. 7203 | Dismissed. |
| *United States* v. *James Aryola* | 21 U.S.C. 174 | Do. |
| *United States* v. *Eve J. Garrick* | 26 U.S.C. 5174(a) | Do. |
| *United States* v. *J. K. Riddle* | 26 U.S.C. 5601 | Do. |
| *United States* v. *Joe L. Hathorne* | 26 U.S.C. 5205 | Do. |
| *United States* v. *Jimmie Thomas* | do | Do. |
| *United States* v. *Stephen J. Sardina* | 26 U.S.C. 7203 | Do. |
| *United States* v. *R. T. Munoz* | 18 U.S.C. 371 | Do. |
| *United States* v. *Easie Hogan* | 26 U.S.C. 5604 | Do. |
| *United States* v. *Anderson Butler* | 26 U.S.C. 5601 | Do. |
| *United States* v. *Ozell Spights* | 26 U.S.C. 5774 | Do. |
| *United States* v. *Robert F. O'Neal* | 18 U.S.C. 371 | Do. |

| Name of defendant | Violation | Disposition |
|---|---|---|
| *United States* v. *Manuel Donovan, Jr* | 21 U.S.C. 174 | Dismissed. |
| *United States* v. *Hector Gonzalez* | 26 U.S.C. 4704 | Do. |
| *United States* v. *A. E. Williams* | 26 U.S.C. 5005 | Do. |
| *United States* v. *W. L. Bell* | 26 U.S.C. 5179 | Do. |
| *United States* v. *John Griffin* | 26 U.S.C. 5205 | Do. |
| *United States* v. *Buddy Wolk* | 26 U.S.C. 4401 | Do. |
| *United States* v. *John Griffin* | 26 U.S.C. 5205 | Do. |
| *United States* v. *Patricia Masters* | 26 U.S.C. 5601 | Do. |
| *United States* v. *J. R. Constantino* | 26 U.S.C. 5686 | Do. |
| *United States* v. *J. B. Keece* | 18 U.S.C. 371 | Do. |
| *Untied States* v. *Lonnie White* | 26 U.S.C. 5205 | Do. |
| *United States* v. *James Alvano* | 18 U.S.C. 1951 | Do. |
| *United States* v. *R. K. Carter* | 26 U.S.C. 4205 | Do. |
| *United States* v. *James E. McCoy* | 26 U.S.C. 5779 | Do. |
| *United States* v. *Joseph Moriarty* | 26 U.S.C. 7262, 7201, 7203 | Indicted. |
| *United States* v. *John Uscensky* | 26 U.S.C. 7262 | Do. |
| *United States* v. *Arthur Rinaldi et al* | do | Do. |
| *United States* v. *Antonio P. Ruiz* | do | Do. |
| *United States* v. *Joseph Mascaro* | do | Do. |
| *United States* v. *Joseph J. Mucha* | do | Do. |
| *United States* v. *Joseph J. Capitano* | do | Do. |
| *United States* v. *Walter Kosko* | do | Do. |
| *United States* v. *Fritz Liebrich* | do | Do. |
| *United States* v. *Armando Marazzo* | do | Do. |
| *United States* v. *John L. Powell* | do | Do. |
| *United States* v. *Salvatore L. Russo* | do | Do. |
| *United States* v. *Ernest M. Littlejohn* | do | Do. |
| *United States* v. *James E. Lewis* | do | Do. |
| *United States* v. *Nicholas Wedra et al* | do | Do. |
| *United States* v. *John W. Kochis* | do | Do. |
| *United States* v. *Michael Patachnick* | do | Do. |
| *United States* v. *Andrew Bendick* | do | Do. |
| *United States* v. *August J. Lippi* | 29 U.S.C. 186(b) | Do. |
| *United States* v. *Michael Zappas* | 26 U.S.C. 7212 | Do. |
| *United States* v. *Harry J. Miller* | 18 U.S.C. 1621 | Do. |
| *United States* v. *Anthony M. Wench* | 26 U.S.C. 7262 | Convicted. |
| *United States* v. *John Uscenski* | 18 U.S.C. 1503 | Indicted. |
| *United States* v. *Isadore Blumenfield et al* | 18 U.S.C. 371, 1503 | Convicted. |
| *United States* v. *Blumenfield* | 18 U.S.C. 1503 | Do. |
| *United States* v. *Wortman et al* | 26 U.S.C. 7201, 18 U.S.C. 371 | Indicted. |
| *United States* v. *John F. Quinn* | 18 U.S.C. 1001 | Convicted. |
| *United States* v. *Joseph P. Niccletti* | 18 U.S.C. 1621 | Do. |
| *United States* v. *Ben Jaffee* | 26 U.S.C. 7201 | Do. |
| *United States* v. *Thomas Letchos* | 18 U.S.C. 1621 | Indicted. |
| *United States* v. *Donovan et al* | 29 U.S.C. 186(b), 18 U.S.C. 371. | Do. |
| *United States* v. *Thomas H. Keegan* | 29 U.S.C. 186(b) | Do. |
| *United States* v. *Covelli et al* | 18 U.S.C. 2, 206, 208, 371 | Do. |
| *United States* v. *Richard Gorman et al* | do | Do. |
| *United States* v. *Gerald Covelli et al* | 18 U.S.C. 2, 659, 371 | Do. |
| *United States* v. *Robert S. Litteris* | 21 U.S.C. 174 | Convicted. |
| *United States* v. *Ralph Cianchetti et al* | do | Do. |
| *United States* v. *Charles W. Williams* | do | Do. |
| *United States* v. *Charles Tourine* | 26 U.S.C. 7201 | Do. |
| *United States* v. *Abraham Minker* | do | On appeal. |
| *United States* v. *Thomas Malone* | 26 U.S.C. 4411 | Indicted. |
| *Kenneth W. Wood et al.* v. *United States* | 18 U.S.C. 371 | Reviewed on appeal. |
| *Cleo King* v. *United States* | 26 U.S.C. 7201 | Do. |
| *United States* v. *John G. Tirpak* | 18 U.S.C. 1503 | Indicted. |
| *United States* v. *Anthony Benanno et al* | 26 U.S.C. 7201 | Convicted. |
| *United States* v. *Salvatore DiPiazza et al* | 18 U.S.C. 371 | Indicted. |
| *United States* v. *Walter Freeman* | 26 U.S.C. 5604 | Acquitted. |
| *United States* v. *Nicholas Barbone* | do | Convicted. |
| *United States* v. *Joseph H. Simon* | do | Dismissed. |
| *United States* v. *Roberta Chapman et al* | do | Do. |
| *United States* v. *Esther Lawrence* | 26 U.S.C. 7203 | Do. |
| *United States* v. *William J. Flanagan* | 26 U.S.C. 5301 | Compromised. |
| *United States* v. *William Bentnenta et al* | 21 U.S.C. 174 | Pending. |
| *United States* v. *Howard P. Dovery et al* | 26 U.S.C. 5604 | Convicted. |
| *United States* v. *A. F. Nicholson* | 26 U.S.C. 7262 | Do. |
| *United States* v. *J. Coquette et al* | 21 U.S.C. 176(a) | Do. |
| *United States* v. *Ernesto Herrera* | 21 U.S.C. 174 | Pending. |
| *United States* v. *Stephen R. Cirppes* | 26 U.S.C. 5604 | Do. |
| *United States* v. *John Macri* | 26 U.S.C. 7203 | Dismissed. |
| *United States* v. *William Golden* | 29 U.S.C. 186 | Pending. |
| *United States* v. *Anthony Provenzano* | 18 U.S.C. 1951 | Do. |
| *United States* v. *David Jarrell Lile* | 26 U.S.C. 5604 | Convicted. |
| *United States* v. *Carbo et al* | 18 U.S.C. 1951 | Do. |
| | 18 U.S.C. 875(b) | Do. |
| | 18 U.S.C. 371 | Do. |
| *United States* v. *Blumenfield et al* | 26 U.S.C. 7206(2) | Do. |
| *United States* v. *Abraham Minker* | 26 U.S.C. 7201 | Do. |
| *United States* v. *Vito Genovese* | 21 U.S.C. 174 | Do. |
| *United States* v. *Simone H. Christmann* | do | Do. |
| *United States* v. *Johnny Thompson* | 26 U.S.C. 5604 | Pending. |

| Name of defendant | Violation | Disposition |
|---|---|---|
| *United States* v. *Michael Pisano* | 18 U.S.C. 371 | Convicted. |
| *United States* v. *George Crossland* | Liquor tax laws | Do. |
| *United States* v. *Raymond Kennedy* | 18 U.S.C. 1951 | Do. |
| *United States* v. *One 1956 Int'l Tractor* | 26 U.S.C. 7302 | Forfeiture. |
| *United States* v. *Spicer* | 21 U.S.C. 176(a) | Pending. |
| *United States* v. *James Y. Tengan* | 18 U.S.C. 1403 | Dismissed. |
| *United States* v. *Thomas Matthews* | 26 U.S.C. 5301 | Compromised. |
| *United States* v. *B. C. Williams* | 21 U.S.C. 174 | Pending. |
| *United States* v. *Othello Washington* | 26 U.S.C. 7203 | Do. |
| *United States* v. *R. L. Otto* | 26 U.S.C. 4744 | Convicted. |
| *United States* v. *L. S. Plazola* | 21 U.S.C. 174(c) | Reversed and remanded. |
| *United States* v. *Clyde Williams* | 21 U.S.C. 174 | Dismissed. |
| *United States* v. *George Mills* | do | Do. |
| *United States* v. *A. C. Albright* | 18 U.S.C. 1407 | Do. |
| *United States* v. *T. C. Meja* | 21 U.S.C. 176(a) | Reversed and remanded. |
| *United States* v. *Leo Shaffer et al* | 26 U.S.C. 7201 | Convicted. |
| *United States* v. *Lionel Herrera* | 21 U.S.C. 176(a) | Compromised. |
| *United States* v. *Laura E. Sienko* | 26 U.S.C. 4411 | Dismissed. |
| *United States* v. *Leonard Austin* | 21 U.S.C. 174 | Do. |
| *United States* v. *P. Wooten* | 26 U.S.C. 5179 | Do. |
| *United States* v. *Frank Maggiola* | 26 U.S.C. 7206 | Do. |
| *United States* v. *A. J. Turner* | 26 U.S.C. 5686 | Do. |
| *United States* v. *Sylvester Thurmond* | 26 U.S.C. 5601 | Do. |
| *United States* v. *Thomas P. Haley et al* | 26 U.S.C. 4204 | Do. |
| *United States* v. *George M. Pace et al* | 26 U.S.C. 4401, 4411 | Convicted. |
| *United States* v. *Joseph D. Fusco* | 26 U.S.C. 4401 | Indicted. |
| *United States* v. *Robert E. Piersen* | 21 U.S.C. 174 | Dismissed. |
| *United States* v. *Roberta Chapman* | 26 U.S.C. 5601 | Do. |
| *United States* v. *J. J. McLaurin* | do | Do. |
| *United States* v. *Robert E. George* | 26 U.S.C. 5179 | Do. |
| *United States* v. *Esther Lawrence* | 26 U.S.C. 4411 | Do. |
| *United States* v. *M. W. Sims* | 21 U.S.C. 174 | Do. |
| *United States* v. *John Doe* | do | Do. |
| *United States* v. *Mary Moore et al* | 18 U.S.C. 371 | Do. |
| *United States* v. *Thomas A. Long* | 26 U.S.C. 4742 | Do. |
| *United States* v. *R. D. Rutledge* | 18 U.S.C. 371 | Do. |
| *United States* v. *Jeanette Rich* | 26 U.S.C. 7203 | Do. |
| *United States* v. *Raymond Leshley* | 26 U.S.C. 5008 | Do. |
| *United States* v. *Joseph M. Mucci* | 26 U.S.C. 5601 | Do. |
| *United States* v. *M. Puglio* | 26 U.S.C. 7203 | Do. |
| *United States* v. *Richard Sipes* | do | Do. |
| *United States* v. *Romaine Egreviller* | 26 U.S.C. 5601 | Do. |
| *United States* v. *C. D. Tison* | 18 U.S.C. 371 | Do. |
| *United States* v. *Frank Gallo* | 26 U.S.C. 7203 | Do. |
| *United States* v. *R. Oquendo* | 26 U.S.C. 4704(a) | Do. |
| *United States* v. *Mary Hamilton* | 26 U.S.C. 5606 | Do. |
| *United States* v. *James Pagarro* | 26 U.S.C. 5174 | Do. |
| *United States* v. *Anthony DePasquale* | 26 U.S.C. 7262 | Do. |
| *United States* v. *Albert D. Tape* | 26 U.S.C. 7237 | Do. |
| *United States* v. *Ysidro Salazar* | 18 U.S.C. 1407 | Do. |
| *United States* v. *Peter R. Wiehert* | 18 U.S.C. 1951 | Do. |
| *United States* v. *Gilbert D. Robinson* | 26 U.S.C. 5601 | Do. |
| *United States* v. *Lewis M. Smith* | do | Do. |
| *United States* v. *Edward Pappas* | 29 U.S.C. 501(c) | Convicted. |
| *United States* v. *Theodore R. Kosinski* | do | Indicted. |
| *United States* v. *Albert E. Ring* | do | Convicted. |
| *United States* v. *James A. Sawyer* | do | Do. |
| *United States* v. *C. S. White* | do | Do. |
| *Goldberg* v. *Battles* | Civil case to force testimony | On appeal. |
| *United States* v. *Gamewell Brown* | 26 U.S.C. 5691 | Dismissed. |
| *United States* v. *Robert Doleman* | 26 U.S.C. 5205 | Do. |
| *United States* v. *E. E. Burgess* | 26 U.S.C. 5601 | Do. |
| *United States* v. *Walter Conrad* | 26 U.S.C. 5205 | Do. |
| *United States* v. *James Brown* | do | Do. |
| *United States* v. *J. S. Munoz* | 21 U.S.C. 174 | Do. |
| *United States* v. *Leo John Lourcey, Jr* | 18 U.S.C. 371 | Convicted. |
| *United States* v. *Arthur Athens* | do | Do. |
| *United States* v. *James Shelby* | 18 U.S.C. 1362 | Do. |
| *United States* v. *John Vidakovitch* | 29 U.S.C. 501(c) | Pending. |
| *United States* v. *James A. Sawyer et al* | do | Do. |
| *United States* v. *John B. Johnson* | 21 U.S.C. 176(a) | Convicted. |
| *United States* v. *William H. Erdmann* | 18 U.S.C. 545 | Do. |
| *United States* v. *W. E. Mosley* | 18 U.S.C. 371 | Pending. |
| *United States* v. *Ralph Falinino et al* | do | Convicted. |
| *United States* v. *Sheridan Inn* | 26 U.S.C. 5301 | Compromised. |
| *United States* v. *Joseph Nestor Orbiz, Sr* | 26 U.S.C. 5604 | Convicted. |
| *United States* v. *420 Gambling Devices* | 15 U.S.C. 1177 | Forfeited. |
| *United States* v. *Steward Harrison* | 26 U.S.C. 5301 | Compromised. |
| *United States* v. *Roy Glapion* | do | Do. |
| *United States* v. *Louis Karno et al* | do | Do. |
| *United States* v. *Archibald J. Gonzales* | do | Do. |
| *United States* v. *W. M. Armstrong* | Volstead Act | Do. |
| *United States* v. *Dominic Giadone* | 26 U.S.C. 5301 | Convicted. |
| *United States* v. *John J. Brennan* | do | Compromised. |
| *United States* v. *Harry Broue, Sr* | do | Do. |

| Name of defendant | Violation | Disposition |
|---|---|---|
| *United States* v. *Luke P. Renna* | 26 U.S.C. 5301 | Compromised. |
| *United States* v. *James and Frank Simopoli* | do | Do. |
| *United States* v. *Ho Yee Fon et al* | 21 U.S.C. 174 | Convicted. |
| *United States* v. *Charles Lester et al* | 18 U.S.C. 242 | Pending. |
| *United States* v. *Helen James* | 18 U.S.C. 1001 | Do. |
| *United States* v. *Mary Jo Williams* | 18 U.S.C. 1621 | Do. |
| *United States* v. *Frank J. Andrews et al* | 26 U.S.C. 7201, 7203, 47 U.S.C. 501. | Do. |
| *United States* v. *James Preston* | 29 U.S.C. 501(c) | Do. |
| *United States* v. *Harry F. Serio* | 29 U.S.C. 504 | Do. |
| *United States* v. *Carl Thomas Moore* | 29 U.S.C. 501(c) | Do. |
| *United States* v. *John Oscar Haverlick* | do | On appeal. |
| *United States* v. *Carl L. Garvey* | do | Pending. |
| *United States* v. *Roy L. Bruce* | 29 U.S.C. 530 | Do. |
| *United States* v. *Baker* | 29 U.S.C. 186 | Convicted. |
| *United States* v. *Charles Chester Basaman* | 29 U.S.C. 501(c) | Do. |
| *United States* v. *William F. Henderson* | do | Pending. |
| *United States* v. *Vincent J. Motzell* | 29 U.S.C. 186 | Dismissed. |
| *United States* v. *Angelo Inciso* | 29 U.S.C. 186, 18 U.S.C. 1951 | Convicted. |
| *United States* v. *Stoy Decker et al* | 29 U.S.C. 501(c) | Do. |
| *United States* v. *William E. Golden* | 29 U.S.C. 186 | Pending. |
| *United States* v. *Owen L. Lawson* | 29 U.S.C. 501(c) | Convicted. |
| *United States* v. *William Finegin* | 29 U.S.C. 186 | Dismissed. |
| *United States* v. *James Williams and T. E. Ridgeway.* | 29 U.S.C. 501(c) | Pending. |
| *United States* v. *Francis R. Lenaburg et al* | do | Do. |
| *United States* v. *Benjamin Raysor* | 21 U.S.C. 174 | Revised on appeal. |
| *United States* v. *Hugh Gene Mosely* | do | Do. |
| *United States* v. *Joseph Detusco* | 26 U.S.C. 7203, 7262, 7272 | Indicted. |
| *United States* v. *Benjamin Lassoff et al* | 18 U.S.C. 371, 1343 | Pending. |
| *United States* v. *Carlos Marcello et al* | 18 U.S.C. 371 | Do. |
| *United States* v. *Carlos Marcello* | 18 U.S.C. 1621 | Do. |
| *United States* v. *Robert Selman and Morris Cutler.* | 18 U.S.C. 1951 | Indictment dismissed. |
| *United States* v. *Mack Tane* | 29 U.S.C. 186 | Pending. |
| *United States* v. *William Villano and Frank Bagolie.* | do | Indictment dismissed. |
| *United States* v. *Owen Lawson* | 29 U.S.C. 501(c) | Convicted. |
| *United States* v. *Elizabeth Dudley* | do | Do. |
| *United States* v. *William Finnegan et al* | 29 U.S.C. 186 | Acquitted. |
| *United States* v. *Henry Miller* | 29 U.S.C. 501(c) | Indicted. |
| *United States* v. *Stoy Decker* | 29 U.S.C. 501(c), 18 U.S.C. 371. | Do. |
| *United States* v. *Floyd Guinn* | do | Convicted. |
| *United States* v. *Robert Cox* | 18 U.S.C. 371 | On appeal. |
| *United States* v. *Ralph Bridewell* | 18 U.S.C. 1621 | Pending. |
| *United States* v. *Raymond Bridewell* | do | Do. |
| *United States* v. *James Bridewell* | do | Do. |
| *United States* v. *John L. Battaglia* | 26 U.S.C. 7201 | Convicted. |
| *United States* v. *Frank Bende* | 26 U.SC. 7210 | Pending. |
| *United States* v. *Paul Villano* | 26 U.S.C. 7262 | Do. |
| *United States* v. *Buddy Wolk* | 26 U.S.C. 7203 | Convicted. |
| *United States* v. *David Bohn* | do | Pending. |
| *United States* v. *Julius C. Harper* | 18 U.S.C. 152 | Do. |
| *United States* v. *Michael Coppola* | 26 U.S.C. 7201 | Do. |
| *United States* v. *Don Mach et al* | 26 U.S.C. 7203 | Do. |
| *United States* v. *Frank Stoddard et al* | do | Do. |
| *United States* v. *Hershie Laff* | do | Do. |
| *United States* v. *Howard Pinder* | do | Do. |
| *United States* v. *Abe Brown* | do | Do. |
| *United States* v. *James Saigh* | do | Do. |
| *United States* v. *Louis Sagel* | 18 U.S.C. 1343 | Do. |
| *United States* v. *Felix Farina et al* | 18 U.S.C. 1503 | On appeal. |
| *United States* v. *Nick Stirone* | 18 U.S.C. 1951 | Do. |
| *United States* v. *Richard A. Styles* | 18 U.S.C. 1953 | Convicted. |
| *United States* v. *Carlos Marcello* | 18 U.S.C. 1621 | Pending. |
| *United States* v. *Herbert Dondlinger et al* | 26 U.S.C. 7201 | Do. |
| *United States* v. *Thomas Keegan* | 29 U.S.C. 186 | Do. |
| *United States* v. *George Roxborough* | 29 U.S.C. 186, 18 U.S.C. 371 | Do. |
| *United States* v. *Charles Jamison* | 29 U.S.C. 186 | Do. |
| *United States* v. *Ted Rasberry* | 26 U.S.C. 7203, I.R.C. section 4411. | Convicted. |
| *United States* v. *Charles Gorman* | 26 U.S.C. 7203, 18 U.S.C. 1084. | Arrested Dec. 15, 1961. |
| *Peter Licavoli* v. *District Director of Internal Revenue.* | Civil case to enjoin IRS from maintaining jeopardy assessment. | U.S.D.C., Ed. Mich, on Jan. 3, 1962, granted, defendant's motion to dismiss. |
| *United States* v. *Peter Licavoli* | 2 U.S.C. 192 | Convicted and affirmed. |
| *United States* v. *Abraham Minker* | 26 U.S.C. 7201 | Convicted. |
| *United States* v. *Anthony Bonanno, et al* | do | Do. |
| *United States* v. *Thomas Malone* | 26 U.S.C. 7262 | Indicted. |
| *United States* v. *Lawrence Mullen and Joseph Westenberg.* | 18 U.S.C. 371, 29 U.S.C. 186 | Do. |

| Name of defendant | Violation | Disposition |
|---|---|---|
| *United States v. Santo Domiano, et al* | 26 U.S.C. 7203 | Pending. |
| *United States v. Rolland McMaster* | 18 U.S.C. 371, 28 U.S.C. 186 | Do. |
| *United States v. Anthony Garcia* | 26 U.S.C. 4705A | Do. |
| *United States v. Anthony Garcia, et al* | 18 U.S.C. 371, 21 U.S.C. 147, 26 U.S.C. 4705A. | Do. |
| *United States v. John Curry* | 26 U.S.C. 7203 | Indicted. |
| *United States v. Baron de Hirshmeyer* | 18 U.S.C. 656 | Appeal (U.S. Supreme Court). |
| *United States v. William Presser* | 18 U.S.C. 1505 | Appeal (6th circuit). |
| *United States v. John Felice, et al* | 29 U.S.C. 186 | Acquittal. |
| *United States v. May Department Stores, et al* | do | Convicted. |
| *United States v. William Finegan* | 26 U.S.C. 7201 | Do. |
| *United States v. James Dean* | 26 U.S.C. 7203 | Do. |
| *United States v. Mark Jennings* | do | Do. |
| *United States v. Rita Gregory* | do | Do. |
| *United States v. Roland Leibert* | do | Do. |
| *United States v. Mike Scarpaci* | do | Do. |
| *United States v. Joseph Mango* | do | Do. |
| *United States v. Anthony Lucci* | do | Do. |
| *United States v. Ralph Angle* | do | Do. |
| *United States v. Ralph Frasco* | do | Do. |
| *United States v. Michael Stefko* | do | Do. |
| *United States v. Richard Jackson* | do | Do. |
| *United States v. Joseph Naples, Jr* | do | Do. |
| *United States v. Stephen Bajnok* | do | Do. |
| *United States v. Anthony Naples* | do | Do. |
| *United States v. William Kohut* | do | Information filed. |
| *United States v. Ted Lewin* | 18 U.S.C. 1341, 1343 | Pending. |
| *United States v. Joseph Weintraub* | 26 U.S.C. 7203, 7262 | Dismissed. |
| *United States v. Abraham Goldstein* | do | Do. |
| *United States v. David Karp* | do | Do. |
| *United States v. James Vincent La Duca, et al* | 29 U.S.C. 186(b)(c) | Pending. |
| *United States v. Benny Birenbaum* | 26 U.S.C. 7203, 7262 | Dismissed. |
| *United States v. Antonette Carissimi* | do | Do. |
| *United States v. Mike Colucci* | do | Do. |
| *United States v. Maurice Tobin* | 2 U.S.C. 192 | On appeal. |
| *United States v. Anthony Pecukonis* | 26 U.S.C. 7203, 7262 | Dismissed. |
| *United States v. Louis Baker* | do | Pending. |
| *United States v. Louis Dubrow* | do | Do. |
| *United States v. John W. Galvin* | do | Do. |
| *United States v. Charles Greenslett* | do | Do. |
| *United States v. Arthur E. Hiltz* | do | Do. |
| *United States v. Louis Hodess* | do | Do. |
| *United States v. Lawrence McDonald* | do | Do. |
| *United States v. William J. O'Toole* | do | Do. |
| *United States v. Barbara Robinson* | do | Do. |
| *United States v. Michael Rogers* | do | Do. |
| *United States v. Edmund M. Summerhayes* | do | Do. |
| *United States v. Abraham Swartz* | do | Do. |
| *United States v. Leo Swartz* | do | Do. |
| *United States v. Arthur N. Trent* | do | Do. |
| *United States v. George Triandoes* | do | Do. |
| *United States v. Lorimer E. Whitehead* | do | Do. |
| *United States v. Charlie Davis* | 26 U.S.C. 7203 | Dismissed. |
| *United States v. S. W. Belcher* | 26 U.S.C. 5601 | Do. |
| *United States v. Daniel Luna Rodrizques* | 18 U.S.C. 3146 | Do. |
| *United States v. Stoy Decker and Robert Cox* | 18 U.S.C. 1951 | Indicted. |
| *United States v. Vincent J. Motzell* | 29 U.S.C. 186 | Acquitted. |
| *United States v. Sam Feldman, et al* | 18 U.S.C. 1951 | Convicted. |
| *United States v. Harry Serio* | 29 U.S.C. 504 | Indicted. |
| *United States v. James Shelby and Charles Perry.* | 18 U.S.C. 1362 | Convicted. |
| *United States v. Francis J. DeSisto* | 18 U.S.C. 1951 | Reversed on appeal |
| *United States v. Angelo Inciso* | 29 U.S.C. 186 | Affirmed on appeal. |
| *United States v. Elliott Kahaner et al* | 18 U.S.C. 371, 18 U.S.C. 1503 | Indicted. |
| *United States v. Frank J. Siematowski* | 18 U.S.C. 371 (Liquor laws) | Do. |
| *United States v. Johnny Thompson et al* | 18 U.S.C. 371 (Liquor laws) | Do. |
| *United States v. Anthony Decumza* | 26 U.S.C. 7203 | Dismissed. |
| *United States v. Lewis Festa* | do | Do. |

Mr. ROONEY. Thank you, Mr. Miller and gentlemen.
Mr. MILLER. Thank you very much.

TUESDAY, JANUARY 23, 1962.

## LANDS DIVISION

### WITNESS

### RAMSEY CLARK, ASSISTANT ATTORNEY GENERAL

Mr. ROONEY. The next item is that for the Lands Division, which appears under tab 16 of the book of justifications. The request is in the amount of $3,570,000, which is an increase of $25,000 over the amount appropriated for the Lands Division in the current fiscal year. We shall insert at this point in the record pages 16–1 through 16–17 of the justifications.

(The pages referred to follow:)

LANDS DIVISION

| | |
|---|---|
| Appropriation, 1962 | $3,545,000 |
| Estimate, 1963 | 3,570,000 |
| Increase | 25,000 |

The Assistant Attorney General in charge of the Lands Division supervises all suits and matters of a civil nature relating to lands and real property. This includes condemnation proceedings for the acquisition of property, actions to remove clouds and to quiet title, to recover possession, to recover damages, to determine boundaries, to cancel patents, to set aside ad valorem taxes and tax sales, to establish and protect rights in minerals and in other natural resources, to establish and protect water rights, to defend actions for compensation for the claimed taking by the United States of land or any interest in land, and to defend actions seeking to establish an interest in real property adverse to the United States. The Lands Division also is charged with representing the interests of the United States in all civil litigation pertaining to Indians and Indian affairs, including the defense of Indian claims against the United States, whether in the Court of Claims or before the Indian Claims Commission. It defends officers of the United States, handles injunction and mandamus proceedings and litigation arising from contracts where those matters affect the rights of the United States in the use or title of real property.

With certain exceptions specified by statute, the Lands Division passes upon the title to all lands acquired by the United States by direct purchase.

AMOUNT REQUESTED

The Lands Division will require an appropriation of $3,570,000 for the 1963 fiscal year for the compensation of personnel and other expenses. This is an increase of $25,000 over the amount available for the 1962 fiscal year.

The increase is requested as follows:

| | |
|---|---|
| 1. Cost of statutory provisions: | |
| Within-grade promotions (Ramspeck Act) | $18,800 |
| Personnel benefits | 1,200 |
| Total | 20,000 |
| 2. Increased travel requirements | 5,000 |
| Total increase | 25,000 |

DETAILS OF REQUEST

The Division is requesting 244 positions for the 1963 fiscal year which is the same as available during the 1961 and 1962 fiscal years. The increase of $25,000 is needed to comply with statutory requirements relating to employees' compensation and benefits amounting to $20,000 and to meet increased travel expenses estimated at $5,000.

WORKLOAD

A. Land acquisition: During the 1961 fiscal year, the Lands Division received 19,606 tracts of land for acquisition by either direct purchase or condemnation proceedings. This is an increase of 3,153 over the number received during the previous fiscal year. However, it is 14,639 less than the number that the acquiring agencies estimate that we will receive in each of the 1962 and 1963 fiscal years. Since July 1, 1953, the closing rate has steadily increased each fiscal year. During the 1961 fiscal year, the Division closed 17,999 tracts which is more than for any fiscal year since 1953. Even though more tracts were closed, the pending work continued to increase to 40,040 which is the peak year since the mass of tracts acquired during World War II.

The tracts closed during the 1961 fiscal year involved the acquisition of 405,094 acres and 2,414 parcels of land. The cost of this land amounted to $116,615,398.79.

As of June 30, 1961, the number of tracts pending in condemnation cases and for direct purchase amounted to 40,040 which is 1,617 more than the number pending on June 30 of the previous year. Of these pending tracts, 32,057 were in condemnation affecting 1,654,232 acres for which there remained on deposit in the courts $57,796,516.41. The number of pending condemnation tracts increased by 4,449 over the previous year.

In the 1961 fiscal year, the Division deposited $62,497,768.15 in the registries of the courts or an average of $240,375.65 for each working day of the fiscal year. The disbursements for the year amounted to $73,689,963.21 or an average of $283,422.93 for each working day. The amount of interest paid during the 1961 fiscal year on deficiency judgements in condemnation proceedings closed other than by settlement, was $775,435.77, or an average of $2,982.44 for each working day.

There is attached as exhibit No. 1 a statement which shows for the fiscal years 1944 to 1961, inclusive, the tracts received, tracts closed, tracts pending as of June 30, acres acquired, parcels acquired, and cost of both parcels and acres. This exhibit reflects that more tracts were received in the 1961 fiscal year than any year since 1944 except the 1956 fiscal year.

Exhibit No. 2 attached is a statement, based upon figures furnished by other agencies, showing the estimated amount of land to be acquired by the Government during the 1962 and 1963 fiscal years. It is important to note that the estimate specifies 68,491 tracts to be acquired by condemnation or direct purchase. This is by far the largest number of tracts that have ever been estimated for 2 fiscal years. It is an average of 34,245 tracts per year for the next 2 years and is an increase of 14,639 tracts each year over the 19,606 received during the 1961 fiscal year.

There is attached as exhibit No. 3 a statement which shows the condemnation tracts and acres pending, as well as the balance on deposit in the courts, for each of the acquiring agencies as of June 30, 1961.

The 32,057 tracts pending in condemnation on June 30, 1961, is the largest number pending at the end of any fiscal year since 1947. Of these condemnation tracts approximately 5,700 have been pending more than 3 years. Over half of these or 3,200 have been pending over 5 years. The Administrative Office of the U.S. courts reports that there are 6,071 nonlands civil cases pending that are over 3 years old. Therefore, there are almost as many condemnation tracts over 3 years old pending as all other civil cases of the same age.

In order to handle this large increase in tracts received and to be received, and reduce the pending work, and to handle acceleration of trials because of the creation of 63 new district court judgeships, it is absolutely essential that funds requested be allowed.

B. Indian claims involved in 456 suits still pending before the Indian Claims Commission and the Court of Claims, continue to constitute a major factor in the workload of the Division. The amounts for which recovery is sought total billions of dollars. For reasons briefly below noted, the progress made in the handling of these cases is incapable of any accurate statistical measurement. Practically all of these cases involve extremely difficult and novel questions of law, and tedious time-consuming factual research. The expense of litigation, such as export witness fees, court reporting, etc., in defending these claims run into large sums of money. It is oversimplification to say that, generally the cases are tried piecemeal in three basic parts: (1) those aspects involved in the determination of liability, if any; (2) the issues as to the amount of the gross liability; and (3) the question of offsets, if any, to arrive at net liability.

Of the 456 cases pending in the Indian Claims Section, liability has been determined in 72 cases involving approximately 319,248,617 acres of land. This leaves 384 cases where a decision must be made by the Commission as to whether the Government is liable and if so the area involved. In the great majority of these cases it will be necessary to spend large sums of money to hire historians, enthnologists, anthropologists, etc.

In order to try to expedite the disposition of these 456 claims the Commission has set a calendar for a 3-year period of 33 cases per year. This means that the Division will be required to employ appraisers, historians, ethnologists, etc., in most of these cases during the next 3-year period. In view of this action by the Commission, it is estimated that our uncontrollable expenses for the Indian Claims Section will probably increase.

The Indian Claims Commission was granted an increase in its personnel during the 1962 fiscal year to speed up the handling of cases. Previous to this increase the Commission only heard one case at a time. Under the present system, they are now hearing two or three cases simultaneously.

C. General litigation:

1. Water resources litigation involves all matters relating to the Government's interest in rights to the use of water, water resources, and stream pollution (a comparatively new Federal function of far-reaching consequences). The cases are of the utmost importance and involve the policies of the Government and the economy of millions of American citizens in their relation to the development of water resources. Some of these cases are of such magnitude and importance that it is necessary to assign more than one attorney to a case. Because of the increasing water problem, it is anticipated that the number of this type of case will increase during the 1963 fiscal year.

Another important phase of this work is the consideration that must be given to interstate and international compacts involving the waters of interstate and international streams. These compacts require the approval by Congress and are extremely complicated by reason of the many conflicting interests involved, including the interest of the Federal Government in a fiduciary capacity and otherwise.

2. Other litigation involves natural resources of all kinds, boundary disputes, claims under the Tucker Act, actions in trespass and eviction, suits to quiet title, injunctions and suits for declaratory judgments involving real property and interests therein. This litigation resulted in the collection of $698,478.28 during the 1961 fiscal year and the recovery or protection of land in the name of the United States of great value. Claims defended amounted to $11,237,512.54, on which judgments were allowed in the amount of $1,003,917.64. Claims against the United States defended by the Lands Division pending in the Court of Claims as of June 30, 1961, amounted to $49,392,235.

Exhibit No. 4, attached, is a workload statement of the principal litigation sections of the Division for the years 1956 to 1961, inclusive. (Other sections are: Appellate, which handles the appeals originating in the Lands Division; Legislation and General, which reviews and submits reports on legislative bills, looks after general research and correspondence, etc.; Appraisal, which reviews and advises with respect to appraisals obtained in the work of the other litigation sections; and Administrative, which looks after the divisional personnel matters, supplies, statistical, bookkeeping, and general "housekeeping"). This exhibit shows the amount of work received and closed each fiscal year, and the number of cases or matters pending at the end of the years stated.

## CONCLUSION

There is no way in which the Division can control its volume of incoming work but it must be prepared at all times expeditiously to handle whatever quantity of litigation is received.

Since an average of more than 3½ years elapses from the filing of a complaint in condemnation until the final disposition of the case, it is apparent that the cases received in 1 year substantially affect the volume of business to be handled during the several subsequent years.

When property is taken for public use the property owner is entitled to receive just compensation for it as speedily as the amount can be properly determined and paid, and it is equally important to the general public that the Government's interest shall be fully protected against the unjustified cost of undue haste on the one hand or interest charges due to avoidable delays on the other hand.

**In view of the present and prospective workload of the Lands Division, it is felt that the amount requested for the 1963 fiscal year is the absolute minimum required.**

EXHIBIT NO. 1.—*Tracts received, closed, pending—Acres and parcels acquired—Cost 1944 to 1961 fiscal years, inclusive*

| Fiscal year | Tracts received | Tracts closed | Tracts pending, June 30 | Acres acquired | Parcels acquired | Cost of parcels and acres |
|---|---|---|---|---|---|---|
| 1961 | 19,606 | 17,999 | 40,040 | 405,094 | 2,414 | $116,615,398.79 |
| 1960 | 16,453 | 17,876 | 38,423 | 401,388 | 2,910 | 128,209,884.82 |
| 1959 | 18,858 | 16,554 | 39,846 | 456,639 | 4,223 | 107,195,951.52 |
| 1958 | 16,223 | 15,954 | 37,542 | 668,835 | 3,324 | 84,235,231.00 |
| 1957 | 16,971 | 15,509 | 37,273 | 753,710 | 1,853 | 59,998,318.00 |
| 1956 | 19,706 | 13,627 | 35,811 | 595,679 | 2,217 | 63,489,732.80 |
| 1955 | 11,357 | 13,744 | 29,732 | 448,233 | 3,316 | 60,954,619.48 |
| 1954 | 11,884 | 13,302 | 32,119 | 580,418 | 2,300 | 78,198,483.41 |
| 1953 | 17,953 | 20,740 | 33,537 | 626,426 | 3,516 | 74,145,506.79 |
| 1952 | 16,159 | 16,283 | 36,324 | 736,900 | 4,021 | 91,150,700.00 |
| 1951 | 18,015 | 14,434 | 36,448 | 1,405,745 | 3,746 | 60,801,140.14 |
| 1950 | 14,389 | 14,863 | 32,867 | 920,718 | 3,178 | 52,017,868.16 |
| 1949 | 11,777 | 12,862 | 33,341 | 901,039 | 3,855 | 51,042,903.73 |
| 1948 | 8,386 | 10,574 | 34,323 | 544,706 | 2,854 | 37,521,612.58 |
| 1947 | 5,865 | 14,261 | 36,511 | 412,510 | 3,565 | 51,592,302.47 |
| 1946 | 6,089 | 17,588 | 44,907 | 798,673 | 7,362 | 59,886,212.23 |
| 1945 | 10,466 | 25,019 | 56,406 | 1,318,484 | 9,947 | 159,177,781.97 |
| 1944 | 26,619 | 34,823 | 70,959 | 1,786,825 | 10,157 | 114,321,803.91 |
| Total | 266,776 | 306,012 | ---------- | 13,762,022 | 74,758 | 1,450,555,451.80 |

EXHIBIT NO. 2.—*Land acquisitions by acquiring agencies during 1962 and 1963 fiscal years*

| Agency | Tracts | Acreage | Estimated cost |
|---|---|---|---|
| Department of the Interior | 4,719 | 200,677 | $27,923,640 |
| Bureau of Reclamation | 7,233 | 187,169 | 19,233,000 |
| Department of the Navy | 827 | 970 | 5,000,000 |
| Department of Commerce | 234 | 913 | 1,685,000 |
| Federal Aviation Agency | 23 | 56 | 590,000 |
| General Services Administration | 702 | ---------- | 66,959,696 |
| Department of Agriculture | 295 | 32,800 | 1,305,000 |
| Redevelopment Land Agency | 193 | 152 | 53,485,000 |
| Departments of the Army and Air Force | 54,265 | ---------- | 203,500,000 |
| Grand totals, all agencies | 68,491 | 422,737 | 379,681,336 |

EXHIBIT NO. 3.—*Report of cases, tracts, acres pending and balance on deposit for each agency as of June 30, 1961*

| Agency | Cases | Tracts | Acres | Balance on deposit |
|---|---|---|---|---|
| Architect of the Capitol | 1 | 119 | | $710,200.00 |
| Atomic Energy Commission | 46 | 315 | 69,501.40 | 374,246.38 |
| Board of Commissioners, District of Columbia | 1 | 8 | | 4,082.00 |
| Department of Agriculture | 20 | 26 | 3,684.99 | 58,913.51 |
| Department of the Air Force | 534 | 2,808 | 86,322.65 | 4,507,971.65 |
| Department of the Army (defense) | 254 | 1,956 | 445,114.77 | 3,675,367.19 |
| Department of the Army (nondefense) | 1,396 | 14,290 | 578,906.04 | 26,932,430.05 |
| Department of Commerce (defense) | 36 | 173 | 742.57 | 777,276.53 |
| Department of Commerce (nondefense) | 9 | 28 | 250.05 | 141,005.48 |
| Department of the Interior | 296 | 1,757 | 128,024.27 | 5,459,294.27 |
| Department of Justice, Bureau of Immigration | 1 | 1 | | |
| Department of the Navy | 162 | 8,692 | 253,262.40 | 4,527,737.40 |
| Department of the Treasury | 5 | 17 | 147.13 | 46,792.00 |
| Federal Aviation Agency | 30 | 476 | 2,933.72 | 1,240,525.71 |
| Federal Facilities Corporation | 6 | 78 | 2,180.33 | 116,158.78 |
| General Services Administration (defense) | 11 | 46 | 96.28 | 24,138.94 |
| General Services Administration (nondefense) | 83 | 269 | 8,604.04 | 4,812,812.92 |
| International Boundary Commission | 5 | 336 | 73,020.82 | 1,170,577.12 |
| National Aeronautics and Space Administration | 5 | 8 | 428.11 | 9,573.30 |
| National Capital Housing Authority | 6 | 100 | | 480,420.05 |
| National Capital Planning Commission | 13 | 84 | 524.47 | 223,383.74 |
| National Science Foundation | 1 | 3 | 143.21 | 18,601.00 |
| Post Office Department | 24 | 111 | | 1,172,114.83 |
| Public Housing Administration | 16 | 56 | 95.77 | 35,442.45 |
| Redevelopment Land Agency | 24 | 266 | | 1,272,400.11 |
| St. Lawrence Seaway Development Corporation | 5 | 21 | 118.71 | 27,600.00 |
| Veterans' Administration | 3 | 13 | 34.34 | 27,451.00 |
| Grand total | 2,993 | 32,057 | 1,654,232.07 | 57,796,516.41 |

EXHIBIT NO. 4.—*Lands Division workload, 1956 through 1961*

| | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 |
|---|---|---|---|---|---|---|
| Land acquisition: | | | | | | |
| Condemnation tracts: | | | | | | |
| Received | 12,119 | 7,437 | 6,796 | 7,276 | 9,942 | 10,848 |
| Closed | 7,535 | 7,864 | 7,883 | 8,907 | 8,989 | 6,399 |
| Pending (end of year) | 29,800 | 29,373 | 28,286 | 26,655 | 27,608 | 32,057 |
| Title tracts: | | | | | | |
| Received | 7,587 | 9,534 | 9,427 | 11,582 | 6,511 | 8,768 |
| Closed | 6,092 | 7,645 | 8,071 | 7,647 | 8,887 | 11,600 |
| Pending | 6,011 | 7,900 | 9,256 | 13,191 | 10,815 | 7,983 |
| Total land acquisition: | | | | | | |
| Received | 19,706 | 16,971 | 16,223 | 18,858 | 16,453 | 19,606 |
| Closed | 13,627 | 15,509 | 15,954 | 16,554 | 17,876 | 17,999 |
| Pending | 35,811 | 37,273 | 37,542 | 39,846 | 38,423 | 40,040 |
| General litigation section: | | | | | | |
| Regular cases: | | | | | | |
| Received | 468 | 389 | 445 | 488 | 515 | 484 |
| Closed | 472 | 432 | 397 | 476 | 512 | 488 |
| Pending | 698 | 655 | 703 | 715 | 718 | 714 |
| Housing cases: | | | | | | |
| Received | 364 | 258 | 84 | 173 | 45 | 22 |
| Closed | 595 | 294 | 246 | 147 | 94 | 44 |
| Pending | 329 | 293 | 131 | 157 | 108 | 86 |
| Water resources cases: | | | | | | |
| Received | | [1] 11 | 18 | 8 | 9 | 16 |
| Closed | | [1] 4 | 9 | 16 | 6 | 12 |
| Pending | [1] 88 | 95 | 104 | 96 | 99 | 103 |
| Indian claims cases: | | | | | | |
| Received | 12 | 10 | 39 | 34 | 15 | 6 |
| Closed | 7 | 15 | 13 | 8 | 15 | 13 |
| Pending | 416 | 411 | 437 | 463 | 463 | 456 |

[1] Since Mar. 18, 1957.

Mr. ROONEY. Mr. Clark, will you please proceed.

GENERAL STATEMENT

Mr. CLARK. Mr. Chairman, the Lands Division's total result is $3,570,000 which, as Congressman Rooney has indicated, is an increase of $25,000, of which $20,000 involves statutory increases, that is, Ramspeck promotions and statutory personnel benefits, and $5,000 is for increased travel expense, which includes primarily the increase in per diem.

Mr. ROONEY. Of the $25,000, then, $20,000 is required by law for promotion, retirement, and insurance?

Mr. CLARK. Yes, sir.

Mr. ROONEY. $5,000, however, is beefing up on your travel?

Mr. CLARK. Yes, sir, that is right.

Mr. ROONEY. Very well. Please proceed.

Mr. CLARK. As you well know, the three major trial sections of the Lands Division are the Land Acquisition Section, the General Litigation Section, and the Indian Claims Section. There is no increase in attorney positions in any of these sections or within the Lands Division, nor is there a request for increase in other personnel. This is in spite of the fact that land acquisition is expected to increase during 1962 and 1963 to a level which is more than 50 percent higher than any year since 1944. In other words, based upon agency estimates, we expect to acquire during this fiscal year and the next, more than 50 percent more tracts than in any year since the last heavy acquisition year of World War II.

In addition to this very substantial increase in tracts, the number of tracts pending at the beginning of this fiscal year was at the highest level since 1946. We had 40,000-plus tracts pending. I feel quite strongly that this is entirely too high a level. I think it is a burden on the United States and on the property owners, and that it is very desirable that the number of pending tracts be substantially decreased and held at a lower level.

We are currently closing tracts, I am happy to report, at a higher rate than in any year since 1953. It is 10 percent higher than last year. We expect to close more tracts this year than in any year since 1945.

We have shifted manpower to some extent in the Land Acquisition Section. They are working particularly hard in backlog areas and on tracts over 3 years old, which total 5,700, compared with only 6,071 non-lands civil cases in Federal courts of equal vintage.

So I feel, as I said, that there is a real problem in land acquisition.

We have not asked for an increase at this time, and we hope it will not be necessary. For one thing, we are waiting to see how the agency estimates materialize. At this time we have received tracts that would indicate that the increased estimates will not be realized, at least in this current fiscal year. This is despite the fact that historically agency estimates have been substantially lower than the number of tracts finally actually acquired within the fiscal year for which the estimates were made.

The General Litigation Section has 20 lawyers. It is about half the size of our Land Acquisition Section. Land Acquisition comprises slightly more than one-third of our total attorney manpower. The level of work in the General Litigation Section remains extremely high.

At the beginning of the fiscal year, it was just four cases lower than the high of the last 5 years. In addition, we have received during the year some very big cases, one case involving a potential liability of $60 million. During fiscal 1961, the judgments entered against the United States in which the General Litigation Section defended the United Sttaes totaled slightly over $1 million, and the original claims on which these judgments were finally entered were in excess of $11 million.

INDIAN CLAIMS CASES

In Indian Claims we have pending at this time 456 cases.

Mr. ROONEY. Has anything significant happened insofar as the taxpayers' liability in Indian claims cases during the past year?

Mr. CLARK. Yes, sir, I think so. We have the three biggest judgments entered by the Commission since the last time we appeared before this committee. These cases had been tried in previous years, of course. They were long, protracted litigation, you might say. They were submitted during previous years, as a matter of fact, and have been under consideration by the Indian Claims Commission. They were all in excess of $10 million, one slightly over $10 million, the *Crow* case; $14 million in the *Cherokee* case, and $23,500,000 in the *Cheyenne-Arapaho* case.

Mr. ROONEY. Are these final judgments?

Mr. CLARK. The *Cheyenne* is not.

Mr. ROONEY. The others are?

Mr. CLARK. The other two are final. The *Cheyenne-Arapaho* was handed down December 6, 1961.

Mr. ROONEY. Are you appealing that?

Mr. CLARK. The future course of that case has not been determined at this time. It is quite a task, as you can imagine, reviewing the case, and no decision has been made on appeal.

There are 44 cases in which final judgments have been entered, involving awards of $75 million. We have had 105 cases dismissed, that is, no money awarded in favor of the Indian tribes. Forty-four cases involved money awards to the Indians. I think it is important for this committee to recognize, however, that we cannot expect any great number of dismissals in the future. These were cases that were dismissed on points of law. Thirty-some-odd were dismissed on the motion of the plaintiff. Some of them involved consolidations with other cases, so the claims actually remain against the United States, although the cases do not appear statistically.

In addition to these 44 cases in which final judgments have been entered, the United States has been held liable in 79 cases. You recall that the Congress provided for interlocutory appeals, very wisely, in Indian claim cases, which permits an appeal on the issue of liability before the great expense and burden of determining the value. In these 79 cases in which we have been found liable, 350 million acres are involved. It is important to note that that is an increase of acreage per case of about 100 percent. Some of these cases are much larger than others. For the 79 cases in which liability has been determined, we have an average increase in acreage of 100 percent over and above average acreage in the 44 cases in which final judgments have been entered. So, you can see that on a case basis, if your valu-

ations per acre came out the same, your awards per case would increase by over 100 percent.

We feel very strongly that expedition of these cases is important. We think it necessary that cases be expedited if the purpose of the Congress in the Indian Claims Act of 1946 is to be achieved. Expedition is not an easy task. I think the Indian Claims Commission is working effectively toward expedition. Rather than hearing one case at a time, they are now hearing up to three cases at a time. As you can well imagine, this involves quite an extra burden on our staff. We have 26 lawyers defending these claims, which total over $5 billion if you add up the claims. Each one of these cases is a very important case involving a very substantial liability of the United States, and is a heavy burden on the lawyers. With the increase also in the rate of disposition of these cases, we have to expect an increase in services for evaluation, our expenses for expert appraisers. That applies also to the tremendous increase anticipated in land acquisition. There will be a necessary increase in appraisal fees, for each of those cases which goes at least to a trail preparation level will involve additional appraisal service. We foresee a greater expenditure necessary in the future. We hope we can hold the line, certainly through the rest of this year and, if possible, through the next fiscal year.

INCREASE IN TRAVEL EXPENSES

Mr. ROONEY. Mr. Clark, what is the alleged necessity of the increase in travel expenses by $5,000?

Mr. CLARK. It is primarily to provide for the increase in per diem. We had more than 1,000 days' travel during the last fiscal year. We expect an increase in travel. That is a $4 a day increase right there. For 1,000 days, you can see you have $4,000 already. In addition, we have had extra travel this year and we expect extra travel next year. The travel will be in part in connection with the increase in land acquisition. In addition to exhibit 2, which shows a 50-percent increase in acquisition for each of the next 2 years and by far the greatest number for any year since World War II, we have a supplemental estimate from the Corps of Engineers, which is going to be the primary taking agency, which increases its estimate for 1962 alone by 6,000 tracts. You can see that there is a tremendous increase here. This involves disproportionate increases in particular districts. For instance, the eastern district of Oklahoma is a small district with a small attorney staff in the U.S. attorney's office. It is estimated that there will be 3,575 tracts falling into Oklahoma. Most of those tracts will be in the eastern district of Oklahoma.

The attorney staff there cannot handle those cases expeditiously. We sent extra men down to help with the backlog that exists of 1,600 tracts, as against just 60 other civil cases pending in which the United States is involved. So, you can see that land acquisition in a district like that is the great preponderance of all the legal work in the office. They cannot handle it without additional help. We have tried to supply additional manpower because we know delay in these cases costs the United States a lot of money, and it is not fair to the property owners. We hope we can get by with $5,000 extra for travel.

83356—62——11

Mr. ROONEY. Mr. Clark, a while ago you mentioned the fact that $75 million in judgments had been obtained against the Government in Indian cases.

Mr. CLARK. Yes.

Mr. ROONEY. Can you tell us the amount that the tribes claimed of the Government?

Mr. CLARK. Yes, sir. It is roughly $290 million.

Mr. ROONEY. $290 million, and the Government was found to be liable for $75 million.

Mr. Marshall?

Mr. MARSHALL. No questions.

Mr. ROONEY. Mr. Bow?

AMOUNTS PAID FOR APPRAISERS AND EXPERT WITNESSES

Mr. BOW. Mr. Clark, can you give us the amount you paid appraisers and expert witnesses since you appeared here last year, since the last hearing?

Mr. CLARK. I can give you what we paid during this fiscal year, but to try to break out the remainder of last fiscal year and add it on——

Mr. BOW. No.

Mr. CLARK. $503,000 for the first 6 months of this fiscal year.

Mr. BOW. That is a considerable reduction, is it not?

Mr. CLARK. We have tried to hold the line as best we can. We are checking every appraisal carefully. We do not have in there Indian claims contracts that we know we will have to enter into.

Mr. BOW. Can you give us a comparable list of the individual appraisers who received this money, as you did for the record last year?

Mr. CLARK. If you wish such a list, we can prepare it.

Mr. BOW. I would like to have it, Mr. Chairman, if we may, the same list that we had last year, and the addresses, the places of residence.

Mr. CLARK. Just the city?

Mr. BOW. Yes.

(The information supplied follows:)

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*

EXPENDITURES

| Name | City | Amount paid |
|---|---|---|
| Acevedo, Ferdinand | San Juan, P.R | $100.00 |
| Acuff, Joe R | Coeur d'Alene, Idaho | 275.00 |
| Adams, J. G | Spokane, Wash | 100.00 |
| Adams, Pierce | Harrison, Ark | 100.00 |
| Agriculture, Department of | Washington, D.C | 15,161.40 |
| Andrews, Harry L., Jr | Fresno, Calif | 1,012.50 |
| Aschmann, Homer | Riverside, Calif | 889.93 |
| Atwood, Paul E | Bangor, Maine | 300.00 |
| Auchmuty, R. Laird | Pittsburgh, Pa | 400.00 |
| Aldis, Graham | Chicago, Ill | 850.00 |
| Armstrong, W. L | Columbus, Ohio | 500.00 |
| Army, Department of | Washington, D.C | 6,007.56 |
| Ballinger, James H | Eufaula, Okla | 200.00 |
| Barton, John R | Scottsdale, Ariz | 40.00 |
| Batten, O. S | Pikeville, Ky | 800.00 |
| Beale, Thomas L | Washington, D.C | 10.00 |
| Beal, Alexander S | Boston, Mass | 5,500.00 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

EXPENDITURES—Continued

| Name | City | Amount paid |
|---|---|---|
| Beasley, Oscar H | Washington, D.C | $350.00 |
| Beattie, Dewey T | Sparta, Ill | 375.00 |
| Bell, M. D | Mobile, Ala | 250.00 |
| Bells, Zura E | Oakland, Calif | 2,000.00 |
| Berg, Paul O | Fort Wayne, Ind | 412.20 |
| Bennett, John F | Washington, D.C | 40.00 |
| Bender, Averam B | University City, Mo | 1,552.22 |
| Benedict, Norman R | Hamden, Conn | 425.00 |
| Berry, John | Clyde, Tex | 50.00 |
| Blalock, Fred D | Durant, Okla | 3,100.00 |
| Bernstein, M. D | Fredonia, N.Y | 410.00 |
| Blair, John W | Washington, D.C | 20.00 |
| Bliss, Curtiss T | Kansas City, Mo | 1,392.00 |
| Blitz, Murray | Washington, D.C | 600.00 |
| Bookman, Max | Glendale, Calif | 12,640.58 |
| Berthrong, Donald J | Norman, Okla | 134.98 |
| Boucher, C. Robert | Washington, D.C | 750.00 |
| Boye, Carl H | Delafield, Wis | 150.00 |
| Braddock, LeRoy L | South Orange, N.J | 195.72 |
| Brady, S. Dunlap | Summerville, W. Va | 1,400.00 |
| Bradley, Tommy P | Avinger, Tex | 150.00 |
| Breen, W. P | Demopolis, Ala | 100.00 |
| Brown, P. M | Texarkana, Tex | 250.00 |
| Brady, Hugh C | Rosemead, Calif | 150.00 |
| Braddy, L. C | Greenwood, S.C | 1,275.00 |
| Brant, D. C | Fort Smith, Ark | 310.00 |
| Brandt, LeRoy | Muldrow, Okla | 300.00 |
| Brody, James C | Springfield, Mass | 6,100.00 |
| Brown, Ron | Victoria, Tex | 850.00 |
| Bingham, John | Brookville, N.Y | 6,625.00 |
| Brown, Carl W | Washington, D.C | 20.00 |
| Brown, Leon | do | 10.00 |
| Brown, Robert W | Gatesville, Tex | 100.00 |
| Burbidge, Robert O | Stanley, N. Dak | 642.35 |
| Burkle, Louis C | Sioux City, Iowa | 100.00 |
| Bunting, Charles H | Redding, Calif | 1,020.00 |
| Butler, Glenn L | Seattle, Wash | 112.50 |
| Browne, Martin L | Floral Park, N.Y | 325.00 |
| Borland, Gerald C | Westfield, Pa | 200.00 |
| Bunch, Leland F | Huntington, W. Va | 700.00 |
| Bunnells | San Diego, Calif | 117.50 |
| Burdine, D. R | Bison, S. Dak | 1,071.02 |
| Burney, W. W | Hartington, Nebr | 480.00 |
| Bissonette, Merton | Oscoda, Mich | 131.20 |
| Bluemle, Lewis W | Williamsport, Pa | 400.00 |
| Callen D. H | Chicago, Ill | 150.00 |
| Campbell, James M | Memphis, Tenn | 1,000.00 |
| Cantwell, Robert C | Wilmington, N.C | 2,000.00 |
| Carmichael, Bernard | Montgomery, Ala | 550.00 |
| Carroll, James A | Washington, D.C | 900.00 |
| Carroll, Richard E | Great Falls, Mont | 2,743.52 |
| Carrothers, W. J | Spokane, Wash | 200.00 |
| Cave, E. A., Jr | Paducah, Ky | 250.00 |
| Cappacchione, M. G | Washington, D.C | 10.00 |
| Chalfant, Stuart A | Mount Holly, N.J | 480.21 |
| Chandler, Robert E | Eufaula, Okla | 5,700.00 |
| Chastain, Jeff | Waco, Tex | 1,000.00 |
| Chatas Mineral Appraisal Co | Tulsa, Okla | 46,875.00 |
| Cherry, Bernard | Tonawanda, N.Y | 700.00 |
| Clark, Marvin B | Paola, Kans | 700.00 |
| Clendaniel, George | Woodstock, Vt | 690.00 |
| Clemmens, John W | Leesburg, Va | 4,000.00 |
| Coats, S. T | Livingston, Tex | 225.00 |
| Cole, Roy D | Morristown, N.J | 75.00 |
| Coleman, W. B | Lake Charles, La | 182.75 |
| Collier, Teunis F | Washington, D.C | 4,250.00 |
| Collins, James B | Lake Charles, La | 100.00 |
| Consleman, Frank P | Abilene, Tex | 300.00 |
| Cook, Earl E | Fairbanks, Alaska | 237.50 |
| Conley, Harry O | Washington, D.C | 10.00 |
| Commerce, Department of | do | 344.79 |
| Costilow, Parker E | Eufaula, Okla | 2,100.00 |
| Courson, Herman L | Springfield, Va | 800.00 |
| Cox, Edward M | Fairbanks, Alaska | 237.50 |
| Cox, T. Stearnes | Tulsa, Okla | 1,600.00 |
| Cranston, John M | San Diego, Calif | 333.83 |
| Crabtree, R. W | Lexington, Ky | 1,000.00 |
| Criss, John E | Steubenville, Ohio | 350.00 |
| Crockett, Ed | Prosper, Tex | 540.00 |
| Cromwell, W. R., Jr | Elkins, W. Va | 380.00 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

EXPENDITURES—Continued

| Name | City | Amount paid |
|---|---|---|
| Cross, Frank B | Stillwater, Okla | $100.00 |
| Cunningham, John W | Kansas City, Kans | 800.00 |
| Crutchfield, S. M | San Antonio, Tex | 300.00 |
| Curtis, Lawrence | Sioux City, Iowa | 4,879.74 |
| Culp, James F | Temple, Tex | 100.00 |
| Crownover, J. C | Texarkana, Tex | 250.00 |
| Davies, Forrest E | Gainesville, Fla | 1,169.80 |
| Davis, C. W | Hallsville, Mo | 570.00 |
| Davis, L. M | Chicago, Ill | 6,000.00 |
| Davis, W. D | Kansas City, Mo | 6,790.00 |
| Dietrich, F. J., Jr | Stockton, Calif | 2,400.00 |
| Doane Agriculture Service | St. Louis, Mo | 374.19 |
| Donaldson, George | Waco, Tex | 1,000.00 |
| Dorson, Richard | Bloomington, Ind | 4,147.50 |
| Downie, Leonard | Seattle, Wash | 893.74 |
| Drennan, Sheldon L | Detroit, Mich | 729.18 |
| Duncan, F. David | San Leandro, Calif | 800.00 |
| Dunham, Harold H | Denver, Colo | 353.90 |
| Dunn, Dominick | Chicago, Ill | 1,100.00 |
| Dunnington, Carl E | Washington, D.C | 10.00 |
| Durant, J. S., Sr | Dublin, Ga | 225.00 |
| Edmonds, Charles | New York, N.Y | 300.00 |
| Ellis, Florence H | Santa Fe, N. Mex | 3,751.47 |
| Ellis, J. Lawton | Albuquerque, N. Mex | 100.00 |
| Ellis, William C | Sacramento, Calif | 375.00 |
| Elrod, Gordon F | New York, N.Y | 400.00 |
| Elwert, Frederick P | Rutland, Vt | 170.00 |
| Ende, Edward F | Carnegie, Pa | 625.00 |
| Englehorn, Vern A | Phoenix, Ariz | 2,700.00 |
| Enright, Harold F | Chicago, Ill | 475.00 |
| Enslen, F. T | Montgomery, Ala | 75.00 |
| Erich, Ezra E | French Gulch, Calif | 15,646.96 |
| Eslick, C. Bruce | Ephrata, Wash | 2,775.00 |
| Evans, Bernard G | Los Angeles, Calif | 2,800.00 |
| Evans, Samuel | Clemson, S.C | 100.00 |
| Everett, R. E | Bolivar, Mo | 50.00 |
| Fagin, V. B | Lathrop, Mo | 350.00 |
| Fairbanks, Charles | Tallahassee, Fla | 116.96 |
| Fairbank, J. J | Richmond, Va | 100.00 |
| Federal Housing Administration | Washington, D.C | 845.98 |
| Fenton, Harry R | Seattle, Wash | 26,900.00 |
| Fick, H. G. E | St. Louis, Mo | 318.86 |
| Fischer, Arthur M | Washington, D.C | 300.00 |
| Fitzgerald, John J | do | 40.00 |
| Fitzgerald, Walter | do | 10.00 |
| Fletcher, Charles | Kennewick, Wash | 75.00 |
| Flowers, A. Ezra | Sharon, Pa | 300.00 |
| Forell, Ora E | Kennebec, S. Dak | 1,831.40 |
| Forman, Charles | Plano, Tex | 510.00 |
| Fort, William J | Baton Rouge, La | 200.00 |
| Frese, Robert B | Demopolis, Ala | 187.50 |
| Friar, Steve | Toccoa, Ga | 50.00 |
| Froehling & Robertson, Inc | Richmond, Va | 1,080.00 |
| Fry, Walter R | Washington, D.C | 40.00 |
| Furman, William A | do | 650.00 |
| Garman, William P | Steubenville, Ohio | 50.00 |
| Garrett, H. J | Oklahoma City, Okla | 6,650.00 |
| Gauss, Henry F | Moscow, Idaho | 200.00 |
| Gilliland, G. L | Laredo, Tex | 100.00 |
| Geological Survey | Washington, D.C | 726.44 |
| Goff, John H | Atlanta, Ga | 478.44 |
| Golman, D. C | Mobile, Ala | 150.00 |
| Good, Morris F | Williamsport, Pa | 100.00 |
| Goodkind & O'Dea | New York, N.Y | 4,000.00 |
| Goodrich, Harold S | Springfield, Ohio | 110.00 |
| Gordon, Louis D | Reno, Nev | 1,500.00 |
| Graham, C. A | Fresno, Calif | 400.00 |
| Graves, Lawrence F | Hales Corners, Wis | 187.50 |
| Greenhouse, N. A | Washington, D.C | 10.00 |
| Grice, A. P | Norfolk, Va | 75.00 |
| Griffeth, O. K | Atlanta, Ga | 300.00 |
| Griggs, James | Washington, Ga | 2,400.00 |
| Grove, Joseph L | Washington, D.C | 10.00 |
| Groves, Richard | Syracuse, N.Y | 2,000.00 |
| Gwynn, Charles | Oakland, Calif | 1,800.00 |
| Haas, Joseph | Cleveland, Ohio | 200.00 |
| Hackenberg, Robert | Tucson, Ariz | 4,856.25 |
| Halgrimson, Martin | Plankinton, S. Dak | 1,896.55 |
| Hall, Elkton | Melbourne, Fla | 300.00 |
| Hall, James E | West Huntington, W. Va | 700.00 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

EXPENDITURES—Continued

| Name | City | Amount paid |
|---|---|---|
| Hall, Richard B | Washington, D.C | $7,025.00 |
| Hall, Thomas H., III | Macon, Ga | 3,900.00 |
| Hambleton, Donald | Canton, Ohio | 300.00 |
| Hamilton, Richard | Jacksonville, Fla | 400.00 |
| Hannoch, Franklin | Newark, N.J | 300.00 |
| Hanvey, Ernest | Troy, S.C | 1,000.00 |
| Harbison, Daniel | Washington, D.C | 10.00 |
| Hardman, Troy | Alexandria, Va | 100.00 |
| Harner, Bruce | Lancaster, Ohio | 1,500.00 |
| Harps, William | Washington D.C | 5,880.00 |
| Harrison, Edgar | Mobridge S. Dak | 1,790.92 |
| Harvey, A. Brown | Clarksville, Tenn | 863.10 |
| Harvey, Herbert | Cambridge, Mass | 6,659.07 |
| Hassen, Kent S | Bangor, Maine | 200.00 |
| Hastings, Robert | Omaha, Nebr | 19,677.36 |
| Hayes, E. B | Whitney, Tex | 70.00 |
| Healy, W. Lyon | Pocatello, Idaho | 100.00 |
| Heath, Robert | Hickory, Ky | 600.00 |
| Helms, Mercer D | Gainesville, Fla | 1,600.00 |
| Henkelman, W. R | Scranton, Pa | 600.00 |
| Henning, Dale | Columbia, Mo | 690.00 |
| Henry, Ernest | Portland, Oreg | 150.00 |
| Hickerson, Harold | Bloomington, Ind | 71.50 |
| Hieronymus, Rex E | Chicago, Ill | 2,125.00 |
| Hill, Raymond | Los Angeles, Calif | 4,198.84 |
| Hillhouse, Gail | Madera, Calif | 3,100.00 |
| Hines, E. K | New York, N.Y | 462.50 |
| Hines, George | Lake Charles, La | 100.00 |
| Holbrook, Jeffery | Portland, Oreg | 1,650.00 |
| Holcombe, James | Charleston, S.C | 1,850.00 |
| Holland, Edward | Alexandria, Va | 1,000.00 |
| Holmes, Ralph | El Paso, Tex | 2,300.00 |
| Hopkins, J. H | Pendleton, S.C | 5,600.00 |
| Hopper, James A | Fresno, Calif | 7,450.00 |
| Horne, Archie J | Worcester, Mass | 600.00 |
| Hornof, A. K | Chicago, Ill | 200.00 |
| Howell, Burl H | Santa Rosa, Calif | 3,350.00 |
| Hunt, Woody | Oklahoma City, Okla | 1,200.00 |
| Hutchison, E. E | San Francisco, Calif | 750.00 |
| Huyett, J. Burns | Charles Town, W. Va | 600.00 |
| Hyden, Marshall | Temple, Tex | 150.00 |
| Illingworth, Dale | Holdrege, Nebr | 448.30 |
| Indiana University | Bloomington, Ind | 76,660.78 |
| Interior, Department of | Washington, D.C | 21,475.18 |
| Jenkins, Byron | Ventnor, N.J | 75.00 |
| Jensen, Joseph | Los Angeles, Calif | 1,050.00 |
| Johnson, Joe R | Bentonville, Ark | 3,350.00 |
| Johnson, Albert | San Bernardino, Calif | 900.00 |
| Johnson, J. Burrows | New Orleans, La | 2,900.00 |
| Johnson, Carl O | Stillwater, Okla | 5,880.00 |
| Jones, E. N | Whitney, Tex | 70.00 |
| Jones, Herbert S | Scranton, Pa | 125.00 |
| Jones, L. U | Whittier, Calif | 400.00 |
| Jordan, E. M | Goochland, Va | 450.00 |
| Kane, L. P | Pittsburgh, Pa | 450.00 |
| Kane, R. L | Alexandria, Va | 3,750.00 |
| Kaserman, Karl F | Cleveland, Ohio | 600.00 |
| Kazden S. Edwin | New York, N.Y | 3,600.00 |
| Keeler, Jack C | Fairfield, Calif | 2,675.00 |
| Kent, Donald H | Harrisburg, Pa | 25.00 |
| Klateman, Bernard | Washington, D.C | 10.00 |
| Kennedy, E. P | Wyalusing, Pa | 700.00 |
| Kessler, Fred B | Washington, D.C | 50.00 |
| Kinney, Jay P | do | 3,568.32 |
| Kinnier, C. L | Arlington, Va | 350.00 |
| Knudson, Oscar | McLaughlin, S. Dak | 330.00 |
| Kolb, Stanton | Washington, D.C | 225.00 |
| Kolberg, E. F | Portland, Oreg | 3,500.00 |
| Koones, Charles C | Washington, D.C | 100.00 |
| Koontz, B | Jefferson, Tex | 160.00 |
| Krebs, Charles | Charleston, W. Va | 1,100.00 |
| Krueger, John | Kankakee, Ill | 25.00 |
| Kuehnle, Walter | Chicago, Ill | 4,925.00 |
| Kulcheski, Julian | Sharon, Pa | 300.00 |
| Kurn, Coleman | New Orleans, La | 60.00 |
| Lamm, Morton | Philadelphia, Pa | 500.00 |
| Lane, William | Rochester, N.H | 180.00 |
| Laughhunn, D. J | Centralia, Ill | 595.00 |
| Lee, Albert | Washington, D.C | 350.00 |
| Legge, Harold | Austin, Tex | 1,500.00 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

EXPENDITURES—Continued

| Name | City | Amount paid |
|---|---|---|
| Leverett, W. J., Jr | Albuquerque, N. Mex | $650.00 |
| Library of Congress | Washington, D.C | 6,303.61 |
| Linville, Thomas J | Redding, Calif | 1,000.00 |
| Long, George | Peru, Ind | 384.40 |
| Lucha, Bert M | Washington, D.C | 20.00 |
| MacIntosh, L. H | Opelika, Ala | 50.00 |
| Mack, Curt C | Washington, D.C | 4,916.50 |
| Malm, W. E | Cleveland, Ohio | 200.00 |
| Manners, Robert A | Newton Center, Mass | 1,716.60 |
| Marcum, Vincent L | Arlington, Va | 6,500.00 |
| Marshall, Joe C | Paducah, Ky | 1,225.00 |
| Martin, Lester D | Salem, Ill | 595.00 |
| Matur, Harry A | Hurley, S. Dak | 643.76 |
| Mattmiller, John | Kellogg, Idaho | 350.00 |
| Maudlin, Cecil V | Washington, D.C | 10.00 |
| Mead, Frank F | Long Beach, Calif | 136.80 |
| Meadows, Hosea | Ozark, Mo | 175.00 |
| Mears, L. H | Eastville, Va | 75.00 |
| Meenach, T. J., Jr | Spokane, Wash | 425.00 |
| Merchant, David | Charles Town, W. Va | 25.00 |
| Miles, James A | Fresno, Calif | 8,850.00 |
| Millay, R. L | Platte, S. Dak | 971.44 |
| Miller, Claude L | Murray, Ky | 642.00 |
| Miller, C. Marc | Seattle, Wash | 2,291.96 |
| Miller, John P | Cambridge, Mass | 2,261.00 |
| Miller, William L | Romney, W. Va | 50.00 |
| Mitchell, Lane | Atlanta, Ga | 250.00 |
| Mollan, William W | Aquasco, Md | 23,012.64 |
| Monrad, Oscar | Oklahoma City, Okla | 824.40 |
| Moody, G. B | Berkeley, Calif | 6,000.00 |
| Moore, A. Jasper | Washington, D.C | 150.00 |
| Moore, Harvey | Avinger, Tex | 100.00 |
| Morphy, E. P | San Rafael, Calif | 1,050.00 |
| Morris, J. Lisle | Wichita, Kans | 400.00 |
| Mortinsen, A. O | Sioux Falls, S. Dak | 5,479.70 |
| Mott, R. K | Jasper, Tex | 550.00 |
| Mumford, R. E | Lafayette, Ind | 581.78 |
| Murphy, John F | Boston, Mass | 4,275.00 |
| Murray, Henry T | Pierre, S. Dak | 2,700.00 |
| Murray, William G | Ames, Iowa | 770.55 |
| Murray, William H | Modesto, Calif | 400.00 |
| McBride, C. J | Laredo, Tex | 100.00 |
| McBride, Morris | Paducah, Ky | 1,025.00 |
| McDonald, T. H | Amarillo, Tex | 725.00 |
| McElwaine, R. B | Little Rock, Ark | 1,210.00 |
| McGhee, W. D | Piedmont, Mo | 37.50 |
| McGinnis, Perry T | Hillsboro, Tex | 542.40 |
| McGowan, Charles | Washington, D.C | 10.00 |
| McGuire, E. H | Lexington, Ky | 150.00 |
| McGuire, T. R | Russellville, Ark | 310.00 |
| McInerney, John T | Cheyenne, Wyo | 853.90 |
| McKenna, John C., Jr | Madison, Wis | 50.00 |
| McKey, Robert | Miami, Fla | 1,225.00 |
| McKinnon, C. W | Thomasville, Ga | 2,800.90 |
| McLeod, Charles A | Marysville, Kans | 1,875.00 |
| McManus, V. D | Williamsburg, Va | 50.00 |
| McMullan, John F | Hartwell, Ga | 550.00 |
| Nelson, W. A | Charlottesville, Va | 1,625.00 |
| Newell, E. L | Emmett, Idaho | 2,250.00 |
| Niland, James | Brooklyn, N.Y | 450.00 |
| Norris, Charles L | Washington, D.C | 250.00 |
| Norwood, Wilkins | Greenville, S.C | 7,950.00 |
| O'Connor, R. D | Lock Haven, Pa | 50.00 |
| O'Hara, John G | Somers Point, N.J | 75.00 |
| O'Regan, Matthew P | Worcester, Mass | 1,270.00 |
| Owen, T. W | Washington, D.C | 9,725.00 |
| Owens, J. J | Charleston, S.C | 500.00 |
| Owens, W. R | Nacogdoches, Tex | 300.00 |
| Page, A. H | Washington, D.C | 40.00 |
| Pace, W. F | Kansas City, Mo | 1,350.00 |
| Patterson, R. E | Fort Smith, Ark | 4,640.00 |
| Patton, R. W | San Antonio, Tex | 346.80 |
| Paulson, C. B | Grand Forks, N.D | 1,147.00 |
| Pearce, D. M | Marquette, Mich | 650.00 |
| Perdue, P. S | Richmond, Va | 375.00 |
| Perkins, Willard | Reading, Mass | 150.00 |
| Petterson, Lowell | San Diego, Calif | 3,000.00 |
| Phillips, Blaine | Ottawa, Kans | 200.00 |
| Pickering, Edward | Langhorne, Pa | 225.00 |
| Posey, T. D | Selma, Ala | 275.00 |
| Poston, H. D | Denmark, S.C | 900.00 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

EXPENDITURES—Continued

| Name | City | Amount paid |
|---|---|---|
| Powell, John A | Menard, Tex | $800.00 |
| Prakel, F. D | San Francisco, Calif | 1,150.00 |
| Preston, W. R | Springfield, Mo | 625.00 |
| Price, S. L | Florala, Ala | 200.00 |
| Rambo, E. A | Oklahoma City, Okla | 250.00 |
| Ray, Louis | Kankakee, Ill | 300.00 |
| Reenstierna, T. H | Arlington, Mass | 1,850.00 |
| Reeve, Frank D | Albuquerque, N. Mex | 130.00 |
| Reeves, G. E | Buffalo, N.Y | 1,995.00 |
| Remington, R. J | Stroud, Okla | 11,440.00 |
| Rhoades, Roger | San Francisco, Calif | 3,053.96 |
| Richards, W. H | Long Beach, Calif | 100.00 |
| Richardson, A. V | Kansas City, Mo | 300.00 |
| Richardson, Terry | Pensacola, Fla | 300.00 |
| Rickenbaker, H. B | Summerton, S.C | 70.00 |
| Robinson, Neil | Charleston, W. Va | 3,200.00 |
| Rodgers, F. E | Hawley, Pa | 1,400.00 |
| Roll, W. H | Lexington, Ky | 100.00 |
| Rooney, A. J | Cliffside Park, N.J | 750.00 |
| Rowlson, J. F | Hartford, Conn | 300.00 |
| Rupp, C. W | Pittsburgh, Pa | 669.24 |
| Sadd, Victor | Washington, D.C | 20.00 |
| Sanders, L. L | Little Rock, Ark | 200.00 |
| Sando, Lawrence | Burbank, Calif | 2,050.00 |
| Saunders, James | Arlington, Va | 600.00 |
| Saunderson, M. H | Missoula, Mont | 722.70 |
| Savage, R. W | Washington, D.C | 900.00 |
| Savage, W. A | San Bernardino, Calif | 100.00 |
| Sawyers, J. L | Kansas City, Mo | 375.00 |
| Scharf, G. S | Washington, D.C | 100.00 |
| Sconyers, J. W | Summerton, S.C | 70.00 |
| Scott, J. A | Albany, N.Y | 256.60 |
| Seals, J. E | Macon, Ga | 225.00 |
| Severson, Rodell | Rapid City, S.D | 292.63 |
| Sexauer, G. C | Detroit, Mich | 391.00 |
| Shellenberger, O. C | Sherman, Tex | 75.00 |
| Shenkel, C. W | Lyons, Kans | 375.00 |
| Sherwood, G. H | Boston, Mass | 93.60 |
| Shlichta, Joseph | Los Angeles, Calif | 7,771.20 |
| Shoe, J. C | Seattle, Wash | 4,450.00 |
| Shulman, Ben | New York, N.Y | 1,500.00 |
| Sidwell, C. V | Tulsa, Okla | 3,900.00 |
| Sipe, E. F | Montrose, Pa | 100.00 |
| Small Business Administration | Washington, D.C | 813.41 |
| Smith, C. W | Williamsport, Pa | 100.00 |
| Smith, E. F | Philadelphia, Pa | 1,080.00 |
| Smith, F. J | Riverhead, N.Y | 3,275.00 |
| Smith, L. D | Lakeland, Fla | 1,050.00 |
| Smith, R. D | Charles Town, W. Va | 25.00 |
| Smith, Wilbur | New Haven, Conn | 5,000.00 |
| Sorenson, Carl | Duluth, Minn | 100.00 |
| Sparhawk, H. E | Billings, Mont | 2,741.60 |
| Sparks, J. W | Detroit, Mich | 3,500.00 |
| Spice, W. H., Jr | San Antonio, Tex | 3,430.80 |
| Spillers, R. J | Los Lunas, N. Mex | 650.00 |
| Spiroff, Kiril | Houghton, Mich | 175.00 |
| Spokes, E. M | Lexington, Ky | 100.00 |
| Stahr, R. Dean | Napa, Calif | 16,500.00 |
| Stam, H. M | Paterson, N.J | 1,000.00 |
| Stark, C. R | Kent, Wash | 584.00 |
| Starke, G. C | Montgomery, Ala | 3,590.00 |
| Staven, Julian | Rapid City, S. Dak | 703.44 |
| Steel, D. C | Tacoma, Wash | 1,200.00 |
| Stewart, C. W | Yankton, S. Dak | 50.00 |
| Stout, David | Buffalo, N.Y | 224.36 |
| Striuf, Leo J | Alton, Ill | 1,150.00 |
| Suit, J. M | Washington, D.C | 40.00 |
| Sullivan, J. F | do | 40.00 |
| Swearingen, W. E | Tulsa, Okla | 3,250.00 |
| Sweeney, B. P | Washington, D.C | 400.00 |
| Talbert, W. W | Lufkin, Tex | 900.00 |
| Taxin, Theodore | Washington, D.C | 20.00 |
| Taylor, R. B | Princeton, Ky | 250.00 |
| TVA | Knoxville, Tenn | 87.50 |
| Tennien, J. F | Pittsford, Vt | 1,955.00 |
| Thallman, A. R | Philadelphia, Pa | 150.00 |
| Thebus, W. J | Belleville, Ill | 50.00 |
| Thera, J. M | St. Paul, Minn | 500.00 |
| Thomas, M. P | Abilene, Tex | 1,500.00 |
| Throckmorton, W. M | Washington, D.C | 19,620.00 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

EXPENDITURES—Continued

| Name | City | Amount paid |
|---|---|---|
| Todd, H. L. | Camden, N.J. | $6,900.00 |
| Torkildson, R. A. | Sioux Falls, S. Dak. | 300.00 |
| Trew, J. R. | Washington, D.C. | 10.00 |
| Tubbs, W. A. | Rapid City, S. Dak. | 236.20 |
| Turner, K.D. | Oklahoma City, Okla. | 250.00 |
| Van Buskirk, D. L. | Berkeley, Calif. | 100.00 |
| Vafias, Eugene | Washington, D.C. | 20.00 |
| Vance, Dean | San Diego, Calif. | 240.00 |
| Vanderpool, Tom | Kansas City, Mo. | 200.00 |
| Van Natta, L. S. | Jonesboro, Ark. | 1,400.00 |
| Varner, J. H. | Fairfield, Ala. | 841.08 |
| Varnon, F. E. | Washington, D.C. | 20.00 |
| Versfelt, P. L. | Tulsa, Okla. | 1,100.00 |
| Vestal, J. H. | El Dorado, Ark. | 2,634.03 |
| Voegelin, E. W. | Bloomington, Ind. | 435.20 |
| Waldrop, R. T. | Mayfield, Ky. | 990.00 |
| Walker, L. A. | San Angelo, Tex. | 300.00 |
| Wallace, Ernest | Lubbock, Tex. | 627.65 |
| Walther, H. O. | Chicago, Ill. | 2,905.62 |
| Water Development Corp. | Tucson, Ariz. | 2,500.00 |
| Weinberg, J. A. | Washington, D.C. | 2,350.00 |
| Wendland, E. G. | San Francisco, Calif. | 600.00 |
| Wenzl, Leonard | Lincoln, Nebr. | 800.00 |
| Weschler, W. P. | Washington, D.C. | 500.00 |
| Wetzel, L. A. | Williamsport, Pa. | 400.00 |
| White, C. A. | Anaheim, Calif. | 300.00 |
| White, Stanley | Cadiz, Ky. | 250.00 |
| Whittaker, F. J. | San Fernando, Calif. | 200.00 |
| Wildermuth, C. K. | Houston, Tex. | 175.00 |
| Wiles, Lee | Huntington, W. Va. | 400.00 |
| Wilkerson, J. C. | Pryor, Okla. | 9,525.00 |
| Wilkerson, John C. | do. | 8,250.00 |
| Wilkins, Roe | Paducah, Ky. | 250.00 |
| Willmette, Walter F. | Stockton, Calif. | 2,400.00 |
| Wilson, A. A. | New Athens, Ill. | 275.00 |
| Wilson, George | Brewster, Wash. | 600.00 |
| Wilson, R. B. | Fresno, Calif. | 3,050.00 |
| Winn, T. N. | Tyler, Tex. | 1,675.00 |
| Winter, W. S. | Oklahoma City, Okla. | 1,150.00 |
| Witkowsky, Jack | Chicago, Ill. | 6,200.00 |
| Wohl, Martin | Cambridge, Mass. | 750.00 |
| Woods, J. Mack | Greenville, SC | 100.00 |
| Woomer, J. W. | Pittsburgh, Pa. | 150.00 |
| Workmaster, J. H. | do. | 300.00 |
| Worsek, M. M. | Chicago, Ill. | 300.00 |
| Worthington, Ray | Jonesboro, Ark. | 800.00 |
| Yost, C. C. | Hatboro, Pa. | 75.00 |
| Young, D. E. | Charlevoix, Mich. | 255.10 |
| Zachary, W. N. | Redding, Calif. | 200.00 |
| Total expenditures | | 851,091.75 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

UNLIQUIDATED OBLIGATIONS

| Name | City | Unliquidated obligation |
|---|---|---|
| American Appraisal Co | Chicago, Ill | $1,450.00 |
| Anderson, Joe | Platte, S. Dak | 325.00 |
| Army, Department of | Washington, D.C | 9,966.61 |
| Becker, George | Chicago, Ill | 200.00 |
| Bedford, John C | Carmel, Calif | 1,057.00 |
| Bender, Averam | St. Louis, Mo | 662.92 |
| Berthrong, Donald | Norman, Okla | 602.28 |
| Boyd, Degen | Little Rock, Ark | 600.00 |
| Cantwell, Robert | Wilmington, N.C | 1,250.00 |
| Costilow, Parker E | Lawton, Okla | 300.00 |
| Courson, H. L | Arlington, Va | 1,600.00 |
| Crabtree, R. W | Lexington, Ky | 400.00 |
| Cranston, J. M | San Diego, Calif | 584.92 |
| Curtis, Laurence | Sioux City, Iowa | 10,250.00 |
| Davis, W. D | Kansas City, Mo | 2,050.00 |
| De Master, Robert | do | 300.00 |
| Dunham, H. H | Denver, Colo | 1,191.50 |
| Ellis, F. H | Santa Fe, N. Mex | 595.00 |
| Engleman, G. X | Kansas City, Mo | 1,175.00 |
| Enright, H. F | Chicago, Ill | 600.00 |
| Erich, E. E | French Gulch, Calif | 2,000.00 |
| Eslick, Bruce | Yakima, Wash | 300.00 |
| Evans, B. G | Los Angeles, Calif | 2,700.00 |
| Everett, R. E | Kansas City, Mo | 625.00 |
| Ewing, Dave | Wayne, Nebr | 440.00 |
| Federal Appraisal Co | Philadelphia, Pa | 6,690.00 |
| Federal Housing Administration | Washington, D.C | 2,250.00 |
| Feiss, Sherman | Portland, Oreg | 1,200.00 |
| Fenton, H. E | Seattle, Wash | 520.00 |
| Garrett, H. J | Tulsa, Okla | 100.00 |
| Goff, John H | Atlanta, Ga | 6,333.11 |
| Goodkind & O'Dea | New York, N.Y | 1,000.00 |
| Gwynn, C. G | Oakland, Calif | 500.00 |
| Hackenberg, R. A | Tucson, Ariz | 8,093.75 |
| Hannoch, Franklin | Newark, N.J | 300.00 |
| Hanson, W. H | Sioux Falls, S. Dak | 300.00 |
| Harps, William | Washington, D.C | 1,100.00 |
| Harvey, Herbert | Cambridge, Mass | 1,937.82 |
| Hastings, Robert | Omaha, Nebr | 1,700.00 |
| Heckleman, William | Scranton, Pa | 1,100.00 |
| Henry, E. E | Portland, Oreg | 300.00 |
| Hillhouse, G. B | Madera, Calif | 3,900.00 |
| Holcombe, J. H | Charleston, S.C | 600.00 |
| Hopkins, J. H | Pendleton, S.C | 300.00 |
| Hunt, Woody | Oklahoma City, Okla | 1,000.00 |
| Indiana, University of | Bloomington, Ind | 33,657.22 |
| Interior Department | Washington, D.C | 99.17 |
| Johnson, A. L | San Bernardino, Calif | 300.00 |
| Johnson, Carl O | Stillwater, Okla | 200.00 |
| Johnson, Joe R | Fort Smith, Ark | 1,150.00 |
| Joyce, W. V | Oklahoma City, Okla | 700.00 |
| Kane, Robert | Alexandria, Va | 2,700.00 |
| Knudson, O. R | McLaughlin, S. Dak | 100.00 |
| Kolberg, E. F | Portland, Oreg | 950.00 |
| Lee, Albert W | Washington, D.C | 12,000.00 |
| Library of Congress | do | 5,500.00 |
| Mack, Curt C | do | 2,500.00 |
| Marcum, Vincent | Arlington, Va | 1,100.00 |
| Marshall, W. E | Anderson, S.C | 150.00 |
| Mead, F. F | Los Angeles, Calif | 488.20 |
| Miles, James A | Fresno, Calif | 1,500.00 |
| Miller, C. Marc | Seattle, Wash | 1,582.00 |
| Morris, A. A | Rapid City, S. Dak | 100.00 |
| Mortenson, A. O | Sioux Falls, S. Dak | 510.00 |
| Murray, H. T | Pierre, S. Dak | 960.00 |
| Parker, W. W | Savannah, Ga | 500.00 |
| Paschal, H. R | Greenville, N.C | 2,098.00 |
| Paxton, T. W | Zion, Ill | 300.00 |
| Peterson, C. E | Omaha, Nebr | 812.00 |
| Reeve, F. D | Albuquerque, N. Mex | 1,726.25 |
| Richards, Leslie | Portland, Oreg | 400.00 |
| Riebald, H. A | Kansas City, Mo | 1,500.00 |
| Rigdon, Fred | Kennett, Mo | 150.00 |
| Rodgers, F. E | Honesdale, Pa | 1,100.00 |
| Rodman, Bruce | Seattle, Wash | 2,200.00 |
| Rodman, J. A | Portland, Oreg | 200.00 |
| Sando, Laurence | Burbank, Calif | 9,000.00 |
| Severson, Rodell | Rapid City, S. Dak | 35.00 |
| Sharp, William | San Francisco, Calif | 3,500.00 |

*Itemization of expenditures and unliquidated obligations for special expert services, 1961 fiscal year as of Jan. 30, 1962*—Continued

UNLIQUIDATED OBLIGATIONS—Continued

| Name | City | Unliquidated obligation |
|---|---|---|
| Shlicta, Joseph | Los Angeles, Calif | $3,216.90 |
| Sidwell, T. V | Tulsa, Okla | 830.00 |
| Sieley, R. C | Los Angeles, Calif | 7,500.00 |
| Smith, S. E | Delhi, La | 60.00 |
| Stan, Henry | Newark, N.J | 250.00 |
| Starkey & Carlson | Tacoma, Wash | 14,300.00 |
| Steel, David | Seattle, Wash | 3,000.00 |
| Stephens, R. E | Kansas City, Mo | 350.00 |
| Stout, David | Buffalo, N.Y | 2,900.00 |
| Throckmorton, William | Washington, D.C | 300.00 |
| Todd, H. L | Camden, N.J | 1,050.00 |
| Torkildson, Robert | Sioux Falls, S. Dak | 150.00 |
| Vestal, J. H | El Dorado, Ark | 781.60 |
| Walker, J. L | Florence, S. C | 150.00 |
| Walther, Herman | Chicago, Ill | 650.00 |
| Weinberg, J. A | Washington, D.C | 1,050.00 |
| Wenzl, Leonard | Lincoln, Nebr | 500.00 |
| Wilkerson, John C | Pryor, Okla | 1,275.00 |
| Winter, W. S | Oklahoma City, Okla | 1,200.00 |
| Witkowsky, Jack | Chicago, Ill | 1,700.00 |
| Woomer, J. W | Pittsburgh, Pa | 1,310.00 |
| Workmaster, J. H | do | 50.00 |
| Zrout, C. A | Chicago, Ill | 300.00 |
| Total unliquidated obligations | | 213,085.25 |
| Grand total | | 1,064,177.00 |

LAND COMMISSIONERS

Mr. Bow. How about land commissioners?

Mr. ANDRETTA. That is under U.S. attorneys. We have a list for you on that.

Mr. Bow. We had it at this place in the record last year.

Mr. CLARK. That is correct, we did. It followed the appraisers and expert witnesses. Actually, that is not a Lands Division item. It would be more appropriately placed under U.S. attorneys.

Mr. Bow. We had it here last year.

Mr. CLARK. That is correct.

Mr. Bow. We have had it there for the last 2 years.

Mr. ANDRETTA. It used to be under Lands Division some years back. Then it was transferred to U.S. attorneys.

Mr. Bow. Then we can let that go. That is all.

(The matter referred to follows:)

*General information relative to land commissioners by districts, U.S. attorneys, fiscal year 1961*

| District | Title of case or nature of action | Name of commissioner | Amount authorized | Appointing judge |
|---|---|---|---|---|
| Arkansas (east) | Greer Ferry Reservoir project | William S. Walker | $1,564 | Smith Henley. |
| | do | Russell Schun | 793 | Do. |
| | do | Fred Beaman | 781 | Do. |
| Arkansas (west) | Beaver Dam and Reservoir project | Bruce H. Shaw | 6,842 | John E. Miller. |
| | do | R. N. Donoho | | Do. |
| | do | Bert Askew | | Do. |
| California (south) | Casitas Dam and Reservoir project | Welburn Mayock | 6,744 | Peirson M. Hall. |
| | do | Virgil Frizzell | 4,690 | Do. |
| | do | Herbert J. Williams | 1,085 | Do. |
| | do | Francis Whelan | 3,450 | Do. |
| | Success and Terminus Dam project | Robert E. Moock | 3,910 | Do. |
| | do | John Phyland | 3,450 | Do. |
| | do | W. Vernon Morris | 3,450 | Do. |
| | Lemoore Naval Air Station | Donald E. Orien | 85 | Do. |
| | do | Robert G. Carter | 75 | Do. |
| | do | Carl Hobe | 75 | Do. |
| Georgia (middle) | Hartwell Dam and Reservoir project | Edward H. Furcron | 1,099 | W. A. Bootle. |
| | do | Malcolm A. Rowe | 1,631 | Do. |
| | do | T. Reese Watkins | 2,668 | Do. |
| | The Walter T. George and Columbia lock and dam | Mallory C. Atkinson | 2,626 | Do. |
| | do | J. Hines Preston | 1,540 | Do. |
| | do | J. P. Champion | 1,655 | Do. |
| | Nike site | Charles H. Smith | 344 | Do. |
| | do | Wallace Miller | 1,054 | Do. |
| | do | Hine Preston | 344 | Do. |
| | do | C. O. McAfee | 490 | Do. |
| | do | T. B. Elfe | 490 | Do. |
| Iowa (south) | Interstate and defense highway project | Russell Jordan | 600 | Roy L. Stephenson. |
| | do | C. C. Faust | | Do. |
| | do | Clarence Johnson | | Do. |
| Kansas | Tuttle Creek Dam and Reservoir project | Walter Urban | 3,710 | Delmas C. Hill. |
| | do | John P. Quinlan | 6,049 | Do. |
| | do | Edgar C. Bennett | 3,902 | Do. |
| | Pomona Dam and Reservoir project | Leo Mills | 595 | Arthur J. Stanley. |
| | do | James E. Smith | 685 | Do. |
| | do | Dale A. Fisher | 577 | Do. |
| | White Rock Canal cases | Frank Kissinger | 902 | Delmas C. Hill. |
| | do | Edgar Bennett | 1,110 | Do. |
| | do | Walter Urban | 934 | Do. |
| | Toronto Dam and Reservoir project | John P. Quinlan | 579 | Arthur J. Stanley. |
| | do | Walter Urban | 695 | Do. |
| | do | George Templer | 570 | Do. |
| | Wherry housing | Douglas Hudson | 866 | Delmas C. Hill. |
| | do | Harry W. Colmery | 212 | Do. |

*General information relative to land commissioners by districts, U.S. attorneys, fiscal year 1961*—Continued

| District | Title of case or nature of action | Name of commissioner | Amount authorized | Appointing judge |
|---|---|---|---|---|
| Ohio (north) | Nike site | Arthur W. Fisre | $2,550 | Paul C. Weick. |
| | do | Elmer H. Seidman | 1,331 | Do. |
| | do | Robert McCreary | 2,322 | Do. |
| | do | Roy C. Scott | 142 | Do. |
| | do | Roy C. Carpenter | 142 | Do. |
| Ohio (south) | Dillon Reservoir project | James W. Shocknessy | 2,000 | Mall G. Underwood. |
| | do | Hubert Lappen | 1,500 | Do. |
| | do | David J. Lewis | 1,500 | Do. |
| Ohio (south) | New Cumberland lock and dam project, Navy and Marine Corps Reserve training center. | Bernard T. McAnn | 390 | Carl A. Weinman. |
| | do | William W. Wehr | 390 | Do. |
| | do | Clifford Poole | 390 | Do. |
| Oklahoma (north) | Dologah Dam and Reservoir project | Clarke Moore | 1,575 | Royce H. Savage. |
| | do | Frank Settle | 2,100 | Do. |
| | do | Kenneth Crooch | 2,325 | Do. |
| | do | W. B. Millison | 525 | Do. |
| Oklahoma (east) | Eufaula Dam and Reservoir project | W. S. Warner | 729 | Eugene Rice. |
| | do | Alpheus Varner | 1,062 | Do. |
| | do | George W. Moncrief | 778 | Do. |
| Oklahoma (west) | Clinton-Sherman Air Force Base project | Stansell El Whiteside | 57 | Stephen S. Chandler. |
| | do | Finise Gillespie | 57 | Do. |
| | do | Jerry Tisdal | 57 | Do. |
| Pennsylvania (west) | Shenango River Reservoir project | John M. Shane | 170 | John L. Miller. |
| | do | John E. Reynolds | 160 | Do. |
| | do | Wayne Theophilus | 160 | Do. |
| | Allegheny River Reservoir project | Robert L. Wolfe | 170 | John W. McIlvaine. |
| | do | Anthony B. Trambly | 160 | Do. |
| | do | Richard G. Smith | 160 | Do. |
| | do | John V. Bowser | 220 | Wallace S. Gourley. |
| | do | Alexander Unkovic | 210 | Do. |
| | do | Oscar E. Adams | 210 | Do. |
| | Erie National wildlife refuge | Richard G. Smith | 160 | John W. McIlvaine. |
| | do | Anthony B. Trambly | 160 | Do. |
| | do | Robert L. Wolfe | 430 | Do. |
| | do | Samuel F. Bonavita | 270 | Herbert P. Sorg. |
| | do | Robert S. Johnson | 260 | Do. |
| | NIKE site | Bernard Hampsey | 120 | Joseph P. Wilson. |
| | do | T. W. Greer | 110 | Do. |
| | do | Dale Cleland | 110 | Do. |
| | Pittsburgh defense area | Alexander Unrovic | 220 | Wallace S. Gourley. |
| | do | Oscar E. Adams | 210 | Do. |
| | do | John V. Bowser | 210 | Do. |
| South Carolina (east) | Wherry housing | Howell A. Wilson | 2,000 | Ashton H. Williams. |
| | do | William F. Prioleau | | Do. |
| | do | Robert E. Penland | | Do. |

| | | | | |
|---|---|---|---|---|
| South Carolina (west) | Hartwell Dam and Reservoir project | Miller C. Foster | 250 | Charles Wyche. |
| | do | John M. Spratt | 250 | Do. |
| | do | Augustas T. Graydon | 7,500 | Do. |
| | do | J. Davis Kerr | 1,000 | Do. |
| | do | Oren O. Jones | 2,250 | Do. |
| | do | George P. Callison | 3,250 | Do. |
| South Dakota | Oahe Dam and Reservoir project | John W. Raye | 935 | John W. Delehant. |
| | do | John J. Exon | 765 | Do. |
| | do | Roy Armstrong | 765 | Do. |
| Texas (north) | Twin Butte Dam and Reservoir project | Curt F. Steib | 1,750 | T. Whitfield Davidson. |
| | do | Armistead D. Rust | | Do. |
| | do | Gordon Renley | | Do. |
| | Buffalo Gap Nor site | Walter S. Pope | 1,050 | Joe E. Estes. |
| | do | James E Russell | | Do. |
| | do | J. D. Perry | | Do. |
| Texas (east) | Lewisville Dam and Reservoir project | Murray H. Nance | 1,365 | Joe W. Sheehy. |
| | do | R. E. Hollowwa | | Do. |
| | do | Yeury George | | Do. |
| | Ferrells Bridge Dam and Reservoir project | John D. Raffaelli | 1,540 | Joe J. Fisher. |
| | do | Harry V. Grainger | | Do. |
| | do | W. O. Russell | | Do. |
| | Texarkana Dam and Reservoir project | John D. Raffaelli | 1,100 | Joe W. Sheehy. |
| | do | Harry V. Grainger | | Do. |
| | do | W. K. Bloodworth | | Do. |
| Texas (south) | Falcon Dam and Reservoir project | James C. Abbott | 200 | Joe Ingraham. |
| | do | John W. Ward | 100 | Do. |
| | do | Amanda Villarreal | 100 | Do. |
| Texas (west) | Canyon Dam and Reservoir project | A. V. Knight | 700 | Ben H. Rice. |
| | do | Joe S. Sheldon | | Do. |
| | do | Walter G. Lehr | | Do. |
| | Bergstrom Air Force Base | A. C. Bull | 1,050 | Do. |
| | do | George Sandlin | | Do. |
| | do | Jerome Sneed | | Do. |
| | Whitney Dam and Reservoir project | Frank B. Tirey | 1,225 | Do. |
| | do | E. B. Hamilton | | Do. |
| | do | W. P. Gilliam | | Do. |
| | Belton Dam and Reservoir project | Frank B. Tirey | 700 | Do. |
| | do | W. P. Gilliam | | Do. |
| | do | Evant Brooks | | Do. |
| Virginia (east) | Dulles International Airport | Charles D. Pulman | 4,493 | Alber V. Bryan. |
| | do | F. Sheild McCandlish | | Do. |
| | do | Carlton Penn | | Do. |
| | Total | | 133,061 | |

Mr. ROONEY. Thank you, Mr. Clark and gentlemen.
Mr. CLARK. Thank you.

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TUESDAY, JANUARY 23, 1962.

## OFFICE OF LEGAL COUNSEL

### WITNESS

### NICHOLAS deB. KATZENBACH, ASSISTANT ATTORNEY GENERAL

Mr. ROONEY. The next item this morning will be the request of the Office of Legal Counsel, which appears under tab 17 of the justification book. The request is in the amount $489,400, which is an increase of but $5,400 over the amount appropriated for the Office of Legal Counsel in the current fiscal year. We shall insert at this point in the record pages 17–1 through 17–4 of the justifications.

(The pages referred to follow:)

OFFICE OF LEGAL COUNSEL

| | |
|---|---|
| Appropriation, 1962 | $484,000 |
| Estimate, 1963 | 489,400 |
| Increase | 5,400 |

The Assistant Attorney General in charge of the Office of Legal Counsel has the responsibility of preparing the formal opinions of the Attorney General, of rendering informal opinions and legal advice to the various governmental agencies, and of assisting the Attorney General in the performance of his duties as legal adviser to the President and as a member of and legal adviser to the Cabinet. He reviews as to form and legality, and makes necessary revisions of all proposed Executive orders and proclamations prior to their final submission to the President, as well as regulations which require the approval of the President or the Attorney General; advises the Attorney General in connection with his review of decisions of the Board of Immigration Appeals and of the Office of Alien Property, and performs the legal work involved with respect to gifts and bequests made to the Government; coordinates the work of the Department of Justice in connection with U.S. participation in the United Nations and related international organizations. The responsibility of the Department under section 6(j) of the Universal Military Training and Service Act, to hold hearings and make reports to Selective Service Boards on cases of conscientious objectors is also a function of this Office. The Office of Legal Counsel also has as a component and under its administrative supervision the Office of Administrative Procedure, established by the Attorney General pursuant to recommendation of the President's Conference on Administrative Procedure for the purpose of achieving improvements in administrative procedures within the executive departments and agencies of the Federal Government.

AMOUNT REQUESTED

It is estimated that the Office of Legal Counsel will require $489,400 to perform its assigned duties and functions in the fiscal year 1963. This exceeds the amount needed for 1962 by $5,400. The additional amount is needed to meet statutory provisions for within-grade promotions (Ramspeck Act) and related personnel benefits. The detailed requirements are as follows:

| | |
|---|---|
| Cost of statutory provisions: | |
| Within-grade promotions (Ramspeck Act) | $5,100 |
| Personnel benefits (related to above) | 300 |
| Total | 5,400 |

GENERAL STATEMENT

Predictions as to the workload of the Office of Legal Counsel are difficult because of the special nature of most of its work. The most important, difficult and time consuming of its functions relate to the necessity of assisting the Attorney General in performance of his duties as chief legal adviser to the President and the Cabinet and in providing informal opinions and legal advice to the various Government agencies. The need for such services varies with national and international situations and other unpredictable conditions. Demands upon the Office require the expenditure of many man-hours in consultation with the White House staff, the Bureau of the Budget, and with the various Government departments and agencies.

The 1963 budget request merely provides for continuing the Office at its present level.

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Executive orders | 128 | 116 | 150 | 130 | 130 |
| Opinions | 116 | 104 | 124 | 120 | 120 |
| Intradepartmental opinions | 501 | 333 | 345 | 350 | 350 |
| Gifts and bequests | 48 | 56 | 60 | 60 | 60 |
| Special assignments | 1,217 | 1,066 | 1,321 | 1,300 | 1,300 |
| Conscientious objector cases | 583 | 507 | 626 | 700 | 700 |
| Office of Administrative Procedure: | | | | | |
| Interagency studies and opinions | 28 | 26 | 72 | 40 | 60 |
| Agency rulemaking studies | 6 | 10 | 2 | 4 | 50 |
| Special assignments | 129 | 107 | 333 | 350 | 200 |

Mr. ROONEY. This request for an additional $5,400 is for the payment of mandatory within-grade promotions and personnel benefits such as retirement and insurance, is it?

Mr. KATZENBACH. Yes, sir.

Mr. ROONEY. And for no other purpose?

Mr. KATZENBACH. That is correct, sir.

Mr. ROONEY. How about your workload? Do you want to say anything about your office?

Mr. KATZENBACH. The office has been quite busy, as reflected in the workload, Congressman. I certainly have felt that it has been. The figures are up over last year. As always, it is difficult to predict what they will be in the future. I might add, I have no great confidence in statistics in this respect, since one opinion is so very different from another. The fact that you have an increase in them does not really reflect that you are doing more work, and if there were a decrease in them, it would not reflect that you were doing less work.

Mr. ROONEY. Mr. Bow?

Mr. BOW. That takes care of that, Mr. Chairman.

Mr. CEDERBERG. No questions.

Mr. ROONEY. Thank you, Mr. Katzenbach.

Mr. BOW. That is the best witness we have had in here this morning.

Mr. ROONEY. An increase of only $5,400. That is all right.

## INTERNAL SECURITY DIVISION

TUESDAY, JANUARY 23, 1962.

### WITNESSES

**J. WALTER YEAGLEY, ASSISTANT ATTORNEY GENERAL**
**BENNETT WILLIS, JR.**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**
**E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE**
**J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE**

Mr. ROONEY. The committee will please come to order.

The next item under Salaries and expenses, General Legal Activities, is that for the Internal Security Division. The particulars appear under tab 18 in the justifications book.

Without objection, pages 18–1 through 18–7 of these justifications shall be inserted at this point in the record.

(The pages follow:)

INTERNAL SECURITY DIVISION

| | |
|---|---|
| Appropriation, 1962 | $1,023,000 |
| Estimate for 1963 | 1,052,200 |
| Increase | 29,200 |

The Internal Security Division, headed by an Assistant Attorney General, is responsible for the enforcement and administration of all laws relating to the internal security of the Nation. It supervises and assists U.S. attorneys in the enforcement of these statutes which relate to subversive activities. Included are the laws relating to treason, espionage, sabotage, neutrality, sedition, employee security, atomic energy, port security and the registration of foreign agents and the registration of Communist organizations and individuals pursuant to the Internal Security Act of 1950. Thousands of investigative reports relating to subversive activities are furnished to the Division each year. All such reports are studied for intelligence purposes and to determine whether prosecution can be undertaken.

The Assistant Attorney General in charge of the Division directs all departmental liaison activities in the field of internal security, and all departmental defense mobilization planning, including such matters as emergency detention of subversives, civil defense, alien enemy control and emergency relocation for the seat of government and throughout the field. The Division assists department and agency heads in the operation and coordination of their personnel security programs.

The Division is responsible also for all civil cases relating to internal security matters, enforcement of the Internal Security Act of 1950, as amended, the Communist Control Act of 1954, the Foreign Agents Registration Act of 1938, as amended, and Public Law 893, 84th Congress, requiring the registration of persons trained or assigned in the espionage service of a foreign country. Additional responsibilities include the preparation of briefs and the conduct of arguments in the circuit courts of appeal and, on assignment from the Solicitor General, in the Supreme Court. The Division is also responsible for the operation of the Department Security Office.

AMOUNT REQUESTED

The amount estimated for this Division in fiscal 1963 is $1,052,200 which is $29,200 more than the $1,023,000 available for fiscal 1962. The increases are as follows:

| | |
|---|---|
| Statutory requirements: | |
| Within-grade promotions (Ramspeck Act) | $10,200 |
| Employee benefits related to above | 800 |
| Subtotal | 11,000 |
| Increases due to developing workloads: | |
| Travel | 6,200 |
| Communications | 2,000 |
| Printing | 2,000 |
| Reporting (other services) | 8,000 |
| Subtotal | 18,200 |
| Total | 29,200 |

GENERAL STATEMENT

The Division consists of Criminal, Civil, Registration, Appeals and Research, and Administrative Sections, and the Department Security Office. For administrative convenience within the Division, work relating to mobilization planning, advisory functions assigned to the Attorney General under Executive Order 10450, and liaison with other departments and agencies in security matters, has been grouped under the heading of "Policy planning and liaison."

*Breakdown of positions by sections*

| | Professional | Nonprofessional |
|---|---|---|
| Assistant Attorney General | 3 | 6 |
| Criminal Section | 17 | 9 |
| Civil Section | 16 | 9 |
| Registration Section | 8 | 6 |
| Appeals and Research Section | 8 | 4 |
| Administrative Office | 1 | 12 |
| Department Security Office | 4 | 4 |
| Policy planning and liaison | 4 | 5 |
| Total | 61 | 55 |

NEW MATTERS

The Internal Security Division is responsible for the evaluation and analysis of the reports, prepared by the Federal Bureau of Investigation and other investigative agencies, relating to the internal security of the country. The intelligence contained in these reports must be carefully considered to determine what action should be taken on the basis thereof, such as instituting prosecutions or quasi-judicial hearings, requesting further investigation, recommending changes in statutes, Executive orders, administrative rules and regulations, or policies regarding the application thereof, and evaluating the information as the basis for future action in the event of an emergency. At the time the reports on new subject matters are received in the Division and in the Sections, it is not possible to know which of them will result in litigation and thus become "cases." Consequently, they are grouped herein under the heading of "New Matters." During fiscal year 1961, 8,759 new matters were received in the Division, exclusive of personnel matters within the purview of the Department Security Office and policy planning and liaison matters. The Sections which received the 8,759 new matters received 92,770 reports, memoranda and documents from the FBI and other sources as compared with 105,219 in fiscal 1960 and 105,489 in fiscal 1959. It is estimated that a greater number of these items will be received in fiscal years 1962 and 1963. In the evaluation of such reports for intelligence and

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prosecutive purposes, it is frequently necessary for the attorneys to refer to numerous and lengthy reports received on the same or similar subjects during previous years.

The following is a breakdown of new matters which were actually received during fiscal years 1959, 1960, and 1961, and of estimated new matters for fiscal years 1962 and 1963. The work of the Appeals and Research Section is not included, since it rarely handles new matters. Neither pretrial opinions nor the work of the Interdepartmental Committee on Internal Security is included.

*Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Foreign Agents Registration Act | 2,894 | 2,998 | 3,429 | 3,430 | 3,430 |
| Matters involving unauthorized disclosure of Government information, possible violations of the espionage statutes or of the Atomic Energy Act | 99 | 115 | 157 | 160 | 160 |
| Matters relating to the destruction of supplies and equipment, including possible violations of the sabotage statutes | 136 | 117 | 121 | 120 | 120 |
| Atomic energy matters (possible false statements on personnel security questionnaires) | 31 | 23 | 13 | 15 | 15 |
| Other false statement or perjury matters | 1,430 | 1,457 | 1,494 | 1,500 | 1,500 |
| Communist Party Front matters | 81 | 102 | 137 | 135 | 135 |
| Matters relating to subversive individuals including Smith Act subjects, matters affecting international organizations and diplomats, miscellaneous companies, contempt of Congress, neutrality, sedition, trading with the enemy | 3,014 | 2,999 | 3,282 | 3,290 | 3,290 |
| Civil actions involving internal security | 8 | 29 | 23 | 25 | 25 |
| Labor-Management Reporting and Disclosure Act of 1959 | | 226 | 103 | 100 | 100 |
| Total | 7,693 | 8,006 | 8,759 | 8,775 | 8,775 |

Mr. Rooney. They indicate that the request is in the amount of $1,052,200, which is an increase of $29,200 over the amount appropriated in the current fiscal year.

Page 18–4 sets forth the increases requested and from this page it appears that of the $29,200, $10,200 is mandatory for within-grade promotions under the Ramspeck Act and employee benefits related thereto come to $800; $6,200 additional is requested for travel; $2,000 for communications; $2,000 for printing, and $8,000 for reporting (other services).

What do you have to say about this, Mr. Yeagley?

COMMUNIST PARTY CASE

Mr. Yeagley. These last increases, Congressman, are an estimate, I would say, or a mild estimate, of additional activity in the areas indicated due to the enforcement problems we will have with the Communist Party and potential cases against the officers and members of the Communist Party under the Internal Security Act.

Mr. Rooney. Before we discuss the Communist Party and the decision in regard thereto, it might be well if you, for the record, advised us of its present status.

Mr. Yeagley. When the party failed to register, as it was required to do after the Supreme Court affirmed the SACB decision, and this became effective incidentally on October 20, they had until November 20 to register. We presented the matter to the grand jury in the District of Columbia and the party was indicted on December 1 for its failure to register.

This is set for trial March 5. The motions have not been argued, so I do not know if that trial date will be firm.

We now have facing us the problem of the officers of the party. Under the law, the managing officers of the party become responsible to register for the party upon its failure, which means their liability attached on November 20. They have not as yet registered. The law also imposed responsibility on each member to register himself in the event the party failed to do so.

We are presenting the question of the officers' responsibility, the problem of who the officers are that are responsible, some matters relating to members, and some matters relating to what we call the sanctions under the act to a grand jury in the District of Columbia.

The grand jury authorizations indicated it would start on the 17th but the actual presenting of the evidence and witnesses will start tomorrow. The sanctions we are going to deal with before this grand jury largely relate to the labeling requirements of the act that make it a crime if the party disseminates propaganda through the mails or in interstate commerce which is not labeled as being disseminated by a Communist action organization. The Worker and the Mid-Week Worker are not labeled. The Daily People's World on the west coast is not labeled.

Political Affairs is not labeled and New Horizons is not labeled. There are, altogether, at least 10 publications we would have to investigate to determine whether or not we can establish they are official instruments of the Communist Party.

### COMMUNIST PUBLICATIONS FROM ABROAD

Mr. ROONEY. There is today in the Speaker's lobby in connection with the increase in postage rates bill now pending on the House floor an exhibit showing various Communist magazines and publications from abroad which are being sent through the U.S. mails, it is claimed, at no expense to the foreign Communist Parties.

How does that fit into this situation?

Do they have to label?

Mr. YEAGLEY. It does not.

Mr. ROONEY. For instance, if a copy of L'Unita, the Italian Communist Party magazine, is mailed to somebody in the United States, does it have to be labeled?

Mr. YEAGLEY. Not in accordance with this act. This act does not cover that and this act is restricted to publications of a Communist action organization in this country that is, under an order to register that is registered. There is only one such organization that fits that description now and that is the CPS–USA.

We have had something to do with the problem you have mentioned in the past, and it is true that there are large quantities of material and propaganda items coming in from the Soviet bloc countries. This condition has been in existence for a number of years. At one time there was a policy and a program to screen this material and I believe the screening is still going on. It would be permitted to go through to colleges, universities, libraries, and things of that sort, but certain types of material the Customs Bureau might determine were political propaganda going to a private person, they would very

often send a card to the addressee asking him whether or not he solicited or subscribed to the material and whether or not he wanted it delivered.

They would act in accordance with the reply they received from the addressee and if he wanted it, they would send it through. If there was no reply received, it is my understanding that the material sat in the warehouse for along while and then it was eventually destroyed.

This resulted in the American Civil Liberties Union getting interested in the matter as a program in possible violation of the first amendment. There were at least four suits filed in the courts that our lawyers attempted to defend. We represented the Postmaster and I think I had better go off the record here.

Mr. ROONEY. All right.

(Discussion off the record.)

Mr. YEAGLEY. The United States is a party to a postal convention. They have to pay their own postage rate to get it in here and if we mail a letter to Moscow we put a stamp on it. Moscow gets none of our postage and we get none of theirs, but to say it is free, I do not know. Maybe they will let them mail it for nothing from Moscow, but it is true that it comes in, as far as I know, without inhibition of any kind and in volume. The Treasury people have the figures on that volume and the exact nature of it.

We do not have any cases pending now as there was an agreement worked out that these cases would be mooted when some satisfactory action was taken. They are all dismissed now.

JUDY COPLON CASE

Mr. ROONEY. What happened to Judy Coplon?

Mr. YEAGLEY. The *Judy Coplon* case is still pending. There has been no court action on it since the last time we appeared here. In one of the other cases, the defendant died last summer, but not the *Coplon* case.

SOBLEN CASE

Mr. ROONEY. What about the *Soblen* case you referred to in your justifications? Is that up on appeal and decided as yet?

Mr. YEAGLEY. No, sir; it is not. It was too recent a decision.

SCARBECK CASE

Mr. ROONEY. Did your area have something to do with Scarbeck?

Mr. YEAGLEY. Yes, sir. Our lawyers handled the indictment and trial both in the *Scarbeck* case.

Mr. ROONEY. Is that up on appeal?

Mr. YEAGLEY. Yes, it is on appeal.

Mr. ROONEY. Has the appeal been perfected?

Mr. YEAGLEY. I do not believe it has reached that stage; no.

They noted an appeal and filed a motion asking the Court to reconsider the alleged severity of the sentence. The motion has been acted on and denied.

COMMUNIST PARTY CASE

Mr. Chairman, there was one point I neglected to mention when you asked me about the *Communist Party* case.

If I may, I should like to cover it as it relates to the work we are doing.

Mr. ROONEY. Go ahead, please.

Mr. YEAGLEY. In reference to proceedings against members of the party who are in violation for not registering, the law, as we interpret it, requires us first to proceed before the Subversive Activities Control Board in a similar manner as we did against the party.

It is first required that the Board make a finding based on the evidence that the person is currently, or within the past 12 months was a member of the party and to obtain thereby an order for him to register. This is subject to appeal before the order is final and we cannot indict for failure of the member to register until there is such a final order. I should add that there is some opinion that we could nonetheless indict without following that procedure but this opinion is quite definitely in the minority, and in the opinion of the Department we have no choice.

NEED FOR ADDITIONAL FUNDS REQUESTED

Mr. ROONEY. Tell us why you cannot get along with the $11,000 for the statutory requirements out of the $29,000 additional requested.

Mr. YEAGLEY. Under this enforcement under this act, we will have a substantially increased amount of travel for the purpose of interviewing witnesses, many of whom will be FBI sources, before making our decisions as to whether or not we would have a provable case, or before making a decision as to whether to call them before a grand jury.

Our grand juries are going to increase the cost substantially over the preceeding year or years in reference to transcripts and reporting.

Mr. ROONEY. You already have $12,000 for this purpose?

Mr. YEAGLEY. Yes, sir. All I can say is that we are concerned whether or not there will be enough since we have not done a great deal of this in the past year. All I can say is that we have not done it needlessly in the past and we are not going to do it needlessly this year. I think we have always had a surplus with no effort to do what is not required, and I think our expenses will be required.

LAPSES

Mr. ROONEY. What happens to these surpluses you have had?

Mr. YEAGLEY. I do not know.

Mr. ROONEY. You should look at Mr. Andretta. He uses them?

Mr. YEAGLEY. We have turned them back.

Mr. ANDRETTA. On these "Other services" that he has, $12,000 is mostly for "Reporting." For 6 months this year, they have already obligated $7,000 with grand juries and other things coming up, so the reporting is going to run up. We anticipate he is going to be $2,500 short this year in "Other services" which includes reporting.

In other words, carrying forward the present rate of expenditure, they will have spent $14,500.

Mr. ROONEY. My attention has been called to the fact that $330,000 of the total lapsed in the Treasury in fiscal year 1961.

Mr. ANDRETTA. That is right.

Mr. ROONEY. Are you slipping, Mr. Andretta?

Mr. ANDRETTA. In an election year, especially at the end of one administration, we get a heavy turnover in personnel. We put a freeze on employment in November a year ago. No hiring was done until the new administration got a chance to fill the vacancies, so we froze everything all the way through and saved a lot of money that way.

Mr. YEAGLEY. We also loaned 13 lawyers to other parts of the Department for most of last year.

If I may, I must say that I tried to operate economically over the years and I think our reduction of personnel—you hear this from everyone I suppose—over the years bears this out to some extent.

TRAVEL

Mr. ROONEY. Do you have the figure on travel for the first 6 months of the current fiscal year?

Mr. BROWN. Yes, sir; $7,240 as against $5,914 for the first 6 months of the last year.

Mr. YEAGLEY. I have something of interest I do not want on the record.

Mr. ROONEY. All right.

(Discussion off the record.)

REPORTING

Mr. ROONEY. What about this requested $8,000 additional for "Other services, reporting"?

Mr. YEAGLEY. Ben, that is for the transcripts, is it not?

Mr. WILLIS. That is for the transcript.

Mr. ROONEY. First, tell us about the $12,000 you have in the current fiscal year. How much of that is for reporting? All of it?

Mr. YEAGLEY. I will have to ask about that.

Mr. BROWN. Practically all of it.

Mr. ROONEY. You want to go from $12,000 to $20,000?

Mr. YEAGLEY. Yes, sir.

Mr. ROONEY. On reporting?

Mr. BROWN. That is right.

Mr. ROONEY. Tell us about the alleged necessity for that.

Mr. YEAGLEY. That would be in the *Communist Party* case, I expect, coming up in March or later, and in the grand jury starting tomorrow. That is going to be a prolonged grand jury, longer than any this division has ever run.

The same would be true——

Mr. ROONEY. Where is that grand jury going to sit?

Mr. YEAGLEY. The District of Columbia. The same would be true of these other grand juries I mentioned off the record.

It is merely an effort to speculate on what will be needed and I cannot say that there will be any surplus here. We are expecting quite a bit of grand jury activity.

Mr. WILLIS. May I give you a figure of $4,600 as an estimate for the cost of the grand jury transcript in the matter that begins tomorrow?

Mr. YEAGLEY. What figure?

Mr. WILLIS. $4,600.

Mr. ANDRETTA. That is right.

Mr. YEAGLEY. We would also have an expected expense for transcripts in the activity before the Subversive Activities Control Board on members.

Mr. ROONEY. Thank you, Mr. Yeagley, Mr. Doherty, and gentlemen.

Mr. YEAGLEY. Thank you, Mr. Chairman.

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THURSDAY, JANUARY 25, 1962.

CIVIL DIVISION

WITNESSES

W. H. ORRICK, JR., ASSISTANT ATTORNEY GENERAL
MRS. A. M. SANFORD, ADMINISTRATIVE OFFICER

Mr. ROONEY. We shall now revert to the item entitled "Salaries and expenses, general legal activities," at page 91 of the committee print. The last of the sub items under this caption is that for the Civil Division.

With regard to the Civil Division you will find information under tab 15 of the justification book. We shall insert at this point in the record pages 15–1 through 15–18 of these justifications.

(The pages referred to follow:)

CIVIL DIVISION

| | |
|---|---|
| Appropriation, 1962 | $3,633,000 |
| Estimate, 1963 | 3,707,500 |
| Increase | 74,500 |

AMOUNT REQUESTED

The Civil Division estimates that an allotment of $3,707,500 will be required for the operation of the division for the fiscal year 1963. This exceeds the 1962 allotment by $74,500.

The items of increase or decrease are:

| | |
|---|---|
| Cost of statutory provisions: | |
| Within-grade promotions (Ramspeck Act) | $50,000 |
| Personnel benefits | 2,500 |
| Subtotal | 52,500 |
| Provision for higher costs for miscellaneous services and facilities: | |
| Travel | 10,000 |
| Other services | 17,500 |
| Communications | 2,500 |
| Rent (to be budgeted for in 1963 by GSA) | −8,000 |
| Subtotal | 22,000 |
| Net increase | 74,500 |

GENERAL STATEMENT

Even though the backlog of pending cases increased from 13,338 cases pending on June 30, 1960, to 14,512 cases on June 30, 1961, the Civil Division is not this year requesting an increase in its allotment for personal services. It is hoped that the recent internal reorganization of the Division (outlined below) will result in an orderly decrease in the number of pending cases without jeopardizing either the interests of the Government or the rights of claimants. Therefore, the increase allowed under the budget ceiling will be applied solely to statutory increases and higher costs for miscellaneous expenses.

In general, the Civil Division statistics for the fiscal year 1961 do not indicate any significant developments or specific long-range trends. Although terminations decreased from 9,085 in 1960 to 7,128 in 1961, this reduction was due in large part to the fact that the U.S. Attorneys' offices were greatly understaffed in the months immediately following the change of national administrations. Collections dropped from $26,732,000 in 1960 to $23,062,000 in 1961, but part of this decline was undoubtedly caused by last year's economic recession. Finally, although recoveries of the amounts claimed in suits against the United States increased from 4.16 percent in 1960 to 8.42 percent in 1961, recoveries of the amounts claimed in cases on behalf of the Government increased from 27.9 to 47.8 percent in 1961.

CHANGES IN ORGANIZATIONAL STRUCTURE

By order of the Attorney General dated September 1, 1961, and by Civil Division circular dated September 6, 1961, the following changes were made in the organizational structure of the Civil Division:

1. The Office of Alien Property was made a section of the Civil Division. This section consists of five units whose designations and responsibilities are as follows:

(*a*) *The Office of the Deputy Director* has the responsibility for performing, under the general supervision of the Director, the functions delegated by the Director and described as those of the Director, Office of Alien Property, in the Statement of Organization and Delegations of Final Authority of the Office of Alien Property, as amended (see F.R. 6354; 25 F.R. 1916) and in the regulations, Office of Alien Property, as amended (8 C.F.R. ch. II).

(*b*) *The Claims Unit* has the responsibility for processing title and debt claims.

(*c*) *The Property Liquidation Unit* has the responsibility for selling the securities, managing the real and personal property, liquidating the various business enterprises, and administering the estates, trusts, insurance contracts, copyrights, trademarks and patents, all in the legal custody of the Attorney General.

(*d*) *The Comptroller's Unit* has the responsibility for maintaining accounting records and performing auditing and audit review functions pertaining to property in the legal custody of the Attorney General. The unit's specific duties include preparing tax returns, depositing funds with the U.S. Treasury, and paying by check the expenses of and the claims against the Office of Alien Property.

(*e*) *The Litigation Unit* has the responsibility for supervising the representation of the Director's interests in probate, estates and trusts litigation in the State courts of first instance; and for providing staff for handling *of Societe Internationale, etc.* v. *Kennedy.*

2. Responsibility for handling alien property litigation in the Federal district courts was assigned to the General Litigation Section of the Civil Division.

3. Responsibility for handling all foreign litigation, the case captioned *Societe Internationale, etc.* v. *Kennedy*, and all related cases and claims, was assigned to a unit under the direction of the Assistant Attorney General of the Civil Division.

4. Responsibility for handling alien property appellate proceedings in the Federal and State appellate courts and in the U.S. Supreme Court was assigned to the Appellate Section of the Civil Division.

5. The Government Claims Section and the Veterans' Affairs and Insurance Section were abolished. The functions formerly performed by those sections were assigned to the General Litigation Section.

*Explanation of estimate by activity—Admiralty and shipping section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Workload data: | | | | | |
| Cases pending July 1 | 1,862 | 1,905 | 1,618 | 1,675 | 1,475 |
| New cases received | 650 | 697 | 593 | 600 | 600 |
| Cases closed | 607 | 984 | 536 | 800 | 800 |
| Cases pending June 30 | 1,905 | 1,618 | 1,675 | 1,475 | 1,275 |
| Man-years—Attorneys | 26.8 | 24.4 | 24.2 | 25 | 25 |

Although the caseload of the Admiralty and Shipping Section has declined, the workload has substantially increased year by year because of the increase in number and complexity of important cases requiring trial by attorneys of this section rather than compromise or handling by underwriters or United States attorneys. It is anticipated that the workload will continue to increase, because since July 1961, summary and declaratory judgment proceedings have been applicable to Admiralty cases, and the increase in Federal judges should result in more and quicker disposition by motion and trial. The success of suits for "Good Samaritan" liability against the Government for unsuccessful search and rescue action and insufficient buoys and lights has produced a great deal of litigation which is complex and difficult to defend.

To handle this large workload, the section has 11 lawyers in Washington, 5 in San Francisco, and 8 in New York. One more attorney will be assigned to the Admiralty and Shipping Section in 1962 and 1963, and it is hoped that the workload can be managed by a staff of 25 attorneys without making it necessary for them to perform more uncompensated overtime than is now being done.

*Appellate section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Workload data: | | | | | |
| Cases pending July 1 | 187 | 210 | 302 | 300 | 300 |
| New cases received | 780 | 883 | 841 | 900 | 900 |
| Cases closed | 757 | 791 | 843 | 900 | 900 |
| Cases pending June 30 | 210 | 302 | 300 | 300 | 300 |
| Man-years—Attorneys | 18.8 | 18.1 | 17 | 20 | 20 |

An increase in the workload of the Appellate Section is anticipated because of the following four factors: (1) Litigation under the Labor-Management Reporting and Disclosure Act of 1959. This litigation, involving difficult questions of interpretation and constitutionality, is now first reaching the courts of appeals and the Supreme Court. (2) Litigation of alien property cases recently transferred to this section. (3) A substantial increase of appeals from the district courts to the courts of appeals seeking review of ICC referral orders in the wake of *Pennsylvania R.R.* v. *U.S.*, 363 U.S. 202, decided in June 1960. (4) An increase in cases under the Marketing and Packers Stockyards regulatory programs which are handled for the Department of Agriculture.

During fiscal 1961, the Appellate Section won 12 of the 13 cases which it argued on the merits before the Supreme Court. Of 71 other cases before the Supreme Court, in which the Appellate Section filed either a petition for certiorari or a brief in opposition, the Court sustained the Government's position in 65 cases. This means that the Appellate Section was successful in 92 percent of all the cases in which it was involved before the Supreme Court. The Section also had an impressive record in the State and Federal Courts of Appeals. Attorneys from the Appellate Section, or United States attorneys working under the supervision of the section, argued 284 cases before such courts during fiscal 1961. The Government won 181, or 64 percent of these cases. More significant is the fact that of the 150 of these cases which were argued by Appellate Section attorneys, the Government was successful in 114, or 76 percent.

In order to maintain this record, while at the same time insuring the effective handling of the important additional workload described above, three attorneys will be added to the Appellate Section in 1962 and 1963.

*Court of Claims section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Workload data: | | | | | |
| Cases pending July 1 | 1,284 | 1,143 | [1] 1,114 | 1,073 | 1,073 |
| New cases received | 377 | 351 | 293 | 380 | 400 |
| Cases closed | 518 | 376 | 334 | 380 | 400 |
| Cases pending June 30 | 1,143 | 1,118 | 1,073 | 1,073 | 1,073 |
| Man-years—Attorneys | 35.1 | 33.5 | 36.5 | 40 | 40 |

[1] Corrected figure.

As always, the Court of Claims Section had an extremely busy year. Attorneys from the Section tried a total of 78 cases, the majority of which (45) involved suits on Government contracts. The Section argued 154 cases before the court, the bulk of which were military pay cases (53), contract cases (53), and civilian pay cases (35). Of the 107 cases actually decided by the court during the fiscal year, the Government's position was sustained in 67, or 63 percent.

In 1962 and 1963 it is anticipated that, although the caseload of the Court of Claims Section may not increase significantly, the workload will increase. This estimate is based upon a recognition that an increased effort will be required to reduce or eliminate the 4-month court backlog which presently exists in cases ready for argument, upon an expectation of a substantial increase in the number and complexity of contract and transportation cases as a result of the recent buildup in the Military Establishment, and upon recent changes in the rules of the Court of Claims relating to pretrial depositions which will impose further duties on the staff.

The reduction of the staff of the Court of Claims Section in 1959 and 1960 caused real concern to both the Department of Justice and the court, not only because of the millions of dollars claimed in pending litigation, but also because of the far greater amount of money involved in potential claims governed by the outcome of many of these cases. In 1961, the Bureau of the Budget and the Congress recommended additional positions for this Section and it was therefore possible to start building up the staff. It is hoped that in 1962 and 1963 an average of 40 attorneys can be assigned to Court of Claims cases. These attorneys will be hard pressed still to keep up with the demands of the Commissioners, but it is hoped that, with a maximum effort on the part of all, the Section will be able to handle its workload, and additional positions are therefore not being requested for 1963.

CUSTOMS SECTION

During fiscal 1961, the Customs Section had nearly 190,000 cases on hand and disposed of over 60,000 of these cases. These figures have remained fairly constant over the past several years, and no significant change is anticipated in the present and budget years. The number of cases, including both classification protests and reappraisement appeals, is large because the customs court has jurisdiction of every such case filed anywhere in the United States and Puerto Rico. However, it should be noted that a great many of the cases are disposed of by abandonment or stipulation following a decision in a test case. While the Customs Section does prosecute all stipulations following a test case, it is the test cases themselves which constitute the bulk of the Section's workload. These test cases arise in New York, the home station, or in any one of the 90 ports throughout the United States at which the customs Court sits. During fiscal 1961, attorneys of the Customs Section tried 294 cases, 191 of which were heard in out ports. The out port cases required 21 attorneys in the Section to be away from the home station for a total of 189 working days during the year. Finally, mention should be made of the 40 appeals which Customs Section attorneys argued before the Court of Customs and Patent Appeals during the fiscal year.

Since the Customs Section has been a part of the Civil Division, there has been a sharp decrease in the size of its staff. It is now at such a low point that the addition of two attorneys in 1962 and 1963 will be necessary. However, this additional personnel can be obtained within available funds, and a further increase does not appear to be required at this time.

*Frauds Section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Workload data: | | | | | |
| Cases pending July 1 | 1,559 | 1,314 | 1,041 | 1,095 | 1,095 |
| New cases received | 624 | 504 | 507 | 550 | 550 |
| Cases closed | 869 | 777 | 453 | 550 | 550 |
| Cases pending June 30 | 1,314 | 1,041 | 1,095 | 1,095 | 1,095 |
| Man-years—Attorneys | 19.8 | 14.9 | 16.5 | 16 | 16 |

During fiscal 1961, the Frauds Section won $2,288,735 either through actual litigation or through the settlement of pending cases. However, total collections for the year were only $1,831,094, which represents a decrease over previous years. This decrease is attributable in large part to the staff reductions which occurred in 1960, and which have recently been remedied by the hiring of additional attorneys to bring the staff back to its normal average of 16 attorneys. Since no new programs are envisioned which would significantly affect the workload of the Section, it is anticipated that the present staff, it it can be maintained, should be sufficient in 1963.

*General Litigation Section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Workload data: | | | | | |
| Cases pending July 1 | 6,962 | 7,172 | 7,162 | 8,133 | 8,733 |
| New cases received | 4,818 | 5,364 | 5,344 | 5,600 | 5,800 |
| Cases closed | 4,608 | 5,374 | 4,373 | 5,000 | 5,300 |
| Cases pending June 30 | 7,172 | 7,162 | 8,133 | 8,733 | 9,233 |
| Man-years—attorneys | 33.2 | 33 | 37.4 | 37 | 37 |

The consolidation of the Government Claims and Veterans' Affairs and Insurance Sections with the General Litigation Section has made this the second largest Section in the Civil Division. There are 37 attorneys in this combined Section.

The only substantial changes anticipated in the work of the Section (as compared with the existing work of the three former sections) are (1) the handling of Government claims before the Interstate Commerce Commission for reparations, and (2) alien property cases in the district courts. At the present time there are 17 ICC cases, but it is anticipated that this number will be increased to perhaps 50. There are 74 alien property district court cases transferred under the reorganization order, but these are not included in workload figures because the attorneys to whom they are assigned will be paid from alien property funds.

The estimated increases in the workload of this Section involve the following types of cases: (1) An increase of approximately 150 social security cases. These have been increasing substantially every year and certainly will continue to do so; (2) An increase of perhaps 50 cases involving civil enforcement proceedings under the 1959 Labor-Management Reporting and Disclosure Act.

Notwithstanding the anticipated increase of the caseload, it is believed the present staff should be able to handle the volume of cases, since the consolidation will permit a more equal distribution of the work. This estimate may have to be revised when there has been more actual experience with the combined section.

*Patent Section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Workload data: | | | | | |
| Cases pending July 1 | 276 | 303 | 292 | 303 | 318 |
| New cases received | 100 | 93 | 109 | 120 | 130 |
| Cases closed | 73 | 104 | 98 | 105 | 105 |
| Cases pending June 30 | 303 | 292 | 303 | 318 | 343 |
| Man-years, attorneys | 16 | 13.7 | 14.4 | 16 | 16 |

A steady increase in patent cases, and in their complexity, is estimated for the fiscal years 1962 and 1963. During these years the military services will be procuring greater amounts of and more complicated equipment than they have in recent years. Patent suits are roughly proportional to the amount and kind of equipment procured. As our technology advances more rapidly, patent litigation increases and the cases become more complicated.

Money is not the only problem in staffing this section. It is difficult to locate experienced patent attorneys who are willing to come to the Government for the salary that can be paid. Every effort is now being made to employ two additional attorneys for this section in 1962 and 1963. Even if there should be no increase in the number of new cases received in the next 2 years, a staff of 16 attorneys is essential for the present workload.

*Torts section*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Workload data: | | | | | |
| Cases pending July 1 | 2,177 | 2,256 | 2,103 | 2,224 | 2,268 |
| New cases received | 1,397 | 1,339 | 1,429 | 1,844 | 1,898 |
| Cases closed | 1,318 | 1,492 | 1,308 | 1,800 | 1,850 |
| Cases pending June 30 | 2,256 | 2,103 | 2,224 | 2,268 | 2,316 |
| Man-years, attorneys | 17.7 | 17.6 | 18.9 | 19 | 19 |

The number of new cases estimated to be received by the Torts Section in 1962 and 1963 has been increased because of the transfer of 316 affirmative tort cases and claims from the old Government Claims Section under the reorganization order and because new cases can be expected to increase by the same percentage as in past years. Since there will be more suits filed as a result of the Staten Island midair collision and the Arctic-Pacific air crash at Toledo, the number of new cases may very easily exceed the figures estimated.

An additional factor in the increasing workload of the Torts Section is that U.S. attorneys' offices have been requesting much more detailed assistance than was formerly given in the preparation of pleadings and the actual trial of specialized or novel cases. Because of the inexperience of some of the new U.S. attorneys and their assistants and the seriousness of this litigation, it is highly important to the Government's interests that as much assistance as possible be given.

INCREASE IN GENERAL EXPENSES

The entire increase of $73,500 requested for 1963 will be necessary to provide funds for statutory provisions and adequate allotments for litigation expenses, particularly travel and reporting services. Litigation expenses cannot be expected to decline if the program of the Department and the courts to speed up the disposition of cases is to continue.

The additional attorneys allowed in 1962 have been or will be assigned to sections which either handle their cases exclusively or provide a great deal of assistance to U.S. attorneys. The increase in the number of Federal judges will result in more and quicker disposition of cases by motion and trial. The inexperience of new U.S. attorneys and their assistants will undoubtedly cause them to request more active assistance in the trial of important cases. The unexpected amount

of renegotiation litigation in the Tax Court which has resulted from a difference of profit philosophy between the Renegotiation Board and the airplane industry will require months of trial time. All of these factors will have a substantial effect on litigation expenses and the amount requested is the minimum which will be required.

*Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | 14,307 | 14,303 | [1] 13,632 | 14,803 | 15,262 |
| Received | 8,746 | 9,231 | 9,116 | 9,994 | 10,278 |
| Terminated | 8,750 | 9,898 | 7,945 | 9,535 | 9,905 |
| Pending end of year | 14,303 | 13,636 | 14,803 | 15,262 | 15,635 |

[1] Corrected figure.

Mr. ROONEY. They indicate $3,707,500, an increase of $74,500 over the amount appropriated in fiscal year 1962.

Mr. Attorney General, what have you to say about this?

Mr. ORRICK. Mr. Chairman and members, could I at the outset briefly call to the attention of the committee a reorganization which took place in the Civil Division wherein we merged the Government Claims Section and the Veterans Insurance Affairs Section into the General Litigation Section?

Mr. ROONEY. Off the record.

(Discussion held off the record.)

OFFICE OF ALIEN PROPERTY

Mr. ORRICK. The Office of Alien Property was transferred to the Civil Division from the Office of the Attorney General and is now the Office of Alien Property Section.

Mr. ROONEY. The new Office of Alien Property is headed by whom?

Mr. ORRICK. I am the Director.

Mr. ROONEY. I mean under you?

Mr. ORRICK. The section chief is Fred Curley. Paul Myron is the Deputy Director.

Mr. ROONEY. There is one good man, Paul Myron.

Mr. ORRICK. He has been very, very helpful.

Mr. ROONEY. I think he knows more about this Office than anybody else.

Mr. ORRICK. I agree with that.

CIVIL DIVISION INCREASES REQUESTED FOR 1963

Coming back to the Civil Division increase, the increase is made up of——

Mr. ROONEY. With regard to the $74,500 you need not concern yourself with $52,500 of it because $50,000 of this amount is for within-grade promotions and $2,500 for personnel benefits, such as retirement, insurance, and so on.

Confine yourself to the $10,000 additional requested for travel, $17,500 for other services, and $2,500 in communications offset by a deduction of a nonrecurring item, $8,000 for rent.

Mr. ORRICK. Addressing myself first to the item for travel, this increase is put in because of the per diem increase of 33⅓ percent which became effective on August 17, 1961.

A check of our actual travel expenses for 1961 showed that the per diem amounted to 40 percent of the total.

The estimated increase was arrived at by taking 40 percent of the allotment for 1962 of $110,000 and then taking 33⅓ percent of that figure. That amount would be $14,666, but the Bureau of the Budget allowed us only $10,000; hence, we asked for that allowance of $10,000.

On the item of other services, totaling $17,500, we requested that increase to cover principally increased costs in reporting both in the Court of Claims and in the Tax Court.

In 1960 our actual expenses totaled $66,000, and in 1961 they amounted to $54,800.

This allotment for 1963 will still be $6,800 below 1961 and $18,000 below 1960.

I think I should say to the committee that one factor which caused an increase in these expenses was the trial of these airplane renegotiation cases in the Tax Court. In the *North American* case alone the cost of reporting was $2,400.

Addressing myself now to the $2,500 increase in communications, this is simply requested to bring the allotment up to the amount which we are actually spending. In 1961 our actual expenses were $41,790. With this increase requested the allotment would be $42,000.

We have deducted the rent of $8,000 because in 1962 Congress appropriated that for rent, but in 1963 we understand rent will be budgeted by General Services Administration, and the $8,000 will be transferred to their appropriation.

Mr. ROONEY. You will probably not transfer anything because you will not get the $8,000 here.

Mr. ANDRETTA. We are not asking for it.

Mr. ROONEY. I know you are not. He said you will transfer it.

WORKLOAD

There was quite a drop last year in the workload of the Civil Division.

Mr. ORRICK. Which section, sir?

Mr. ROONEY. I see no section where you have not had a drop.

Mr. ORRICK. I can take them section by section.

Mr. ROONEY. First take your summary at page 15–18. It would appear that as between 1961, 1960, and 1959 there has been quite a sloughing off in the number of cases received, number of cases terminated, and cases pending at the end of the year.

Mr. ORRICK. There is an increase in the number of cases pending between 1961 and those estimated for 1962, and it is anticipated that there will be still a greater increase in 1963.

Mr. ROONEY. Those are only guesses on your part. Often these guesses do not turn out to be correct. We are not dealing with any guesses in 1961 and 1960. I am comparing 1961 and 1960.

Mr. ORRICK. 13,636. In 1961 it was 14,803.

Mr. ROONEY. At the beginning of the year you had less cases.

Mr. ORRICK. In the beginning of the year, fiscal 1960, there were 14,303 pending and at the beginning of the year, fiscal 1961, there were 13,632 pending.

Mr. ROONEY. I take it that means you had less work to start off with.

Mr. ORRICK. When I came it was in the second half of 1961. My recollection is that there were about 14,000 cases then, roughly the same.

Mr. ROONEY. The footnote accentuates the fact that 13,632 is the corrected figure.

Mrs. SANFORD. That is due to a new inventory.

Mr. ROONEY. There are still less cases. Get the cases received and compare them with the previous year.

Mr. ORRICK. 115 cases less than the year before were received.

Mr. ROONEY. How about the concluded work, terminated cases, as between those 2 years?

Mr. ORRICK. Those cases are down.

Mr. ROONEY. By considerable?

Mr. ORRICK. That is right.

Mr. ROONEY. Almost 2,000?

Mr. ORRICK. That is right.

Mr. ROONEY. Do you want to develop this any further?

Mr. ORRICK. No, I don't.

With respect to the terminated cases, the changeover in the U.S. attorneys, where the offices were understaffed, accounted in some part for the lower number of cases terminated.

Mr. ROONEY. The political situation with regard to people leaving in the last months of the 1960 calendar year would have had nothing to do with this, would it?

Mr. ORRICK. Mr. Chairman, you know more about it than I do. I am sure it did.

EXPENSES OF COLLECTING EVIDENCE

Mr. ROONEY. What about the language at page 91 of the committee print—

not to exceed $20,000 for expenses of collecting evidence to be expended under the direction of the Attorney General and accounted for solely on his certificate.

This is a new departure, is it not?

Mr. ANDRETTA. That should have been mentioned when the Criminal Division was here because that is the one that is more directly involved here.

That is new language. We have the same language in Immigration and in the FBI. In the development and extension of the organized crime section, and in the type of work they are engaged, it became essential for them to use informants very much as the FBI and Immigration do.

There was some thought of whether the money should be paid from the FBI and Immigration funds. We thought that would be proper because they are using the money in relation to their own specific operations and it would be better, rather than lump this into one amount of money which would be on the Attorney General's certificate, to——

Mr. ROONEY. This is a new departure. Previously we had the confidential funds unvouchered in the Immigration Service and in the

FBI. Those are the people who would deal with confidential informants rather than the Attorney General's office.

Mr. ANDRETTA. Except we were getting into other areas which they don't cover. The organized crime now deals with 20 other enforcement agencies other than FBI and Immigration. Those two agencies can take care of their part since they retain their confidential funds. But the attorneys in the Criminal Division have to have ability to get informants and information from sources not available to or within the jurisdiction of the FBI and Immigrations and Naturalization I. & A.

Mr. ROONEY. Would not informants be handled by FBI and Immigration?

Mr. ANDRETTA. As I said, many cases are not under their jurisdiction.

Mr. Chairman, we have authority to pay informants under the witness appropriation. You will notice that language there. Some of these informants do not want their names to appear on a voucher or have it known that they are being paid for information. We asked the General Accounting Office if the language now under witnesses permits cash payments to informants on mine or the Attorney General's certificate, without going through the regular vouchering business.

Mr. ROONEY. Is this language in the appropriation bill?

Mr. ANDRETTA. Yes, but no different from what we already have.

Mr. ROONEY. Legislation on an appropriation bill?

Mr. ANDRETTA. I think this goes more to the essence of how you can use your funds.

Mr. ROONEY. Do you have a citation?

Mr. ANDRETTA. Not here but I can get it. It is the same one supporting the language we have in FBI and Immigration.

Mr. ROONEY. At this point of the record please furnish the authority in law for the inclusion of this language.

Mr. ANDRETTA. Yes, sir.

(The information requested follows:)

Authority in support is provided by title 5, sections 310, 311a, and 341, U.S.C.

THURSDAY, JANUARY 25, 1962.

# ALIEN PROPERTY ACTIVITIES

## WITNESSES

**W. H. ORRICK, ASSISTANT ATTORNEY GENERAL**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Permanent positions | 553 | 480 | 482 |
| | Positions other than permanent | 21 | 23 | 21 |
| | Other personnel compensation | 2 | | |
| | Total personnel compensation | 576 | 503 | 503 |
| 12 | Personnel benefits | 40 | 35 | 35 |
| 21 | Travel and transportation of persons | 8 | 15 | 15 |
| 23 | Rent, communications, and utilities | 44 | 36 | 36 |
| 24 | Printing and reproduction | 8 | 10 | 10 |
| 25 | Other services | 69 | 87 | 87 |
| 26 | Supplies and materials | 1 | 2 | 2 |
| 31 | Equipment | | 2 | 2 |
| | Total costs—obligations | 746 | 690 | 690 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 63 | 48 | 48 |
| Full-time equivalent of other positions | 2 | 2 | 2 |
| Average number of all employees | 65 | 49 | 49 |
| Number of employees at end of year | 49 | 47 | 47 |
| Average GS grade | 9.5 | 10.3 | 10.3 |
| Average GS salary | $8,897 | $10,021 | $10,062 |

Mr. ROONEY. The last item in the Department of Justice budget is that for Alien Property Activities. This item begins at page 94 of the committee print, and the information with regard thereto is contained under tab 32 of the justifications.

We shall insert at this point in the record pages 32–1 and 32–3 through 32–21 of the justifications.

(The pages referred to follow:)

*Summary analysis of estimate—Salaries and expenses, Office of Alien Property, Department of Justice (Trust Account)*

Authorization, 1962 ..... $690,000
Estimate for 1963 ..... 690,000
No change in amount of authorization.

Effective September 1, 1961, the Office of Alien Property was transferred to the Civil Division of the Department. The Office takes care of the Government's interests in wartime measures against alien property. The expense of handling litigation, claims, property liquidation and accounting and auditing functions pertaining to vested property will continue to be financed from the alien property fund. Actual and predicted workloads are reflected by the following tables:

*Caseload*

| | Actual | | Estimate | |
|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 |
| Claims: | | | | |
| Pending, beginning of year | 3,752 | [1] [2] 1,426 | 1,150 | 875 |
| Received | 2,046 | 0 | 0 | 0 |
| Reopened | 257 | 15 | 0 | 0 |
| Adjustment of number of claims pending | [3] −3,338 | 0 | 0 | 0 |
| Terminated | 1,291 | 291 | 275 | 275 |
| Pending, end of year | [1] [2] 1,426 | 1,150 | 875 | 600 |
| Litigation: | | | | |
| Pending, beginning of year | 276 | [1] 210 | 182 | 139 |
| Received or reopened | 27 | 55 | 30 | 25 |
| Terminated | [1] 93 | 83 | 73 | 65 |
| Pending, end of year | [1] 210 | 182 | 139 | 99 |
| Property being liquidated: | | | | |
| Pending, beginning of year | 59 | [1] 1,011 | 851 | 730 |
| Received | 14 | 37 | 83 | 83 |
| Adjustment of number of cases being liquidated | [1] 978 | 0 | 0 | 0 |
| Terminated | 40 | 197 | 204 | 241 |
| Pending, end of year | [1] 1,011 | 851 | 730 | 572 |

[1] Adjusted to reflect changes in statistics previously reported.
[2] Excludes 1,838 intervenor claims in I. G. Chemie litigation.
[3] Includes I. G. Chemie intervenor claims.

AMOUNT REQUESTED

It is estimated that the operation of the Office of Alien Property and related functions will require an authorization of $690,000 for the fiscal year 1963. This is the same amount that was required for 1962 to carry out the same functions.

PRESENT ORGANIZATION

On September 1, 1961, the Attorney General delegated to the Assistant Attorney General in charge of the Civil Division, as Director of the Office of Alien Property, all the authorities, rights, privileges, powers, duties, and functions previously conducted, handled or supervised by the Assistant Attorney General, Office of Alien Property, or the Director, Office of Alien Property. There was then established in the Civil Division a new section known as the Office of Alien Property consisting of five units and managed by a section chief. All of the duties and responsibilities of the former Office of Alien Property were assigned to this section with the following exceptions: (1) responsibility for handling alien property litigation in the Federal district courts was assigned to the General Litigation Section of the Civil Division, and (2) responsibility for handling alien property appellate proceedings was assigned to the appellate section of the civil division. The expense of handling this litigation, however, should continue to be paid for out of alien property funds.

EXPLANATION OF ESTIMATE BY ACTIVITY

1. *Office of the Deputy Director*

The Deputy Director under the general supervision of the Director performs the statutory functions delegated to him by the Director. These include authorizing the sale of property, the acceptance or rejecting of bids submitted for the sale of property, approve orders for the sale of securities, execute licenses, hear appeals from decisions of the hearing examiner, allow claims (title claims or debt claims), determine questions of national interest, supervise foreign funds control, handle all matters under the Intercustodial Disputes Act and all legislative matters.

The Attorney General has suggested to the Secretary of the Treasury that the functions relating to foreign funds control should be transferred to the Treasury Department.

The duties of this Unit will require one attorney in addition to the Deputy Director.

*2. Claims Unit*

The Claims Unit has the responsibility for processing title claims for the return of vested property filed under sections 9(a) and 32 of the Trading With the Enemy Act, as amended, and section 207 of the International Claims Settlement Act, as amended. It also has the responsibility for processing claims for payment of debts owed by the prevesting owners of vested property filed under the provisions of section 34 of the Trading With the Enemy Act, as amended, and section 208 of the International Claims Settlement Act, as amended. In addition the Claims Unit is responsible for initiating the divestment of property vested under provisions of the Trading With the Enemy Act, as amended, and the International Claims Settlement Act, as amended, which was owned directly on the date of vesting by natural persons who were then residents of Bulgaria, Hungary, and Rumania.

To carry out its responsibility this Unit upon the filing of a title claim or debt claim must assemble and correlate the necessary and available documentary evidence required upon which a conclusion may be properly predicated as to the allowance or disallowance of the claim. This analysis usually requires a prolonged and detailed study of numerous documents including but not restricted to patent, copyright, and royalty contracts, corporate records, deeds of trust, wills, reports relating to foreign funds, immigration matters, etc. It is frequently necessary to obtain and analyze various foreign records and documents.

After the review and analysis of these records a tentative decision to allow or disallow the claim is made. This decision must be processed by the preparation of various documents as required by established rules of procedure. Such documents are the basis upon which the Director or Deputy Director bases his action to allow or disallow the claim.

In some circumstances the claim is referred to a hearing examiner to receive evidence presented by the claimant and staff attorney. When such procedure is followed the staff attorney is required to prepare the usual requested findings of fact and legal argument in support of the position taken by this Unit.

On July 1, 1961, there were pending 717 title claims, 295 debt claims, and 138 applications for divestment of satellite property, or a total of 1,150 claims. All of these claims are "workable" with the exception of 175 Iron Curtain country claims which may not now be reviewed because of the provisions of Treasury Circular 655 and/or enunciated State Department policy.

In addition to the above claims there is assigned to the Claims Unit 1,235 Jewish Restitution Successor Organization (JRSO)[1] title claims which have been and continue to be held in a status quo posture pending the possible enactment of dispositive legislation.

In addition to the above claims the Office of Alien Property has 1,838 Kaufman type I. G. Chemie intervenor claims.[2] These claims must be held in abeyance pending determination of the I. G. Chemie litigation. The responsibility for processing these claims is not charged to the Claims Unit but is the responsibility of a segment of the Litigation Unit which is charged with the defense of the I. G. Chemie litigation.

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[1] These claims were filed under sec. 32(h) of the Trading With the Enemy Act and Executive Order No. 10587 for the return of vested property formerly owned by Nazi persecutees who died without known heirs. Any property returned pursuant to these claims will be used for charitable purposes.

[2] These claims were filed by shareholders of I. G. Chemie under *Kaufman* v. *Societe Internationale*, 343 U.S. 156 (1952), for the return of their interests in stock of General Aniline Film held by I. G. Chemie prior to vesting by this Office. In that case the Supreme Court held that nonenemy stockholders in a corporation organized under the laws of a neutral country, which corporation was found to be an enemy because of majority stock ownership or control by enemies, had a right to intervene and assert their claims to assets of the corporation proportionate to their stock ownership.

Following is a statistical study of the Unit's workload:

| | Actual, 1961 | Estimate | |
|---|---|---|---|
| | | 1962 | 1963 |
| Title claims: | | | |
| Pending beginning of year | [1] 891 | 717 | 517 |
| Received or reopened | 13 | 0 | 0 |
| Terminated | 187 | 200 | 200 |
| Pending end of year | [1] 717 | 517 | 317 |
| Debt claims: | | | |
| Pending beginning of year | 312 | 295 | 270 |
| Received or reopened | 2 | 0 | 0 |
| Terminated | 19 | 25 | 25 |
| Pending end of year | 295 | 270 | 245 |
| Satellite assets divesting orders: | | | |
| Pending beginning of year | 223 | 138 | 88 |
| Received | 0 | 0 | 0 |
| Terminated | 85 | 50 | 50 |
| Pending end of year | 138 | 88 | 38 |

[1] Does not include 1,838 Kaufman-type I. G. Chemie intervenor claims which cannot be processed unti completion of the I. G. Chemie litigation. Included are 4 looted securities claims.

Seven attorneys will be required to staff the Claims Unit in 1963. Five attorneys are presently assigned to this work.

*3. Litigation unit*

The primary responsibility of the Litigation Unit is (1) to supervise the representation of the Attorney General's interest in litigation involving probate, estate, and trust matters in the various State courts of first instance, and (2) to provide the staff required to handle *Societe Internationale, etc.* v. *Kennedy.*[3]

(A) Estates and trusts litigation: When estates and trusts are vested the Attorney General succeeds to the rights of the former owners. Litigation is often required to determine, protect, and facilitate the liquidation of such vested interest. For example, the extent of the interest vested often can only be determined by judicial review; periodic or terminal accountings must also be judicially approved and judicial action is often necessary to require reluctant fiduciaries to file an accounting and/or make distribution of assets.

This litigation arises either by the service upon the Attorney General of a notice of hearing in a matter which was before the courts prior to vesting or by referral to this Unit by the Property Liquidation Unit wherein requested assistance is solicited to effect collection of funds the Attorney General has vested.

When an appearance on behalf of the Attorney General is necessary the matter is referred in most instances to the local U.S. attorney for handling the actual courtroom work. Close supervision by the Litigation Unit is required and necessary since most of these cases require specialized legal training in matters relating to (*a*) interpretation of the Trading With the Enemy Act, (*b*) future interests, (*c*) complicated accounting problems, and (*d*) interpretation of wills or trusts instruments. In the greater number of cases the pleadings and briefs must be prepared in the Litigation Unit and detailed instructions given at each stage of the case. In particularly difficult cases the staff of the Litigation Unit will participate in the actual trial.

A statistical summary of the estates and trusts cases is as follows:

| | Actual, 1961 | Estimate | |
|---|---|---|---|
| | | 1962 | 1963 |
| Judicial proceedings pending beginning of year | 125 | 94 | 74 |
| Received | 10 | 10 | 10 |
| Terminated | 41 | 30 | 30 |
| Pending end of year | 94 | 74 | 54 |

[3] This proceeding was filed to recover the stock of General Aniline & Film Corp. which was vested by the Alien Property Custodian in 1942. The proceeding is also known as the *I. G. Chemie* case and/or *Interhandel* case.

It is believed the workload of the estates and trusts portion of the Litigation Unit can be efficiently handled by the one attorney on the staff presently assigned to this work.

(B) The *I. G. Chemie (Interhandel)* case puts in issue the ownership of 93 percent of the stock of General Aniline & Film Corp. The stock having a book value of $120 million and a present market value of approximately $190 million was seized by the Alien Property Custodian in 1942 on the ground that it was owned or controlled by an enemy alien, the German chemical cartel, I. G. Farben & Cie.

In 1949, after administrative proceedings had been exhausted, Chemie brought suit for the recovery of the stock in the U.S. District Court for the District of Columbia. It contends that it owns the stock in question, that in turn it is a Swiss holding company owned by Swiss citizens and, therefore is a nonenemy within the meaning of the Trading With the Enemy Act.

The case has been to the U.S. Supreme Court once in an effort to dismiss the special master or to limit his authority, and a second time to dismiss the case for failure to fully disclose in discovery proceedings. In regard to discovery, defendant has been waiting 6 months for a response to the State Department's request to Switzerland for an explanation of the extent to which it will limit the Swiss economic espionage laws in connection with the discovery of the vital Sturzenegger accounting books.

In the meantime, preparation of the case for trial is going forward. Through discovery approximately 300,000 documents, written in German, have been made available to the defendant.

The work of translating and evaluating them is greater than the present staff of four attorneys, one part-time and one full-time translator can do within a reasonable time. It is believed that the present staff should be augmented by at least two attorneys during the 1962 fiscal year. This additional personnel can be obtained from the funds available in 1962 and should be carried over into the 1963 budget year.

Plans to index the vast numbers of documents on hand by use of the IBM card system are being made. Only in this way can the evidence be properly measured.

Plans are also being formulated to take the deposition of all Government witnesses, both in Europe and in America.

The importance of this case is measured principally by the fact that the outcome will determine whether or not a very important segment of the American chemical industry will be in American hands.

In addition, the case has international overtures. On two occasions Switzerland has espoused its nationals' cause and taken the case to the International Court of Justice. It can be expected that even though the United States is successful in the courts in this country, the matter will again be taken by Switzerland before the International Court of Justice. There is, of course, always the possibility that the matter may be settled by compromise.

(C) Federal court litigation: As of July 1, 1961, there were 88 Trading With the Enemy Act cases pending in the Federal district and appellate courts. Effective September 1, 1961, the responsibility for the district court litigation was transferred to the General Litigation Section, Civil Division.

Under the Trading With the Enemy Act, litigation generally is of two types: (1) Section 9(a) proceedings involving suits in the Federal district courts for the return of property vested by the Attorney General, and (2) section 17 proceedings which are suits by the Attorney General to reduce vested property to possession. Approximately $40 million worth of property is involved in these suits.

Of the cases presently in the Federal district courts there are approximately 15 major active section 9(a) cases which are in all stages of preparation for trial as well as on trial. These cases will require the taking of depositions, obtaining production of documents, the examination of these documents, preparation and argument of motions, examination of witnesses in court, attending pretrial conferences, etc. These cases are pending in various district courts throughout the country and the witnesses in many cases are scattered not only throughout the United States but are also outside the territorial limits of the country. The cases present very complex questions of law and fact. The remaining section 9 cases will probably not require as considerable preparation as those mentioned above. It is anticipated that they can be disposed of on motions to dismiss. Even in these matters it is necessary to prepare the motion, argue the Attorney General's position, prepare interrogatories, etc.

The section 17 actions in which the Attorney General is plaintiff present the same considerations. They are pending in different district courts throughout the United States and will involve many nonresident and foreign witnesses whose depositions must be taken. It is believed that the Federal district court cases will require the services of two attorneys who, while assigned to the General Litigation Section, will be paid from alien property funds.

As of July 1, 1961, there were 11 cases pending in the various U.S. courts of appeal. Effective September 1, 1961, the appellate cases were transferred to the Appellate Section of the Civil Division. It is believed that these cases and future appellate cases can be handled by existing personnel of that Section. The services of the Appellate Section personnel who represent the Attorney General in these matters will not be charged to alien property.

A summary of the Federal court litigation is as follows:

| | Actual, 1961 | Estimate | |
|---|---|---|---|
| | | 1962 | 1963 |
| Pending beginning of year | 85 | 88 | 65 |
| Received | 45 | 20 | 15 |
| Terminated | 42 | 43 | 35 |
| Pending end of year | 88 | 65 | 45 |

In addition to the Federal district and appellate court litigation reported above, two cases are pending in the Court of Claims. These proceedings are supervised by the Court of Claims Section of the Civil Division and the cost chargeable for the services rendered by the attorneys in the Court of Claims Section who defend these actions is not charged to alien property funds.

(D) The requirement for a considerable amount of investigation and legal work to be performed in the European theater continues. This function can be performed by the one attorney who is presently headquartered in Munich, Germany.

4. *Comptroller's Unit*

The Comptroller's Unit is responsible for the maintenance of all accounting records and performs all auditing functions pertaining to property vested under the Trading With the Enemy Act, as amended, International Claims Settlement Act, Philippine Property Act, and properties delivered to the office for safekeeping.

In performing these responsibilities, cash receipts advices are prepared from the checks received in the office consisting of rents, income or principal distributions from estates and trusts, royalties from patents and copyrights, proceeds of sales of securities, personal property, etc. These receipts are reviewed for correctness, the amounts are then posted to the accounts maintained for the vestees and the checks are deposited for collection with the Treasurer of the United States. Cash disbursements consisting of payments under claims, section 9(a) suits, intercustodial settlements, Federal income taxes, divestings to individuals or into blocked accounts, in the U.S. Treasury as well as transfers into the Bulgarian, Hungarian, or Rumanian claims funds in the U.S. Treasury are made on the basis of vouchers which have been prepared, audited, and certified as to correctness before the checks are drawn by the Treasury Disbursing Officer and the charges made to the vestees' accounts. For property returned in kind to a title claimant, or a successful litigant, a release advice is prepared describing the property being returned. The release advices serve as the basis for removing the returned property from the vestees' accounts.

The Comptroller's Unit reviews all tax assessments relating to vested properties before approving them for payment, prepares Federal and State tax returns and financial statements on the vested business enterprises in liquidation as well as maintaining the accounting records for those enterprises. It conducts audits of title, debt, and administrative claims and compromise settlements in litigation cases, accounts involved in intercustodial conflicts, and accounts to be divested or covered into the claims funds in the U.S. Treasury. It also conducts field audits of the records of patent or copyright licenses. Semiannual reports for the Treasury Department are prepared which reflect the changes in the U.S. interest in the vested property. Annual reports are also prepared for the Congress showing the administrative and nonadministrative expenses for the previous fiscal year.

Set forth below is a numerical summary of the various major functions performed by this Unit:

| | Actual, 1961 | Estimate | |
|---|---|---|---|
| | | 1962 | 1963 |
| Accounts pending beginning of year | 8,547 | 7,703 | 6,953 |
| Received | 75 | 50 | 50 |
| Closed | 919 | 800 | 700 |
| Accounts pending end of year | 7,703 | 6,953 | 6,303 |
| Cash receipts transactions processed | 1,265 | 1,200 | 1,100 |
| Dollars involved | $4,590,000 | $2,500,000 | $2,000,000 |
| Credit and release advices processed | 82 | 100 | 100 |
| Vested property vouchers processed | 454 | 450 | 350 |
| Vesting, divesting, and amendatory orders processed | 86 | 50 | 88 |
| Accounts audited: | | | |
| Title and debt claims | 591 | 200 | 225 |
| International Claims Settlement Act accounts | 90 | 75 | 100 |
| Intercustodial conflict accounts | 32 | 25 | 20 |
| Unclaimed accounts prior to transfer to war claims fund | 268 | 600 | 800 |
| Sales reports | 14 | 40 | 50 |
| Internal Revenue Service tax determinations reviewed and approved | 316 | 200 | 200 |
| Vested business enterprise book of account maintained | 15 | 10 | 5 |

It is believed the workload of this Unit can be handled efficiently by the present staff consisting of four accountants.

*5. Property Liquidation Unit*

It is the function of the Property Liquidation Unit to collect, administer, and liquidate all property which accrues to the Attorney General by virtue of vesting action taken pursuant to the provisions of the Trading With the Enemy Act, as amended. The property vested includes interests in estates and trusts and insurance contracts, securities (stocks and bonds), business enterprises, real property, tangible personal property, debts, copyrights, patents, and trademarks.

The workload pertaining to vested interests in estates, trusts, and insurance contracts involves the review of accountings, distribution, and periodic remittances by fiduciaries relating to life interests, remainder interests, annuities and legacies. It is the function of the Unit to assure the Director that the provisions of the vesting order are complied with and that the appropriate assets are transmitted to the Attorney General. It is through the estates and trusts vestings that additional property such as securities, personalty, and real estate continue to be received.

With respect to securities (stocks and bonds) which become the property of the Attorney General, it is the function of this Unit to arrange for the issuance of new certificates in proper form and to arrange for the deposit of these new securities in the Federal Reserve Bank of New York for custodial purposes. The Unit disposes of such property either through the facilities of member firms of the New York Stock Exchange (if they are susceptible of sale in this manner), or by public offering or negotiation. The Unit effects the return of all securities wherein the return is required by intercustodial agreement, claim procedure, or judicial decree.

The Unit liquidates business enterprises, corporate or otherwise, wherein the Attorney General acquires ownership of either all of the stock, is the controlling stockholder, or has vested all the assets of the enterprise. The staff of the Unit serves as officers and directors of such corporations and as such perform all the functions necessary to complete the liquidation and dissolution of the corporation and account to the Attorney General for his vested interest.

In addition to the business enterprises which are being liquidated by this Unit, there are two corporations in which the Attorney General holds a substantial stock interest. The stock of one of these corporations represents the largest asset held by the Attorney General and consists of approximately 97 percent of the capital stock of General Aniline & Film Corp., an industrial enterprise currently doing business in excess of $150 million annually. The other holding is a 23-percent stock interest in a small corporation. These shares are the subject of Federal litigation.

The Unit administers and disposes of all real and personal property which the Attorney General acquires by vesting. As to the real estate, the Unit is re-

quired to collect rents, pay taxes, and other necessary expenses incidental to the management of this type of property. The Unit also collects royalties on mineral leases. The Unit conducts and consummates the sale of all such real and personal property and prepares all the necessary documents to transfer title.

The Unit administers vested copyrights, patents, and trademarks, and issues licenses for their use. It also services existing prewar contracts relating to this type of property wherein the enemy interests have been vested. The Unit is responsible for the collection of royalties on both the licenses and prewar contracts.

The statistical analysis of the workload of this Unit is as follows:

| | Actual, 1961 | Estimate | |
|---|---|---|---|
| | | 1962 | 1963 |
| Estates and trusts: [1] | | | |
| Pending beginning of year | 572 | 508 | 448 |
| Received | 0 | 0 | 0 |
| Terminated | 64 | 60 | 70 |
| Pending end of year | 508 | 448 | 378 |
| Amount collected | $1,032,941 | $850,000 | $750,000 |
| Securities (stocks and bonds): [2] | | | |
| Pending beginning of year | 379 | 296 | 246 |
| Received | 35 | 75 | 75 |
| Terminated | 118 | 125 | 150 |
| Pending end of year | 296 | 246 | 171 |
| Amount collected | $747,587 | $500,000 | $350,000 |
| Business enterprises: [3] | | | |
| Pending beginning of year | 27 | 23 | 16 |
| Received | 0 | 0 | 0 |
| Terminated | 4 | 7 | 9 |
| Pending end of year | 23 | 16 | 7 |
| Amount collected | $1,732,716 | $250,000 | $100,000 |
| Real and personal property: [4] | | | |
| Pending beginning of year | 33 | 24 | 20 |
| Received | 2 | 8 | 8 |
| Terminated | 11 | 12 | 12 |
| Pending end of year | 24 | 20 | 16 |
| Amount collected | $121,803 | $50,000 | $40,000 |
| Copyright interests: | | | |
| Prewar contracts: [5] | | | |
| Enforce beginning of year | 392 | 390 | 365 |
| Received | 0 | 0 | 0 |
| Terminated | 2 | 25 | 25 |
| Enforce end of year | 390 | 365 | 340 |
| Amount collected | $69,266 | $65,000 | $60,000 |
| Licenses issued after vesting: [6] | | | |
| Enforce beginning of year | 438 | 422 | 402 |
| Applications received | (51) | (40) | (30) |
| Applications received—licenses issued | 5 | 10 | 10 |
| Terminated | 21 | 30 | 40 |
| Enforce end of year | 422 | 402 | 372 |
| Amount collected | $18,070 | $12,000 | $10,000 |

[1] Each estate or trust is 1 item regardless of the number of persons whose interest has been vested in that estate or trust.
[2] Each item recorded represents receipt of a stock certificate or bond for 1 vestee.
[3] Each item represents 1 corporation or business enterprise.
[4] Each parcel of real estate is 1 item. Each lot of personalty is 1 item.
[5] These represent the vested enemy interest in a contract between the enemy and an American national that was in existence at time of vesting.
[6] Licenses issued by this Office for use of a copyright interest on property previously vested.

At present the unit is staffed by two business analysts and one attorney. The unit as presently comprised is grossly understaffed and should be supplemented by one corporate lawyer and another business analyst. This additional personnel can be obtained from the funds available in 1962 and should be carried over into the budget year.

Efforts to resolve unusual or difficult questions of law and fact have been referred to a hearing examiner for the purpose of receiving evidence and the presentation of adversary arguments. Rules of Procedure for Claims, section 502, establishes the procedure for submitting claims to a hearing examiner.

As of July 1, 1961, there were two hearing examiners on the staff for the purpose of conducting such hearings. It is anticipated that this staff will be reduced to one during fiscal year 1962. In order that the Department may be able to satisfy the procedure requirement it will be necessary to continue to

maintain one hearing examiner on its staff. It is believed that this one hearing examiner can perform all the work required by these rules.

A statistical summary of the claims processed by the hearing examiners is as follows:

| | Actual, 1961 | Estimate | |
|---|---|---|---|
| | | 1962 | 1963 |
| Pending beginning of year | 15 | 2 | 6 |
| Received | 3 | 10 | 8 |
| Terminated | 16 | 6 | 10 |
| Pending end of year | 2 | 6 | 4 |

Mr. ROONEY. You indicate the request is in the amount of $690,000, which is contained in the item for "Salaries and expenses, general administration."

It is apparent that the amount is the same as that appropriated for this purpose in the current fiscal year.

This provides that the funds supplied, the $690,000, shall be paid out of funds in the hands of the Attorney General?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. The same procedure as heretofore?

Mr. ANDRETTA. That is right.

Mr. ROONEY. This does not cost the American taxpayer any money?

Mr. ANDRETTA. No, sir; it comes from the alien property fund which is in the Treasury.

GENERAL ANILINE & FILM CORP.

Mr. ROONEY. What is the status of General Aniline & Film Corp.?

Mr. ORRICK. The conduct of the litigation has been picked up since the Swiss have recently allowed us to come in and inspect the books. There are Department of Justice attorneys inspecting those books and when they come back we will be renewing the taking of depositions and preparing the case for trial.

In this connection, in the 14 years that the case has been on file, there have been only three depositions taken. We will have to get more lawyers and put them to work on preparing this case. There are over 300,000 documents which have to be scrutinized, among other things.

Mr. ROONEY. You have been scrutinizing plenty documents for some 14 years.

Mr. ORRICK. That is right. They have not been indexed for use and it will be a mammoth task to complete the operation.

We transferred supervision of the Federal court litigation to the General Litigation Section. The major work in the Alien Property Section now consists of processing the claims and preparing the *Interhandel* case.

Mr. ROONEY. You have 46 people now handling this?

Mr. ORRICK. We have 42 on the payroll as of today.

Mr. ROONEY. These 42 represent the people who were the hard core of the operation over the years, the people most acquainted with the program and the assets and the rights of the American taxpayer with regard to these properties?

Mr. ORRICK. Yes, sir.
Mr. ROONEY. Mr. Marshall?

CASES UNDER LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT

Mr. MARSHALL. I wonder if you could supply for the record at this point the number of cases that you had concerning the civil enforcement proceedings under the 1959 Labor-Management Reporting and Disclosure Act?

Mr. ORRICK. I would be glad to.

Mr. MARSHALL. The number that you estimate you will have for this coming year, and an estimate as to the number of attorneys required to do this work.

Mr. ORRICK. Very well, sir.

Mr. MARSHALL. For this past fiscal year and what you expect for the next fiscal year.

(The information requested follows:)

*Number of cases handled by the Civil Division under the Labor-Management Reporting and Disclosure Act of 1959*

| | |
|---|---|
| Fiscal year ending June 30, 1961 | 19 |
| Fiscal year ending June 30, 1962 | [1] 9 |
| Fiscal year 1963, estimated cases | 42 |

[1] To date with estimated 33 more cases to be filed.

Handling this estimated number of cases will require the services of two attorneys.

GENERAL ANILINE & FILM CORP.

Mr. BOW. Is there any change in the directors and officers of General Aniline?

Mr. ORRICK. Yes, sir, a new president just recently has been elected.

Mr. ANDRETTA. And a board of directors, too.

Mr. BOW. Who is the new president?

Mr. ORRICK. I do not know.

Mr. BOW. Would you prepare for the record a statement similar to the one which appeared on pages 296 and 304 of the record last year?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. Is that a list of directors?

Mr. BOW. That is right.

That is all.

(The information requested follows:)

The following are summaries of the changes in the contracts between General Aniline & Film Corp. and certain of its officers and former officers occurring during the period from February 7, 1961, to February 1, 1962:

Philip M. Dinkins, former president: On February 29, 1961 the company and Mr. Dinkins agreed to settle all claims against the company on the following terms and conditions:

1. His present and future rights under the company's retirement plan to be excluded from the settlement offer.
2. Mr. Dinkins to continue to hold his office as president and to receive his present salary of $6,250 per month through December 31, 1961.
3. Mr. Dinkins to retire on January 1, 1962.
4. On January 2, 1962, and on January 2 of each of the following 4 years the company to pay Mr. Dinkins, his widow or if both Mr. and Mrs. Dinkins should die, the estate of the survivor, the sum of $31,004.
5. Mr. Dinkins retired on January 1, 1962.

Jesse Werner, vice president: Dr. Werner was elected president and chief executive officer of the company effective January 1, 1962. The terms of his employment have not yet been agreed upon.

Sumner H. Williams, vice president: An agreement between the company and Mr. Williams executed December 28, 1961, provides for the following:

1. Mr. Williams to be employed for the period from January 1, 1962, to December 1, 1966, with a salary at the rate of $45,000 per annum.

2. Mr. Williams to serve during such period as a vice president of the company at the discretion of the board of directors.

3. The company to continue to pay Mr. Williams until September 25, 1973, 40 percent of gross royalty income received by the company from all licenses granted on the so-called Williams unit described in U.S. Patent No. 2,764,010.

4. The company to continue to pay Mr. Williams until May 8, 1968, 40 percent of the gross royalty income received by the company from licenses granted on the so-called Williams fiber processing machine described in U.S. Patent No. 2,552,078 and in application for U.S. Patent bearing Serial No. 704,827 filed December 23, 1957.

## General Aniline & Film Corp.

New York, N.Y.

### OFFICERS

Dr. Jesse Werner, president and chief executive officer.
Francis A. Gibbons, senior executive vice president.
Harold G. Shelton, executive vice president, operations.
Dr. Leopold F. Eckler, vice president.
Sumner H. Williams, vice president.
Dr. C. C. Schulze, vice president.
Arthur J. Young, treasurer.
Herbert L. Abrons, secretary.

Ross D. Siragusa, chairman of the board: Mr. Siragusa was elected chairman in December of 1961. He was elected to the board in April of 1961 and shortly thereafter elected vice chairman. He is also president and chairman of the board of Admiral Corp., Chicago, Ill. His entire business career has been devoted to the Admiral Corp., which he founded in 1934.

Wm. Peyton Marin: Elected to the board in April of 1961. Mr. Marin, an attorney, New York, N.Y., was elected vice chairman of the board to succeed Mr. Siragusa in December of 1961. He is in private law practice in New York City and is vice president and a director of Pyro Plastics Corp., and Stafford Products, Inc., both of Union, N.J., and Chrislaw Productions, Inc., of Santa Monica, Calif.

Harold E. Clancy: Elected to the board in April of 1961. Mr. Clancy is an attorney in private law practice in Boston, Mass., having been admitted to the bar in the State of Massachusetts in 1961. Prior to that he served for a number of years as managing editor of the Traveler newspaper in Boston.

Judge Albert Conway: Elected to the board in April of 1961. He is presently referee of the Court of Appeals, State of New York. Judge Conway has served as superintendent of insurance in the cabinet of Governor Roosevelt, New York State; county judge, Kings County, N.Y.; justice, New York Supreme Court; associate judge, Court of Appeals, New York and chief judge, Court of Appeals, New York.

Farnk E. DeLuca: Mr. DeLuca was elected to the board in April of 1961. He is manager of the Long Island district sales office of the American Can Co. in Brooklyn, N.Y. He was formerly assistant district sales manager and has held his present position since 1952. He became associated with the American Can Co. in 1917.

Francis A. Gibbons: Mr. Gibbons is senior executive vice president of General Aniline & Film Corp. He has been associated with the corporation since 1929 and has served as assistant treasurer and secretary, secretary and assistant to the president, treasurer, vice president and treasurer, vice president-finance, senior vice president, executive vice president, and elected to his present position in December of 1961. He has been a member of the board since 1953.

Bailey K. Howard: Elected to the board in June of 1961. Mr. Howard is president of Field Enterprises Educational Corp., Chicago, Ill., a member of

its board of directors and chairman of the advisory committee. He is also president and a member of the board of World Book/Childcraft of Canada, Ltd., and a director of Field Enterprises, Inc., and Field Enterprises Charitable Corp.

Joseph N. Lyons: Mr. Lyons was elected to the board in April of 1961. He is president, a director, and the founder of the Boston, Mass., insurance firm of Cushing, Lyons, Inc., which was established in 1934. Mr. Lyons also founded the American Education Insurance Fund in 1960 and organized the Pilgrim Insurance Co. the same year. He is also a director of John T. Clark & Son, of New York, Boston, and the State of Maryland.

Frank Markoe, Jr.: Mr. Markoe was elected to the board in June of 1961. He is vice president, secretary, counsel, and a member of the board of directors of Warner-Lambert Pharmaceutical Co. at Morris Plains, N.J. He was formerly general counsel for the Emerson Drug Co., Baltimore, Md., and later administrative vice president of the Emerson Drug Co. division of Warner-Lambert. He was elected a director of Warner-Lambert in 1956 and a vice president in 1960.

Thomas A. Morgan: Mr. Morgan has been a director of General Aniline & Film Corp. since 1951, and for a period during 1961 served temporarily as its chairman. Until retirement, he was president and chairman of the Sperry Corp., successor to Sperry Gyroscope Co., which Mr. Morgan joined in 1912, and also served as its president and chairman. He is also a director of Western Union Telegraph Co., Shell Oil Co., Centennial Insurance Co., U.S. Industries, Inc., Bulova Watch Co., Inc., Lehman Corp., and Standard Financial Corp., and a member of the advisory board of Bankers Trust Co. in New York City.

Paul V. Myron: Mr. Myron has served as Deputy Director of the Office of Alien Property, Department of Justice, since 1950. Prior to that he was Assistant to the Alien Property Custodian from 1943 to 1950. Before that he was in private law practice in Boston, Mass. He was elected to the board of General Aniline & Film Corp. in April of 1961.

Andrew F. Oehmann: Elected to the board in April of 1961. Mr. Oehmann is the Execuitve Assistant to the Attorney General of the United States, Department of Justice. Prior to this appointment he was in private law pracice in Washington, D.C., which was preceded by a term of service with the Department of Justice.

Charles F. Preusse: Mr. Preusse, who was elected to the board in April of 1961, is an attorney and a partner in the law firm of Whitman, Ransom & Coulson, New York, N.Y. He served as city administrator for the city of New York from 1955 to 1959 and prior to that was first deputy city administrator from 1954 to 1955. He was first assistant corporation counsel for New York City from 1946 to 1950. Mr. Preusse was a member of the mayor's committee on management survey, 1946–53, and the mayor's executive committee on management from 1946 to 1953.

Peter J. Reidy: Elected to the board in April of 1961. Mr. Reidy is commissioner of public works for the city of New York. He was formerly commissioner of the department of buildings for the city of New York and prior to that was president of Purdy & Henderson Associates, Inc., consulting engineers, New York, N.Y. He is a past president of the New York Association of Consulting Engineers and also a past president of the Structural Engineers Society of New York.

Thomas J. Shanahan: Elected to the board in April of 1961. Mr. Shanahan has been president of the Federation Bank & Trust Co., New York, N.Y., since 1944. He became associated with the Federation Bank & Trust Co. in 1926. He is also a director of the Grand Union Co., W.L. Maxson Corp., Fifth Avenue Coach Lines, S. Klein Department Stores, Eastern Shopping Centers, Gray Line Motor Tours, and the New York World's Fair 1964 Corp.

John J. Smith: Elected to the board in April of 1961. Mr. Smith is president of the East New York Savings Bank. He was elected to that position in 1957. He began his career in banking in 1919. He is also chairman of the Brooklyn advisory board of the Chemical Bank New York Trust Co. and a director of the DeMartini Corp. During his banking career he has been vice president, Citizens Bank of Brooklyn; assistant vice president, vice president, and regional vice president, Chemical Bank New York Trust Co.

John I. Snyder, Jr.: Elected to the board in April of 1961. Mr. Snyder is president and chairman of the board of U.S. Industries, Inc., New York, N.Y. During 1961 he served as vice chairman of the board of General Aniline & Film Corp. and temporarily as chairman and chief executive officer. He became president and chairman of U.S. Industries, Inc., in 1948. He is also a director of American Research and Development Corp. of Boston; Cory Corp. of Chicago;

Vickers-Armstrongs, Inc., of Washington, D.C.; and Commerce Oil Refining Corp., Medical & Science Communications Development Corp., Medical Tribune and Metro-Goldwyn-Mayor, Inc., all of New York, N.Y.

Dr. Jesse Werner: Dr. Werner is president, chief executive officer, and a member of the board of directors of General Aniline & Film Corp. He was elected to these positions as of January 1, 1962. He was formerly vice president in charge of research and development and chief technical adviser to the president of the corporation. He became associated with the corporation in 1938. In 1950 he was assistant manager of process development in the company's former dyestuff and chemical division, now known as the chemical group, and was appointed technical assistant to the vice president in charge of operations of the division in 1951. The following year he was appointed director of commercial development. Dr. Werner is also a director of Chemical Developments of Canada, Ltd.

Mr. ROONEY. Thank you very much, gentlemen.

That concludes the hearings with regard to the requests of the Department of Justice.

I wish to thank Mr. Andretta, Mr. Butts, and Mr. Brown for their cooperation during the course of these hearings and for their fairness in admitting to all the facts which were sought.

Mr. ANDRETTA. And I want to reciprocate by saying I appreciate the fairness of the committee with the Department and the very kind consideration the committee has given the Department.

Mr. BUTTS. Thank you, Mr. Chairman.

Mr. BROWN. It is always a pleasure to discuss our problems with you.

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## ANTITRUST DIVISION

TUESDAY, JANUARY 23, 1962.

### WITNESSES

**LEE LOEVINGER, ASSISTANT ATTORNEY GENERAL**
**P. J. BASSFORD, CHIEF, ADMINISTRATIVE SECTION**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**
**E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE**
**J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE**

### SALARIES AND EXPENSES

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Permanent positions | 4,099 | 4,658 | 4,792 |
| | Positions other than permanent | 112 | 51 | 51 |
| | Other personnel compensation | 27 | 12 | 12 |
| | Total personnel compensation | 4,238 | 4,721 | 4,855 |
| 12 | Personnel benefits | 298 | 326 | 335 |
| 21 | Travel and transportation of persons | 196 | 223 | 229 |
| 22 | Transportation of things | 7 | 6 | 6 |
| 23 | Rent, communications, and utilities | 61 | 134 | 77 |
| 24 | Printing and reproduction | 76 | 119 | 133 |
| 25 | Other services | 144 | 227 | 244 |
| 26 | Supplies and materials | 44 | 52 | 52 |
| 31 | Equipment | 65 | 57 | 57 |
| | Total costs | 5,129 | 5,865 | 5,988 |
| | Change in selected resources | −59 | | |
| | Total obligations | 5,070 | 5,865 | 5,988 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 535 | 614 | 614 |
| Full-time equivalent of other positions | 13 | 6 | 6 |
| Average number of all employees | 503 | 572 | 580 |
| Number of employees at end of year | 526 | 604 | 604 |
| Average GS grade | 9.4 | 9.3 | 9.3 |
| Average GS salary | $8,338 | $8,216 | $8,325 |

Mr. ROONEY. The next item is that for the Antitrust Division, which is to be found at page 105 of the committee print.

The justifications with regard thereto are to be found under tab 20 of the justifications book.

We shall insert at this point in the record pages 20–1 and 20–2 and 20–4 through 20–56 of the justifications.

(The pages follow:)

ANTITRUST DIVISION

*Salaries and expenses, Antitrust Division*

| | |
|---|---|
| Appropriation, 1962 | $5,875,000 |
| Less: | |
| Comparative transfer to "S. & E. General Administration" | (−)4,000 |
| Transfer to General Services Administration | (−)6,000 |
| Available, 1962 | 5,865,000 |
| Estimate, 1963 | 5,988,000 |
| Increase | 123,000 |

ANTITRUST DIVISION

The Assistant Attorney General in charge of the Antitrust Division is responsible for enforcement of the Federal antitrust laws. This involves the investigation of possible violations, the conduct of grand jury proceedings, the preparation and trial of civil and criminal cases, the prosecution of appeals, and the negotiation and enforcement of final judgments. The Division also is charged with the enforcement of numerous so-called "kindred laws." This requires the supervision and direction of litigation arising under a number of regulatory acts, participation in hearings before several administrative boards, such as the Interstate Commerce Commission, and the prosecution of appeals from the orders of such boards. The Division also has responsibility for studying, reporting and advising on the anticompetitive aspects of Government and industry activities connected with national defense, the interstate oil compact, the Small Business Administration and the disposal of Government-owned rubber producing facilities and surplus property. In addition, the Division is charged with reporting periodically to the President and the Congress on the status of the identical bid program, involving collusive bids in excess of $10,000 to public agencies. Various reports are also required of the Division on the competitive factors embodied in proposed bank mergers.

The sum of $5,988,000 will be required for the Antitrust Division to continue its program of enforcement of the Antitrust and kindred laws and to handle the additional burden imposed by implementation of the identical bid program. This amount exceeds by $123,000 the funds available for the current fiscal year. Although the new items of increase actually total $185,000 allowance should be made for nonrecurring rental costs of $62,000. Of the requested increase, $114,700 is needed to annualize the additional personnel authorized in 1962 for part of the year and the remainder, $70,300 will be required to cover the cost of statutory changes. Set forth below are the details of these items:

| | | |
|---|---|---|
| Cost of statutory provisions: | | |
| Within-grade promotions (Ramspeck Act) | $66,000 | |
| Personnel benefits | 4,300 | |
| | | $70,300 |
| Annualization of new positions authorized in 1962: | | |
| Salaries | 67,600 | |
| Personnel benefits | 5,200 | |
| Travel | 6,000 | |
| Rent, communications, and utilities | 5,500 | |
| Printing and reproduction | 13,400 | |
| Other services | 17,000 | |
| | | 114,700 |
| Less: Nonrecurring provision for rent (to be budgeted by GSA in 1963) | | −62,000 |
| Net increase | | 123,000 |

*General statement*

Fiscal year 1961 was a successful one in the field of antitrust enforcement. Widespread interest was created as a result of the focusing of public attention on the cases filed against members and officials of the heavy electrical industry. As a direct result complaints of violations reached new proportions. A total of 1,326 was received as compared with 1,116 for fiscal year 1960.

Sixty-two cases were filed (40 civil and 22 criminal). Terminations were high, totaling 66 (30 civil and 36 criminal). Fifty-eight represented victories for the Government (23 civil and 35 criminal). One hundred and thirty-seven cases (111 civil and 26 criminal) were pending at the close of the year as compared to 141 for fiscal year 1960. Thus the Division continued its emphasis on the disposition of old cases and endeavored to keep the trial calendar up to date.

Four hundred and eight-one major investigations were conducted, including grand jury proceedings. Of these investigations, 32 resulted in the filing of 22 criminal and 40 civil cases. There were 566 such investigations in various stages of progress at the end of the year.

The all-time record of fines imposed, $3,058,000, made possible a return of approximately 60 percent of the Division's appropriation for the year.

Merger examinations continued as in the preceding year. A total of 1,100 were examined and 181 fully investigated. There were 33 merger cases pending at the end of the year, 15 of which were filed during the period July 1, 1960, through June 30, 1961.

We have continued our efforts to promote effective cooperation in the antitrust field between the Division and the offices of the various State attorneys general. A five-point program to this end was offered at a meeting of the National Association of Attorneys General in New York City on June 12, 1961. In addition, conferences on consumer protection were held with State attorneys general in the Department on November 13 and 14, 1961. A week prior to that, officials of the Division conferred on various aspects of antitrust enforcement with a group representing the State attorneys general. Conferences with State attorneys general also were held on an individual basis throughout the year with mutually beneficial results. We are cooperating to the fullest extent with State and local governments by rendering assistance whenever possible to those desiring to file damage suits as a result of the pleas in the electrical cases.

*Attorney personnel*

At the close of the year, the Division had 255 attorneys on its rolls. Included in this figure were 19 attorneys assigned to preparation of congressional reports and related duties, and enforcement of the kindred laws. Although the Division had a total of 285 authorized legal positions, the amount provided for personal services in the 1961 appropriation limited us to an average employment of 262 attorneys.

Last year at this time the staff of our field offices numbered 86. At the close of fiscal year 1961 there were only 88 assigned to these offices despite a sizable increase in responsibilities. At the time this was prepared the staff of our field offices had been strengthened by the addition of 12 attorneys and recommendations for the appointment of 14 others were in process.

One hundred seventy-six reports were prepared on the competitive factors involved in proposed bank mergers and three complaints were filed as a consequence of the Division's efforts in this area.

As in the past, the Division maintained a calendar of well over 200 kindred-law cases which it actively supervised or conducted.

Plans were formulated for implementation of Executive Order 10936, April 25, 1961, requiring examination of reports submitted to the Attorney General by Federal agencies on identical bids on procurements in excess of $10,000. Forms for reporting the bids were devised and issued for use by all Government agencies beginning July 15, 1961. In addition to Federal procurements, the cooperation of State and local government procurement officers (of which there are more than 100,000) are being sought. They were invited to participate in the program commencing November 1, 1961. Although it is difficult to predict in view of our limited experience, it is estimated that we will be required to cope with about 10,000 such reports annually.

The consent decree procedure established by the Attorney General on June 29, 1961, under which proposed antitrust consent decrees will be publicized prior to entry, will in all probability increase our workload. Under this new policy, the Department receives, considers and responds to written comments, views or relevant allegations relating to each proposed judgment.

In January 1961, we asked the Federal Trade Commission to undertake a survey to determine whether the defendants in 56 antitrust cases were living up to the terms of the judgments. The reports furnished us by the Commission have assisted us in the inauguration of what we hope will be a more effective judgment enforcement program.

We have commenced a study of the feasibility of the storage and retrieval of information through the use of electronic data processing equipment. We hope that this will ultimately save man-hours spent in duplicating legal research as well as solve many problems in the presentation of documentary evidence in antitrust cases involving, sometimes, literally thousands of documents.

*Enforcement program*

A preponderance of the Division's pending cases allege price-fixing violations. At the end of the fiscal year we had 71 such cases pending while 21 others concerned both this and alleged monopolization. As an aftermath of the successful conclusion of the criminal cases involving members of the heavy electrical industry, we are presently concerned with disposition of the injunctive suits filed in fiscal year 1961, as well as the damage cases. Because of their complexity and the time-consuming elements involved, these cases are imposing a heavy drain on our resources.

The Division met with success in prosecuting several other price-fixing cases during fiscal year 1961. Among these was the case against the Northern California Pharmaceutical Association (now on appeal to the circuit court), which entailed the use of prescription drug pricing lists; Allen-Bradley Co., et al., which involved the sale of electrical resistors to commercial companies and to the Armed Forces; and the case involving a trade association and seven corporations in the Washington metropolitan area, charged with fixing prices for the sale of bottled soft drinks. Fines were imposed in each instance.

Fines totaling $425,000, the second highest in any single antitrust case to date, were levied against 11 major oil companies convicted of price-fixing violations in *United States* v. *Standard Oil Company* on June 5, 1961. This case is now on appeal. Other significant cases successfully concluded concerned two of the largest bakeries in the United States.

The criminal contempt action filed against the four major manufacturers of carbon dioxide and four officers of the companies involved concerns not only industrywide price fixing, but violation of a 1952 judgment. As trial was about to commence, two of the defendants entered guilty pleas and two pleaded nolo. Sentence is to be imposed at a later date.

Antimerger enforcement also taxes the resources of the Division. The costs of preparing for trial and trial are considerable, and a relatively large legal staff is required for each of these cases. As the number of mergers and acquisitions continues to rise our workload correspondingly increases.

In this regard we were successful in a number of instances in obtaining relief without litigation. For example, the proposed sale of Bull Steamship Lines to the owner of a competing line was abandoned following our inquiry and notification that serious questions under the Celler-Kefauver Act were raised. Another such instance involved General Cable Co. and General Telephone & Electronic Corp., each of which owned a substantial amount of stock in the other. Proof of divestiture, again as a result of our inquiry, obviated the need for our filing a Clayton Act suit challenging the holdings. One of the largest pro-

posed mergers in the country's history, that of Warner-Lambert with the Minnesota Mining & Manufacturing Co., was halted when the companies learned that the Division could not approve the merger and that further investigation was being conducted. The combined sales of the two companies would have amounted to $650,676,000 annually.

Antimerger enforcement has been expanded to the field of "joint ventures"—the formation of a jointly owned, subsidiary corporation by companies which normally would be competitors. In the first instance, the Division filed a complaint against Pennsalt Chemicals Corp. and Olin Mathieson Corp. (the organizers) and Penn-Olin Chemical Co. (the jointly owned subsidiary). The complaint charges the Pennsalt and Olin Mathieson are competitors in sales of several chemicals and compete in particular in sales of the chemical which Penn-Olin was formed to produce. The case is especially significant not only because of evaluation of the section 7 doctrine, but because of the widespread ramifications it may have for many other existing joint ventures. It was tried in November and final arguments will be heard in February 1962.

Another important merger case filed during fiscal year 1961 concerns the petroleum industry. Suit was filed to enjoin Phillips Petroleum Co. from making any further acquisitions of Union Oil Co. stock and requiring Phillips to divest the Union stock already acquired. Both Phillips and Union are large integrated oil interests with total assets of $1,579,935,372 and $707,166,446, respectively. One other important case involving oil interests also was filed during the year and is pending (*Continental Oil* case).

Three new antitrust cases were filed during April and May 1961 challenging mergers in the aluminum industry. These suits contend that acquisitions by Kaiser Aluminum & Chemical Corp. and Aluminum Co. of America would violate the Celler-Kefauver provisions of the Clayton Act. The complaint charged substantial lessening of competition and increasing concentration in the aluminum industry and seeks to prevent or undo the mergers.

As previously mentioned, three civil complaints have been filed as the result of new responsibilities in the bank merger field. One of the complaints seeks to prevent the proposed merger of the Philadelphia National Bank and Girard Trust Bank (this case has been tried and we are awaiting the court's decision); the second involves the merger of the largest and third largest banks in Lexington, Ky. (trial date is set for February 2, 1962), and the third concerns banking interests in Milwaukee, Wis.

Among the cases successfully concluded by consent decrees were the one against Ryder System, Inc. (second largest truck leasing corporation in the country); the two cases involving building material sales in Memphis, Tenn.; and the merger case concerning Gamble-Skogmo, Inc.

A comprehensive grand jury investigation of General Motors Corp.'s various operations resulted in the filing of several cases, both civil and criminal. Other important cases filed during the year include that against the Chrysler Corp. (challenging exclusive dealing practices of that company) and the civil complaint which charges the Grinnell Corp. and its affiliated corporations with conspiracy to restrain and monopolization of the central station electrical protection industry. Defendants in the latter case, through their combined status, are by far the dominant factors in this field. The value provided by electrical protection service to almost every branch of business and industry is incalculable, and through this action we hope to promote competition among companies offering such facilities.

The Division also has been active in the field of organized labor and antitrust. Two civil antitrust cases are pending in the Los Angeles area which attack restraints resulting from the Teamsters Union's organizational drive upon self-employed peddlers. In one of these cases the district court found for the Government and directed termination of union membership by the peddlers. They have now appealed to the Supreme Court. A parallel criminal case was successfully concluded with nolo contendere pleas and fines. Another such case, *United States* v. *Irving Bitz et al.*, resulted in a prison sentence and a jail term for Defendant Bitz. An additional criminal case involving a labor union, *United States* v. *Greater Blouse, Skirt & Neckwear Contractors Association, Incorporated et al.*, will probably go on trial April 2, 1962, and consideration is now being given to the filing of a companion civil case.

There also was a number of significant appellate court decisions. One involved *Sam Fox Publishing Co.* v. *United States*. The court in deciding this case clarified the principles governing intervention by private parties in Govern-

ment antitrust proceedings. The Supreme Court opinion in *United States* v. *E. I. du Pont de Nemours & Company* was a substantial victory for the Division. In this case the Government contended that Du Pont had a sufficient stock interest in General Motors Corp. to exercise substantial control over the market for certain types of products used in automobile manufacture and that this was an improper limitation on competition. The Supreme Court directed complete divestiture by Du Pont of the General Motors stock. Vast property interests were at stake in this case, Du Pont holding stock of General Motors worth, at present market prices, about $2,700 million. The final judgment in *United States* v. *Parke, Davis & Company* was entered on April 19, 1961. In this important case, two appeals to the Supreme Court were successfully prosecuted before we obtained a district court judgment clearly holding that the Parke, Davis resale price maintenance activities in the District of Columbia were unlawful.

Present estimates indicate that the number of cases which probably will go to trial in the current year will be higher than in many previous years and the number will, it appears, be even higher in fiscal year 1962. In addition, it is anticipated that a number of important proceedings will be instituted as a result of investigations conducted during the last 6 months of fiscal year 1961. Obviously, this imposes a severe burden on our litigating staff, as trial preparation and the conduct of court proceedings each require a number of experienced attorneys.

Our objectives include improvement in methods of detecting violations, enlargement of the enforcement program in the important sectors of the economy and expedition of pending litigation to the maximum extent compatible with orderly legal procedures.

*Important cases to be tried this fiscal year*

We expect to bring about 70 cases to trial during the current fiscal year. Listed below are a few of the most important:

*American Natural Gas Co. et al.* (N.D. Ill.): Four-count indictment charging defendants with having engaged in a combination and conspiracy to monopolize the transmission and sale of natural gas in Wisconsin, Minnesota, Illinois, and Michigan.

*National Steel Corp. et al.* (S.D. Texas): Complaint charges that the acquisition by National Steel Corp.'s subsidiary of capital stock of Metallic Building Co. of Houston, Tex., violates section 7 of the Clayton Act. National is the fifth largest steel producer in the United States and with its subsidiaries and affiliates constitutes a fully integrated unit for the manufacure and sale of a diversified line of iron and steel products. Prior to acquisition Metallic was a leader in the manufacture and sale of prefabricated metal buildings in the southwestern area of the United States.

*Aluminum Company of America* (N.D. N.Y.): Complaint charges that Alcoa's acquisition of Rome Cable Corp. may substantially lessen competition and tend to create a monopoly because competition in the production and sale of various wire and cable products may be reduced.

*U.S.* v. *Continental Oil Company* (D. N.M.): Complaint charges Continental Oil Co., one of the Nation's major petroleum producers, with violating section 7 of the Clayton Act in the crude oil industry. The complaint alleges that the acquisition of Malco Refineries, Inc., of Roswell, N. Mex., has eliminated competition between Continental and Malco in the purchase of crude oil and in refining in New Mexico.

*Kennecott Copper Corp.* (S.D. N.Y.); Kennecott, the largest domestic producer of copper, is charged that its acquisition of the assets of the Okonite Co. may substantially lessen competition or tend to create a monopoly, in violation of section 7 of the Clayton Act. Okonite was one of the largest and most technically advanced independent fabricators of wire and cable prior to the acquisition. The acquisition of Okonite, according to the complaint, will enable Kennecott to increase materially the internal consumption of copper by its fabricating facilities. The suit alleges that concentration in copper production has resulted in large part from mergers and acquisition by all of the leading copper-producing companies and that the integration by the major producers in copper fabrication has been achieved almost entirely by acquisition.

*U.S.* v. *Bliss and Laughlin* (S. Calif.): Complaint charges that acquisition by Bliss & Laughlin, Inc., of the business and substantially all of the assets of Sierra Drawn Steel Corp. violated section 7 of the Clayton Act. According to the complaint, both firms were important sellers of cold finished steel bars in

California, Oregon, Washington, and Arizona, and as a result of the merger actual and potential competition between them has been eliminated, etc.

*U.S.* v. *Blue Diamond Corporation* (N. Calif.) : Complaint charges 12 reinforcing steel bar fabricators, a trade association, and 6 steel companies with conspiring to eliminate competition in the sale, distribution, and fabrication of rebars in the States of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

*U.S.* v. *Von's Grocery Company, et al.* (S. Calif.) : Complaint charges that the proposed acquisition by Von's Grocery Co., Los Angeles, Calif., of all the assets and properties of Shopping Bag Food Stores, El Monte, Calif., both leading chains of grocery supermarkets in the Los Angeles area, would violate section 7 of the Clayton Act.

*U.S.* v. *American Smelting and Refining Company, et al.* (S.D. N.Y.) : Complaint alleges that the stock acquisitions by American Smelting & Refining Co., the largest domestic smelter and refiner of copper, have resulted in the actual and potential foreclosure of General Cable Corp. and Revere Copper & Brass, Inc., as competitive purchasers of refined copper. General Cable was listed as one of the largest domestic fabricators of wire and cable, primarily engaged in the manfacture, distribution, and sale of copper wire and cable. In 1959 it had assets listed at approximately $130 million and net sales of more than $170 million. Revere is one of the leading domestic fabricators of copper and copper-base alloy mill products. It is also a large fabricator of nickel-silver, aluminum, and steel products. In 1959 it had assets listed at more than $135 million and net sales of more than $245 million.

*General Motors Corporation* (N. Ill.) : An indictment was returned April 12, 1961, listing 14 ways in which General Motors assertedly misused its economic power to force most of the Nation's 40 railroads to buy locomotives made by General Motors' Electro-Motive Division.

*A. P. Parts Corporation, et al.* (N. Ohio) : Complaint charges A. P. Parts Corp. and Goerlich's, Inc., with violating section 1 of the Sherman Act and section 3 of the Clayton Act through exclusive dealing arrangements in the sale and distribution of replacement mufflers, tailpipes, and exhaust pipes for auto exhaust systems. According to the complaint, the replacement market for exhaust systems and parts, next to tires, accounts for the largest dollar volume of all replacement parts used in all passenger autos in the United States.

*General Electric Co., et al.* (S.D. N.Y.) : Complaint charges two corporate defendants and a foreign electronics firm violating section 1 of the Sherman Act by operating through Canadian subsidiaries, in an unlawful combination and conspiracy in restraint of foreign trade and commerce between the United States and Canada in radio and television receiving sets. It is alleged that the restraint was accomplished by the organization of a Canadian patent pool, controlled by the defendants' Canadian subsidiaries, which prevented the importation into Canada of radio and television receiving sets manufactured in the United States.

*Morton Salt, et al.* (D. Minn.) : Indictment charges four companies, which mine and distribute rock salt, with engaging in a price-fixing conspiracy in violation of section 1 of the Sherman Act, that has resulted in identical bids on contracts offered by State and municipal governments throughout the country. Trial is set for March 1962.

*Arizona Pharmaceutical Assoc. et al.* (D. Arizona) : Complaint charges three pharmaceutical associations in Arizona with a combination and conspiracy in restraint of interstate commerce in prescription drugs, in violation of section 1 of the Sherman Act. Trial probably will be some time in February 1962.

*Arnold, Schwinn & Company et al.* (N.D. Ill.) : Complaint charges that the defendants and coconspirators have engaged in an unlawful combination and conspiracy and have made unlawful contracts and agreements in restraint of trade in Schwinn products in violation of section 1 of the Sherman Act. Trial is set for March 4, 1962.

*Becton, Dickinson & Company* (N.J.) : Complaint charges that defendant, the largest manufacturer of hypodermic syringes in the United States, violated sections 1 and 2 of the Sherman Act in connection with the sale and distribution of hypodermic syringes and other products used by the hospital-surgical trade.

*Huck Manufacturing Co. et al.* (E.D. Mich.) : Four-count indictment charges two corporate defendants and two individual defendants, manufacturers of lock bolts, with conspiring to expand legal patent privileges into an illegal monopoly and to fix prices in violation of sections 1 and 2 of the Sherman Act. The indi-

viduals (executives of the corporation) are charged with violating section 14 of the Clayton Act by acting as agents of the companies in each of the asserted Sherman Act violations. Trial is set for March 27, 1962.

*Los Angeles Meat & Provisions Drivers Union, Local 626* (Meat Vendors) (S.D. Calif.): Complaint charges defendants with violating section 1 of the Sherman Act in connection with the purchase, sale, and distribution of fresh and processed meat in the Los Angeles area. Trial is set for December 28, 1961, on separate issue of whether the "meat vendor" members of the defendant union are "self-employed businessmen" subject to the provisions of the Sherman Act, or whether such "meat vendors" are "working or laboring persons" and exempt from the provisions of the Sherman Act.

ANTITRUST CASES INSTITUTED JULY 1, 1960 THRU JUNE 30, 1961

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | U. S. v. | | |
| 1554 | Central Charge Service, Inc.<br>Civ. D. of Columbia | Central Credit Service | 7/18/60 |
| 1555 | Charg-It of Baltimore, Inc.<br>Civ. D. Maryland | Central Credit Service | 7/18/60 |
| 1556 | Carbonated Beverage Manufacturers Association of Washington, D. C., Inc., et al.<br>Cr. D. of Columbia | Bottled Soft Drinks | 8/8/60 |
| 1557 | West Virginia Pulp and Paper Company<br>Civ. S. D. N. Y. | Envelopes | 8/25/60 |
| 1558 | Cornell-Dubilier Electric Corp., et al.<br>Cr. E. D. Pa. | Power Capacitors | 9/15/60 |
| 1559 | Cornell-Dubilier Electric Corp., et al.<br>Civ. E. D. Pa. | Power Capacitors | 9/15/60 |
| 1560 | Fischer Lime & Cement Co., et al.<br>Cr. W. D. Tenn. | Ready-Mixed Concrete | 9/19/60 |
| 1561 | Fischer Lime & Cement Co., et al.<br>Civ. W. D. Tenn. | Ready-Mixed Concrete | 9/19/60 |
| 1562 | Durable Building Materials Council, Inc., et al.<br>Cr. W. D. Tenn. | Cement | 9/19/60 |

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | U. S. v. | | |
| 1563 | Durable Building Materials Council, Inc.<br>Civ. W. D. Tenn. | Cement | 9/19/60 |
| 1564 | Ryder System, Inc.<br>Civ. S. D. Fla. | Truck Renting | 10/3/60 |
| 1565 | American Cyanamid Company<br>Civ. S. D. N. Y. | Dicyandiamide (Limestone) | 10/5/60 |
| 1566 | Sangamo Electric Company, et al.<br>Cr. E. D. Pa. | Watt-Hour Meters | 10/20/60 |
| 1567 | Sangamo Electric Company, et al.<br>Civ. E. D. Pa. | Watt-Hour Meters | 10/20/60 |
| 1568 | A P Parts Corporation, et al.<br>Civ. N. D. Ohio | Automotive Exhaust System & Parts | 11/10/60 |
| 1569 | The General Fireproofing Company, et al.<br>Cr. W. D. N. Y. | Metal Office Furniture | 12/7/60 |
| 1570 | The Shaw-Walker Company, et al.<br>Cr. W. D. N. Y. | Metal Office Furniture | 12/7/60 |
| 1571 | Sperry Rand Corporation<br>Cr. W. D. N. Y. | Metal Office Furniture | 12/7/60 |
| 1572 | Paul Barnett, Inc., et al.<br>Cr. S. D. Fla. | Office Supplies | 12/8/60 |
| 1573 | Paul Barnett, Inc., et al.<br>Civ. S. D. Fla. | Office Supplies | 12/8/60 |

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | U. S. v. | | |
| 1574 | Phillips Petroleum Company, et al.<br>Civ. S. D. Calif. | Petroleum Products | 12/9/60 |
| 1575 | Northern California Pharmaceutical Association, et al.<br>Cr. N. D. Calif. | Prescription Drugs | 12/14/60 |
| 1576 | General Dynamics Corp., et al<br>Cr. E. D. N. Y. | Dry Ice | 12/22/60 |
| 1577 | The General Fireproofing Co., et al.<br>Civ. W. D. N. Y. | Metal Office Furniture | 12/28/60 |
| 1578 | Sperry Rand Corporation, et al.<br>Civ. W. D. N. Y. | Metal Office Furniture | 12/28/60 |
| 1579 | The Shaw-Walker Company, et al.<br>Civ. W. D. N. Y. | Metal Office Furniture | 12/28/60 |
| 1580 | Northern California Pharmaceutical Association, et al.<br>Civ. N. D. Calif. | Prescription Drugs | 12/28/60 |
| 1581 | Stupp Bros. Bridge & Iron Co., et al.<br>Cr. E. D. Mo. | Fabricating Structural Steel | 1/5/61 |
| 1582 | Greater Buffalo Press, Incorporated, et al.<br>Civ. W. D. N. Y. | Color Comic Supplements | 1/6/61 |
| 1583 | Penn-Olin Chemical Company, et al.<br>Civ. D. Delaware | Sodium Chlorate | 1/6/61 |

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | U. S. v. | | |
| 1584 | Allen-Bradley Company, et al.<br>Cr. S. D. Ohio | Composition Resistors | 1/19/61 |
| 1585 | Allen-Bradley Company, et al.<br>Civ. S. D. Ohio | Composition Resistors | 1/19/61 |
| 1586 | The General Cable Corporation<br>Civ. S. D. N. Y. | Wires & Cables | 1/19/61 |
| 1587 | American Smelting And Refining Company, et al.<br>Civ. S. D. N. Y. | Wires & Cables | 1/19/61 |
| 1588 | Koppers Company, Inc., et al.<br>Civ. W. D. Pa. | Metal Couplings | 2/17/61 |
| 1589 | The Philadelphia National Bank, et al.<br>Civ. E. D. Pa. | Commercial Banks | 2/25/61 |
| 1590 | First National Bank and Trust Company of Lexington, et al.<br>Civ. E. D. Ky. | Commercial Banking | 3/1/61 |
| 1591 | Bank Stock Corporation of Milwaukee, et al.<br>Civ. E. D. Wisc. | Commercial Banking | 3/2/61 |
| 1592 | American Bakeries Company, et al.<br>Cr. S. D. Fla. | Bakery Products | 3/6/61 |
| 1593 | Ward Baking Company, et al.<br>Cr. S. D. Fla. | Bakery Products | 3/6/61 |

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | U. S. v. | | |
| 1594 | Idaho State Pharmaceutical Association, Inc. Civ. D. Idaho | Prescription Drugs | 3/6/61 |
| 1595 | Utah Pharmaceutical Association Civ. D. Utah | Prescription Drugs | 3/7/61 |
| 1596 | General Electric Company, et al. Civ. E. D. Pa. | Heavy Electrical Equipment | 3/14/61 |
| 1597 | Milk Distributors Association, Inc., et al. Cr. D. Maryland | Milk | 3/22/61 |
| 1598 | Chrysler Corporation, et al. Civ. N. D. Ind. | Automobiles | 4/7/61 |
| 1599 | * Westinghouse Electric Corp., et al. Civ. E. D. Pa. | Power Switchgear | 4/11/61 |
| 1600 | * Westinghouse Electric Corp., et al. Civ. E. D. Pa. | Power Transformers | 4/11/61 |
| 1601 | * General Electric Company, et al. Civ. E. D. Pa. | Turbine Generators | 4/11/61 |
| 1602 | General Electric Company, et al. Civ. E. D. Pa | Transmission or Distribution | 4/11/61 |

* U.S. & TVA vs.
(Damage Cases)

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | U. S. v. | | |
| 1603 | Cutler-Hammer, Inc., et al.<br>Civ. E. D. Pa. | Low Voltage Distribution | 4/11/61 |
| 1604 | I-T-E Circuit Breaker Co., et al.<br>Civ. E. D. Pa. | Low Voltage Power Circuit Breakers | 4/11/61 |
| 1605 | General Motors Corporation<br>Cr. S. D. N. Y. | Railroad Locomotive | 4/12/61 |
| 1606 | Grinnell Corporation, et al.<br>Civ. D. of R. I. | Fire & Burglar Alarms | 4/13/61 |
| 1607 | Aluminum Co. of America, et al.<br>Civ. E. D. Mo. | Architectural Aluminum Products | 4/27/61 |
| 1608 | Kaiser Aluminum & Chemical Corp. et al.<br>Civ. E. D. Mo. | Aluminum | 4/27/61 |
| 1609 | Kaiser Aluminum & Chemical Corp.<br>Civ. D. or R. I. | Aluminum | 4/28/61 |
| 1610 | Avdel, Inc., et al.<br>Cr. S. D. Calif. | Quick Release Pins | 5/2/61 |
| 1611 | A. P. Woodson Co., et al.<br>Cr. D. of Columbia | Building Materials | 5/16/61 |
| 1612 | Continental Oil Company<br>Civ. D. of New Mexico | Crude Oil | 5/16/61 |
| 1613 | Hubbard and Company, et al.<br>Cr. E. D. Wisc. | Pole Line Hardware | 6/6/61 |

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | U. S. v. | | |
| 1614 | Morton Salt Company, et al.<br>Cr. D. of Minn. | Rock Salt | 6/28/61 |
| 1615 | North American Van Lines, Inc., et al.<br>Cr. D. of Columbia | Moving Household Goods | 6/30/61 |

CIVIL ANTITRUST CASES CLOSED JULY 1, 1960 THRU JUNE 30, 1961

WON

| Blue Book | Name |
|---|---|
| 1480 | Allied Chemical Corporation, et al. |
| 1275 | American Radiator & Standard Sanitary Corporation |
| 1177 | American Smelting and Refining Company, et al. |
| 1481 | Bituminous Concrete Association, Inc., et al. |
| 1555 | Charg-It of Baltimore, Inc. |
| 1511-B | A. B. Dick Company |
| 1257 | Fish Smokers Trade Council, Inc., et al. |
| 1513 | Gamble-Skogmo, Inc., et al. |
| 1482 | The Lake Asphalt and Petroleum Company of Mass., et al. |
| 1543 | Maremont Automotive Products, Inc., et al. |
| 1309 | Maryland and Virginia Milk Producers Association, Inc. |
| 1563 | Durable Building Materials Council, Inc., et al. |
| 1561 | Fischer Lime & Cement Company, et al. |
| 1573 | Paul Barnett, Inc., et al. |
| 1536 | Armco Drainage & Metal Products, Inc. |
| 1318 | Jerrold Electronics Corporation, et al. |

| Blue Book | Name |
|---|---|
| 1484 | Wilson & Geo. Meyer & Co., et al. |
| 1585 | Allen-Bradley Company, et al. |
| 1564 | Ryder System, Inc., et al. |
| 1430 | Parke, Davis and Company, et al. |
| 1276 | Central States Theatre Corp., et al. |
| 1067 | Insurance Board of Cleveland |
| 1468 | Gasoline Retailers Association, et al. |
| | LOST |
| 1282 | Morris Wolf, et al. |
| 1378 | Columbia Pictures Corporation, et al. |
| 1372 | United States Trotting Association |
| | DISMISSED BY GOVERNMENT |
| 1306 | Minnesota Mining and Manufacturing Company |
| 1443 | Firstamerica Corporation |
| 1150 | Procter and Gamble Company, et al. |
| 1024 | * Standard Oil Company of California, et al. |

* Consent to one (1) defendant.

CIVIL ANTITRUST CASES LITIGATED JULY 1, 1960 THRU JUNE 30, 1961

WON

| lue Book | Name |
|---|---|
| 1067 | Insurance Board of Cleveland |
| 1177 | American Smelting and Refining Co., et al. |
| 1257 | Fish Smokers Trade Council, Inc., et al. |
| 1276 | Central States Theatre Corp., et al. |
| 1309 | * Maryland and Virginia Milk Producers Association, Inc. |
| 1318 | Jerrold Electronics |
| 1340 | Parke, Davis and Co., et al. |
| 1461 | Gasoline Retailers Association |

LOST

| | |
|---|---|
| 1281 | Morris Wolf, et al. |
| 1372 | The United States Trotting Association |
| 1378 | Columbia Pictures Corporation, et al. |

* Also reported as a consent.

DISMISSED

| Blue Book | Name |
| --- | --- |
| 1024 | Standard Oil Company of California, et al. |
| 1150 | The Proctor & Gamble Company, et al. |
| 1306 | Minnesota Mining & Manufacturing Co. |
| 1443 | Firstamerica Corporation |

ANTITRUST CONSENT DECREES JULY 1, 1960 THRU JUNE 30, 1961

| Blue Book | Title of Case | Date Filed & District | Fiscal 1961 Date |
|---|---|---|---|
| 1513 | Gamble-Skogmo, Inc., et al. | 4/1/60 W.D. Mo. | 7/18/60 |
| 1511-B | A. B. Dick Company | 3/28/60 N.D. Ohio | 9/13/60 |
| 1275 | American Radiator & Standard Sanitary Corp. | 3/30/56 W.D. Pa. | 9/20/60 |
| 1482 | The Lake Asphalt and Petroleum Co., of Mass., et al. | 10/13/59 D. Mass. | 10/20/60 |
| 1309 | Maryland and Virginia Milk Producers Association, Inc. | 11/21/56 D. Columbia | 11/22/60 |
| 1480 | Allied Chemical Corp., et al. | 10/13/59 D. Mass. | 11/28/60 |
| 1481 | Bituminous Concrete Association, Inc., et al. | 10/13/59 D. Mass. | 12/7/60 |
| 1543 | Maremont Automotive Products, Inc., et al. | 6/23/60 D. Maine | 12/9/60 |
| 1555 | Charg-It of Baltimore, Inc. | 7/18/60 D. Md. | 12/14/60 |
| 1563 | Durable Building Materials Council, Inc., et al. | 9/19/60 W.D. Tenn. | 1/5/61 |

| Blue Book | Title of Case | Date Filed & District | Fiscal 1961 Date |
|---|---|---|---|
| 1561 | Fischer Lime and Cement Company, et al. | 9/19/60 W.D. Tenn. | 1/5/61 |
| 1573 | Paul Barnett, Inc., et al. | 12/8/60 S.D. Fla. | 2/3/61 |
| 1536 | Armco Drainage and Metal Products, Inc. | 6/17/60 D. N.Dakota | 2/24/61 |
| 1484 | Wilson and Geo. Meyer and Co., et al. | 10/21/59 N.D. Calif. | 5/4/61 |
| 1585 | Allen-Bradley Company, et al. | 1/19/61 S.D. Ohio | 6/6/61 |
| 1564 | Ryder System, Inc., et al. | 10/3/60 S.D. Fla. | 6/15/61 |



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CRIMINAL ANTITRUST CASES CLOSED JULY 1, 1960 THRU JUNE 30, 1961

WON

| Blue Book | Name | Blue Book | Name |
|---|---|---|---|
| 1584 | Allen-Bradley Company, et al. | 1517 | Federal Pacific Electric Co., et al. |
| 1539 | Allen-Bradley Company, et al. | 1560 | Fischer Lime & Cement Co., et al. |
| 1529 | Allis-Chalmers Manufacturing Company, et al. | 1414 | Ford Dealers' Advertising Association, Inc. (San Jose District) |
| 1592 | American Bakeries Company, et al. | 1550 | Foster Wheeler Corporation, et al. |
| 1535 | Armco Drainage & Metal Products, Inc., et al. | 1461 | Gasoline Retailers Association, Inc., et al. |
| 1572 | Paul Barnett, Inc., et al. | 1548 | General Electric Company, et al. |
| 1556 | Carbonated Beverage Manufacturers Association of Washington, D. C., Inc., et al. | 1525 | General Electric Company, et al. |
| | | 1498 | General Electric Company, et al. |
| 1506 | A. B. Chance Company, et al. | 1500 | I-T-E Circuit Breaker Company, et al. |
| 1558 | Cornell-Dubilier Electric Corp., et al. | 1521 | I-T-E Circuit Breaker Company, et al. |
| 1541 | Cutler-Hammer, Inc., et al. | 1507 | Lapp Insulator Company, Inc., et al. |
| 1511-A | A. B. Dick Company | 1504 | McGraw-Edison Company, et al. |
| 1562 | Durable Building Materials Council, Inc., et al. | 1527 | McGraw-Edison Company, et al. |

| Blue Book | Name |
|---|---|
| 1415 | Oakland Zone Chevrolet Dealers Association, Inc. |
| 1502 | Ohio Brass Company, et al. |
| 1454 | Philadelphia Association of Linen Suppliers, et al. |
| 1416 | Plymouth Dealers' Association of Northern California |
| 1519 | H. K. Porter Company, Inc., et al. |

LOST

| | |
|---|---|
| 1385 | Continental Baking Company, et al. |

| Blue Book | Name |
|---|---|
| 1566 | Sangamo Electric Company, et al. |
| 1463 | United States Rubber Company |
| 1593 | Ward Baking Company, et al. |
| 1496-A | Westinghouse Electric Corporation, et al. |
| 1523 | Westinghouse Electric Corporation, et al. |

CRIMINAL ANTITRUST CASES TERMINATED BY LITIGATION JULY 1, 1960 THRU JUNE 30, 1961

WON

| Blue Book | Name |
|---|---|
| 1461 | Gasoline Retailers Association, Inc., et al. |
| 1416 | Plymouth Dealers' Association of Northern California |

LOST

| Blue Book | Name |
|---|---|
| 1385 | Continental Baking Company, et al. |

CRIMINAL ANTITRUST CASES CLOSED BY PLEAS - JULY 1, 1960 THRU JUNE 30, 1961

| Blue Book | Name of Case | Pleas |
|---|---|---|
| 1584 | Allen-Bradley Company, et al. | Nolo Contendere |
| 1535 | Armco Drainage & Metal Products, Inc., et al. | Guilty Pleas |
| 1556 | Carbonated Beverage Manufacturers Ass'n., of Washington, D. C., Inc., et al. | Nolo Contendere |
| 1562 | Durable Building Materials Council, Inc., et al. | Nolo Contendere |
| 1560 | Fischer Lime & Cement Company, et al. | Nolo Contendere |
| 1414 | Ford Dealers' Advertising Association, Inc., (San Jose District) | Guilty Pleas |
| 1415 | Oakland Zone Chevrolet Dealers Ass'n., Inc. | Guilty Pleas |
| 1454 | Philadelphia Association of Linen Suppliers | Nolo Contendere |
| 1463 | United States Rubber Company | Nolo Contendere |
| 1511-A | A. B. Dick Company | Nolo Contendere |
| 1572 | Paul Barnett, Inc., et al. | Nolo Contendere |
| 1593 | Ward Baking Company, et al. | Nolo Contendere |
| 1592 | American Bakeries Company, et al. | Nolo Contendere |
| | Electrical Cases (20 - Philadelphia) | Nolo Contendere & Guilty Pleas |

ANTITRUST CASES IN WHICH FINES WERE IMPOSED JULY 1, 1960 THRU JUNE 30, 1961

| Name of Case | Commodity | Fines |
|---|---|---|
| United States Rubber Company | Mattress Fillers - Laytex Foam or Synthetic | $15,000.00 N.C. |
| Philadelphia Association of Linen Suppliers, et al. | Linens | $170,500.00 N.C. |
| Ford Dealers Advertising Association Inc., (San Jose District) | Automobiles | $5,000.00 Guilty Pleas |
| Oakland Zone Chevrolet Dealers Ass'n., Inc. | Automobiles | $5,000.00 Guilty Pleas |
| Fischer Lime & Cement Company, et al. | Ready-Mixed Concrete | $37,500.00 N.C. |
| Durable Building Materials Council, Inc., et al. | Cement | $82,500.00 N.C. |
| Carbonated Beverage Manufacturers Ass'n., of Washington, D.C., Inc., et al. | Bottled Soft Drinks | $56,500.00 N.C. |
| Armco Drainage & Metal Products, Inc., et al. | Corrugated Culvert Pipes | $51,500.00 Guilty Pleas |
| * Hamilton Manufacturing Company, et al. | Drafting Furniture | $60,000.00 N.C. |
| A. B. Dick Company | Stencil Duplicating Supplies | $7,000.00 N.C. |
| Paul Barnett, Inc., et al. | Office Supplies | $29,500.00 N.C. |

* Pending Case

| Name of Case | Commodity | Fines |
|---|---|---|
| Ward Baking Company, et al. | Bakery Products | $21,000.00 N.C. |
| American Bakeries Company, et al. | Bakery Products | $24,000.00 N.C. |
| Electrical Cases (20 -- Philadelphia) | | $1,926,000.00 N.C. & Guilty Pleas |
| ** Standard Oil Company, et al. | Gasoline | $425,000.00 Litigated |
| Allen Bradley Company, et al. | Composition Electrical Resistors | $101,000.00 N.C. |
| ** Northern California Pharmaceutical Association, et al. | Prescription Drugs | $41,000.00 N.C. |
| | TOTAL | $3,058,000.00 |

** On Appeal

ANTITRUST CASES PENDING JULY 1, 1961

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 6/30/49 | E. I. du Pont de Nemours & Co., Inc. et al. | Civ. N.D. Ill. | Chemicals | Plan of divestiture being prepared |
| 6/18/51 | The Borden Co., et al. | Civ. N.D. Ill. | Milk | On appeal to Sup. Ct. |
| 4/21/53 | Standard Oil Co., (N.J.), et al. | Civ. S.D. N.Y. | Petroleum & Petroleum Products | Consent judgment as to 2 defendants. Preparing for trial. |
| 1/11/54 | Pan American World Airways, Inc. | Civ. S.D. N.Y. | Air Transportation | On appeal to Sup. Ct. |
| 3/10/54 | Schine Chain Theatres Inc., et al. | Civ. W.D. N.Y. | Theatres, Motion Pictures | In process of disposing of theatre properties. |
| 10/19/54 | The Watchmakers of Switzerland Information Center, Inc., et al. | Civ. S.D. N.Y. | Jewelled Watch Repair Parts. | Trial completed. Post trial brief being prepared. |
| 4/6/55 | Linen Supply Institute of Greater N.Y., Inc., et al. | Cr. S.D. N.Y. | Linen Service | Deferred pending appeal of Consolidated Laundries. |
| 4/6/55 | Linen Service Council of N.J., et al. | Cr. D. N.J. | Linen Service | Deferred pending appeal of Consolidated Laundries. |
| 11/28/55 | Brown Shoe Co., Inc., et al. | Civ. E.D. Mo. | Shoes | On appeal to Sup. Ct. |

| Date | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/2/55 | Federation Suisse des Ass'n. de Fabricants D'Horlogerie, | Civ. S.D. N.Y. | Watchmaking Machinery | Deferred pending disposition of Watchmakers of Switzerland. |
| 7/6/56 | General Motors Corp. | Civ. E.D. Mich. | Buses | Awaiting opinion. |
| 9/10/56 | Continental Can Co. | Civ. S.D. N.Y. | Containers | Awaiting opinion of court on defendants motion to dismiss. |
| 10/30/56 | Continental Can Co. | Civ. S.D. N.Y. | Containers | Deferred pending outcome of Continental can (Hazel Atlas) case. |
| 12/4/56 | Owens-Illinois Glass Co. | Civ. N.D. Ohio | Containers | Pending on motion for summary judgment. |
| 12/5/56 | Driver-Harris Co., et al. | Civ. D. N.J. | Electrical Resistance Wire | Trial October 10, 1961. |
| 1/31/57 | Consolidated Laundries | Cr. S.D. N.Y. | Linen Supply Business | On appeal to CCA |
| 3/5/57 | United Scenic Artists Local 829 | Civ. S.D. N.Y. | Production of Plays | Preparing for trial. |
| 3/27/57 | Loew's Incorporated | Civ. S.D. N.Y. | Motion Pictures to Television | Both sides have noted appeal |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 4/18/57 | C & C Super Corp. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 4/18/57 | Screen Gems, Inc. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal |
| 4/18/57 | Associated Artists Productions, Inc. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal |
| 4/18/57 | National Telefilm Associates, Inc. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 4/18/57 | United Artists Corp. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 7/22/57 | El Paso Natural Gas Co., et al. | Civ. D. Utah | Natural Gas | Deferred by ct. pending decision of Federal Power Commission now on appeal. |
| 12/4/57 | Volkswagen of America, Inc., et al. | Civ. D. N.J. | Volkswagen Automobiles & Parts | Interrogatories being answered. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 4/30/58 | American Natural Gas Co., et al. | Cr. N.D. Ill. | Natural Gas | Awaiting argument on defendants motion to dismiss. |
| 5/28/58 | Charles Pfizer & Company | Civ. S.D. N.Y. | Citric Acid | Preparing for trial. |
| 6/27/58 | National Alfalfa Dehydrating and Milling Company | Civ. D. Colorado | Dehydrated Alfalfa | Pretrial discovery. |
| 6/30/58 | The White Motor Company | Civ. N.D. Ohio | Heavy Duty Trucks | Plaintiff has submitted proposed decree. |
| 6/30/58 | True Temper Corp., et al. | Civ. N.D. Ill. | Steel Shafts Golf Clubs | Pre trial conference set for 9/29/61. |
| 6/30/58 | Arnold, Schwinn & Co. | Civ. N.D. Ill. | Bicycles, Parts and Accessories | Pre trial conferences being held. |
| 7/8/58 | Lever Brothers Co., et al. | Civ. S.D. N.Y. | Synthetic Detergents | Pre trials being held. |
| 8/13/58 | The Sherwin-Williams Co., et al. | Civ. N.D. Ohio | Paints, Enamel & Varnish | Preparing for trial. |
| 8/28/58 | Beatrice Foods, Co., et al. | Cr. D. Nebraska | Milk & Cream | Fine to be imposed on finding of guilty by jury 5/12/61. |
| 10/7/58 | Standard Oil Co., et al. (South Bend) | Cr. N.D. Indiana | Gasoline | Notice of appeal to C.C.A. filed. |
| 11/24/58 | General Electric Co. | Civ. S.D. N.Y. | Radio & Television | Pretrial |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/2/58 | Standard Oil Co. | Civ. W.D. Ky. | Gasoline | Consent as to 2 defs. 6/5/61. |
| 3/11/59 | Greater Blouse, Skirt & Neckwear Contractors | Cr. S.D. N.Y. | Contractors - Jobbers Ladies Blouses | Preparing for trial. |
| 5/27/59 | Los Angeles Meat & Provision Drivers Union, Local 626 | Civ. S.D. Calif. | Yellow Grease Waste Grease | Opinion for Govt. 6/30/61. |
| 6/2/59 | Arizona Consolidated Masonry & Plastering Contractors Ass'n., et al. | Civ. D. Arizona | Masonry Materials | Awaiting court ruling on interrogatories. |
| 6/5/59 | San Diego Grocers Ass'n., Inc., et al. | Cr. S.D. Calif. | Grocers | Trial in progress. |
| 6/22/59 | Kennecott Copper Corp. | Civ. S.D. N.Y. | Coppers | Plaintiff answering interrogatories. |
| 6/23/59 | Irving Bitz, (also known as Morris Grossman), et al. | Cr. S.D. N.Y. | Newspapers & Magazines | Notices of appeal filed. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 7/13/59 | Brunswick-Balke-Collender Co., et al. | Cr. E.D. Wis | Folding Gymnasium Bleachers | All but 2 defendants have entered nolo pleas. Awaiting trial. |
| 7/30/59 | Brunswick-Balke-Collender Co., et al. | Civ. E.D. Wisc. | Folding Gymnasium Bleachers | Preparing for trial. |
| 8/24/59 | Diebold, Inc., et al. | Civ. S.D. Ohio | Bank Vaults, Vault Doors | Govt. noted appeal to Supreme Court. |
| 9/11/59 | Scott Aviation Corp., et al. | Civ. W.D. N.Y. | Artificial Breathing Devices | Pending on Govt's motion for summary judgment. |
| 9/15/59 | United Artists Corp., et al. | Civ. S.D. N.Y. | Feature Films | Preparing for trial. |
| 9/16/59 | National Dairy Products Corp., et al. | Cr. W.D. Mo. | Milk | Govt. noted appeal from Robinson-Patman Act charge. |
| 10/1/59 | Pabst Brewing Co. | Civ. E.D. Wisc. | Beer | Pre trial conferences being held. |
| 10/16/59 | General Motors Corporation | Civ. N.D. Ohio | Earth Moving Equipment | Plaintiff answering interrogatories. |
| 11/20/59 | National Homes Corp. | Civ. N.D. Indiana | Prefabricated Homes | Trial set for 10/2/61. |
| 11/23/59 | Blue Diamond Corp., et al. | Civ. N.D. Calif. | Steel Bars | Pending on motion for summary judgment. |
| 12/22/59 | The Singer Manufacturing Co. | Civ. S.D. N.Y. | Sewing Machines | Trial completed & briefs being prepared. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/28/59 | Renault, Inc., et al. | Civ. S.D. N.Y. | Automobiles | Pending on motion for production. |
| 12/31/59 | San Diego Grocers Ass'n. | Civ. S.D. Calif | Groceries | Deferred pending criminal case. |
| 1/11/60 | Southeast Texas Chapter, Natl., Electrical Contractors Ass'n. | Cr. S.D. Texas | Electrical Contractors | Pending on defendants motion for bill of particulars. |
| 1/18/60 | Hamilton Manufacturing Company | Cr. E.D. Wisc. | Drafting Furniture | Pending as to 2 defendants. |
| 1/27/60 | Carter Products, Inc., et al. | Civ. S.D. N.Y. | Tranquilizing Drugs | Pre trial. |
| 2/15/60 | National Steel Corp., et al. | Civ. S.D. Texas | Steel | Pre trial. |
| 2/16/60 | Westinghouse Electric Corp., et al. | Civ. E.D. Pa. | Power Switchgear Assemblies | Consent decree negotiations. |
| 2/16/60 | General Electric Co., et al. | Civ. E.D. Pa. | Oil & Air Circuit Breakers | Consent decree negotiations. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 2/16/60 | I-T-E Circuit Breaker Co., et al. | Civ. E.D. Pa. | Low Voltage Power Circuit Breakers | Consent decree negotiations. |
| 2/17/60 | Ohio Brass Company, et al. | Civ. E.D. Pa. | Insulators | Consent decree negotiations. |
| 2/17/60 | McGraw-Edison Co., et al. | Civ. E.D. Pa. | Station Lightning Arresters | Consent decree negotiations. |
| 2/17/60 | Lapp Insulator Co., Inc., et al. | Civ. E.D. Pa. | Bushings | Consent decree negotiations. |
| 2/25/60 | Von's Grocery Co., et al. | Civ. S.D. Calif. | Groceries | Trial set for 10/31/61. |
| 4/1/60 | Aluminum Co., of America, et al. | Civ. N.D. N.Y. | Wire & Cable Products | Pre trial. |
| 4/25/60 | Hamilton Manufacturing Co. | Civ. E.D. Wisc. | Drafting Furniture | Consent by all but 1 defendant - preparing for trial. |
| 5/19/60 | Federal Pacific Electric Co. | Civ. E.D. Pa. | Power Switching Equipment | Consent decree negotiations. |
| 5/19/60 | H. K. Porter Co., Inc. | Civ. E.D. Pa. | Isolated phase buses | Consent decree negotiations. |
| 5/19/60 | I-T-E Circuit Breaker Co. | Civ. E.D. Pa. | Navy and Marine Switchgear | Consent decree negotiations. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 5/25/60 | Westinghouse Electric Corp. | Civ. E.D. Pa. | Power Transformers | Consent decree negotiations. |
| 5/25/60 | General Electric Co. | Civ. E.D. Pa. | Distribution Transformers | Consent decree negotiations. |
| 5/25/60 | McGraw-Edison Company | Civ. E.D. Pa. | Network Transformers | Consent decree negotiations. |
| 5/25/60 | Allis-Chalmers Mfg. Co. | Civ. E.D. Pa. | Instrument Transformers | Consent decree negotiations. |
| 5/31/60 | Serta Associates, Inc. | Civ. N.D. Ill. | Mattresses | Pre trial |
| 5/31/60 | Sealy, Inc. | Civ. N.D. Ill. | Mattresses | Trial set for 9/18/61. |
| 5/31/60 | The Spring-Air Company | Civ. N.D. Ill. | Mattresses | Pre trial |
| 6/17/60 | Los Angeles Meat & Provision Drivers Union, Local 626 | Civ. S.D. Calif. | Meat Vendors | Pretrial conferences being held. |
| 6/21/60 | Arizona Pharmaceutical Ass'n. | Civ. D. Arizona | Prescription Drugs | Preparing for trial. |
| 6/22/60 | Allen-Bradley Co., et al. | Civ. E.D. Pa. | Control Equipment | Consent decree negotiations. |
| 6/23/60 | Cutler-Hammer, Inc., et al. | Civ. E.D. Pa. | Low Voltage Equipment | Consent decree negotiations. |



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| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 6/28/60 | Union Carbide | Civ. W.D. Mo. | Prestone | Pre trial |
| 6/28/60 | Bliss & Laughlin, Inc. | Civ. S.D. Calif. | Steel Bars | Trial set for 9/6/61 |
| 6/28/60 | Becton, Dickinson & Co. | Civ. D. N.J. | Hypodermic Syringes | Preparing for trial. |
| 6/29/60 | General Electric Co. | Civ. E.D. Pa. | Turbine-Generator Units | Consent decree negotiations. |
| 6/29/60 | Foster Wheeler Corp. | Civ. E.D. Pa. | Turbine-Generator Units | Consent decree negotiations. |
| 6/30/60 | Dempster Bros., Inc., et al. | Civ. E.D. Tenn. | Handling Equipment | Pre trial |
| 6/30/60 | Cunningham Drug Stores, Inc. | Civ. E.D. Mich. | Drugstores | Pre trial |
| 7/18/60 | Central Charge Service, Inc. | Civ. D. Columbia | Central Credit Service | Pre trial |
| 8/25/60 | West Virginia Pulp and Paper Company | Civ. S.D. N.Y. | Envelopes | Preparing for Trial. |
| 9/15/60 | Cornell-Dubilier Electric Corporation, et al. | Civ. E.D. Pa. | Power-Capacitors | Consent decree negotiations. |
| 10/5/60 | American Cyanamid Company | Civ. S.D. N.Y. | Dicyandiamide (Limestone) | Interrogatories being answered by defendants. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 10/20/60 | Sangamo Electric Co., et al. | Civ. E.D. Pa. | Watt-Hour Meters | Consent decree negotiations. |
| 11/10/60 | A. P. Parts Corp., et al. | Civ. N.D. Ohio | Automotive Exhaust System & Parts | Pre trial |
| 12/7/60 | The General Fireproofing Company, et al. | Cr. W.D. N.Y. | Metal Office Furniture | Preparing for trial. |
| 12/7/60 | The Shaw-Walker Co., et al. | Cr. W.D. N.Y. | Metal Office Furniture | Held in abeyance pending trial in General Fireproofing. |
| 12/7/60 | Sperry Rand Corporation | Cr. W.D. N.Y. | Metal Office Furniture | Held in abeyance pending trial in General Fireproofing. |
| 12/9/60 | Phillips Petroleum Co., et al. | Civ. S.D. Calif. | Petroleum Products | Pending on cross claim of Union Oil. |
| 12/14/60 | Northern California Pharmaceutical Ass'n., et al. | Cr. N.D. Calif. | Prescription Drugs | Appeal noted by defendants. |
| 12/22/60 | General Dynamics Corp., et al. | Cr. E.D. N.Y. | Dry Ice | Preparing for trial. |
| 12/28/60 | The General Fireproofing Co., et al. | Civ. W.D. N.Y. | Metal Office Furniture | Suspended pending outcome of Criminal Case. |
| 12/28/60 | Sperry Rand Corp., et al. | Civ. W.D. N.Y. | Metal Office Furniture | Held in abeyance pending Criminal Case. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/28/60 | The Shaw-Walker Co., et al. | Civ. W.D. N.Y. | Metal Office Furniture | In abeyance pending Criminal case. |
| 12/28/60 | Northern California Pharmaceutical Ass'n., et al.. | Civ. N.D. Calif. | Prescription Drugs | Hold in abeyance pending Criminal case, appeal. |
| 1/5/61 | Stupp Bros. Bridge & Iron Co., et al. | Cr. E.D. Mo. | Fabricating Structural Steel | Pretrial conferences being held. |
| 1/6/61 | Greater Buffalo Press, Incorporated, et al. | Civ. W.D. N.Y. | Color Comic Supplements | Pending on motion for preliminary injunction. |
| 1/6/61 | Penn-Olin Chemical Company, et al. | Civ. D. Delaware | Sodium Chlorate | Pretrial conferences being held. |
| 1/19/61 | The General Cable Corporation | Civ. S.D. N.Y. | Wire & Cables | Discovery proceedings. |
| 1/19/61 | American Smelting and Refining Company, et al. | Civ. S.D. N.Y. | Wire & Cables | Discovery proceedings. |
| 2/17/61 | Koppers Company, Inc., et al. | Civ. W.D. Pa. | Metal Couplings | Trial set for 10/2/61. |
| 2/25/61 | The Philadelphia National Bank, et al. | Civ. E.D. Pa. | Commercial Banks | At trial. |
| 3/1/61 | First National Bank and Trust Company of Lexington, et al. | Civ. E.D. Ky. | Commercial Banks | Plaintiff answering interrogatories. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 3/2/61 | Bank Stock Corporation of Milwaukee, et al. | Civ. E. D. Wisc. | Commercial Banking | Awaiting answer. |
| 3/6/61 | Idaho State Pharmaceutical Association, Inc. | Civ. D. Idaho | Prescription Drugs | Pretrial |
| 3/7/61 | Utah Pharmaceutical Ass'n. | Civ. D. Utah | Prescription Drugs | Pretrial |
| 3/14/61 | General Electric Co., et al. (Damage Suit) | Civ. E.D. Pa. | Heavy Electrical Equipment | Pretrial |
| 3/22/61 | Milk Distributors Association Inc., et al. | Cr. D. Maryland | Milk | Preparing for trial. |
| 4/7/61 | Chrysler Corporation, et al. | Civ. N.D. Ind. | Automobiles | Interrogatories being answered. |
| 4/11/61 | *U.S. & TVA v. Westinghouse Electrical Corporation, et al. | Civ. E. D. Pa. | Power Switchgear | Answer due 7/14/61. |
| 4/11/61 | *U.S. & TVA v. Westinghouse Electrical Corporation, et al. | Civ. E. D. Pa. | Power Transformers | Answer due 7/14/61. |
| 4/11/61 | *U.S. & TVA v. General Electric Company, et al. | Civ. E.D. Pa. | Turbine Generators | Answer due 7/14/61. |
| 4/11/61 | *General Electric Company, et al. | Civ. E.D. Pa. | Transmission or distribution | Answer due 7/14/61. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 4/11/61 | *Cutler-Hammer, Inc., et al. | Civ. | Low Voltage | Answer due 7/14/61. |
| 4/11/61 | *I-T-E Circuit Breaker Company, et al. | Civ. E. D. Pa. | Low Voltage Circuit Breakers | Answer due 7/14/61 |
| 4/12/61 | General Motors Corporation | Cr. N.D. Ill. | Railroad Locomotive | Transferred to N.D. Ill. Discovery. |
| 4/13/61 | Grinnel Corporation, et al. | Civ. D. R.I. | Fire & Burglar Alarms | Awaiting answer. |
| 4/27/61 | Aluminum Co. of America, et al. | Civ. E.D. Mo. | Architectural Aluminum Products | Preparing for trial. |
| 4/27/61 | Kaiser Aluminum & Chemical Corp., et al. | Civ. E.D. Mo. | Aluminum | Answer due 9/7/61. |
| 4/28/61 | Kaiser Aluminum & Chemical Corp. | Civ. D. R.I. | Aluminum | Answer due 7/21/61. |
| 5/2/61 | Avdel, Inc. | Cr. S.D. Calif. | Quick Release Pins | Trial set for 9/5/61. |
| 5/16/61 | A. P. Woodson, et al. | Cr. D. Columbia | Building Materials | Trial set for 11/13/61. |
| 5/16/61 | Continental Oil Co. | Civ. D. N. Mexico | Crude Oil | Answer due 8/6/61. |

* Damage Cases

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 6/6/61 | Hubbard and Company, et al. | Cr. E.D. Wisc. | Pole Line Hardware | Not guilty pleas entered 6/26/61. |
| 6/28/61 | Morton Salt Company, et al. | Cr. D. Minn. | Rock Salt | Awaiting arraignment. |
| 6/30/61 | North American Van Lines, Inc., et al. | Cr. D. Columbia | Moving Household Goods | Awaiting arraignment. |

WORK LOAD STATEMENT - ANTITRUST DIVISION (Page Four)

| Major Investigations | Fiscal Years | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 |
| Pending beginning of year ..... | 211 | 222 | 275 | 280 | 293 | 302 | 315 | 407 1/ | 481 |
| Instituted during year ..... | 138 | 181 | 188 | 143 | 139 | 144 | 124 | 253 | 249 |
| Disposed of during year ..... | 127 | 128 | 183 | 130 | 130 | 131 | 126 | 179 | 164 |
| Cases ..... | 22 | 26 | 36 | 30 | 24 | 30 | 34 | 42 | 32 2/ |
| Consolidations ..... | 4 | 4 | 3 | 4 | 2 | 2 | 3 | 5 | 2 |
| Terminated ..... | 101 | 98 | 144 | 96 | 104 | 99 | 89 | 132 | 130 |
| Pending end of year ..... | 222 | 275 | 280 | 293 | 302 | 315 | 313 | 481 | 566 |

1/ Adjusted to include mergers.

2/ 32 investigations closed out resulted in 62 cases, civil and criminal.

INCREASE REQUESTED

Mr. ROONEY. The request is in the amount of $5,988,000, a net increase of $123,000 over the amount appropriated for the current fiscal year. This would add how many people to the payroll?

Mr. LOEVINGER. None, sir.

Mr. ROONEY. This would provide an actual increase of $185,000, would it not, since $62,000 is a nonrecurring item for the rent which is to be budgeted in the coming fiscal year in the GSA budget?

Mr. ANDRETTA. That is correct.

Mr. ROONEY. What have you to say about this, Judge?

Mr. LOEVINGER. The increase of $123,000 arises wholly out of annualization of positions authorized last year and statutory increases. The requested appropriation is merely for the maintenance of the present staff on its present level. The justification is here. There is obviously no point in my reading it, but I would be glad to review the scope and the extent of the Antitrust Division's activities, if this would be helpful to the committee.

Mr. ROONEY. Very well.

GENERAL STATEMENT

Mr. LOEVINGER. Usually the things that are looked at are the cases and I think perhaps most significant is what has happened to the cases within the last calendar year although this does not correspond precisely to the fiscal year. In fact, the figures do not vary a great deal and consequently it brings it down more to date.

We started out in 1961 with 144 pending district court cases. We closed 47 during the year, opened 60, and ended the year with 157. This is the figure most commonly referred to as the burden of work.

However, I think it presents a relatively small vision or view of the total burden. In addition, we started the year with 66 grand juries which were then in session, pending, and we closed 46 during the year and opened 50 new grand juries and ended the year with 70 antitrust grand juries pending.

We started the year with 97 FBI investigations pending. We closed 98 during the year, or a number equivalent to all that had been pending. We opened 115 new FBI investigations and ended the year with a total of 114 pending investigations.

We started the year with 337 staff investigations pending and we closed 278 during the year. This is a rather large number but, however, I do not want to overemphasize what we have done in that regard.

In fact, what we did was to get rid of a certain amount of deadwood. Some of these were relatively inactive. We opened 185 new staff investigations during the year and ended up with 244 investigations.

To summarize, while we had 157 district court cases, we also had 428 investigations, including grand jury, FBI, and staff. In addition to these direct antitrust cases, we were handling at the end of the year 46 FTC enforcement cases.

We had 24 cases in the U.S. Supreme Court, of which a little over half were direct antitrust cases and the remainder were for various administrative agencies which we are charged with representing in the courts.

We had 54 cases pending in the courts of appeal and only 6 of these were antitrust cases.

The rest were cases for the AEC, CAB, FCC, and other agencies.

We had 103 cases pending before statutory three-judge courts. These were all ICC cases. We were intervening in five ICC proceedings involving substantial railroad mergers, each one of which was the equivalent of a sizable case. In addition to these more or less litigation-type proceedings, we have had the duty of rendering reports on the competing aspects of various economic and other matters, agencies, and to Congress.

During 1961 we rendered almost 500 reports to agencies and we rendered 66 reports to surplus and alien property disposal agencies; 180 to banking agencies, and 250 to various other agencies. We gave five statutory reports to Congress which are lengthy, elaborate economic studies of competitive matters in such things as the rubber industry and other matters where we are charged by statute with the duty of making a survey and reporting to Congress.

We rendered over 300 reports on various proposed pieces of legislation and we responded to 753 inquiries from Senators, Congressmen, and so forth, with respect to particular matters. Some of these did not require a great deal of work but many of them required substantial study and man-hours.

In addition, during the year we have undertaken a review of antitrust matters in cooperation with State and local authorities. This has been partially in response to interest aroused as a result of the electrical cases, but it involved, also, general help to State and local authorities with respect to antitrust enforcement and other matters. This has taken a very substantial amount of time.

We have had a couple of conferences in Washington to which State attorneys general have sent representatives or come themselves.

We had one 2-week session at which the National Association of State Attorneys General sent a committee of representatives to work in the Antitrust Division and get help.

We had several men working with them for a period of 2 weeks in attempting to give them help with respect to various antitrust matters.

As I say, I think this, perhaps, gives a somewhat broader view of the scope of activities than a mere reading of statistics.

CASELOAD STATISTICS

Mr. ROONEY. Do you have any workload information which would give us a comparison between the current year or the first 6 months of the current year and the previous years?

Mr. LOEVINGER. Most of these statistics are not altogether accurate with respect to earlier years, Congressman. The caseload statistics and the investigation statistics are.

Mr. ROONEY. Where are the caseload statistics?

Mr. LOEVINGER. The caseload statistics are——

Mr. ROONEY. With comparison to previous years.

Mr. LOEVINGER. Here is a workload statement showing actually——

Mr. ROONEY. One minute, please.

We shall insert at this point in the record the statement of antitrust cases instituted July 1, 1961, through December 31, 1961, and other information on disposition of cases.

(The statements referred to follow:)

ANTITRUST CASES INSTITUTED JULY 1, 1961 THRU DECEMBER 31, 1961

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | United States v. | | |
| 1616 | Morton Salt Company, et al.<br>Civ. D. Minn. | Rock Salt | 7/11/61 |
| 1617 | Suburban Gas<br>Civ. S.D. Calif. | Liquified Petroleum Gas | 7/11/61 |
| 1618 | *Ward Baking Company, et al.<br>Civ. S.D. Fla. | Bakery Products | 7/21/61 |
| 1619 | Borg-Warner Corporation, et al.<br>Civ. S.D. Texas (Houston) | Oil Well Servicing | 7/27/61 |
| 1620 | American Optical Company, et al.<br>Cr. E.D. Wisc. | Eye Glass Lenses | 8/1/61 |
| 1621 | Ling-Temco Electronics, Inc., et al.<br>Civ. N.D. Texas (Dallas) | Electronics and Aerospace Industry | 8/16/61 |
| 1622 | Chas. Pfizer & Co., Inc., et al.<br>Cr. S.D. N.Y. | "Wonder" Drugs | 8/17/61 |
| 1623 | General Dynamics Corp., et al.<br>Civ. E.D. N.Y. | Carbon Dioxide | 8/22/61 |
| 1624 | Continental Illinois National Bank and Trust Company of Chicago, et al.<br>Civ. N.D. Ill. | Commercial Banking | 8/29/61 |

*Damage Case

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | United States v. | | |
| 1625 | Manufacturers Trust Company, et al.<br>Civ. S.D. N.Y. | Commercial Banking | 9/8/61 |
| 1626 | Standard Oil Company (Indiana), et al.<br>Civ. N.D. Calif. | Crude Oil | 9/19/61 |
| 1627 | *Ohio Brass Company, et al.<br>Civ. E.D. Pa. | Insulators | 9/22/61 |
| 1628 | General Motors Corporation, et al.<br>Cr. S.D. Calif. | Automobiles | 10/12/61 |
| 1629 | The Greater New York Tailors' Expressmen Association, Inc.<br>Civ. S.D. Calif. | Men's Clothing Carriers | 10/16/61 |
| 1630 | Huck Manufacturing Co., et al.<br>Cr. E.D. Mich. | Lockbolts | 10/24/61 |
| 1631 | Huck Manufacturing Co., et al.<br>Civ. E.D. Mich. | Lockbolts | 10/24/61 |
| 1632 | Packard-Bell Electronics Corp., et al.<br>Cr. S.D. Calif. | Flush Doors | 10/25/61 |
| 1633 | South Florida Asphalt Co., et al.<br>Cr. S.D. Fla. | Asphalt—Hot Mix and Supplies | 11/15/61 |
| 1634 | Ford Motor Company, et al.<br>Civ. E.D. Mich. | Automotive Electrical Parts | 11/27/61 |

*U.S. & TVA vs.
(Damage Case)

| Blue Book | Title of Case | Industry or Commodity | Filed |
|---|---|---|---|
| | United States v. | | |
| 1635 | Engelhard-Hanovia, Inc., et al. Cr. S.D. N.Y. | Brazing Alloys | 12/5/61 |
| 1636 | America Corporation, et al. Civ. S.D. Calif. | Film Processing | 12/6/61 |
| 1637 | Victor D. Kniss, et al. Cr. E.D. Wisc. | Eye Glass Lenses | 12/11/61 |
| 1638 | Minnesota Mining and Manufacturing Company. Cr. E.D. Ill. | Pressure sensitive tape, magnetic recording tape, & aluminum presensitized lithographic plates | 12/13/61 |
| 1639 | Hunterdon County Trust Co., et al. Civ. D. N.J. | Commercial Banking | 12/26/61 |
| 1640 | American Optical Co., et al. Civ. N.D. Ill. | Eye Glass Lenses | 12/29/61 |

ANTITRUST CASES IN WHICH FINES WERE IMPOSED JULY 1, 1961 THRU DECEMBER 31, 1961

| Name of Case | Commodity | Fines | |
|---|---|---|---|
| *Beatrice Foods Company, et al. | Milk and Ice Cream | $ 15,000.00 | Litigated |
| General Dynamics Corporation, et al. | Dry Ice | $186,000.00 | Nolo Contendere & Guilty Pleas |
| **Consolidated Laundries Corporation, et al. | Linen Suppliers | $319,000.00 | Litigated & Pleas |
| | TOTAL | $520,000.00 | |



*On Appeal.

**Fines reported of $451,000.00 in Fiscal 1958 & 1959 after trial. CCA reversed and pleas entered and new fines imposed.

CRIMINAL ANTITRUST CASES CLOSED JULY 1, 1961 THRU DECEMBER 31, 1961

WON

| Blue Book | Name |
|---|---|
| 1316 | Consolidated Laundries Corporation, et al. |
| 1576 | General Dynamics Corporation, et al. |

ANTITRUST CONSENT DECREES JULY 1, 1961 THRU DECEMBER 31, 1961

| Blue Book | Title of Case | Date Filed & District | Fiscal 1962 Date |
|---|---|---|---|
| 1401 | True Temper Corporation, et al. | 6/30/58 N.D. Ill. | 8/1/61 |
| 1476 | Scott Aviation Corporation. | 9/11/59 W.D. N.Y. | 11/8/61 |
| 1629 | Greater New York Tailors' Expressmen Association, Inc. | 10/16/61 S.D. N.Y. | 11/16/61 |

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CIVIL ANTITRUST CASES CLOSED JULY 1, 1961 THRU DECEMBER 31, 1961

WON

| Blue Book | Name |
|---|---|
| 1401 | True Temper Corporation, et al. |
| 1476 | Scott Aviation Corporation. |
| 1629 | Greater New York Tailors' Expressmen Association, Inc. |

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ANTITRUST CASES PENDING JANUARY 1, 1962

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 6/30/49 | E. I. du Pont de Nemours & Co., Inc., et al. | Civ. N.D. Ill. | Chemicals | Plan of divestiture awaiting court action. |
| 6/18/51 | The Borden Co., et al. | Civ. N.D. Ill. | Milk | On appeal to Sup. Ct. |
| 4/21/53 | Standard Oil Co., (N.J.), et al. | Civ. S.D. N.Y. | Petroleum & Petroleum Products | Consent judgment as to 2 defendants. Preparing for trial. |
| 1/11/54 | Pan American World Airways, Inc., et al. | Civ. S.D. N.Y. | Air Transportation | On appeal to Sup. Ct. |
| 3/10/54 | Schine Chain Theatres Inc., et al. | Civ. W.D. N.Y. | Theatres, Motion Pictures | In process of disposing of theatre properties. |
| 10/19/54 | The Watchmakers of Switzerland Information Center, Inc., et al. | Civ. S.D. N.Y. | Jewelled Watches, Repair Parts | Trial completed. Awaiting opinion. |
| 4/6/55 | Linen Supply Institute of Greater New York, Inc., et al. | Cr. S.D. N.Y. | Linen Service | Nolle prosequi to be entered in January. |
| 4/6/55 | Linen Service Council of N.J., et al. | Cr. D. N.J. | Linen Service | Nolle prosequi to be entered in January. |
| 11/28/55 | Brown Shoe Co., Inc., et al. | Civ. E.D. Mo. | Shoes | Awaiting opinion of Sup. Ct. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/2/55 | Federation Suisse des Association des Fabricants D'Horlogerie, et al. | Civ. S.D. N.Y. | Watchmaking Machinery | Deferred pending disposition of Watchmakers of Switzerland. |
| 7/6/56 | General Motors Corp. | Civ. E.D. Mich. | Buses | Awaiting opinion. |
| 9/10/56 | Continental Can Co., Inc., et al. | Civ. S.D. N.Y. | Containers | Awaiting opinion of court on defendants motion to dismiss. |
| 10/30/56 | Continental Can Co., Inc. | Civ. S.D. N.Y. | Containers | Deferred pending outcome of Continental Can (Hazel Atlas) case. |
| 12/4/56 | Owens-Illinois Glass Co. | Civ. N.D. Ohio | Containers | Pending on motion for summary judgment. |
| 12/5/56 | Driver-Harris Co., et al. | Civ. D. N.J. | Electrical Resistance Wire | Consent decree negotiations. |
| 3/5/57 | United Scenic Artists Local 829 | Civ. S.D. N.Y. | Production of Plays | Preparing for trial. |
| 3/27/57 | Loew's Incorporated | Civ. S.D. N.Y. | Motion Pictures to Television | Both sides have noted appeal. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 4/18/57 | C & C Super Corp. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 4/18/57 | Screen Gems, Inc. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 4/18/57 | Associated Artists Productions, Inc. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 4/18/57 | National Telefilm Associates, Inc. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 4/18/57 | United Artists Corp. | Civ. S.D. N.Y. | Block Booking of Motion Pictures to Television | Both sides have noted appeal. |
| 7/22/57 | El Paso Natural Gas Co., et al. | Civ. D. Utah | Natural Gas | Deferred by ct. pending decision of Federal Power Commission now on appeal. |
| 12/4/57 | Volkswagen of America, Inc., et al. | Civ. D. N.J. | Volkswagen Automobiles & Parts | Consent decree negotiations. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 4/30/58 | American Natural Gas Co., et al. | Cr. N.D. Ill. | Natural Gas | Awaiting argument on defendants motion to dismiss. |
| 5/28/58 | Charles Pfizer & Company, Inc. | Civ. S.D. N.Y. | Citric Acid | Preparing for trial. |
| 6/27/58 | National Alfalfa Dehydrating and Milling Company, et al. | Civ. D. Colorado | Dehydrated Alfalfa | Pretrial discovery. |
| 6/30/58 | The White Motor Company | Civ. N.D. Ohio | Heavy Duty Trucks | Defendants have noted appeal. |
| 6/30/58 | Arnold, Schwinn & Co., et al. | Civ. N.D. Ill. | Bicycles, Parts and Accessories | Trial date set for 3/5/62. |
| 7/8/58 | Lever Brothers Co., et al. | Civ. S.D. N.Y. | Synthetic Detergents | Preparing for trial. |
| 8/13/58 | The Sherwin-Williams Co., et al. | Civ. N.D. Ohio | Paints, Enamel & Varnish | Consent decree lodged with ct. 12/8/61. |
| 8/28/58 | Beatrice Foods Co., et al. | Cr. D. Nebraska | Milk & Cream | Defendants have appealed. |
| 10/7/58 | Standard Oil Co., et al. (South Bend) | Cr. N.D. Indiana | Gasoline | On appeal to C.C.A. |
| 11/24/58 | General Electric Co., et al. | Civ. S.D. N.Y. | Radio & Television | Consent decree negotiations. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/2/58 | Standard Oil Co., (N. J.), et al. | Civ. W.D. Ky. | Gasoline | Consent as to 2 defendants 6/5/61. Trial preparation as to remaining defendants. |
| 3/11/59 | Greater Blouse, Skirt & Neckwear Contractors Association, Inc., et al. | Cr. S.D. N.Y. | Contractors - Jobbers Ladies Blouses | Trial set for 4/2/62. |
| 5/27/59 | Los Angeles Meat & Provision Drivers Union, Local 626, et al. | Civ. S.D. Calif. | Yellow Grease Waste Grease | Defendants have appealed. |
| 6/2/59 | Arizona Consolidated Masonry & Plastering Contractors Ass'n., et al. | Civ. D. Arizona | Masonry Materials | Preparing for trial. |
| 6/5/59 | San Diego Grocers Ass'n., Inc., et al. | Cr. S.D. Calif. | Grocers | Defendants found guilty. Findings to be submitted. |
| 6/22/59 | Kennecott Copper Corp. | Civ. S.D. N.Y. | Copper | Preparing for trial. |
| 6/23/59 | Irving Bitz, (also known as Morris Grossman), et al. | Cr. S.D. N.Y. | Newspapers & Magazines | On appeal to C.C.A. |
| 7/13/59 | Brunswick-Balke-Collender Co., et al. | Cr. E.D. Wisc. | Folding Gymnasium Bleachers | All but 2 defendants have entered nolo pleas. Awaiting trial after termination of civ. case. |
| 7/30/59 | Brunswick-Balke-Collender Co., et al. | Civ. E.D. Wisc. | Folding Gymnasium Bleachers | Proposed decree under advisement of ct. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 8/24/59 | Diebold, Inc., et al. | Civ. S.D. Ohio | Bank Vaults, Vault Doors | Govt. has appealed to Sup. Ct. |
| 9/15/59 | United Artists Corp., et al. | Civ. S.D. N.Y. | Feature Films | Preparing for trial. |
| 9/16/59 | National Dairy Products Corp., et al. | Cr. W.D. Mo. | Milk | Govt. noted appeal from Robinson-Patman Act charge, and dismissal of individual defendant. |
| 10/1/59 | Pabst Brewing Co., et al. | Civ. E.D. Wisc. | Beer | Pre-trial conferences being held. Consent decree negotiations. |
| 10/16/59 | General Motors Corporation | Civ. N.D. Ohio | Earth Moving Equipment | Plaintiff answering interrogatories. |
| 11/20/59 | National Homes Corporation | Civ. N.D. Indiana | Prefabricated Homes | Awaiting assignment of judge. |
| 11/23/59 | Blue Diamond Corp., et al. | Civ. N.D. Calif. | Steel Bars | Pre-trial conferences being held. |
| 12/22/59 | The Singer Manufacturing Co. | Civ. S.D. N.Y. | Sewing Machines | Sub judice. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/28/59 | Renault, Inc., et al. | Civ. S.D. N.Y. | Automobiles | Consent decree negotiations. |
| 12/31/59 | San Diego Grocers Ass'n. | Civ. S.D. Calif. | Groceries | Deferred pending criminal case. |
| 1/11/60 | Southeast Texas Chapter, Natl., Electrical Contractors Ass'n., et al. | Cr. S.D. Texas | Electrical Contractors | Pending on defendants motion for bill of particulars. |
| 1/18/60 | Hamilton Manufacturing Company | Cr. E.D. Wisc. | Drafting Furniture | Pending as to 2 defendants, but in abeyance pending outcome of civil case. |
| 1/27/60 | Carter Products, Inc., et al. | Civ. S.D. N.Y. | Tranquilizing Drugs | Discovery proceedings. |
| 2/15/60 | National Steel Corp., et al. | Civ. S.D. Texas | Steel | Pre-trial. |
| 2/16/60 | Westinghouse Electric Corp., et al. | Civ. E.D. Pa. | Power Switchgear Assemblies | Consent decree negotiations. |
| 2/16/60 | General Electric Co., et al. | Civ. E.D. Pa. | Oil & Air Circuit Breakers | Consent decree negotiations. |
| 2/16/60 | 1-T-E Circuit Breaker Co., et al. | Civ. E.D. Pa. | Low Voltage Power Circuit Breakers | Consent decree negotiations. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 2/17/60 | Ohio Brass Company, et al. | Civ. E.D. Pa. | Insulators | Consent decree negotiations. |
| 2/17/60 | McGraw-Edison Co., et al. | Civ. E.D. Pa. | Station Lightning Arresters | Consent decree negotiations. |
| 2/17/60 | Lapp Insulator Co., Inc., et al. | Civ. E.D. Pa. | Bushings | Consent decree negotiations. |
| 2/25/60 | Von's Grocery Co., et al. | Civ. S.D. Calif. | Groceries | Pending on Govt's. motion for summary judgment. |
| 4/1/60 | Aluminum Co. of America, et al. | Civ. N.D. N.Y. | Wire & Cable Products | Trial set for 2/5/62. |
| 4/25/60 | Hamilton Manufacturing Co., et al. | Civ. E.D. Wisc. | Drafting Furniture | Consent by all but 1 defendant - preparing for trial. |
| 5/19/60 | Federal Pacific Electric Co., et al. | Civ. E.D. Pa. | Power Switching Equipment | Consent decree negotiations. |
| 5/19/60 | H. K. Porter Co., Inc., et al. | Civ. E.D. Pa. | Isolated Phase buses | Consent decree negotiations. |
| 5/19/60 | I-T-E Circuit Breaker Co., et al. | Civ. E.D. Pa. | Navy and Marine Switchgear | Consent decree negotiations. |
| 5/25/60 | Westinghouse Electric Corp., et al. | Civ. E.D. Pa. | Power Transformers | Consent decree negotiations. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 5/25/60 | General Electric Co., et al. | Civ. E.D. Pa. | Distribution Transformers | Consent decree negotiations. |
| 5/25/60 | McGraw-Edison Company, et al. | Civ. E.D. Pa. | Network Transformers | Consent decree negotiations. |
| 5/25/60 | Allis-Chalmers Mfg. Co., et al. | Civ. E.D. Pa. | Instrument Transformers | Consent decree negotiations. |
| 5/31/60 | Serta Associates, Inc. | Civ. N.D. Ill. | Mattresses | Pretrial discovery. |
| 5/31/60 | Sealy, Inc. | Civ. N.D. Ill. | Mattresses | Pretrial discovery. |
| 5/31/60 | The Spring-Air Company | Civ. N.D. Ill. | Mattresses | Consent decree negotiations. |
| 6/17/60 | Los Angeles Meat & Provision Drivers Union, Local 626 | Civ. S.D. Calif. | Meat Vendors | Pretrial conferences being held. |
| 6/21/60 | Arizona Pharmaceutical Ass'n. | Civ. D. Arizona | Prescription Drugs | Trial in February. |
| 6/22/60 | Allen-Bradley Co., et al. | Civ. E.D. Pa. | Control Equipment | Consent decree negotiations. |
| 6/23/60 | Cutler-Hammer, Inc., et al. | Civ. E.D. Pa. | Low Voltage Equipment | Consent decree negotiations. |
| 6/28/60 | Union Carbide | Civ. W.D. Mo. | Prestone | Pretrial conferences. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 6/28/60 | Bliss & Laughlin, Inc. | Civ. S.D. Calif. | Steel Bars | Trial began 12/9/61. |
| 6/28/60 | Becton, Dickinson & Co. | Civ. D. N.J. | Hypodermic Syringes | Preparing for trial. |
| 6/29/60 | General Electric Co., et al. | Civ. E.D. Pa. | Turbine-Generator Units | Consent decree negotiations. |
| 6/29/60 | Foster-Wheeler Corp., et al. | Civ. E.D. Pa. | Turbine Generator Units | Consent decree negotiations. |
| 6/30/60 | Dempster Bros., Inc., et al. | Civ. E.D. Tenn. | Handling Equipment | Amended complaint to be filed. |
| 6/30/60 | Cunningham Drug Stores, Inc. | Civ. E.D. Mich. | Drugstores | Pretrial. |
| 7/18/60 | Central Charge Service, Inc. | Civ. D. Columbia | Central Credit Service | Consent decree negotiations. |
| 8/25/60 | West Virginia Pulp and Paper Company | Civ. S.D. N.Y. | Envelopes | Preparing for trial. |
| 9/15/60 | Cornell-Dubilier Electric Corporation, et al. | Civ. E.D. Pa. | Power Capacitors | Consent decree negotiations. |
| 10/5/60 | American Cyanamid Company | Civ. S.D. N.Y. | Dicyandiamide (Limestone) | Consent decree negotiations. |
| 10/20/60 | Sangamo Electric Co., et al. | Civ. E.D. Pa. | Watt-hour Meters | Consent decree negotiations. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 11/10/60 | A. P. Parts Corp., et al. | Civ. N.D. Ohio | Automotive Exhaust System & Parts | Pretrial |
| 12/7/60 | The General Fireproofing Co., et al. | Cr. W.D. N.Y. | Metal Office Furniture | Preparing for trial for June 1962. |
| 12/7/60 | The Shaw-Walker Co., et al. | Cr. W.D. N.Y. | Metal Office Furniture | Held in abeyance pending trial in General Fireproofing. |
| 12/7/60 | Sperry Rand Corporation, et al. | Cr. W.D. N.Y. | Metal Office Furniture | Held in abeyance pending trial in General Fireproofing. |
| 12/9/60 | Phillips Petroleum Co., et al. | Civ. S.D. Calif. | Petroleum Products | Pretrial preparation. |
| 12/14/60 | Northern California Pharmaceutical Ass'n., et al. | Cr. N.D. Calif. | Prescription Drugs | Appeal by defendants to C.C.A. |
| 12/28/60 | The General Fireproofing Co., et al. | Civ. W.D. N.Y. | Metal Office Furniture | Suspended pending outcome of criminal case. |
| 12/28/60 | Sperry Rand Corporation, et al. | Civ. W.D. N.Y. | Metal Office Furniture | Held in abeyance pending criminal case. |
| 12/28/60 | The Shaw-Walker Co., et al. | Civ. W.D. N.Y. | Metal Office Furniture | In abeyance pending criminal case. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 12/28/60 | Northern California Pharmaceutical Ass'n., et al. | Civ. N.D. Calif. | Prescription Drugs | Held in abeyance pending criminal case, appeal. |
| 1/5/61 | Stupp Bros. Bridge & Iron Co., et al. | Cr. E.D. Mo. | Fabricating Structural Steel | Discovery in progress. |
| 1/6/61 | Greater Buffalo Press, Inc., et al. | Civ. W.D. N.Y. | Color Comic Supplements | Pending on motion for preliminary injunction. |
| 1/6/61 | Penn-Olin Chemical Co., et al. | Civ. D. Delaware | Sodium Chlorate | Trial concluded & final argument set for February 1962. |
| 1/19/61 | The General Cable Corporation | Civ. S.D. N.Y. | Wire & Cables | Discovery proceedings. |
| 1/19/61 | American Smelting and Refining Co., et al. | Civ. S.D. N.Y. | Wire & Cables | Discovery proceedings. |
| 2/17/61 | Koppers Company, Inc., et al. | Civ. W.D. Pa. | Metal Couplings | Sub judice. |
| 2/25/61 | The Philadelphia National Bank, et al. | Civ. E.D. Pa. | Commercial Banks | Sub judice. |
| 3/1/61 | First National Bank and Trust Company of Lexington, et al. | Civ. E.D. Ky. | Commercial Banks | Trial set for February 19, 1962. |
| 3/2/61 | Bank Stock Corporation of Milwaukee, et al. | Civ. E.D. Wisc. | Commercial Banking | Discovery proceedings. |

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 3/6/61 | Idaho State Pharmaceutical Ass'n., Inc. | Civ. D. Idaho | Prescription Drugs | Pretrial |
| 3/7/61 | Utah Pharmaceutical Ass'n. | Civ. D. Utah | Prescription Drugs | Sub judice. |
| 3/14/61 | *General Electric Co., et al. | Civ. E.D. Pa. | Heavy Electrical Equipment | Pretrial proceedings. |
| 4/7/61 | Chrysler Corporation, et al. | Civ. N.D. Ind. | Automobiles | Consent decree negotiations. |
| 4/11/61 | *U.S. & TVA v. Westinghouse Electric Corporation, et al. | Civ. E.D. Pa. | Power Switchgear | Pretrial proceedings. |
| 4/11/61 | *U.S. & TVA v. Westinghouse Electric Corporation, et al. | Civ. E.D. Pa. | Power Transformers | Pretrial proceedings. |
| 4/11/61 | *U.S. & TVA v. General Electric Company, et al. | Civ. E.D. Pa. | Turbine Generators | Pretrial proceedings. |
| 4/11/61 | *General Electric Company, et al. | Civ. E.D. Pa. | Transmission or distribution | Pretrial proceedings. |
| 4/11/61 | *Cutler-Hammer, Inc., et al. | Civ. E.D. Pa. | Low Voltage Distribution | Pretrial proceedings. |

* Damage Cases

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 4/11/61 | *I-T-E Circuit Breaker Co., et al. | Civ. E.D. Pa. | Low Voltage Circuit Breakers | Pretrial proceedings. |
| 4/12/61 | General Motors Corporation | Cr. N.D. Ill. | Railroad Locomotive | Discovery proceedings. |
| 4/13/61 | Grinnell Corporation, et al. | Civ. D. R.I. | Fire & Burglar Alarms | Discovery proceedings. |
| 4/27/61 | Aluminum Co. of America, et al. | Civ. E.D. Mo. | Architectural Aluminum Products | Discovery proceedings. |
| 4/27/61 | Kaiser Aluminum & Chemical Corp., et al. | Civ. E.D. Mo. | Aluminum | Pretrial |
| 4/28/61 | Kaiser Aluminum & Chemical Corp., et al. | Civ. D. R.I. | Aluminum | Consent decree negotiations. |
| 5/2/61 | Avdel, Inc. | Cr. S.D. Calif. | Quick Release Pins | Trial completed. Final argument in January. |
| 5/16/61 | A. P. Woodson Co., et al. | Cr. D. Columbia | Building Materials | Govt. noted appeal from dismissal of individual defendants. |
| 5/16/61 | Continental Oil Co. | Civ. D. N. Mexico | Crude Oil | Discovery proceedings. |
| 6/6/61 | Hubbard and Company, et al. | Cr. E.D. Wisc. | Pole Line Hardware | Pretrial conference. |

* Damage Cases

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 6/28/61 | Morton Salt Company, et al. | Cr. D. Minn. | Rock Salt | Discovery proceedings. |
| 6/30/61 | North American Van Lines, Inc., et al. | Cr. D. Columbia | Moving Household Goods | Pending on motion to dismiss individual defendants. |
| 7/11/61 | Morton Salt Company, et al. | Civ. D. Minn. | Rock Salt | Held in abeyance pending criminal case. |
| 7/11/61 | Suburban Gas | Civ. S.D. Calif. | Liquified Petroleum Gas | Interrogatories being answered. |
| 7/17/61 | Milk Distributors Association, Inc., et al. | Cr. D. Maryland | Milk | Individual defendants dismissed. Appeal being considered. |
| 7/21/61 | *Ward Baking Co., et al. | Civ. S.D. Fla. | Bakery Products | Pending on motion to dismiss. |
| 7/27/61 | Borg-Warner Corp., et al. | Civ. S.D. Texas | Oil Well Servicing | Consent decree negotiations. |
| 8/1/61 | American Optical Company, et al. | Cr. E.D. Wisc. | Eye Glass Lenses | Individual defendants dismissed by District Ct. Appeal considered. |
| 8/16/61 | Ling-Temco Electronics, Inc., et al. | Civ. N.D. Texas | Electronics & Aerospace Industry | Ct. ruled for defendants after trial. Appeal being considered. |

* Damage Cases

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 8/17/61 | Chas. Pfizer & Co., Inc., et al. | Cr. S.D. N.Y. | "Wonder" Drugs | Pretrial |
| 8/22/61 | General Dynamics Corp., et al. | Civ. E.D. N.Y. | Carbon Dioxide | Held in abeyance for 30 days after criminal case which ended 12/15/61. |
| 8/29/61 | Continental Illinois National Bank & Trust Company of Chicago, et al. | Civ. N.D. Ill. | Commercial Banking | Discovery proceedings. |
| 9/8/61 | Manufacturers Hanover Trust Company | Civ. S.D. N.Y. | Commercial Banking | In trial. |
| 9/19/61 | Standard Oil Company (Indiana), et al. | Civ. N.D. Calif. | Crude Oil | Pretrial |
| 9/22/61 | *U.S. & TVA v. Ohio Brass Company, et al. | Civ. E.D. Pa. | Insulators | Pretrial proceedings. |
| 10/12/61 | General Motors Corporation, et al. | Cr. S.D. Calif. | Automobiles | Pending on motions to dismiss individuals. |
| 10/24/61 | Huck Manufacturing Co., et al. | Cr. E.D. Mich. | Lockbolts | Trial 3/27/62. |
| 10/24/61 | Huck Manufacturing Co., et al. | Civ. E.D. Mich. | Lockbolts | Held in abeyance pending disposition of criminal case. |

*Damage Case

| Date Filed | Name of Case | Type & District | Commodity | Status |
|---|---|---|---|---|
| 10/25/61 | Packard-Bell Electronics Corp., et al. | Cr. S.D. Calif. | Flush Doors | Pending on motions for bill of particulars. |
| 11/15/61 | South Florida Asphalt Co., et al. | Cr. S.D. Fla. | Asphalt - Hot Mix & Supplies | Arraignment held and all motions due 1/8/62. |
| 11/27/61 | Ford Motor Company, et al. | Civ. E.D. Mich. | Automotive Electrical Parts | Answer due 2/1/62. |
| 12/5/61 | Engelhard-Hanovia, Inc., et al. | Cr. S.D. N.Y. | Brazing Alloys | Awaiting arraignment. |
| 12/6/61 | America Corporation, et al. | Civ. S.D. Calif. | Film Processing | Pretrial |
| 12/11/61 | Victor D. Kniss, et al. | Cr. E.D. Wisc. | Eye Glass Lenses | Arraignment to be 1/8/62. |
| 12/13/61 | Minnesota Mining & Manufacturing Company | Cr. E.D. Ill. | Pressure sensitive tape, magnetic recording tape, & aluminum presensitized lithographic plates | Arraignment postponed pending possibility of motion to transfer. |
| 12/26/61 | Hunterdon County Trust Company, et al. | Civ. D. N.J. | Commercial Banking | Awaiting answer. |
| 12/29/61 | American Optical Company, et al. | Civ. N.D. Ill. | Eye Glass Lenses | Awaiting answer. |

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Mr. ROONEY. I have a few questions on your workload. First, we shall insert your workload statement covering the years 1953 through December 31, 1961.

(The statement referred to follows:)

*Workload statement—Antitrust Division*

| | Fiscal years | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | July 1, 1961 to Dec. 31, 1961 |
| Antitrust cases: | | | | | | | | | | |
| District courts: | | | | | | | | | | |
| Civil: | | | | | | | | | | |
| Pending beginning of year | [1] 113 | 106 | 76 | 82 | 62 | 72 | 77 | 65 | 101 | 111 |
| Filed during year | 16 | 18 | 30 | 25 | 37 | 32 | 21 | 59 | 40 | 16 |
| Terminated during year | 23 | 48 | 24 | 45 | 27 | 27 | 33 | 23 | 30 | 3 |
| Won | 20 | 38 | [2] 22 | [3] 33 | 25 | 26 | 28 | 22 | 23 | 3 |
| Lost | 2 | 6 | 2 | 9 | 2 | 1 | 1 | 0 | 3 | 0 |
| Dismissed on Government's motion | [4] 1 | [5] 4 | 0 | [6] 3 | 0 | 0 | [7] 4 | [8] 1 | [9] 4 | 0 |
| Pending end of year | 106 | 76 | 82 | 62 | 72 | 77 | 65 | 101 | 111 | 124 |
| Criminal: | | | | | | | | | | |
| Pending beginning of year | 34 | 38 | 34 | 34 | 35 | 30 | 26 | 35 | 40 | 26 |
| Filed during year | 17 | 14 | 17 | 23 | 18 | 22 | 42 | 27 | 22 | 9 |
| Terminated during year | 13 | 18 | 17 | [6] 22 | 23 | 26 | 33 | 22 | 36 | 2 |
| Won | 11 | 17 | 11 | 16 | 18 | 16 | [10] 30 | 17 | 35 | 2 |
| Lost | 2 | 0 | 2 | 2 | 4 | 6 | 3 | 5 | 1 | 0 |
| Dismissed on Government's motion | 0 | 1 | [11] 4 | [6] 4 | [12] 1 | [13] 4 | 0 | 0 | 0 | 0 |
| Pending end of year | 38 | 34 | 34 | 35 | 30 | 26 | 35 | 40 | 26 | 33 |
| Courts of appeals: | | | | | | | | | | |
| Pending beginning of year | 5 | 1 | 2 | 1 | 5 | 5 | 3 | 1 | 5 | 1 |
| Filed during year | 0 | 3 | 1 | 6 | 5 | 3 | 2 | 5 | 0 | 5 |
| Terminated during year | 4 | 2 | 2 | 2 | 5 | 5 | 4 | 1 | 4 | 1 |
| Won | 2 | 2 | 2 | 1 | 5 | 0 | 4 | 1 | 3 | 0 |
| Lost | 2 | 0 | 0 | 1 | 0 | [14] 5 | 0 | 0 | 1 | 1 |
| Pending end of year | 1 | 2 | 1 | 5 | 5 | 3 | 1 | 5 | 1 | 5 |
| Supreme Court: | | | | | | | | | | |
| Pending beginning of year | 2 | 0 | 3 | 3 | 4 | 4 | 3 | 3 | 3 | 3 |
| Filed during the year | 5 | 7 | 2 | 3 | 5 | 6 | 5 | 3 | 3 | 5 |
| Terminated during year | 7 | 4 | 2 | 2 | 5 | 7 | 5 | 3 | 3 | 1 |
| Won | 2 | 3 | 2 | 1 | 4 | 6 | 3 | 3 | 3 | 1 |
| Lost | 5 | 1 | 0 | 1 | 1 | [14] 1 | [15] 2 | 0 | 0 | 0 |
| Pending end of year | 0 | 3 | 3 | 4 | 4 | 3 | 3 | 3 | 3 | 7 |

[1] Including 6 cases not previously reported.

[2] *Western Penn. Sand & Gravel Assn., et al.*, Cr. 13855 (Sup. to Civ. 780) (Civ. side of case). Petition denied by court as relief in prior judgment held to be sufficiently broad so as to cover additional relief sought.

[3] *National City Lines Inc., et al.*, Civ., Consent, issue of relief litigated and relief denied.

[4] *Assn. of American Railroads*, without prejudice by stipulation because of Bulwinkle Act.

[5] *Columbia Gas*, relief obtained by other means; *Cement Institute*, issues moot; *Sunbeam Corp.*, without prejudice by stipulation because of McGuire Act; *Armour & Co.*, because of Court's cutoff date and lack of substantial evidence subsequent thereto, Government was compelled to dismiss.

[6] Civil: Darling; Employing Lathers; Wholesale Produce Buyers. Criminal: Safeway Stores Inc., et al., Cr. dismissed simultaneously with the filing of an information; Associated Credit Bureaus; Employing Plasterers Assn.; Employing Lathers Assn.; Sylvania Electric Products Corp; Cr. Guilty pleas and one defendant tried and found not guilty.

[7] Civil: Linen Service Council of New Jersey: Guerlain Parfums Corday, Inc. & Lanvin Parfums.

[8] Standard Oil Co. of Ohio.

[9] Minnesota Mining and Manufacturing; Firstamerica Corp.: Procter & Gamble Co., et al.; Standard Oil Co. of California (Consent as to 1 defendant.)

[10] Maryland State Licensed Beverage, 38 nolo pleas, 12 dismissed and 3 acquitted after trial.

[11] *Bowman Dairy Co., et al.*, Cr. 48CR360. Supreme Court affirmed dismissal of companion civil case; *Allied Stores Corp.*, Cr. 48753, *Marshall Field & Co.*, Cr. 48755, *Rhodes Department Store*, Cr. 48756, insufficient evidence to warrant trial.

[12] Criminal: Maryland & Virginia Milk Producers Assn., Inc.

[13] Wolf; Aero Mayflower Transit; R. Potts; and Maine Lobster Co. dismissed simultaneously with filing information.

[14] Socony cases certified by CCA to Supreme Court and then dismissed by Government.

[15] Parfums Corday, dismissed by Government.

*Workload statement—Antitrust division*

| Major investigations | Fiscal years | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | July 1, through Dec. 31, 1961 |
| Pending beginning of year | 211 | 222 | 275 | 280 | 293 | 302 | 315 | [1] 407 | 481 | 566 |
| Instituted during year | 138 | 181 | 188 | 143 | 139 | 144 | 124 | 253 | 249 | 164 |
| Disposed of during year | 127 | 128 | 183 | 130 | 130 | 131 | 126 | 179 | 164 | [2] 302 |
| Cases | 22 | 26 | 36 | 30 | 24 | 30 | 34 | 42 | [3] 32 | 8 |
| Consolidations | 4 | 4 | 3 | 4 | 2 | 2 | 3 | 5 | 2 | 0 |
| Terminated | 101 | 98 | 144 | 96 | 104 | 99 | 89 | 132 | 130 | 294 |
| Pending end of year | 222 | 275 | 80 | 293 | 302 | 315 | 313 | 481 | 566 | 428 |

[1] Adjusted to include mergers.
[2] This figure has been adjusted to account for duplications, deletions, and errors.
[3] 32 investigations closed out resulted in 62 cases, civil and criminal.

CASES HANDLED IN 1962 COMPARED WITH PRIOR YEARS

Mr. ROONEY. Are we to understand from looking at the statement just inserted that the columns from 1953 to 1961 are annual figures in those fiscal years?

Mr. BASSFORD. Those are fiscal years.

Mr. ROONEY. Entire fiscal years?

Mr. BASSFORD. Yes, sir.

Mr. ROONEY. They are compared with half fiscal 1962, is that right?

Mr. BASSFORD. No; the last column represents the first 6 months of the current fiscal year.

Mr. ROONEY. That is 1962.

Mr. BASSFORD. That is correct.

Mr. LOEVINGER. This shows the number of pending cases and consequently it is not as though we were trying to compare the amount of work handled. In other words, we are showing the number of cases pending at a particular time.

Mr. ROONEY. I do not take it that way at all.

Mr. LOEVINGER. I am sorry. Some of the cases show the numbers filed but if you take the number——

Mr. ROONEY. Let us get to the civil antitrust cases in district courts terminated during the year; won, in 1961 fiscal year, which expired last June 30, 23 cases. This compares with three cases in the 6-month period from July 1 last year to December 31; is that correct?

Mr. LOEVINGER. That is correct, and you are correct in suggesting you cannot compare the number filed or terminated.

Mr. ROONEY. I knew you were going to find fault with your own figures before we started. But I do not know how to understand this except with some kind of figures.

Mr. LOEVINGER. What this will show is the number of cases pending at the present time or as of January 1, 1962, was 157. Adding the number of civil and the number of criminal, this is more cases than were pending at the beginning of any of the fiscal years shown on this chart from 1953 through 1961, inclusive.

At the end of 1961 we had 137 cases pending and at the end of 1960, 141; 1959, 100, whereas at the beginning of calendar 1962, we had 157 cases pending.

That is, district court cases.

Mr. ROONEY. Are we to understand that to mean there was that much more trial work, work in the courts in 1961 than in the first half of 1962?

Mr. LOEVINGER. You mean in fiscal 1961?

Mr. ROONEY. We are only talking of fiscal years. We only deal in fiscal years here.

According to your sheet, these fiscal years, and it would appear that in the criminal cases terminated during the year of 1961, there were 36 and in the first 6 months of 1962, there were 2.

Mr. LOEVINGER. No, on the contrary, the number of cases terminated during the year does not indicate the amount of trial work during the year. Ordinarily, a case is likely to be terminated——

Mr. ROONEY. Why not?

Mr. LOEVINGER. Some time after the trial. It is very common in antitrust cases for appeals to be taken or matters to drag out, and it is most likely that a case that actually goes to trial will be terminated during the following year. The terminations include terminations by pleas of nolo contendere, guilty, or other manner, and also civil cases that are settled by consent decrees.

Mr. ROONEY. Do you have any statement with regard to court days, cases actually tried in the period of the first 6 months of 1962?

Mr. LOEVINGER. No, sir. I have tried to get that. I have not been able to get a statement of actual court days. I do know we tried about as many cases during the first half of 1962 as during any comparable period. We tried almost as many merger cases, for example, during the calendar year 1961, as they did during the entire preceding decade.

Mr. ROONEY. How would one understand the difference between 1961 fiscal year, when for the whole year there were 36 cases won or lost during that year, and the 2 cases in the first 6 months of 1962? What do these figures indicate?

Mr. LOEVINGER. They indicate a lot more cases were settled on the civil side by consent decree.

Mr. ROONEY. I am speaking of the criminal cases.

Mr. LOEVINGER. The 36 criminal cases include 19 cases in the Philadelphia electrical cases group.

Mr. ROONEY. Regardless of whether they are electrical cases or not, those were Bicks' cases and he did pretty well with them, and you are now taking credit for the fines that he collected. What was it—$3,000,058 in fines imposed principally as a result of the electrical cases?

Mr. LOEVINGER. No; $1,900,000. Our total fines were $3,000,058.

Mr. ROONEY. Almost $2 million out of the electrical cases alone?

Mr. LOEVINGER. Yes, sir; just under $2 million.

Mr. ROONEY. If you will look at this figure, cases won and lost, criminal side, 1961, 36, as compared with 2 cases in the first half of fiscal 1962. Is not one to fairly assume that this means there was much more activity in 1961 than in 1962?

Mr. LOEVINGER. I do not believe so, Congressman.

Mr. ROONEY. Why not? Please tell us.

Mr. LOEVINGER. It simply means we did not get that many cases to decision. Actually, of those 36, 19 never went to trial at all. There were a great many nolo contendere pleas in there, and some guilty pleas.

Mr. ROONEY. Why did you not have a great many that did not go to trial at all and nolo contendere pleas in the first 6 months of 1962?

Mr. LOEVINGER. I do not know.

Mr. ROONEY. Can you follow this, Mr. Bow?

Mr. BOW. I cannot follow it at all.

Mr. LOEVINGER. Mr. Bassford suggests to me that the first 6 months of a fiscal year are likely to be the months of low activity because you start out with July, August, and September with courts in recess.

Mr. ROONEY. Do you think that when you get to the end of this fiscal year, to wit, June 30 next, your figures will be at all comparable to the 1961 figures?

Mr. LOEVINGER. I think so. I am not prepared to say that we are going to compare exactly with 1961, which was quite an unusual year. Without detracting from the credit due for the Philadelphia electric cases, the fact is that getting 38 cases out of one single situation, what is essentially one investigation, is a most unusual situation. It has never happened before in the history of the Antitrust Division. I am confident we will compare favorably with other prior years.

Mr. ROONEY. In 1959, I guess that was Mr. Bicks there then, too. He had 33 cases terminated during the year as compared with 36, which includes the 19 Philadelphia electrical cases; right?

Mr. LOEVINGER. Yes, sir. It obviously varies from year to year. The prior year was 22; the next prior year was 22.

Mr. ROONEY. I hope these figures in this last column to the right for the first 6 months of 1962 are not indicative of what the score will be when you get to the end of the year, when it is compared with the 1959, 1960, and 1961 figures.

### NUMBER OF ADDITIONAL EMPLOYEES ALLOWED BY DEFICIENCIES SUBCOMMITTEE

Mr. ROONEY. Last summer, I guess it was, you were before the Deficiencies Subcommittee in connection with a request for some additional people.

Mr. LOEVINGER. That is right.

Mr. ROONEY. You requested $500,000, did you?

Mr. LOEVINGER. Yes.

Mr. ROONEY. And the Congress allowed you $375,000.

Mr. BASSFORD. That is correct.

Mr. ROONEY. After having received that cut because it was thought that you could not promptly recruit the people—I assume that was the reason the committee made the cut, that you could not recruit the people in time and could not get in gear to the extent you proposed—you nevertheless went ahead and put the full amount of people on the payroll, did you?

Mr. LOEVINGER. No, sir.

Mr. ROONEY. You did not? How many employees did you ask for then?

Mr. LOEVINGER. We have attempted to put on what I understood were authorized by Congress, sir.

Mr. ROONEY. When you were before the Deficiencies Subcommittee requesting the sum of $500,000, you asked for 40 additional employees—is that correct, Mr. Andretta—16 attorneys, 5 economists, 5 statisticians, and 14 clerks?

Mr. ANDRETTA. Yes.

Mr. ROONEY. What have you done—put the whole 40 on the payroll?

Mr. BASSFORD. No, Mr. Rooney. We figured that would bring our authorized staff up to 614. We now have on the payroll 537 people. We have commitments to 68 additional people, bringing the total number to 605.

Mr. ROONEY. According to page 20–59 of your green sheets, you had 531 annually on the payroll in 1961, is that correct?

Mr. LOEVINGER. I believe so.

Mr. ROONEY. In 1961, you had authorized positions in the number 538, is that correct?

Mr. BASSFORD. That is correct.

Mr. ROONEY. You came along in the regular bill last year and asked for how many additional employees?

Mr. ANDRETTA. We got 36 more.

Mr. ROONEY. You got the 36. This subcommittee approved the full 36?

Mr. ANDRETTA. That is correct, then we asked for 40 more in the supplemental request.

Mr. ROONEY. Now you have 574 on the payroll, right?

Mr. ANDRETTA. That is the number of authorized positions, that is right.

Mr. ROONEY. You then turn around and add 40 to that, making the figure 614. Is that right?

Mr. BASSFORD. Yes, sir.

Mr. ROONEY. So you have put the entire 40 that were requested from the Deficiencies Subcommittee, on the payroll, in so far as this budget is concerned.

Mr. BASSFORD. We understood, Mr. Rooney, we had 614 authorized positions.

Mr. ROONEY. How do you get the 614? To go back over this with you, you had 538 and you asked for 36 a year ago and you got them, and then you had 574. Then you went before the other subcommittee and asked for 40, and you did not get them, but nevertheless added 40 authorized positions. Is that right?

Mr. BASSFORD. No, sir. We understood that we did get the 40, because we got $375,000 for 9 months, as I understand, and we asked for half a million dollars for a year. I understood that it was figured that the committee gave us the number of positions that we asked for.

Mr. ROONEY. Who did this figuring? You?

Mr. BASSFORD. No, sir; I did not do it. The Administrative Division indicated to me that we were entitled to 614 authorized positions.

Mr. ROONEY. What about this, Mr. Andretta?

Mr. ANDRETTA. That is right.

Mr. BROWN. They actually have not put them on, Mr. Chairman. They show them——

Mr. ROONEY. They had better not put them on.

Mr. BROWN. We are asking for the money to annualize them in this budget.

Mr. ROONEY. Annualize positions that were never authorized? That is what it amounts to, is it not?

Mr. BROWN. Well, sir, I do not know about their never being authorized.

Mr. ROONEY. They were never authorized, because I sat on that other subcommittee, and so did Mr. Bow, and we listened to the discussion with regard to it. Mr. Bow and I did not make the decision. We participated in it. It was a cut because we did not think you needed this personnel, that you could not use them, that you were moving too fast. We were afraid you were going to get no results, because we do not have Philadelphia electrical cases every year, you know.

Mr. LOEVINGER. We still have them with us, sir.

DEDUCTION FROM REQUEST FOR EQUIPMENT

Mr. ROONEY. Now with regard to this matter of equipment, you came before the Deficiencies Subcommittee and asked for $21,000 worth of equipment. You are asking for the same amount in the coming year as in the current year. Is that right?

Mr. BROWN. That is correct.

Mr. ROONEY. So you have included the full amount for equipment, have you?

Mr. BROWN. That is an oversight. That should be deducted, Mr. Chairman.

Mr. ROONEY. How much should be deducted?

Mr. BROWN. $21,000.

Mr. ROONEY. At least we have made a buck today.

What would happen if we made a mistake and gave you that $21,000?

Mr. LOEVINGER. If it were not spent, it would be turned back, is my understanding.

Mr. ROONEY. How much was turned back by Antitrust at the end of fiscal 1961?

Mr. BASSFORD. I think we barely squeaked through.

Mr. ROONEY. I do not see anything here.

Mr. BASSFORD. Nothing was turned back in.

Mr. ROONEY. Not a dime. So you think if we had made a mistake today and just stumbled into this thing, we would have saved that $21,000 at the end of the year?

Mr. LOEVINGER. I believe we anticipate there will be some money left this year.

Mr. ROONEY. You surely do not know government.

BASIS FOR PERSONNEL BENEFITS ESTIMATES

Mr. Andretta, do these figures at page 20–4 concerning the alleged cost of statutory provisions, within-grade promotions, and personnel benefits, $70,300, include all 40 employees that we mentioned a while ago?

Mr. ANDRETTA. Yes. They are based on 614 jobs.

Mr. ROONEY. After the legislative process in which you were allowed $375,000 instead of $500,000, how is it you did not take the percentage 375 bears to the 500 with regard to number of employees or number of authorized positions and all the other objects?

Mr. ANDRETTA. We were talking about that, trying to refresh our recollection. Our recollection is that at the time the estimate of $500,000 was made, it was based on a certain period of time. Then when the report of the committee came out, I think it was silent about the number of jobs allowed. We assumed it was on a 9 months' basis because of the lag in time. As I remember, somebody asked the question, "How soon are you going to put these people on?" or "Will they go on by a certain time?" I am pretty sure we took the figures and based them on the assumption that the committee was giving us the proportionate part of the year, and that we were allowed the full number of positions.

FINES IMPOSED

Mr. ROONEY. Does it appear anywhere in these justifications that so-and-so paid so much by way of fines which totaled $3,058,000? Have you a schedule on that?

Mr. LOEVINGER. I do not believe it is broken down.

Mr. ANDRETTA. There are sheets giving the fines. They are attached to this, I think.

Mr. BASSFORD. There are tables here showing that.

Mr. ANDRETTA. This is July 1 through December 31, $520,000.

Mr. ROONEY. I am talking of fiscal 1961.

Mr. BASSFORD. Yes, sir. The fines imposed, I think, Mr. Rooney, are in your book, page 20–36 and page 20–37.

Mr. ROONEY. Would it be correct to say this is the largest list of fines in antitrust cases?

Mr. LOEVINGER. That is correct.

JAIL SENTENCE

Mr. ROONEY. I think that is right. I never saw anything like it. Where are your jail cases?

Mr. LOEVINGER. The only cases where jail sentences were imposed were the Philadelphia electrical cases. We have asked for jail sentences in other cases.

Mr. ROONEY. Do you have a statement with regard to the others? I do not want to know where you asked for jail sentences, but the ones where jail sentences were ordered. You do not have that?

Mr. LOEVINGER. No, sir.

Mr. BASSFORD. We will be glad to supply that.

Mr. ROONEY. What was the longest sentence given?

Mr. LOEVINGER. Thirty days.

(The information requested follows:)

*Jail sentences imposed, fiscal 1961*

| Name of case, *U.S.* v.— | Defendant | Sentences |
|---|---|---|
| *Westinghouse Electric Corp., et al.*, Criminal 20361 | J. H. Chiles, Jr. | 30 days. |
| | W. S. Ginn | Do. |
| | R. N. McCollom | 30 days, suspended. |
| | J. W. McMullen | Do. |
| | J. W. Seaman | Do. |
| | R. W. Smith | Do. |
| | W. R. Swoish | 1 month, suspended. |
| *Westinghouse Electric Corp., et al.*, Criminal 20399 | Lewis J. Burger | 30 days. |
| | George E. Burens | Do. |
| | Landon Fuller | 1 month, suspended. |
| | H. F. Hentschel | Do. |
| | L. W. Long | 30 days, suspended. |
| | Frank E. Stehlik | 1 month, suspended. |
| *General Electric Company, et al.*, Criminal 20401 | C. I. Mauntel | 30 days. |
| | W. C. Rowland | 1 month, suspended. |
| | W. E. Saupe | Do. |
| *Allen-Bradley Company, et al.*, Criminal 20398 | J. M. Cook | 30 days. |
| | E. R. Jung | Do. |
| | W. F. Oswalt | 30 days, suspended. |
| *Federal Pacific Electric Company, et al.*, Criminal 20348 | J. E. Cordell | 1 month, suspended. |
| | John Romano | Do. |
| | H. K. Wilcox | Do. |
| | W. Maxwell Wood | Do. |
| *Foster Wheeler Corp., et al.*, Criminal 20402 | H. G. Conkey | 30 days, suspended. |
| | L. G. L. Thomas | 1 month, suspended. |
| | A. M. Tullo | 30 days, suspended. |
| *General Electric Company, et al.*, Criminal 20362 | M. A. deFerranti | Do. |
| | Gordon C. Hurlbert | Do. |
| *General Electric Company, et al.*, Criminal 20235 | Clarence E. Burke | 1 month, suspended. |
| | L. W. Long | Do. |
| | J. W. Stirling | Do. |

Mr. ROONEY. Mr. Bow?

NUMBER OF ADDITIONAL POSITIONS FILLED IN 1962

Mr. BOW. We gave you the 36 positions in the regular bill last year, and you say they have been filled?

Mr. LOEVINGER. Filled or committed.

Mr. BOW. How have you divided them? How many lawyers are you filling in that 36?

Mr. LOEVINGER. I can tell you how many lawyers we have and how many are committed.

Mr. BOW. No. I want to know about this 36 that we authorized, and I want you to break that down—how many attorneys, how many economists, and how many clerks.

Mr. BASSFORD. They were divided exactly the way they were asked for. I do not recall at the moment. Maybe Mr. Andretta has that. We allocated them exactly the way they were requested.

As I recall, Mr. Bow, there were 20 lawyers, 5 economists, and the balance were clerks, but I am not sure of that.

Mr. BOW. You asked for 21 attorneys, 5 economists, and 10 clerks. You did not go over on attorneys, did you?

Mr. BASSFORD. No, sir.

Mr. ANDRETTA. They are allowed 322 lawyers, and they had 268 on the rolls as of November 30. They were well under their attorney quota then.

Mr. BOW. What about economists?

Mr. ANDRETTA. I do not have the economists figures.

Mr. BASSFORD. We have on the rolls 27 economists as of January 15, and we have 5 vacancies committed to economists, for a total of 32.

We have eight vacancies. That is based on an authorized force of 614.

Mr. Bow. That is on your 614 positions?

Mr. BASSFORD. That is right.

Mr. Bow. All I could find were 14, which did not quite figure. In the green sheets you have three.

Mr. ROONEY. You asked for 21 lawyers, 5 economists, and 10 clerks.

Mr. Bow. That is all.

Mr. ROONEY. Thank you, Judge.

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TUESDAY, JANUARY 23, 1962.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### WITNESSES

**EVERETT HUTCHINSON, CHAIRMAN, BUDGET COMMITTEE**
**HON. E. BARRETT PRETTYMAN, CHAIRMAN OF THE CONFERENCE**
**WHITNEY GILLILLAND, MEMBER AND CHAIRMAN OF ONE OF THE NINE STANDING COMMITTEES OF THE CONFERENCE**
**JOHN D. LANE, MEMBER OF THE COUNCIL**
**WEBSTER P. MAXSON, EXECUTIVE SECRETARY**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**

### SALARIES AND EXPENSES

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Permanent positions | | 16 | 12 |
| | Positions other than permanent | | 71 | 66 |
| | Total personnel compensation | | 87 | 78 |
| 12 | Personnel benefits | | 6 | 4 |
| 21 | Travel and transportation of persons | | 40 | 32 |
| 23 | Rent, communications, and utilities | | 4 | 2 |
| 24 | Printing and reproduction | | 7 | 10 |
| 25 | Other services | | 2 | 1 |
| 26 | Supplies and materials | | 2 | 1 |
| 31 | Equipment | | 2 | 1 |
| | Total obligations | | 150 | 129 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | | 3 | 3 |
| Full-time equivalent of other positions | | 15 | 14 |
| Average number of all employees | | 18 | 15 |
| Number of employees at end of year | | 26 | 0 |
| Average salary of ungraded positions | | $8,100 | $8,100 |

Mr. ROONEY. The next item, gentlemen, appears at page 113 of the committee print, Salaries and expenses, Administrative Conference of the United States. The details are to be found under tab 10 of the justification book. We shall insert at this point in the record pages 10–1 and 10–3 through 10–13.

(The pages referred to follow:)

ANALYSIS OF ESTIMATE

*Salaries and Expenses, Administrative Conference of the United States*

| | |
|---|---|
| Appropriation, 1962 | $150,000 |
| Estimate, 1963 | 129,000 |
| Decrease | 21,000 |

JUSTIFICATION

ESTABLISHMENT AND PURPOSE OF THE CONFERENCE

The Administrative Conference of the United States was established by Executive Order 10934 of April 13, 1961 (26 Fed. Reg. 3233). The purpose of the Conference is to assist the President, the Congress, and the administrative agencies and executive departments in improving existing administrative procedures. To this end, the Conference is charged with the function of conducting studies of the efficiency, adequacy, and fairness of the procedures by which Federal executive departments and administrative agencies determine the rights, privileges, and obligations of private persons.

The Conference is required from time to time to report to the President and to make a final report no later than December 31, 1962, summarizing its activities evaluating the need for further studies of administrative procedures, and suggesting appropriate means to be employed for this purpose in the future.

The Conference has a total membership of 86 persons. The membership is comprised of a Council of 11 members named by the President, one of whom he has designated to be Chairman of the Conference, and a general membership of 44 persons in Federal Government service designated by 31 federal Departments and agencies which were invited by the Council, as the agencies most concerned with improvement of Federal administrative procedures, to designate members of the Conference, 2 Federal hearing examiners named by the Chairman with the approval of the Council, and 29 general members from outside Federal Government service, including practicing lawyers, law-faculty members, non-law-faculty members, State officials, and other having an interest in improvement of the administrative process. In addition, on invitation extended by the Conference pursuant to the Executive order, the President of the Senate and the Speaker of the House have each designated three Members of Congress (and alternates from interested committees of their respective Houses of Congress) to participate in the activities of the Conference with the privilege of the floor during Conference sessions.

In selecting the membership, the Council very carefully obtained a wide diversity of experience and interest, as well as balanced geographical distribution. All of the individuals invited to accept membership in the Conference are men of the highest competence and experience in their respective fields, and all of them have accepted.

The Conference has been organized into nine standing committees, each assigned a general problem area as follows:

1. Personnel.
2. Internal organization and procedure.
3. Rulemaking.
4. Licensing.
5. Compliance and enforcement proceedings.
6. Claims and adjudication.
7. Statistics and reports.
8. Information and education.
9. Judicial review.

Conference activities during the latter part of fiscal year 1961 and the first part of fiscal year 1962 were financed from the funds advanced from the participating Federal agencies in accordance with section 214 of the act of May 3,

1945, 59 Stat. 134 (31 U.S.C. 691). An appropriation in the amount of $150,000 was included in the supplemental appropriation bill for 1962 (Public Law 87–332, September 30, 1961) supplementing the $37,000 which member Federal agencies have contributed or will contribute to finance Conference activities during the fiscal year 1962.

The budget for 1963 totals $129,000, with most of the anticipated expenditures being at approximately the same rate as anticipated during the last 3 quarters of fiscal 1962, when the appropriation first became available. However, it is not contemplated at this time that any contributions will be requested from participating Federal agencies during the 6 months of the fiscal year 1963 in which the Conference will operate, and the entire sum is accordingly being requested through appropriation at this time.

ESTIMATED BUDGET

*Personnel compensation*

A. *Staff directors.*—The standing committees of the Conference have been furnished the services of a staff director or reporter of wide knowledge and experience, capable of devoting concentrated and continuing attention to the work of the committee in order to meet the deadline for completing studies and recommendations by December 1962. Seven such reporters have already been engaged and it is anticipated that nine will be employed during the 6 months of fiscal year 1963. Such reporters are legal scholars drawn from university faculties and are devoting all of their nonteaching time to the work of the Conference. They are being paid compensation at the rate of $75 per day when actually employed. It is estimated that the compensation of such reporters will average $4,500 each for the 6 months of work in fiscal 1963, or a total of $40,500 for the nine standing committees.

B. *Part-time staff assistants.*—The committee reporters have been authorized during the current fiscal year to obtain the part-time services of graduate students and junior faculty members on their own campuses in conducting research and preparing committee reports in order to meet the intensive schedule prescribed for the termination of Conference work. The estimate for the cost of such assistants for the 6 months of fiscal 1963 is approximately $1,890 for each committee or a total for the nine committees of $17,000.

C. *Paid consultants and advisers.*—Inasmuch as the committees are studying numerous problems with specialized implications, they are from time to time obtaining the services of special consultants, when and as needed, in connection with particular aspects of committee work. In this way, the Conference is able to draw on the specialized experience of a large number of experts who might not otherwise be available for participation in the Conference. In many or most cases, the consultants are serving without compensation other than payment of their travel expenses. It is anticipated, however, that compensation will have to be paid in some cases at a rate not in excess of $75 per day, the maximum authorized by the current appropriation act. The total cost of compensation for such consultants is estimated at $7,000.

D. Although Conference members generally are serving without compensation, it is anticipated that special services may be required of them in some instances and an item of $1,000 has been included for the purpose of compensating them when required in such cases.

E. *Office of Administrative Procedure.*—Pursuant to Executive Order 10934 establishing the Administrative Conference, the Director of the Office of Administrative Procedure in the Department of Justice is ex officio the executive secretary of the Conference, and he is directed to furnish research and staff assistance from his office.

In addition, the Executive order authorizes participating Federal agencies to furnish assistance to the Conference in accordance with section 214 of the act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), including the detailing of employees to the Conference. Such assistance is being utilized to the fullest possible extent. However, the personnel of the Office of Administrative Procedure constitutes the sole continuing staff regularly available to the Conference and the Council, and the performance of the Office of Administrative Procedure of its functions will be critical in tying together many executive, administrative, and related functions of the Council, the Conference, and the committees.

To assist in handling Conference work, the Office of Administrative Procedure is employing two attorneys and a secretary on a full-time basis, as specified in the budget submitted for the fiscal year 1962. The sum of $12,000 will be needed

to permit the Conference to continue the services of these three employees on a full-time basis until the end of the Conference in December 1962, or possibly for a short time thereafter to wind up Conference work.

*Personnel benefits*

Approximately $4,000 will be required for the costs of insurance and retirement benefits for the personnel employed by the Conference.

*Travel expenses and per diem in lieu of subsistence*

It is estimated that approximately $32,000 will be necessary to pay for travel and per diem in lieu of subsistence of the persons other than agency officials who will be traveling in connection with the work of the Council, the Conference, and its committees during the final 6 months of the Conference effort.

Because of the importance of affording full opportunity for participation in Conference activities by the many persons and groups who have a vital interest in the administrative process, the membership of the Conference was selected to represent a broad cross section of interests and wide geographical distribution. Two of the members are located in California, one in Colorado, two in Texas, one in Missouri, six in Illinois, one in Minnesota, one in Michigan, one in Indiana, three in Massachusetts, and six in other Eastern States. Committee staff directors, research assistants, and committee consultants similarly are drawn from widely dispersed areas. This distribution will necessitate a great many trips to Washington by persons located in other parts of the country.

Also, because of this distribution, it will not be feasible to hold all of the committee and subcommittee meetings in Washington, and, as the work of the Conference progresses, various outside groups will be drawn into the effort through meetings in other cities, probably in conjunction with State and regional bar association meetings. This activity will involve travel by persons located in Washington, as well as those located elsewhere.

The significant factor in estimating travel costs is the fact that the pace of all Conference activity inevitably will accelerate as the effort approaches its final report to the President, the Congress, and the agencies in December 1962, and travel costs, already substantial, will increase directly with this intensification of the business of the Conference.

Until recently, travel on behalf of the Conference has been limited for the reason that, until Congress appropriated funds for the operation of the Conference, the only money available was from small amounts contributed by some of the participating agencies. The funds which Congress provided for 1962 were appropriated at the end of the 1st session of the 87th Congress and thereby were not available until October 1961. Nevertheless, the Conference now has sufficient experience upon which to base a fairly reliable estimate of the persons who will be traveling, the nature and frequency of their trips, and the costs which will be involved during the period for which this request is made.

Although there is a substantial difference between the cost of a trip to Washington from Texas and one from New York, experience to date indicates that the cost of the average trip, for transportation and per diem in lieu of subsistence, is approximately $130. It is likely that the Conference membership, the staff directors, and the consultants will meet in Washington in at least two plenary sessions during the final 6 months of the Conference operation. The Council and each of the nine standing committees are expected to meet monthly during this concluding phase. There will be random subcommittee meetings during this period, as well as meetings around the country with other interested groups, and a substantial amount of individual travel by members of the Council, the committee chairmen, and the staff directors in order to coordinate the many projects which necessarily cut across committee lines, and to attend meetings with other interested groups.

The number of consultants who will participate in committee activity and the amount of travel they will perform is still largely speculative. The initial stage of the Conference effort is directed principally to general inquiries which have not drawn appreciably upon their specialized talents. However, in the final phase of consideration and debate of specific proposals, the development of concrete support for remedies proposed, and the preparation of final recommendations and reports, it is likely that the committees will rely heavily upon the assistance of persons of specialized experience who will be brought in as committee consultants. In these circumstances, although some committees may have only 2 consultants while others may have 10, it is felt that the amount of $1,000 per committee should be set aside for the purpose of bringing consultants into the effort

during the concluding 6 months. This amount will cover the costs of an average of seven or eight trips to be divided among the consultants to each committee.

The nine committee staff directors are, and during fiscal 1963 will be, the most frequent travelers on behalf of the Conference, attending the plenary sessions, all of the meetings of their committees and at least some of the subcommittee meetings, meetings with other committees and staff directors and other interested groups. In addition they will be required to make frequent trips to Washington to confer with officials of the agencies to be affected by Conference recommendations. Approximately one-half of the time for which this request is made will be a period wherein the law school professors who are the committee staff directors will be free of class schedules and thereby enabled to devote their full time to the work of the Conference.

During the last 6 months of the Conference operation, it is estimated that the committee staff directors will average a trip every 2 or 3 weeks, or approximately 10 trips during the 6-month period.

Deducting from the total amount of $32,000 requested to cover the costs of travel the sums of $1,000 for each of the nine standing committees for the purpose of bringing in consultants and experts, and $1,300 for the trips to be made by committee staff directors during the last 6 months of the effort, leaves a balance of $11,300 for expenses of travel by the members of the Conference. It is assumed that the expense of travel by most of the Government members will be borne by their respect agencies without requests for reimbursement from Conference funds.

At an average cost of $130 per trip, the amount of $11,300 will cover travel expenses incident to two plenary sessions of the Conference in Washington and an average of one other trip per non-Government member. Although it is clear that Council meetings, committee and subcommittee schedules, meetings with other interested groups, and individual travel to coordinate the various projects of the committees will require members to travel more frequently than this, it is anticipated that several of the non-Government members will travel entirely at their own expense. Because of this kind of contribution by some of the non-Government members, the amount of $32,000 requested for 1963 is expected to provide sufficient funds.

*Miscellaneous expense*

It is estimated that $15,000 will be required to cover the costs of rent, communications, and utilities ($2,000), printing and other reproduction of Conference documents ($10,000), verbatim reporting services for proceedings of the Conference, and other services and supplies during these 6 months of fiscal 1963 ($3,000).

Because of the size of the Conference and its staff and because of its broad purview, it is evident that a substantial amount of duplication and printing of materials for circulation will be necessary. It is equally evident that the principal part of the expense of duplication and printing will fall in the last 6 months of the effort, after the comprehensive studies are complete and the focus of the Conference is upon specific recommendations and supporting reports. The costs of the final reports of all of the committees and of the Conference, of course, will be incurred in this period. For this reason the estimate for printing in fiscal 1963 is at a rate in excess of the estimate for printing costs during the earlier stages of the effort.

*Conclusions*

The essential value of the Conference lies in the talents of the membership, which is donated by the members and is not represented by any item in the Conference's appropriation request. Rather, this request is for the funds necessary only to utilize fully the knowledge and expert judgment donated by the members, and there is every reason to believe that the results produced will repay the monetary costs many times over.

Mr. ROONEY. The request is in the amount of $129,000, which would be a decrease of $21,000 below the amount of the appropriation for the Conference in the current fiscal year.

Have you a general statement with regard to this?

Mr. HUTCHINSON. Yes, Mr. Chairman, a brief general statement, if I may.

Mr. ROONEY. Proceed, please.

GENERAL STATEMENT

Mr. HUTCHINSON. My name is Everett Hutchinson. I am a member of the Interstate Commerce Commission and of the Administrative Conference of the United States, and of its 11-member Council, appointed by the President pursuant to Executive Order 10934. The Chairman of the Conference is Judge E. Barrett Prettyman, who is present in the room today.

Mr. ROONEY. We are glad to see the distinguished gentleman sitting comfortably across the way there.

Mr. HUTCHINSON. And other members of the Conference are also present: the member from the Civil Aeronautics Board, Mr. Whitney Gillilland; Mr. John Lane, practicing attorney in the city of Washington; and the Executive Secretary of the Conference, Mr. Webster P. Maxson.

The Administrative Conference, Mr. Chairman and members of the subcommittee, was established by Executive order of April 13, 1961, to assist the President, the Congress, and the departments and the agencies in improving the administrative procedures by which the departments and agencies determine private rights, privileges, and obligations. The Conference is required under the Executive order to render its final report to the President no later than December 31, 1962.

The Conference consists of 87 members, including a Council of 11 members, as I have indicated previously, named by the President, one of whom he designated Chairman of the Conference, as I have also already indicated, the Honorable E. Barrett Prettyman.

At the first plenary session of the Conference on June 27, 1961, the Conference organized itself into nine standing committees, each assigned a general problem area, and made arrangements for the services of staff assistants and consultants to work with the several committees in conducting studies of the efficiency, adequacy, and fairness of administrative procedures, and in developing recommendations for their improvement.

CONTRIBUTIONS FROM PARTICIPATING AGENCIES

During the first quarter of fiscal year 1962, Conference activities were financed by contributions from participating agencies to a so-called interagency group fund under 31 U.S.C. 691.

On September 30, 1961, Congress passed the Supplemental Appropriation Act for 1962, including an appropriation for the Conference in the amount of $150,000 which, together with contributions from participating agencies from their 1962 funds in the anticipated amount of $37,000, provided the Conference with a total 1962 budget of $187,000.

I might point out parenthetically that to date the amount of contributions received from the agencies is $30,000.

Mr. ROONEY. I note at page 10–5, the second paragraph, that you are not going to request any further contributions from participating Federal agencies during the 6 months of fiscal year 1963, in which the conference will operate. Why not?

Mr. HUTCHINSON. Primarily because it was felt that the approach we are making here is preferable to the one of requesting the agencies

to contribute funds which were not primarily intended for this purpose, but for the objects indicated in their budget requests which the Congress passed.

Mr. ROONEY. We prefer it the other way.

Mr. MAXSON. If I may, Mr. Chairman, it is my understanding that 31 U.S.C. 691 prohibits contributions beyond the period for which we have made the request for contributions.

Mr. HUTCHINSON. In that case, I will amend my statement and say that is the primary reason.

Mr. ROONEY. That is a better reason.

Mr. HUTCHINSON. Even without the Russell amendment, I think the answer I have given, speaking as an agency member, is a rather good one.

ACCOMPLISHMENTS AND STATUS OF FUNDS

Mr. ROONEY. If you would, Mr. Hutchinson, tell us what have been the results of the expenditure of these moneys to date?

Mr. HUTCHINSON. The results so far have been largely a matter of getting organized, getting set up, getting our feet planted, as it were, to do the job that the President has given us.

Mr. ROONEY. You have been provided funds to the tune of $150,000. What have we gotten for that?

Mr. HUTCHINSON. Actually, of this amount, of the $150,000, approximately $35,000 has been expended.

Mr. ROONEY. How much do you anticipate will be the unexpended balance as of June 30?

Mr. MAXSON. Sir, first of all, there are a couple of general considerations.

Mr. ROONEY. No. That question calls for a figure.

Mr. MAXSON. I do not have a figure. There are two reasons. One is that the appropriation was not available until the second quarter, so the experience to date is quite limited, limited to the second quarter. Expenditures were severely curtailed in the first quarter when we were operating only on the limited contributions. Secondly, any operation of this kind is inclined to accelerate steadily all the way toward the end. Studies to date have been largely exploratory. The second plenary session considered eight recommendations presented by three committees. This is indicative, I think. Although long-term studies by all of the committees are underway, the results are not produced at this point, which means that the printing costs and expenses that you certainly will have as you get toward the end and toward the final report have not yet begun to develop.

Mr. HUTCHINSON. To try to answer the chairman's question a little more specifically, it is anticipated that a substantial percentage of the amount authorized for this fiscal year will be unexpended at the end of the year. Actually, our committees have staff directors who are members of the law faculties of the universities of the land, and the period when they can devote most of their time to this work, of course, is in their nonteaching time through the summer.

We did not get started early enough for them to devote a full summer in most cases to the work of the conference last summer. We anticipate that they will be able to devote virtually full time to the

work of the conference during the summer which is coming up; in other words, the first quarter of 1963.

Judge PRETTYMAN. Could I add something to that, Mr. Chairman, in answer to your question: What do we have to show to date?

Mr. ROONEY. Yes, Judge.

Judge PRETTYMAN. This morning I spent part of the morning reading some of our reports. We have a magnificent study of the procedure in motor vehicle licensing, a very detailed study of just how that is done. From that report they expect to see where the soft spots are in the present procedures. That is the object of the conference. Eventually we will come up with some recommendations.

Then there is another equally large study and report on the procedure in compliance cases. I have not opened that one yet.

Then we had an informal request from a Senate subcommittee for a report on S. 1734, which is a bill which deals with the delegation of functions inside the agencies. That study is about complete and will be up for recommendations at our next meeting in April.

Then we have a formal request from a subcommittee of the House over the signature of Mr. Oren Harris, asking us to express the views of the conference on H.R. 14. We got that just a few weeks ago and we immediately started study of that. That is underway, and we hope we will get an expression of opinion by the April meeting.

In each one of the other areas, studies are underway. Before we make any recommendations about procedures, we have to know what the procedures are. The studies are well underway all the way across the board.

At the second plenary session, also, there were eight recommendations. One of them was for the abolition of three-judge courts in Interstate Commerce Commission orders. That was premised on a wide study. There were a couple of recommendations in regard to contract decisions in the Department of Defense. There were two recommendations in that regard which have gone forward to the President.

STUDIES FOR CONGRESS

Mr. ROONEY. Does the Executive order provide for the Conference doing studies for the Congress?

Judge PRETTYMAN. It contemplates that, Mr. Chairman. I forget the exact phraseology. I think it is to advise the President, the agencies, and the Congress. The Conference has six members——

Mr. ROONEY. I am wondering a bit about this for the reason that both of the Houses have legislative counsel and both of the Houses have access to the Library of Congress, which can investigate almost anything. This is something I do not understand.

Judge PRETTYMAN. Mr. Chairman, if a committee of the Congress wants to know what the procedure in all the agencies is, they will have 75 or 100 different inquiries. They will send out questionnaires and then get these monographs. By the Conference procedure you get a concerted answer of all the agencies in one group. The Conference has six Members of the Congress, three designated by the Vice President and three designated by the Speaker, who are officially listed on the Conference roll and have the privilege of the floor. From the House are Mr. Oren Harris, Mr. Walter Rogers, and John Bennett.

On the Senate side, Senator Muskie, Senator Hart, and Senator Dirksen.

Mr. HUTCHINSON. Are there other questions at this point?

EXECUTIVE ORDER ESTABLISHING ADMINISTRATIVE CONFERENCE

Mr. ROONEY. It might be well if we inserted the Executive order at this point in the record.

(The Executive order referred to follows:)

EXECUTIVE ORDER 10934

ESTABLISHING THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Whereas the performance of regulatory functions and related responsibilities for the determination of private rights, privileges, and obligations by executive departments and administrative agencies of the U.S. Government substantially affects large numbers of private individuals and many areas of economic and business activity; and

Whereas it is essential to the protection of private and public interests and to the sustained development of the national economy that Federal administrative procedures ensures minimum efficiency and fairness in the performance of these governmental functions; and

Whereas the steady expansion of the Federal administrative process during the past several years has been attended by increasing concern over the efficiency and adequacy of department and agency procedures; and

Whereas the experience of the several groups which have examined Federal administrative procedures in recent years demonstrates that substantial progress in improving department and agency procedures can result from cooperative effort by the departments and agencies, working together with members of the practicing bar and other interested persons:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. ESTABLISHMENT OF THE CONFERENCE. There is hereby established a conference to be known as the Administrative Conference of the United States, which shall consist of a Council of eleven members named by the President, one of whom he shall designate to be Chairman of the Conference, and a general membership from Federal executive departments and administrative agencies, the practicing bar, and other persons specially informed by knowledge and experience with respect to Federal administrative procedures.

SEC. 2. PURPOSE. The purpose of the Conference shall be to assist the President, the Congress, and the administrative agencies and executive departments in improving existing administrative procedures. To this end the Conference shall conduct studies of the efficiency, adequacy and fairness of procedures by which Federal executive departments and administrative agencies protect the public interest and determine the rights, privileges and obligations of private persons. The Conference shall from time to time report to the President any conclusions reached by its members based on such studies, together with suggestions for appropriate measures to improve the administrative process. The Conference shall make a final report to the President no later than December 31, 1962, summarizing its activities, evaluating the need for further studies of administrative procedures, and suggesting appropriate means to be employed for this purpose in the future.

SEC. 3. MEMBERSHIP. The composition of the general membership of the Conference shall be determined by the Council; provided that the total membership shall be not less than 50 persons, and at least a majority of the total membership shall be from Federal executive departments and administrative agencies, so distributed as to effect an appropriate representation among the several departments and agencies. General members from Government service shall be designated by the heads of their respective departments and agencies. Other general members shall be named by the Chairman with the approval of the Council from the practicing bar, scholars in the fields of administrative law and government, and other persons specially informed by knowledge and experience with respect to Federal administrative procedures. Members of the Conference who are not in Government service shall participate in the activities of the

Conference solely as private individuals without official responsibility on behalf of the Government of the United States.

SEC. 4. STAFF. The Attorney General of the United States is hereby authorized and directed to furnish to the Conference research and staff assistance from the Office of Administrative Procedure in the Department of Justice, through the Director of that Office and the Chairman of the Conference, and the Director of the Office of Administrative Procedure shall act as Executive Secretary of the Conference.

SEC. 5. OPERATION OF THE CONFERENCE. The Conference shall have authority to adopt bylaws and regulations not inconsistent with the provisions of this order for the conduct of its functions. Every member of the Conference will be expected to participate in all respects according to his own views, and not necessarily as a representative of any department or agency or other group from which he may have been chosen.

SEC. 6. COMMITTEES. Committees of the Conference shall be appointed by the Chairman, with the approval of the Council. Committees shall have authority to designate subcommittees from their own membership for the purposes of conducting studies and making reports to the full committees.

SEC. 7. FUNCTIONS OF THE COUNCIL. The Council is hereby authorized to perform the following functions:

(a) To meet under the chairmanship and upon the call of the Chairman of the Conference.

(b) To determine the composition of the General membership of the Conference as provided in section 3 above.

(c) To make appropriate arrangements with the President of the Senate and the Speaker of the House of Representatives for participation in the activities of the Conference by interested committees of the Congress. Representatives of the Congress shall have the privilege of the floor of the Conference.

(d) To determine the time and place of plenary sessions of the Conference.

(e) To propose bylaws and regulations, including rules of procedure and committee organization, for adoption by the Conference.

(f) To propose to the Conference the matters concerning which the Conference and its committees shall conduct investigations and studies.

(g) To receive and consider reports of committees of the Conference and proposals adopted by the Conference, and to transmit them to the President together with the views of the Council concerning such matters.

SEC. 8. COOPERATION OF FEDERAL AGENCIES. All executive departments and administrative agencies of the Federal Government are authorized and directed to cooperate with the Conference and to furnish such information and assistance not inconsistent with law as may reasonably be required in the performance of its functions.

SEC. 9. EXPENDITURES OF THE CONFERENCE. Each executive department and administrative agency which is represented by one or more members of the Conference named or designated as provided in section 3 of this order shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Conference in accordance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include detailing employees to the Conference to perform such functions consistent with the purposes of this order as the Conference may assign to them.

JOHN F. KENNEDY.

THE WHITE HOUSE, April 13, 1961.

Mr. HUTCHINSON. Mr. Chairman, in considering Conference financing, it should be kept in mind that experience under the Conference budget for 1962 is limited, for the most part, to the second quarter of the fiscal year. Although the Conference began its initial operations during the summer of 1961, the appropriation was not available until the first quarter had ended, and expenditures were therefore severely restricted during July, August, and September 1961, a period when we could have accomplished much productive work if we had had an opportunity to organize and had gotten started earlier than we did.

Mr. ROONEY. In the last sentence of page 10–13 of the justification, we find the words, "There is every reason to believe that the results

produced will repay the monetary costs many times over." What is meant by that?

Mr. HUTCHINSON. In one respect, reducing the time that it will take for interested parties to process litigation or proceedings before the agencies.

Mr. ROONEY. Mr. Bow?

EXPENDITURES

Mr. Bow. How much did you say you had spent to date?

Mr. HUTCHINSON. Approximately $35,000.

Mr. Bow. Is that from appropriated funds or the contributed funds of other agencies?

Mr. MAXSON. From both.

Mr. Bow. So, if you have spent only $35,000, you actually have your full apporpriation for $150,000 left; have you not?

Mr. MAXSON. Yes, sir.

Mr. HUTCHINSON. It would be short just a few thousand dollars, approximately $5,000.

Mr. GILLILLAND. That $35,000 was as of January 1.

Mr. MAXSON. That is essentially the figure from September 1 to December 31, yes.

Mr. Bow. Have you a breakdown of your expenditures to date?

Mr. MAXSON. Yes, sir.

Mr. Bow. Will you give that to us?

Mr. MAXSON. It is not set forth in a schedule of any kind. It is in the narrative here. I can dictate it for the record.

Mr. Bow. If you will. Is it long?

Mr. MAXSON. No.

Mr. Bow. Let us have it.

Mr. MAXSON. Referring to the object classification and taking the items in that order, the first item is "Personnel compensation." The current budget provides for a total of $124,000; to date our expenditures under this item have been $25,577.47.

For the next item, "Personnel benefits," we have no obligation to the account at this point. I understand this is a formula item. It goes with the personnel figure. Whatever the personnel figures turn out to be, a corresponding charge is made to this item.

"Travel and transportation of persons." This, again, is almost entirely the second quarter. We curtailed travel during the first quarter rather severely. The item is $40,000 in the current budget. Our charges to the item through December 31, 1961, are $7,049.03.

"Rent, communications, and utilities," $4,000. We have no charge to that item at this point. The reason for this is that although our telephone bills are appreciable because of the wide geographical distribution of the membership of the Conference, all of this has been, as a matter of accounting convenience, charged to my office, the Office of Legal Counsel in the Justice Department, with transfers to the Conference account expected periodically or at least before the end of the year.

"Printing and reproduction." There is an item of $7,000. To date we have spent $1,864. A good part of the printing and reproduction to this point has been contributed by participating agencies. I might point out that the committee chairmen generally are agency people.

Much of the materials that are generated in their own committees is printed by their agencies rather than sent to us. For example, a large report of the Committee on Claims was printed at the expense of the Defense Department and was not given to me.

This item does not include reproduction that has been done for us by the Department of Justice to this point. Again, it is a matter of accounting convenience, and at the end of the year they will compute that amount and charge it to us.

"Other services" is an item of $2,000. The only charge to that item at this point is for a verbatim transcript of the second plenary session in the amount of $326.25. Supplies and materials, like rent, communications, and utilities, is chargeable to the Office of Legal Counsel entirely. We have no charge to this $2,000 item.

The only charge under "Equipment," to date, has been $447 in furniture to partially equip two offices that the Justice Department has made available to us.

That totals $35,263.75.

Mr. Bow. That is your total expenditures to date?

Mr. MAXSON. Yes, sir.

Mr. Bow. Do you anticipate later on making some arrangements with the Justice Department to repay them for their expenses?

Mr. MAXSON. Yes, sir. As they explained it to me it is a matter of accounting convenience. What we charge to them they hope to segregate and transfer.

Mr. Bow. You do not suppose Mr. Andretta is waiting to see when you get through how much you have left so he can give you a bill for it?

Mr. MAXSON. No, sir. We had something left in contributed funds at the end of 1961.

Mr. Bow. That is all. Thank you.

Mr. ROONEY. A while ago you mentioned 39 U.S.C. 691. What did you say about it?

Mr. MAXSON. I said it is my understanding that an interagency group fund set up thereunder can operate only for a limited period. I think it is for the fiscal year after it is created. Is that the provision?

Mr. ROONEY. I do not think you will find that at 691.

Mr. ANDRETTA. This is the one that permits contributions; is it not?

Mr. ROONEY. Yes.

Mr. ANDRETTA. There is another one that says you have to get an appropriation from Congress, the Russell amendment.

Mr. HUTCHINSON. We believe, Mr. Chairman, that we are now, or soon will be, spending at the rate shown in the budget request and not at the rates experienced in the past, for the reasons that I have already mentioned. It is a matter of accelerating. You do not start at full speed, in other words. Therefore, we feel that the historical experience is not indicative of the needs for fiscal year 1963. We will need to spend at a much higher rate in order to accomplish or to meet the responsibilities that the President has given us in the Executive Order 10934.

EMPLOYMENT

Mr. ROONEY. The permanent positions mentioned at page 10–14 of the justifications, the last green sheet, are employees who devote full time to this?

Mr. HUTCHINSON. The two attorney positions and the secretary position?

Mr. ROONEY. Yes.

Mr. MAXSON. The distinction between what is denoted permanent positions here and positions other than permanent I understand is full time versus part time. In other words, permanent positions are not really permanent positions. They are positions for the life of the Conference, but they are full time. At the time we submitted our request to the Bureau of the Budget, we contemplated two attorneys and one secretary for total salaries of $24,300. Since that time the secretaries that we already have from the Justice Department, on the Justice Department payroll, have done the job and we have not yet had a need for the additional secretary. We did hire one of the two attorneys at the grade indicated as the lower grade here, $9,000 a year, and in addition the Council has employed a full-time consultant to the Conference, whose salary is an equivalent to the secretary and the other attorney position. He is a senior attorney, has spent a lot of time here on the Hill, and was more recently on the White House staff.

Mr. ROONEY. How should I reconcile pages 10–2 and 10–14? It would appear with regard to personnel compensation, set forth at page 10–2, that the amount in 1963 is to be $12,000 whereas at page 10–14 the amount for permanent positions is $24,000. I have the answer. That is the first one this year we have seen rounded off down. They are always rounded off up.

AUTHORITY FOR EXPENDITURES

Mr. MAXSON. Mr. Andretta has found this provision I was unable to, section 673 of title 31:

> No part of the public moneys, or any appropriation made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body.

It is this provision which precludes our utilization of appropriated funds.

Mr. ROONEY. Nothing that you have read so far would preclude it.

Mr. HUTCHINSON. Perhaps we could supplement the record on that point, Mr. Chairman.

Mr. ROONEY. Supply it under its proper citation at this point in the record and set forth the language.

(The information requested follows:)

Section 213 of the Independent Offices Appropriation Act, 1945, enacted June 27, 1944, 58 Stat. 337 (31 U.S.C. 696) provides as follows:

"After January 1, 1945, no part of any appropriation or fund made available by this or any other Act shall be allotted or made available to, or used to pay the expenses of, any agency or instrumentality including those established by Executive order after such agency or instrumentality has been in existence for more than one year, if the Congress has not appropriated any money specifically for such agency or instrumentality or specifically authorized the expenditure of

funds by it. For the purposes of this section, any agency or instrumentality including those established by Executive order shall be deemed to have been in existence during the existence of any other agency or instrumentality, established, by a prior Executive order, if the principal functions of both of such agencies or instrumentalities are substantially the same or similar. When any agency or instrumentality is or has been prevented from using appropriations by reason of this section, no part of any appropriation or fund made available by this or any other Act shall be used to pay the expenses of the performance by any other agency or instrumentality of functions which are substantially the same as or similar to the principal functions of the agency or instrumentality so prevented from using appropriations, unless the Congress has specifically authorized the expenditure of funds for performing such functions."

Mr. ROONEY. Thank you, gentlemen. Thank you, Judge.

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WEDNESDAY, JANUARY 24, 1962.

## FEDERAL BUREAU OF INVESTIGATION

### WITNESSES

**HON. J. EDGAR HOOVER, DIRECTOR**
**CLYDE A. TOLSON, ASSOCIATE DIRECTOR**
**J. P. MOHR, ASSISTANT TO THE DIRECTOR**

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Permanent positions | 97,116 | 99,188 | 101,413 |
| | Positions other than permanent | 15 | 20 | 20 |
| | Other personnel compensation | 6,345 | 6,063 | 6,204 |
| | Total personnel compensation | 103,476 | 105,271 | 107,637 |
| 12 | Personnel benefits | 6,984 | 7,026 | 7,252 |
| 21 | Travel and transportation of persons | 4,572 | 4,606 | 5,063 |
| 22 | Transportation of things | 519 | 494 | 504 |
| 23 | Rent, communications, and utilities | 2,939 | 2,956 | 3,419 |
| 24 | Printing and reproduction | 276 | 172 | 174 |
| 25 | Other services | 1,854 | 1,629 | 1,637 |
| 26 | Supplies and materials | 1,845 | 1,616 | 1,642 |
| 31 | Equipment | 3,136 | 3,466 | 3,367 |
| 42 | Insurance claims and indemnities | | 5 | 5 |
| | Total costs | 125,601 | 127,241 | 130,700 |
| | Change in selected resources | −128 | −115 | |
| | Total obligations | 125,473 | 127,126 | 130,700 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 13,968 | 14,039 | 14,257 |
| Full-time equivalent of other positions | 3 | 4 | 4 |
| Average number of all employees | 13,524 | 13,579 | 13,797 |
| Number of employees at end of year | 13,698 | 13,776 | 13,995 |
| Average GS grade | 7.9 | 8.1 | 8.1 |
| Average GS salary | $7,154 | $7,275 | $7,324 |

Mr. ROONEY. The committee will please come to order.

This morning we shall commence consideration of the appropriation request for the Federal Bureau of Investigation. This item appears beginning at page 116 of the committee print and is to be found under tab 25 of book II of the justification books. We shall insert at this point in the record pages 25–1 through 25–35 of the justifications.

(The pages referred to follow:)

*Summarization—Funds, fiscal years 1962–63 (direct plus reimbursements)*

[In thousands of dollars]

| | Direct | Reimbursements | Total |
|---|---|---|---|
| 1962 approved | 127,216 | | |
| 1962 transfer to General Services Administration for 1st year rental of space | −90 | | |
| 1962 total (adjusted) | 127,126 | 1,656 | 128,782 |
| 1963 requested | 130,700 | 1,371 | 132,071 |
| 1963 increase or decrease | [1] +3,574 | −285 | +3,289 |

[1] The appropriation requested for 1963 ($130,700,000) represents an increase of $3,484,000 when compared to funds approved for 1962 ($127,216,000).

*Detail justification—Salaries and expenses, Federal Bureau of Investigation*

[In thousands of dollars]

| | 1961 actual | | 1962 estimate | | 1963 estimate | | 1963 versus 1962 | |
|---|---|---|---|---|---|---|---|---|
| | Full-year employees | Cost | Full-year employees | Cost | Full-year employees | Cost | Full-year employees | Cost |
| DIRECT OBLIGATIONS | | | | | | | | |
| Personnel compensation | 13,524 | 103,476 | 13,579 | 105,271 | 13,797 | 107,637 | +218 | +2,366 |
| Personnel benefits | | 6,984 | | 7,026 | | 7,252 | | +226 |
| Travel and transportation of persons | | 4,572 | | 4,606 | | 5,063 | | +457 |
| Transportation of things | | 519 | | 494 | | 504 | | +10 |
| Rent, communications, and utilities | | 2,939 | | [1] 2,956 | | 3,419 | | +463 |
| Printing and reproduction | | 276 | | 172 | | 174 | | +2 |
| Other services | | 1,854 | | 1,629 | | 1,637 | | +8 |
| Supplies and materials | | 1,756 | | 1,616 | | 1,642 | | +26 |
| Equipment | | 3,097 | | 3,351 | | 3,367 | | +16 |
| Insurance claims and indemnities | | | | 5 | | 5 | | |
| Total other objects of expenditure | | 21,997 | | [1] 21,855 | | 23,063 | | +1,208 |
| Total direct obligations | | 125,473 | | [1]127,126 | | 130,700 | | +3,574 |
| Estimated savings | | 77 | | | | | | |
| Total funds available | | 125,550 | | [1]127,126 | | 130,700 | | +3,574 |

[1] Excludes funds to be transferred to General Services Administration (90,000).

*Detail justification—Salaries and expenses, Federal Bureau of Investigation*—Con.

[In thousands of dollars]

| | 1961 actual | | 1962 estimate | | 1963 estimate | | 1963 versus 1962 | |
|---|---|---|---|---|---|---|---|---|
| | Full-year employees | Cost | Full-year employees | Cost | Full-year employees | Cost | Full-year employees | Cost |
| OBLIGATIONS PAYABLE OUT OF REIMBURSEMENTS | | | | | | | | |
| Personnel compensation | 181 | 1,678 | 134 | 1,236 | 115 | 1,017 | −19 | −219 |
| Personnel benefits | | 115 | | 85 | | 70 | | −15 |
| Travel and transportation of persons | | 130 | | 97 | | 49 | | −48 |
| Transportation of things | | 7 | | 5 | | 5 | | |
| Rent, communications, and utilities | | 18 | | 14 | | 13 | | −1 |
| Printing and reproduction | | 1 | | 1 | | 1 | | |
| Other services | | 24 | | 18 | | 17 | | −1 |
| Supplies and materials | | 17 | | 13 | | 12 | | −1 |
| Equipment | | 196 | | 187 | | 187 | | |
| Total other objects of expenditure | | 508 | | 420 | | 354 | | −66 |
| Total obligations payable out of reimbursements | | 2,186 | | 1,656 | | 1,371 | | −285 |
| Included in equipment item above are proceeds from the sale of personal property | | (186) | | (180) | | (180) | | |
| TOTAL DIRECT AND REIMBURSEMENTS | | | | | | | | |
| Personnel compensation | 13,705 | 105,154 | 13,713 | 106,507 | 13,912 | 108,654 | +199 | +2,147 |
| Personnel benefits | | 7,099 | | 7,111 | | 7,322 | | +211 |
| Travel and transportation of persons | | 4,702 | | 4,703 | | 5,112 | | +409 |
| Transportation of things | | 526 | | 499 | | 509 | | +10 |
| Rent, communications, and utilities | | 2,957 | | [1] 2,970 | | 3,432 | | +462 |
| Printing and reproduction | | 277 | | 173 | | 175 | | +2 |
| Other services | | 1,878 | | 1,647 | | 1,654 | | +7 |
| Supplies and materials | | 1,773 | | 1,629 | | 1,654 | | +25 |
| Equipment | | 3,293 | | 3,538 | | 3,554 | | +16 |
| Insurance claims and indemnities | | | | 5 | | 5 | | |
| Total other objects of expenditure | | 22,505 | | [1] 22,275 | | 23,417 | | +1,142 |
| Total obligations | | 127,659 | | 128,782 | | 132,071 | | +3,289 |
| Estimated savings | | 77 | | | | | | |
| Total funds | | 127,736 | | [1] 128,782 | | 132,071 | | +3,289 |

[1] Excludes funds to be transferred to General Services Administration (90,000).

*Obligations by activities*

[In thousands of dollars]

| | 1961 actual | 1962 estimate | 1963 estimate | 1963 versus 1962 |
|---|---|---|---|---|
| Direct obligations: | | | | |
| 1. Security and criminal investigations: | | | | |
| (a) Coordination | 5,085 | 5,258 | 5,337 | +79 |
| (b) Maintenance of investigative records and communications system | 6,363 | 6,325 | 6,393 | +68 |
| (c) Field investigations | 94,718 | 96,045 | 99,163 | +3,118 |
| 2. Identification by fingerprints | 10,349 | 10,489 | 10,594 | +105 |
| 3. Criminal and scientific laboratory | 2,690 | 2,770 | 2,844 | +74 |
| 4. Training schools and inspectional services | 807 | 1,078 | 1,104 | +26 |
| 5. General administration | 5,461 | 5,161 | 5,265 | +104 |
| Total direct obligations | 125,473 | 127,126 | 130,700 | +3,574 |
| Estimated savings | 77 | | | |
| Direct funds available | 125,550 | [1] 127,126 | 130,700 | +3,574 |
| Obligations payable out of reimbursements: | | | | |
| 1. Security and criminal investigations: | | | | |
| (a) Coordination | 194 | 126 | 106 | −20 |
| (b) Maintenance of investigative records and communications system | 2 | 1 | 1 | |
| (c) Field investigations | 1,984 | 1,527 | 1,262 | −265 |
| 5. General administration | 6 | 2 | 2 | |
| Total obligations payable out of reimbursements | 2,186 | 1,656 | 1,371 | −285 |
| Total obligations incurred | 127,659 | [1] 128,782 | 132,071 | +3,289 |

[1] Excludes funds to be transferred to General Services Administration (90 thousand).

REPLACEMENT OF AUTOMOBILES

The FBI is authorized to operate 3,104 passenger carrying vehicles. These cars must be in good operating condition since the Bureau's investigative responsibilities require cars capable of providing adequate service in combating criminal activities involving "hot pursuit" and in investigations concerned with espionage and security operations.

Although the Bureau will have an estimated 822 vehicles which will have met General Services Administration replacement standards as to age and mileage, the appropriation request for the fiscal year 1963 contains funds to replace only 501 of these. We will continue to obtain further service from the others.

APPROPRIATION LANGUAGE CHANGE

There is no change in the Bureau's appropriation language for the fiscal year 1963.

INTRODUCTION

The appropriation request allowed by the Bureau of the Budget for the fiscal year 1963 totals $130,700,000. This will provide for 218 additional employees (145 special agents and 73 clerks) when compared to the number provided for the current fiscal year. All of the additional employees are for assignment to the field where there has been a substantial increase in investigative work, particularly in the criminal field.

There has been a continuing rise in nearly all major criminal offenses within the primary jurisdiction of the FBI. The Government's stepped-up drive against organized crime and racketeering since the forepart of the calendar year 1961 has greatly expanded the amount of work throughout the field. There has been a substantial increase in the antitrust category. All of this work is expected to continue to mount throughout the fiscal year 1963. At the same time, we must continue to meet our growing work concerned with security and counterintelligence objectives against communism, espionage, subversion, and Communist-infiltrated front organizations and nationality groups.

It was because of this vast overall increase in our work, largely resulting from the Government's drive against hoodlums and racketeers, which made it necessary that we request additional field personnel for the fiscal year 1963.

Legislation enacted since the submission of our fiscal year 1963 request has broadened our jurisdiction and results in a further expansion of critically high workloads, both in the current fiscal year and during the fiscal year 1963. No funds or personnel were made available to handle this new work.

The request for the fiscal year 1963 does not provide for any increase in our seat of Government staff although there has been an appreciable rise in all essential seat of Government service functions, including name checks, fingerprint checks, and scientific examinations. The FBI will endeavor to absorb this additional work with its present staff.

BASIC STATUTORY AUTHORITY

The fundamental authority for its basic original functions was vested in the Federal Bureau of Investigation pursuant to the following legislation:

Authority for the activities of the Bureau is contained in section 360 of the Revised Statutes, derived from 16 Stat. 164, an act to establish the Department of Justice, dated June 22, 1870. Section 360 reads as follows: "The Attorney General may require any solicitor or officer of the Department of Justice to perform any duty required of the Department or any officer thereof."

Section 361 of the Revised Statutes further bestows authority upon the Attorney General to direct any of the divisions, heads, or departments under the Department of Justice to perform any duties which he shall direct and in the Appropriation Act for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872 (16 Stat. 497), an appropriation was provided for the detection and prosecution of crimes against the United States.

Title 18, section 3052, United States Code (formerly sec. 300A of title 5, U.S.C.), as amended January 10, 1951, by Public Law Number 915, provides that "* * * The Director, Associate Director, Assistant to the Director, Assistant Directors, Inspectors, and Agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony."

Under authority contained in 5 U.S.C. 340 there was established under the jurisdiction of the Department of Justice a division of the Federal Bureau of Investigation to be known as the Division of Identification and Information. Pursuant thereto, the Bureau shall be vested with the duty of acquiring, collecting, classifying, and preserving criminal identification and other crime records and the exchange of said criminal identification records with the duly authorized officials of governmental agencies, of States, cities, and penal institutions; and the cost of maintenance and operation of said Bureau shall be paid from the appropriation "Detection and prosecution of crimes" for the respective fiscal years concerned, as otherwise provided. The 85th Congress changed the Bureau's appropriation language for the fiscal year 1958 to provide that the exchange of identification and other records was for official use of the receiving departments or related agencies, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies.

The FBI, as the investigative arm of the Department of Justice, has also been vested with subsequent authority for certain auxiliary specific and general investigative responsibilities by the Congress, the Attorney General, and the President of the United States. Many of these responsibilities play a direct part in defense matters affecting the Nation's security. Specific authority therefor is set forth under the immediately following section designated "Objectives."

OBJECTIVES

There are summarized below the principal objectives and responsibilities upon the basis of which funds will be utilized by the Federal Bureau of Investigation:

1. *Criminal investigations.*—The investigation of violations of Federal criminal statutes; collecting evidence in which the United States is or may be a party in interest; and performing other duties imposed by law.

Under this authority, the Federal Bureau of Investigation has investigative jurisdiction over some 165 Federal investigative matters. This authority covers all Federal statutes except those specifically assigned to another agency. Included in this group are various statutes concerned with kidnaping; extortion; crime aboard aircraft; bank robbery; white slavery; automobile theft; impersonation; the unlawful flight of certain local fugitives; illegal wearing of the uniform; crimes on Indian and Government reservations; theft and embezzlement of Government property; bribery; the interstate transmission of wagering information; interstate transportation of wagering paraphernalia; interstate travel or transportation in aid of racketeering; violations of the Selective Service Act; and those pertaining to civil rights; frauds against the Government; antitrust matters; and others in the criminal and civil fields of activity. Investigations to locate deserter fugitives are also conducted by the FBI upon request of the respective branches of the Armed Forces.

2. *Domestic intelligence.*—The FBI's responsibilities in the domestic intelligence field are authorized under legislative enactments, Presidential directives, and instructions of the Attorney General. They include investigative jurisdiction over matters relating to espionage, counterespionage, sabotage, treason, sedition, subversion, and related internal security functions.

Various laws of the United States bring within the investigative jurisdiction of the FBI the activities of the Communist Party, U.S.A.; its members and sympathizers; Communist front groups; totalitarian organizations; as well as any other subversive individuals or groups which are alleged either to seek the overthrow of the Government of the United States by force or violence or to conspire against the rights of citizens. The FBI has primary responsibility for investigating matters of these types in the United States, Puerto Rico, and the Virgin Islands.

3. *Coordination and dissemination of security data.*—By reason of various Presidential directives, the FBI has the responsibility of correlating information regarding espionage, sabotage, subversive activities and related matters on a national basis, and of referring matters under the jurisdiction of any other Federal agencies in these fields to the appropriate sources. Under these Presidential directives the FBI disseminates a large volume of information to other agencies in the executive branch of the Federal Government. During the course of the Bureau's investigations, particular attention is given at all times to information indicating any Soviet-Communist hostile action. As a part of this overall program, the FBI makes name checks of its files for the various agencies of the Government. By reason of these functions, the FBI is inescapably tied in with all defense matters.

The FBI also conducts considerable research in all phases of communism and the intelligence operations of the Soviets and their satellites in order to determine the tactics of Soviet Russia and the satellite countries. Many of the various studies prepared in this field are furnished to other intelligence agencies who have on a number of occasions, commented favorably concerning the value of these research studies in their own agencies.

The FBI has certain specialized defense functions in respect to which it operates as a member of the Interdepartmental Intelligence Conference and the U.S. Intelligence Board and other bodies created by the National Security Council. In connection with its participation in the work of such bodies, the FBI makes plans and recommendations on various problems concerned with strengthening the internal security of the Nation.

4. *Specialized security programs.*—FBI responsibilities in the field of specialized security programs are largely concerned with various sensitive types of applicant and employee investigations. The bulk of the work derives from legislative enactments and Presidential directives requiring the FBI to ascertain facts pertinent to the loyalty and security risk of employees and applicants for positions in the Government service or in activities incident to which the Government has an official interest.

5. *Identification functions.*—To gather, maintain, classify, and preserve identification data received from cities, States, penal institutions, Federal agencies, and private citizens. To furnish information concerning such records to duly authorized agencies of Federal, State, and local governments and institutions in the interest of law enforcement.

6. *Scientific crime detection.*—To maintain a well-equipped technical laboratory as an aid in scientific crime detection. The facilities of the FBI Laboratory are made available on a cost-free basis to local law enforcement agencies as well as

Federal Government circles. The FBI's scientific personnel are made available to testify in court upon the request of prosecuting officials.

7. *Uniform crime reporting.*—To maintain a program of uniform crime reporting on a countrywide basis for the compilation of statistics concerning the extent of crime, arrests, convictions, and related crime data. This information is coordinated by the FBI and published in the form of four quarterly reports to demonstrate current crime trends as well as a comprehensive annual report which are furnished to all law enforcement agencies.

*Summary of investigative accomplishments*

| | Fiscal year | | 1961 increase | |
|---|---|---|---|---|
| | 1960 | 1961 | Number | Percent |
| Convictions | 11,914 | 12,390 | 476 | 4 |
| Total sentences: | | | | |
| Death sentences | | 1 | | |
| Life sentences | 8 | 8 | | |
| Years | 33,458 | 35,346 | 1,888 | 6 |
| Fugitives located | 9,527 | 9,935 | 408 | 4 |
| Automobiles recovered | 17,430 | 18,410 | 980 | 6 |
| The following money statistics reflect the amounts assessed or saved through court or other legal action or physically recovered in cases in which the Federal Bureau of Investigation expended investigative effort: | | | | |
| Fines, savings, and recoveries | $142,822,244 | $167,654,622 | $24,832,378 | 17.4 |

PERCENTAGE OF CONVICTIONS

*Fiscal year 1961.*—Convictions were obtained against 96.6 percent of the persons brought to trial during the fiscal year 1961.

*Guilty pleas.*—Of the 12,390 convictions obtained during the fiscal year 1961, 11,545 (93.2 percent) were on guilty pleas, while the remaining 845 (6.8 percent) were the result of trial before judge or jury.

JUSTIFICATION: SEAT OF GOVERNMENT

IDENTIFICATION BY FINGERPRINTS

During the fiscal year 1961, the FBI received for handling 5,496,374 sets of fingerprints from 13,427 contributors, an average of 21,811 sets of fingerprints each working day. This is an increase of 293,467 sets of fingerprints, or 6 percent over the volume received for handling during the prior year. Predicated upon an analysis of the continued increase in the volume of police arrest fingerprints and the workload volumes furnished by other Federal agencies for whom a great bulk of the work will be performed—and over which we have no control—an estimated 5,700,000 sets of fingerprints will be received for handling during the fiscal year 1963, up 4 percent over the high actual volume of receipts during the fiscal year 1961, as follows:

| Fiscal year | Volume | Increase over 1959 | | Increase over 1961 | |
|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent |
| 1959, actual | 4,987,362 | | | | |
| 1960, actual | 5,202,907 | 215,545 | 4 | | |
| 1961, actual | 5,496,374 | 509,012 | 10 | | |
| 1962, revised estimate | 5,600,000 | 612,638 | 12 | 103,626 | 2 |
| 1963, estimated | 5,700,000 | 712,638 | 14 | 203,626 | 4 |

NOTE.—The estimate for the fiscal year 1962, originally shown as 5,275,000, has been revised upward to more nearly conform to the actual trend of receipts.

The work of the Identification Division must be maintained in a current status to be of maximum value to the contributor. In keeping with the Bureau's policy of absorbing additional work wherever possible without seeking commensurate increases in personnel, we will endeavor to handle the estimated increased workload volume on a current basis with our present staff by a continued streamlining of our procedures.

Established by congressional action in 1924, the FBI's centralized fingerprint file contained 161,492,655 sets of fingerprints on December 1, 1961. Of this total, there were 39,415,605 sets of fingerprints in the criminal file representing an estimated 14,131,898 persons. The civil file contained 122,077,050 sets of fingerprints representing an estimated 62,218,769 persons.

The Bureau's centralized fingerprint file has grown over the years by reason of our responsibility of acquiring and preserving identification and other records and their exchange with authorized Government agencies, and local, municipal, and State law enforcement organizations and penal institutions. The file has become one of the most productive tools at all levels of the law enforcement profession. During the fiscal year 1961, for example, 2,160,733 sets of fingerprints which were submitted by law enforcement agencies of persons arrested or incarcerated were searched through the FBI fingerprint file. Identifications were made with prior arrest records on 1,686,050, or 78 percent, of such fingerprints and resulted in the identification of an all-time high of 18,546 fugitives. Many of these fugitives might have continued to avoid identification were it not for the Bureau's centralized fingerprint file and the excellent cooperation it receives from the law enforcement profession throughout the Nation. The 87,132 wanted notices outstanding in our fingerprint file at the close of the fiscal year 1961 clearly reflect the value placed by the law enforcement groups on this means of identifying and locating far-ranging fugitives.

### TRAINING SCHOOLS AND INSPECTIONAL SERVICES

No administrative function of the modern-day law enforcement agency is of greater importance to its overall efficiency than the training of personnel. To carry out their increasing responsibilities in an efficient manner and to keep pace with the ever-changing tactics of the criminal and the subversive, it is essential that our investigative staff be kept abreast of new investigative procedures and techniques, the use of new equipment, and the like.

Training in the FBI includes the training of the newly appointed agents, the followup in-service training given from time to time for the experienced investigative staff, and the specialized training schools which are held to meet the needs as they arise.

It also includes the cooperative assistance which the Bureau provides, upon request, in the training of police officers of local law enforcement organizations throughout the Nation. During the fiscal year 1961, the FBI participated in 3,464 police training schools throughout the country in this cooperative training activity for the benefit of local law enforcement organizations throughout the Nation.

In addition, the FBI conducts law enforcement conferences on a nationwide basis dealing with pressing law enforcement problems confronting law enforcement as a whole. Such conferences enable the law enforcement profession to exchange ideas and to cooperatively develop more effective programs to combat mutual criminal problems. During the fall of 1961, the FBI held a series of special bank robbery conferences throughout the Nation in an effort to curtail the record number of crimes against banking institutions and to discuss the new legislation enacted by the last session of Congress which broadens FBI jurisdiction in the criminal field. A total of 215 conferences were held. These were attended by 20,470 persons representing 9,856 law enforcement agencies, banks, savings and loan associations, Federal credit unions, and surety companies.

Another cooperative training activity which the Bureau conducts is the FBI National Academy. The graduation of the 68th session on November 8, 1961, brought the total number of academy graduates to 4,093. More than 28 percent of the graduates now actively engaged in law enforcement occupy positions as the executive heads of their respective departments.

Much of the training for the police officers attending the FBI National Academy and for the training programs for Bureau personnel at the seat of Government is conducted at the Bureau's facilities located at the Marine Corps Schools base, Quantico, Va. These facilities include the Bureau's modern firearms ranges

which are used to provide firearms training of new agents; agents attending in-service schools; those agents assigned to the Bureau headquarters, Washington field office, and the Richmond, Va., office; as well as those law enforcement officers attending the FBI National Academy.

MAINTENANCE OF INVESTIGATIVE RECORDS AND COMMUNICATIONS SYSTEM

The Files and Communications Division has the responsibility for maintaining the data which this Bureau gathers as a result of its investigative and auxiliary responsibilities. It also has the responsibility for the Bureau's extensive communications system.

During the fiscal year 1961, a total of 1,628,685 name checks were received for handling, an increase of 56,851 name checks over the volume received during the prior year. According to official estimates, furnished primarily by outside sources for which such work will be performed, it is anticipated that the name check work will continue its upward trend with an estimated 1,650,000 name checks being referred for handling during the fiscal year 1963, an increase of 21,315 name checks over the actual receipts during the fiscal year 1961, as follows:

| Fiscal year | Volume | Increase over 1959 | | Increase over 1961 | |
|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent |
| 1959, actual | 1,542,309 | | | | |
| 1960, actual | 1,571,834 | 29,525 | | | |
| 1961, actual | 1,628,685 | 86,376 | | | |
| 1962, revised estimate | 1,650,000 | 107,691 | | 21,315 | |
| 1963, estimated | 1,650,000 | 107,691 | 7 | 21,315 | 1 |

NOTE.—The fiscal year 1962 estimate, originally shown as 1,600,000, has been revised upward to 1,650,000 to more nearly conform to the actual trend of receipts.

The great bulk of the name checks are from other agencies. FBI estimates are based upon actual workload experience. Other agency figures are based upon official estimates furnished by them and over which we have no control.

The Bureau's central record file serves many Federal agencies as a result of various Presidential directives and other authority vesting the Bureau with the responsibility of coordinating and disseminating security and intelligence data, particularly as it concerns espionage, sabotage, and related subversive matters affecting the domestic internal security. Of the 1,628,685 names received for search through our files during the fiscal year 1961, a total of 1,374,350 were from other agencies of the Government.

CRIMINAL AND SCIENTIFIC LABORATORY

The volume of scientific examinations received for handling continued to mount throughout the fiscal year 1961, reaching a new alltime high of 224,183. The FBI Laboratory serves as a national service agency and its facilities are available on a cost-free basis to municipal, county, and State law enforcement organizations in all parts of the United States, as well as to other Federal agencies. Thus, all law enforcement agencies regardless of size or location, have at their disposal in their cooperative fight against crime, the finest crime detection facilities in the world. The laboratory technicians who perform the examination of the submitted material are available for expert testimony in local as well as Federal courts.

The workloads of the laboratory have been on a steady rise for many years and reflect the growing importance of physical examination of evidence in the many investigations conducted, not only for the FBI, but for other Federal agencies as well as local agencies on all levels across the country.

The volume of scientific work is expected to continue to increase with the number of scientific examinations reaching an estimated 228,000 during the fiscal year 1963, up 2 percent over the record-breaking volume received for handling during 1961. Again, in keeping with our policy of handling increased work wherever possible without seeking commensurate increases in personnel, we have not requested additional personnel for our laboratory staff for the fiscal year 1963 to handle the growing volume of scientific work. We will en-

deavor to absorb the growing volume through research and the development of improved scientific techniques, the use of improved equipment, and the like.

The following tabulation shows the actual volume of scientific examinations for the fiscal years 1959 through 1961 together with the estimated volumes to be received for handling for the fiscal years 1962 and 1963.

| Fiscal year | Volume | Increase over 1959 | | Increase over 1961 | |
|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent |
| 1959, actual | 184,993 | | | | |
| 1960, actual | 210,745 | 25,752 | 14 | | |
| 1961, actual | 224,183 | 39,190 | 21 | | |
| 1962, revised estimate | 226,000 | 41,007 | 22 | 1,817 | |
| 1963, estimated | 228,000 | 43,007 | 23 | 3,817 | 2 |

NOTE.—The estimate for the fiscal year 1962 was revised upward from 212,000 to 226,000 to more nearly conform to the actual trend of receipts.

## FIELD JUSTIFICATION

### OVERALL PICTURE

The fiscal year 1961 brought a sharp jump in our field investigative work, particularly in the criminal field. The 1961 volume is a continuance of the upward spiral in field workloads which have been on a constant increase for many years. As a result, there is an urgent need for a sufficiently adequate staff to keep pace with the mounting volume of work in the overall criminal, security, and civil fields of operation.

New legislation passed since the submission of the Bureau's appropriation request for the fiscal year 1963 will add substantially to our already sharply mounting workloads, both in the current fiscal year and throughout the fiscal year 1963. No funds or personnel have been made available to handle the new work.

The new legislation includes such items as:

*Public Law 87–27, approved May 1, 1961*

Substance: Has as its purpose the alleviating of conditions of unemployment and underemployment in certain economically distressed areas. It provides penalties for false statements, embezzlements, false entries, and the like, which offenses are under FBI jurisdiction.

*Public Law 87–197, approved September 5, 1961*

Substance: Amends the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce, such as (*a*) hijacking of the aircraft; (*b*) interfering with the flight crew; (*c*) carrying of concealed weapons aboard the aircraft; (*d*) commission of certain crimes while aboard the aircraft; and (*e*) conveying or imparting false information concerning attempts to do any act which would be a crime under the above prohibitions.

*Public Law 87–216, approved September 13, 1961*

Substance: Prohibits the use of a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers on any sporting event or related information.

*Public Law 87–218, approved September 13, 1961*

Substance: Prohibits the interstate transportation of wagering paraphernalia.

*Public Law 87–221, approved September 13, 1961*

Substance: Prohibits the willful destruction of, or injury to, certain property moving in interstate or foreign commerce.

*Public Law 87–228, approved September 13, 1961*

Substance: Prohibits travel or transportation in interstate or foreign commerce in aid of racketeering enterprises.

*Public Law 87–293, approved September 22, 1961*

Substance: Provides for the Peace Corps, a new program. The act provides that if the agency making the investigation of personnel of the Peace Corps develops data reflecting that the person being investigated is of questionable loyalty or is a security risk, the investigating agency shall refer the matter to the FBI for the conduct of a full field investigation.

*Public Law 87–297, approved September 26, 1961*

Substance: Established the U.S. Arms Control and Disarmament Agency. The Civil Service Commission (CSC) is to conduct the applicant investigations regarding personnel of the new agency, but in the event CSC determines the person investigated may be or may become a security risk, or may be of doubtful loyalty, the matter is to be turned over to the FBI for a full field investigation.

*Public Law 87–306, approved September 26, 1961*

Substance: Amends the statute pertaining to interference with the Government's communications system and increases the scope of the facilities covered.

*Public Law 87–342, approved October 3, 1961*

Substance: Extends the scope of the Federal Firearms Act to make it unlawful for any person to move any firearm or ammunition in interstate or foreign commerce who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year.

*Public Law 87–347, approved October 3, 1961*

Substance: Provides for subsidies to small domestic producers of lead and zinc. Penal provisions are provided for the submission of false statements, and the like, which offenses are under FBI jurisdiction.

*Public Law 87–368, approved October 4, 1961*

Substance: Broadens the FBI's jurisdiction to locate local fugitives who have fled across State lines by including under the Fugitive Felon Act all State crimes punishable by death or which are felonies in the place from which the fugitive fled or which, in the case of New Jersey, are high misdemeanors.

*Public Law 87–371, approved October 4, 1961*

Substance: Amends the interstate transportation of stolen property statute to prohibit the transportation of fraudulent State tax stamps in interstate or foreign commerce.

On December 1, 1961, there were pending in the entire field service a total of 108,144 investigative matters of all types, of which 6 percent were in a delinquent status. This represented an average assignment of 21 matters for each special agent in the field.

The sharp rise in our fieldwork is reflected in the fact that 591,226 investigative matters were received during the fiscal year 1961 as compared with 537,335 during 1960, a 10-percent increase. The 1961 volume was far in excess of the 530,000 matters originally estimated to be received during that period and on the basis of which funds were made available.

The upward trend is expected to continue. Before the passage of the new legislation, it was estimated that 615,000 investigative matters in the criminal, civil, and security classifications would be referred for action under our direct appropriation request for 1963.

Investigative volumes received during the fiscal years 1959 through 1961, together with the estimated receipts to be received during the fiscal years 1962 and 1963, are shown in the following tabulation. All figures are exclusive of any reimbursable type of work.

| Fiscal year | Volume | Increase over 1959 | | Increase over 1961 | |
|---|---|---|---|---|---|
| | | Number | Percent | Number | Percent |
| 1959, actual | 513,855 | | | | |
| 1960, actual | 537,335 | 23,480 | 5 | | |
| 1961, actual | 591,226 | 77,371 | 15 | | |
| 1962, revised estimate | 603,000 | 89,145 | 17 | 11,774 | 2 |
| 1963, estimated | 615,000 | 101,145 | 20 | 23,774 | 4 |

NOTE.—The estimate for the fiscal year 1962 was revised upward from 563,000 to 603,000 to more nearly conform to the actual trend of receipts.

Our investigative staff, over the years, has been making substantial personal sacrifices in an endeavor to adequately discharge the tremendous increase in our investigative responsibilities and work. For example, during the fiscal year 1961 the overtime of our investigative staff amounted to an aggregate 3,668,416 hours, an average of 2 hours 50 minutes overtime on the part of each special agent during each workday throughout the year.

Public Law 763, approved September 1, 1954, provides, among other things, that certain employees whose duties require unscheduled and administratively uncontrollable overtime duty may be paid up to 15 percent of the entrance salary of grade GS–9 as a salary differential where they qualify for this benefit. The Attorney General approved payment of these benefits to investigative personnel of this Bureau. This permitted the partial reimbursement of the 3,668,416 hours of overtime during the fiscal year 1961, which overtime represents the equivalent of 1,764 special agents on a full-year basis. Had it been necessary to employ the additional 1,764 agents represented by this overtime, the cost would have been an estimated $18,702,387. However, under Public Law 763, this overtime service during the fiscal year 1961 was compensated only to the extent of $5,611,168, representing, in effect, a salary savings to the Government of $13,091,219 when compared with the value of the total overtime performed.

The 1963 appropriation estimate contains funds to continue these payments for unscheduled and administratively uncontrollable overtime duty.

### COMMUNIST PARTY, U.S.A.

Despite the public denial by Soviet leaders, the fact is that the Communist Party, U.S.A., has always been, and is today, unalterably welded to the Communist Party of the Soviet Union. Under the guise of a political organization, the Communist Party, U.S.A., acts as the subservient mouthpiece of international communism with the Kremlin setting the line to be followed. International issues expedient to the Soviet Union's stated intent of world domination by communism are rotely echoed throughout our country by the Communist Party, U.S.A.

The U.S. Supreme Court, on June 5, 1961, lifted the thin veil of legitimacy when it judicially affirmed the oft-repeated contention that the Communist Party, U.S.A., is not a legitimate political party but a subversive group directed and controlled by the Soviet Union.

Never in the history of mankind have free men been confronted with the challenge the international movement is making toward world domination, and the Communist Party in this country is part and parcel of this international Communist conspiracy.

Accordingly, it is vital that we follow all phases of activity of the Communist Party, U.S.A. so that the U.S. Government will be aware of the plans, tactics, and programs of this subversive organization. This requires continuous and widespread investigative activity since the tentacles of the party spread octopus-like throughout the Nation. Many of its activities are carried on through front organizations. These cover every sphere of activity which the Communists assess as important or significant to the Communist program. Through this front organization, the party conducts pressure campaigns, disseminates Communist propaganda, distributes Communist literature, raises funds, and insidiously exploits the masses of people and public opinion to further its revolutionary aims and purposes.

### INTERNAL SECURITY ACT OF 1950

The Supreme Court decision on June 5, 1961, upheld the order of the Subversive Activities Control Board that the Communist Party, U.S.A., must register with the Attorney General under the Internal Security Act of 1950 as a Communist-action organization. This opens up the possibility of an entire new field of action against the Communist Party, U.S.A.

In view of past statements of the Communist Party, U.S.A., it cannot be expected that the party will comply with all of the provisions of the act. It will then devolve upon the FBI to furnish the Department with data so that compliance will be obtained and violations uncovered. Dependent upon the extent of the evasive action of the party, and the prosecutive steps taken by the Department of Justice, the upholding of the registration order of the Subversive Activities Control Board could cause a tremendous upsurge in the expenditure of manpower on the part of our investigative staff.

ESPIONAGE AND COUNTERINTELLIGENCE OPERATIONS

For over three decades the Soviet Union has directed a vicious, concerted, espionage attack against the United States. There has been no abatement in this activity. In fact, throughout the history of the world never has espionage been emphasized to the extent and with the fanatical dedication as that practiced by the Soviet-bloc countries. Over the years they have attempted to obtain every conceivable type of information in this country. Every source available is pressed into service and no method is too reprehensible if it holds the promise of deluding the prospective source to provide services or information to the Communists.

The intensity with which the Soviets and their satellites are driving in their quest to penetrate the defenses of this country through their espionage apparatus makes it vital that the FBI have adequate manpower to meet this threat to the security of America.

CRIMINAL OPERATIONS

The Bureau's criminal-type work increased substantially during the fiscal year 1961. Not only are most major criminal offenses under our jurisdiction on the increase, but throughout the calendar year 1961 we have handled a vast amount of additional work in connection with the Government's stepped-up drive against organized crime in the United States.

As a result of our continuing inquiries regarding hoodlums and their activities, we have furnished voluminous data to the Department of Justice. Many of these investigations have national ramifications. Also during the fiscal year 1961, the FBI disseminated 101,210 items of criminal information to local and Federal law enforcement agencies pertaining to the hoodlum element. This has been of material assistance to other law enforcement agencies in assisting them in breaking up hoodlum gangs, in locating dangerous fugitives, in recovering stolen merchandise, and in contributing in various ways to the solution of law enforcement problems.

The accelerated drive against organized crime requires that we have broad coverage of the underworld elements. It demands the development of numerous informants and detailed data regarding the criminal proclivities of hoodlums and racketeers, their sources of income, financial manipulations, and infiltration of legitimate or front-type business activities—all of which requires the assignment of considerable additional investigative personnel on a continuing basis.

ANTITRUST INVESTIGATIONS

The Bureau's work in the antitrust field has greatly increased. This is reflected in the accomplishments growing out of our investigations in this category. During the fiscal year 1961 there were 198 convictions recorded, resulting in sentences totaling 122 years and 7 months, and in fines totaling $2,641,000. These are substantially in excess of those during the prior year when 120 convictions with sentences totaling 14 years and 9 months, and in fines totaling $1,027,650, were recorded. The great bulk of these investigations have extensive ramifications and require the heavy assignment of investigative personnel over extended periods.

The FBI's antitrust workload commitments will continue to rise because of the emphasis being placed by the Antitrust Division upon criminal prosecutions and the increased number of inquiries to be made as to possible violations being committed by racketeers in the labor field, price fixing in industry, and the like. In addition, added emphasis is being placed upon the enforcement of civil judgments and inquiries into mergers. All of this will require the assignment of additional manpower.

SPECIFIC INCREASES: CRIMINAL AND CIVIL WORK

The following tabulation indicates specific increases in several classifications of criminal and civil work during fiscal year 1961.

*Investigative matters received*

| Classification | Fiscal year 1960 | Fiscal year 1961 | 1961 increase |
|---|---|---|---|
| | | | *Percent* |
| Election law matters | 171 | 1,134 | 563 |
| Labor-Management Reporting and Disclosure Act of 1959 (criminal) | 457 | 1,076 | 135 |
| Interstate transportation of obscene matter | 1,579 | 2,423 | 53 |
| Antiracketeering | 3,748 | 5,657 | 51 |
| Bombing or racial matters | 2,979 | 4,077 | 37 |
| Antitrust | 1,337 | 1,767 | 32 |
| Civil rights | 2,246 | 2,903 | 29 |
| National Bankruptcy Act | 1,222 | 1,518 | 24 |
| Obstruction of justice | 178 | 220 | 24 |
| Escaped Federal prisoners | 5,883 | 7,237 | 23 |
| Admiralty matters | 303 | 365 | 20 |
| Pardon and parole matters | 837 | 970 | 16 |
| Federal Reserve Act | 3,449 | 3,969 | 15 |
| Selective Service Acts | 28,218 | 32,001 | 13 |
| Labor Management Relations Act, 1947 | 441 | 499 | 13 |
| Fugitive bond default | 600 | 678 | 13 |
| Kidnaping | 1,332 | 1,499 | 13 |
| Bank robbery | 8,575 | 9,612 | 12 |
| White Slave Traffic Act | 9,625 | 10,790 | 12 |
| Illegal wearing of uniform | 1,150 | 1,271 | 11 |
| Court of Claims matters | 399 | 438 | 10 |
| Interstate transportation of stolen property | 62,023 | 67,830 | 9 |
| Crimes on Government reservations | 6,680 | 7,277 | 9 |
| Interstate transportation of lottery tickets | 189 | 205 | 8 |
| Theft or embezzlement of Government property | 8,433 | 9,117 | 8 |
| Extortion | 3,377 | 3,614 | 7 |
| Unlawful flight violations | 16,590 | 17,495 | 5 |
| Interstate transportation of stolen motor vehicle or aircraft | 86,416 | 90,171 | 4 |
| Thefts from interstate shipments | 22,383 | 22,910 | 2 |
| Federal Housing Administration matters | 2,243 | 2,280 | 2 |

CONCLUSION

The estimates for the fiscal year 1963 do not provide for potential contingencies resulting from additional investigative duties conferred upon the Federal Bureau of Investigation by new legislation or that may accrue through departmental or other official sources, after the preparation of our initial estimates.

Mr. ROONEY. The request is in the amount $130,700,000, an increase of $3,484,000 over the amounts appropriated in the current fiscal year.

We are once again pleased to have with us and honored by the presence of the distinguished Director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, the Associate Director, the Honorable Clyde Tolson, and the Assistant to the Director, the Honorable John Mohr.

Mr. Director, will you please proceed.

## GENERAL STATEMENT

### FUNDS AND PERSONNEL, FISCAL YEAR 1963

Mr. HOOVER. Mr. Chairman and members of the committee, our direct appropriation request, as indicated by the chairman, exclusive of reimbursements, allowed by the Bureau of the Budget for the fiscal year 1963 totals $130,700,000.

It will provide for 13,797 full-year employees.

FUNDS AND PERSONNEL, FISCAL YEAR 1962

Direct funds, exclusive of reimbursements, approved for the fiscal year 1962 total $127,216,000.

It will allow 13,579 full-year employees.

TOTAL OVERALL INCREASE, FISCAL YEAR 1963

Funds: Our request for 1963 represents an increase of $3,484,000 when compared with the appropriation for the current fiscal year.

Personnel: Our personnel request for 1963 represents an increase of 218 full-year employees—145 agents and 73 clerks—when compared with the total for 1962 of 13,579.

COST OF ADDITIONAL EMPLOYEES

The total amount included in our 1963 request for the additional 218 employees is $1,720,903—that is, $1,401,953 for salary cost and $318,950 for other expense items. The 145 additional special agents requested would enter on duty in grade GS–10 at $6,995 per annum. Of the 73 additional clerical employees requested, 36 would enter on duty in grade GS–3 at $3,760 per annum, and 37 would enter in grade GS–4 at $4,040 per annum.

MAJOR FACTORS AFFECTING NEEDS

All of the additional 218 employees requested for 1963 are for assignment in the field service. The requested increase is based primarily upon our critical need for additional manpower to discharge greatly expanded investigative responsibilities which have been shouldered by the Bureau in connection with the Government's stepped-up program directed against organized crime and racketeering.

In addition, we have been faced with a mounting volume of work in the overall criminal and civil field. Most of the major criminal offenses under our jurisdiction are on the increase, and there has been a substantial rise in investigative volumes in the antitrust category.

Our investigative activity under the Government's stepped-up drive against organized crime greatly increased beginning in January 1961, in keeping with the Attorney General's announced coordinated drive by all Federal agencies under the then existing laws. This stepped-up activity was undertaken to develop a vast amount of data regarding the organized crime picture for the assistance of the Department of Justice in carrying out this drive. This intelligence-type investigative activity, which is of a continuing nature and has involved the submission of thousands of reports to the Department throughout 1961, was done under the authority existing at that time and no new legislation was involved.

In regard to the new legislation, this was not generally enacted until September-October 1961, while our request for funds for the fiscal year 1963 was submitted in May 1961, and in keeping with the Bureau of the Budget regulations, it did not include funds or personnel to handle work resulting from legislation which might subsequently be enacted into law.

Thus far, we are endeavoring to absorb the cost of the added work resulting from the new legislation passed last fall. We will continue to absorb it as long as we can, and should it reach such a volume that this can no longer be done, I of course will make a request for a supplemental appropriation, but that is not contemplated at the present time.

At the same time, we must continue to meet our security and counter-intelligence objectives against communism, espionage, Communist-infiltrated front organizations and nationality groups, and the like.

I would like to submit at this time a list of the new legislation showing the cases which have been received since it was enacted.

Mr. ROONEY. We shall insert this exhibit at this point in the record.

(The exhibit referred to follows:)

NEW LEGISLATION

1. *Area Redevelopment Act.*—Public Law 87–27, approved May 1, 1961, has as its purpose the alleviating of conditions of unemployment and underemployment in certain economically distressed areas. It provides penalties for false statements, embezzlements, false entries, and the like, which offenses are under FBI jurisdiction. (Cases received as of January 1, 1962, none.)

2. *Crime aboard aircraft.*—Public Law 87–197, approved September 5, 1961, amended the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce. This legislation brings a wide range of violations under the FBI's jurisdiction, including (a) hijacking of the aircraft; (b) interfering with the flight crew; (c) carrying of concealed weapons aboard the aircraft; (d) commission of certain crimes while aboard the aircraft; and (e) conveying or imparting false information concerning attempts to do any act which would be a crime under the above prohibitions. (Cases received as of January 1, 1962, 25.)

3. *Interstate transmission of wagering information.*—Public Law 87–216, approved September 13, 1961, prohibits the use of a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers on any sporting event or related information. (Cases received as of January 1, 1962, 1,381.)

4. *Interstate transportation of wagering paraphernalia.*—Public Law 87–218, approved September 13, 1961, prohibits the interstate transportation of wagering paraphernalia. (Cases received as of January 1, 1962, 507.)

5. *Destruction of property moving in interstate or foreign commerce.*—Public Law 87–221, approved September 13, 1961, prohibits the willful destruction of, or injury to, certain property moving in interstate or foreign commerce. (Cases received as of January 1, 1962, 68.)

6. *Interstate travel or transportation in aid of racketeering.*—Public Law 87–228, approved September 13, 1961, prohibits travel or transportation in interstate or foreign commerce in aid of racketeering enterprises, such as travel in furtherance of activities concerned with gambling, liquor, prostitution, narcotics, extortion, and bribery. (Cases received as of January 1, 1962, 294.)

7. *Peace Corps Act.*—Public Law 87–293, approved September 22, 1961, provides for the Peace Corps, a new program. The act provides that if the agency making the investigation of personnel of the Peace Corps develops data reflecting that the person being investigated is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the FBI for a full field investigation. (Cases received as of January 1, 1962, 23.)

8. *Arms Control and Disarmament Act.*—Public Law 87–297, approved September 26, 1961, established a U.S. Arms Control and Disarmament Agency, a new agency. The Civil Service Commission (CSC) is to conduct the applicant investigations regarding personnel of the new agency, but in the event CSC determines the person investigated may be or may become a security risk, or may be of doubtful loyalty, the matter is to be turned over to the FBI for a full field investigation. (Cases received as of January 1, 1962, 1.)

9. *Interference with Government communications system.*—Public Law 87–306, approved September 26, 1961, amended the statute pertaining to interference

with the Government's communications system and increases the scope of the facilities covered. (Cases received as of January 1, 1962, 20.)

10. *Extending scope of Federal Firearms Act.*—Public Law 87-342, approved October 3, 1961, extends the scope of the act to make it unlawful for any person to move any firearm or ammunition in interstate or foreign commerce who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year. (Heretofore, the act applied only to persons convicted of, or fleeing to avoid prosecution for, a crime of violence, such as murder, kidnaping, rape, and the like.) (Cases received as of January 1, 1962, 2.)

11. *Lead and Zinc Stabilization Act.*—Public Law 87-347, approved October 3, 1961, pertains to a program of stabilization payments to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands. Penal provisions are provided for the submission of false statements, and the like, which offenses are under FBI jurisdiction. (Cases received as of January 1, 1962, none.)

12. *Broadening of Fugitive Felon Act.*—Public Law 87-368, approved October 4, 1961, greatly broadens the FBI's jurisdiction to locate local fugitives who have fled across State lines to avoid prosecution, custody, confinement, or giving testimony by including under the Fugitive Felon Act all State crimes punishable by death or which are felonies in the place from which the fugitive fled or which, in the case of New Jersey, are high misdemeanors. (Heretofore, the unlawful flight to avoid prosecution, custody, or confinement was limited to certain specific types of crimes [murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, extortion accompanied by threats of violence, or attempts to commit any of these crimes].) (Cases received as of January 1, 1962, 967.)

13. *Broadening of interstate transportation of stolen property statute.*—Public Law 87-371, approved October 4, 1961, extends the coverage of the act to prohibit the transportation of fraudulent State tax stamps in interstate or foreign commerce. (Previously, a portion of the interstate transportation of stolen property statute included the interstate or foreign transportation of forged, altered, or counterfeited checks, bonds, notes, or other evidences of indebtedness. The new amendment specifically makes fraudulent State tax stamps a violation under this portion of the statute.) (Cases received as of January 1, 1962, 1.)

EFFECT OF NEW LEGISLATION

Mr. HOOVER. The new legislation enacted since the submission of our estimated needs for 1963 further extends our jurisdiction and will substantially add to our mounting workloads during the current fiscal year as well as 1963. Indicative of the amount of new work being handled, a total of 3,289 cases have been opened as a result of the new legislation that is contained in the exhibit I just presented.

SEAT OF GOVERNMENT STAFF

The mounting volume of investigative work throughout the field has been accompanied by overall increases in our seat of government service functions with respect to name checks, fingerprint checks and laboratory examinations. We have not requested any additional personnel at the seat of government to handle this growing volume of work. We will endeavor to absorb it with our present staff.

COMPARISON OF FUNDS AND PERSONNEL, 1962-63

This exhibit which I hand to the committee shows for the fiscal years 1962 and 1963 the number of special agents and clerks for the seat of the government and the field, as well as a breakdown of the amounts of personnel compensation and for other expenses. It shows specific increases for each item, accounting for the overall increase of $3,484,000 for 1963.

Mr. ROONEY. We shall insert this exhibit at this point in the record.
(The exhibit referred to follows:)

*Details: Funds and personnel, fiscal year 1962 versus 1963*

| | Fiscal year 1962 | Fiscal year 1963 | Increase |
|---|---|---|---|
| Personnel (full-year employees): | | | |
| Seat of government: | | | |
| Special agents | 471 | 471 | |
| Clerks | 4,419 | 4,419 | |
| Total (SOG) | 4,890 | 4,890 | |
| Field: | | | |
| Special agents | 5,464 | 5,609 | 145 |
| Clerks | 3,225 | 3,298 | 73 |
| Total (field) | 8,689 | 8,907 | 218 |
| Total: | | | |
| Special agents | 5,935 | 6,080 | 145 |
| Clerks | 7,644 | 7,717 | 73 |
| Total (SOG and field) | 13,579 | 13,797 | 218 |
| Funds: Personnel compensation | $105,270,762 | $107,636,848 | $2,366,086 |
| Other expenses: | | | |
| Personnel benefits | 7,026,345 | 7,251,707 | 225,362 |
| Travel and transportation of persons | 4,606,152 | 5,063,387 | 457,235 |
| Transportation of things | 493,598 | 504,476 | 10,878 |
| Rent, communications, and utilities | 3,046,076 | 3,418,631 | 372,555 |
| Printing and reproduction | 171,790 | 173,970 | 2,180 |
| Other services | 1,629,230 | 1,636,642 | 7,412 |
| Supplies and materials | 1,615,901 | 1,641,843 | 25,942 |
| Equipment | 3,351,146 | 3,367,496 | 16,350 |
| Insurance claims and indemnities | 5,000 | 5,000 | |
| Subtotal, other expenses | 21,945,238 | 23,063,152 | 1,117,914 |
| Total all expenses | [1] 127,216,000 | 130,700,000 | 3,484,000 |

[1] Of this amount $90,088 is to be transferred to General Services Administration to cover rental of space acquired in 1962.

EXPLANATION OF INCREASE FOR 1963

Mr. HOOVER. Of the total overall increase, $2,366,086 is applicable to personnel compensation items and the remaining $1,117,914 to other expense items.

The $2,366,086 increase for personnel compensation is accounted for by two factors. First, the salary cost for the 218 additional employees requested amounts to $1,401,953. Secondly, there is an increase of $964,133 to continue the Bureau's promotional program throughout 1963, which includes $339,500 for within-grade promotions, which are mandatory by law.

PROMOTIONAL PROGRAM

I have discussed our promotional program in some detail in previous appearances before this committee. This program enables us to continue to retain qualified and experienced personnel. It is conservative as the funds requested will provide a per annum increase of only $71 per employee, that is, $119.05 per agent and $33.69 per clerk.

I submit to the committee a detailed explanation of the promotional program.

Mr. ROONEY. Without objection, we shall insert this statement with regard to the promotional program at this point in the record.

(The statement referred to follows:)

BUREAU'S PROMOTIONAL PROGRAM

Clerical employees in the Federal Bureau of Investigation, other than typists and stenographers, are appointed in grade GS–2 at $3,500 per annum. Typists are appointed in grade GS–3 at $3,760 per annum. Stenographers are appointed in grade GS–4 at $4,040 per annum.

Fingerprint classifier vacancies in the FBI are filled from the staff of grade GS–2 ($3,500 per annum) clerical employees. Clerks are assigned to this duty who demonstrate fitness for training and advancement as technical fingerprint employees. After successfully qualifying in training and work performance for a period of 3 months they are eligible for consideration for promotion to grade GS–3 ($3,760 per annum). After 9 months' total service the employee is eligible for consideration for promotion to grade GS–4 ($4,040 per annum). After a total of 18 months of fingerprint work the employee is eligible for consideration for promotion to grade GS–5 ($4,345 per annum). Thereafter, after a total of 30 months of fingerprint work he is eligible for consideration for promotion to grade GS–6 at $4,830 per annum. Fingerprint positions are available only in Washington, D.C.

As all employees qualify for more responsible positions in the Bureau's service, they become eligible for promotion to higher grades as vacancies occur.

Our special agents enter on duty in grade GS–10 at $6,995 per annum. After performing duties in this grade for at least 2 years, they become eligible for consideration for promotion to grade GS–11 ($7,560 per annum). They normally remain in grade GS–11 for 3 years before they become eligible for consideration for promotion to grade GS–12 at $8,955 per annum. An agent on regular investigative assignment after completing at least 4 years of satisfactory service in grade GS–12 is eligible for consideration for promotion to grade GS–13 at $10,635 per annum.

By statute, within-grade Ramspeck promotions are obtained by employees in those grades through GS–10 on an annual basis. Those employees in grades GS–11 and above obtain the within-grade Ramspeck promotions each 18 months.

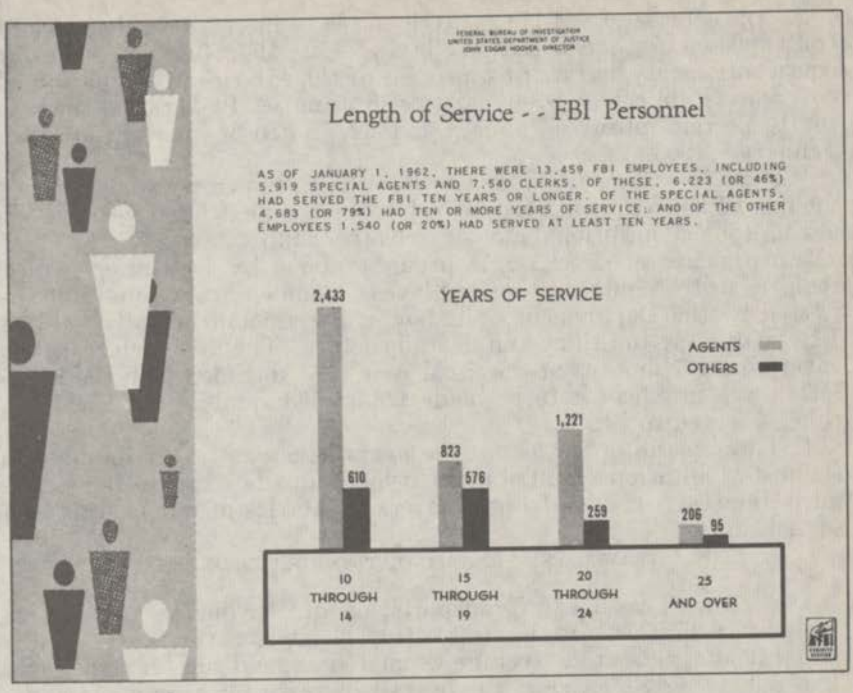
TENURE OF SERVICE

Mr. HOOVER. Since we have been able to retain our experienced personnel it follows that a large number of our employees have been with the Bureau for many years. Having an experienced staff is one of the reasons we have been able to handle a growing volume of work without receiving commensurate increases in personnel.

This chart which I present to the chairman provides interesting information concerning the length of service of our employees. It shows that of the 13,459 employees on the rolls as of January 1, 1962, a total of 6,223, or 46 percent, had served for over 10 years. An impressive 79 percent of our investigative staff, or 4,683, had service records ranging from 10 to over 40 years.

Mr. ROONEY. We shall insert this exhibit at this point in the record.

(The exhibit referred to follows:)




PERSONNEL TURNOVER

Mr. HOOVER. The desire of our employees to serve and be made a part of the FBI career service is reflected in the FBI's low personnel turnover rates.

For example, during December 1961, the turnover rate of our special agent staff was three-tenths of 1 percent. For the Bureau as a whole during the same month it averaged 1.7 percent. The latest available monthly turnover rate for Government employees as a whole was reported to be 2 percent, and in manufacturing industries to be 4.1 percent.

EXPLANATION OF INCREASE—OTHER EXPENSE ITEMS

I will now discuss the increases affecting the other expense items as shown in the exhibit which I previously presented.

The 218 additional full-year employees account for $318,950 of the overall $1,117,914 in these items.

PERSONNEL BENEFITS

The increase of $225,362 for "Personnel benefits" results from four factors.

1. An increase of $96,398 is occasioned by the mandatory contributions which the Bureau must make for the additional 218 full-year employees to the health benefits fund, to the life insurance fund to the civil service retirement fund and for social security taxes. These are fixed by law.

2. An increase of $64,174 is attributable to increases in the rates of contributions for social security taxes. Our 1962 funds provide for contributions at the rate of 3 percent of the salaries of the personnel covered. Public Law 87-64, approved June 30, 1961, raised the rate to 3⅛ percent effective January 1, 1962, and to 3⅝ percent effective January 1, 1963.

We are absorbing the added cost of the rate increase for the last 6 months of this current fiscal year, but for the next fiscal year we are asking for that additional money, as has been indicated.

3. An increase of $2,232 is brought about by legislation which requires us to reimburse the Employees' Compensation Fund administered by the Department of Labor in the amount actually paid to FBI employees in injury and death benefits. The first such transfer, covering the 7 months of the fiscal year 1961 during which the legislation was in effect, is to be made from 1963 funds. For the FBI, this amounted to $2,232.

4. The remaining $62,558 of the overall increase is attributable to the cost of additional contributions which must be made to the retirement fund as a result of higher average salaries of our overall personnel staff.

TRAVEL AND TRANSPORTATION OF PERSONS

The item, "Travel and Transportation of Persons," shows an increase of $457,235. Of this total, $122,235 is to cover the 145 additional field agents at an average estimated expenditure of $843 each. The remaining $335,000 of the overall increase represents the additional amount required to cover increased per diem rates, which have been raised from $12 to $16 per day.

Mr. ROONEY. What is your policy with regard to these increases in per diem rates as well as with regard to the increase in mileage?

Mr. HOOVER. We pay the full amount of $16 now. We started out at the rate of $12. When we found other Government agencies were granting the full amount which Congress has allowed, $16 a day, we felt we were required to do so also, beginning on October 1, 1961.

Mr. ROONEY. With regard to the increase in mileage rate?

Mr. HOOVER. We held it to the 10-cent-a-mile rate.

RENT, COMMUNICATIONS, AND UTILITIES

The item "Rent, communications, and utilities" shows an increase of $372,555. Of this amount, $37,555 is to cover the 145 additional field agents at an average estimated expenditure of $259 each.

The remaining $335,000 of the overall increase represents the added amount required to reimburse the Post Office Department as a result of (1) an increase in registered mail rate effective August 15, 1961, from 50 to 60 cents, and (2) a substantial increase in the volume of our mailings of identification and apprehension orders, wanted flyers, and check circulars.

The issuance of identification orders, "wanted" flyers, and circulars is an inexpensive investigative technique, when considered in light of the substantial amount of investigative time and effort it saves, which has brought about the apprehension of many badly wanted fugitives. It enables us to enlist the aid of local law-enforcement agencies as well as other groups to bring about the fugitives' apprehension.

Identification orders, for example, enable all law enforcement to have a record of a wanted man and to be on the lookout for him. In the same manner, circular letters serve to alert a particular type of business or profession which might be victimized by the fugitive or be contacted by him.

In the face of the mounting volume of crime throughout the Nation and of increases in most major criminal offenses under our jurisdiction, we have increased substantially the number of mailings of identification orders, "wanted" flyers, and the like. The increased volume of mailings is expected to continue throughout 1963, and in fact may still further increase because of the broadened jurisdiction of the Bureau under the recently amended Fugitive Felon Act.

I hand to the chairman a tabulation which gives further details regarding the increase of $335,000 requested for payment to the Post Office Department. It shows the extent of our increased mailings of identification orders, "wanted" flyers, and the like, along with the volume of registered mail which will be covered by the increased registered mail rates.

Mr. ROONEY. Without objection, we shall insert this explanation of increase at this point in the record.

(The exhibit referred to follows:)

*Explanation of increase ($335,000) requested for payment to Post Office Department (under item "Rent, communications, and utilities"), fiscal year 1963*

| Item | Mailed volumes | | Increase |
|---|---|---|---|
| | Allowed by 1962 funds | Actual mailings, 1961 | |
| 1. To cover increased volume of mailings of identification and apprehension orders, "wanted" flyers, check and other circulars, and outstanding lists: | | | |
| Identification orders | 6,472,166 | 11,150,917 | 4,678,751 |
| Apprehension orders | 2,094,397 | 2,334,403 | 240,006 |
| "Wanted" flyers | 1,636,660 | 4,666,395 | 3,029,735 |
| Check circulars and other circular letters | 158,551 | 2,496,747 | 2,338,196 |
| Outstanding lists (lists issued twice a year showing, for information of law enforcement agencies, the identification orders, "wanted" flyers, and check circulars then outstanding) | 147,726 | 194,371 | 46,645 |
| Total mailings | 10,509,500 | 20,842,833 | 10,333,333 |
| Cost at $0.03 each (3d class mail) | $315,285 | $625,285 | $310.000 |
| 2. Increase in registered mail rates effective Aug. 15, 1961, from 50 to 60 cents (1962 cost to be absorbed); 1963 costs estimated on basis of 250,000 such mailings at increased cost of 10 cents each, for a total increase of | | | 25,000 |
| Total increase in payment to Post Office Department | | | 335,000 |

Mr. HOOVER. The increases shown for each of the remaining items of other expenses are due to the additional 218 employees requested for 1963. The specific items of increase are:

"Transportation of things," $10,878; "Printing and reproduction," $2,180; "Other services," $7,412; "Supplies and materials," $25,942; "Equipment," $16,350.

REPLACEMENT OF AUTOMOBILES

We are authorized to maintain an operating fleet of 3,104 passenger carrying vehicles.

Although we will have an estimated 822 vehicles which will have met the General Services Administration replacement standards, we are requesting funds for 1963 to permit, for replacement, the purchase of only 501, the same number as the committee allowed us last year. I give to the chairman an exhibit which shows a breakdown of the age and mileage of our approved operating fleet.

Mr. ROONEY. Without objection, we shall insert this itemization at this point in the record.

(The exhibit referred to follows:)

*Itemization of FBI-authorized fleet of 3,104 passenger carrying vehicles by year models and estimated accumulated mileage groups for fiscal year 1963, with summary showing vehicles meeting replacement standards during 1963*

| Miles | 1951 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | 1962 | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 to 9,999 | | | | | | | 5 | 41 | 147 | 193 |
| 10,000 to 19,999 | | | | | 3 | 5 | 24 | 140 | 249 | 421 |
| 20,000 to 29,999 | | | | 3 | 23 | 17 | 74 | 153 | 83 | 353 |
| 30,000 to 39,999 | | | | 21 | 104 | 49 | 146 | 90 | 22 | 432 |
| 40,000 to 49,999 | | 1 | | 91 | 227 | 96 | 106 | 42 | | 563 |
| 50,000 to 59,999 | 2 | | | 129 | 238 | 105 | 70 | 22 | | 566 |
| 60,000 to 79,999 | | 1 | 1 | 129 | 190 | 138 | 54 | 9 | | 522 |
| 80,000 to 99,999 | | | | 1 | | 24 | 14 | 2 | | 41 |
| 100,000 and over | | | | | | 5 | 8 | | | 13 |
| Total | 2 | 2 | 1 | 374 | 785 | 439 | 501 | 499 | 501 | 3,104 |

*Summary showing vehicles meeting replacement standards of either 6 years of age or 60,000 miles of operation*

| | |
|---|---|
| Number meeting mileage standard but not age | 444 |
| Number meeting age standard but not mileage | 248 |
| Number meeting both age and mileage standard | 130 |
| Total number of vehicles meeting replacement standards | 822 |
| Replacement included in funds requested | 501 |
| Number meeting replacement standards for which no funds are being requested | 321 |

REIMBURSEMENTS

Mr. HOOVER. I submit another exhibit providing an itemization of the estimated reimbursements, totaling $1,370,960, which we will receive during 1963 for work performed for other Government agencies and from the sale of automobiles to be replaced. These funds, of course, are not included in the pending appropriation request.

Mr. ROONEY. With regard to this itemization, I note that there is not carried the item for loan of personnel to the House Appropriations Committee.

Mr. HOOVER. We never know in advance, Mr. Chairman, what the request of the chairman of the full committee may be. Sometimes he will request a few men; other times he will request as many as 15 or 20 for a temporary period of 3 or 4 months. There are three men full time on the committee rolls at the present time.

Mr. ROONEY. Without objection, we shall insert this itemization of estimated reimbursements at this point in the record.

(The exhibit referred to follows:)

*Itemization of estimated reimbursements, fiscal years 1962 and 1963*

| | Fiscal year 1962 | Fiscal year 1963 | 1963 decrease |
|---|---|---|---|
| Atomic Energy Commission | $1,190,000 | $1,155,000 | $35,000 |
| Workload: Investigations (at $350 each) | 3,400 | 3,300 | 100 |
| Civil Service Commission (United Nations program) | $35,960 | $35,960 | |
| Workloads: | | | |
| Name checks (at $1.56 each) | 1,000 | 1,000 | |
| Full field (loyalty) investigations (at $860 each) | 40 | 40 | |
| House Appropriations Committee: (Loan of personnel) | $250,000 | | $250,000 |
| Subtotal: Reimbursements from other accounts | $1,475,960 | $1,190,960 | $285,000 |
| Proceeds from the sale of cars to be replaced | $180,000 | $180,000 | |
| Number of cars to be replaced | 501 | 501 | |
| Total estimated reimbursements | $1,655,960 | $1,370,960 | $285,000 |

NOTE.—The above reimbursable funds provide for the following full-year employees:

| | Fiscal year 1962 | Fiscal year 1963 | 1963 decrease |
|---|---|---|---|
| Agents | 85 | 68 | 17 |
| Clerks | 49 | 47 | 2 |
| Total | 134 | 115 | 19 |

## INVESTIGATIVE RESULTS, FISCAL YEAR 1961

Mr. HOOVER. The FBI's growing investigative accomplishments are a reflection, I believe, of the rising amount of crime as well as the mounting volume of work which we have been called upon to handle.

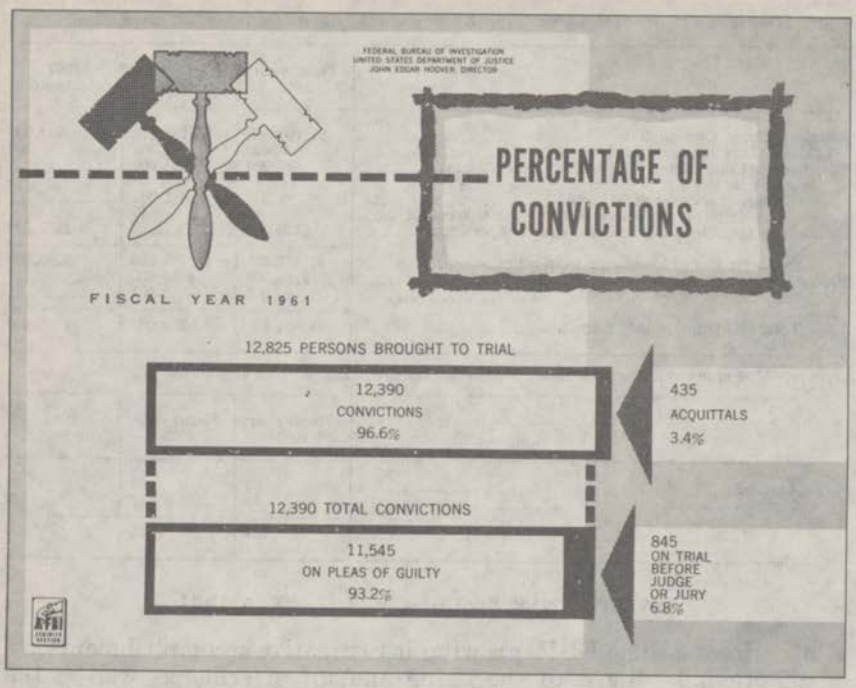
### CONVICTIONS

Convictions in cases investigated by the FBI reached 12,390 during the fiscal year 1961, which was an increase of 476 over those recorded during the prior year.

I present a chart which reflects graphically that the convictions obtained during 1961, represent 96.6 percent of all persons brought to trial in FBI cases and 93.2 percent resulted from pleas of guilty.

Mr. ROONEY. Very well.

(The exhibit referred to follows:)

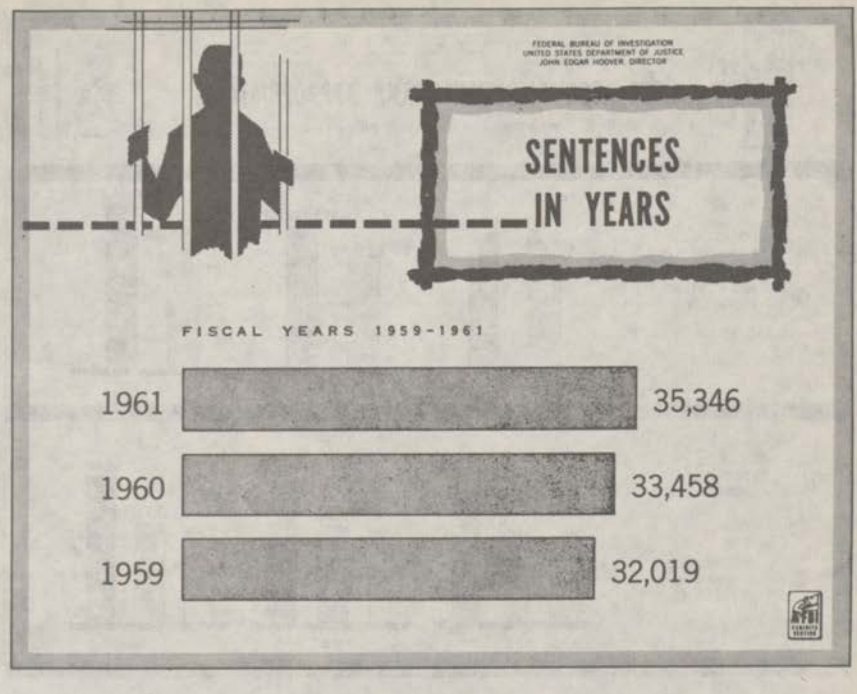



SENTENCES IMPOSED

Mr. HOOVER. Sentences imposed, including actual, suspended, and probationary, totaled 35,346 years, an increase of 1,888 years over those of the previous fiscal year. Eight life terms and one death sentence were also imposed in cases investigated by the Bureau. The chart which I submit shows the upward trend of the sentences imposed during 1959 to 1961.

Mr. ROONEY. Very well.

(The exhibit referred to follows:)




FUGITIVES

Mr. HOOVER. A total of 9,935 fugitives from justice were located during the investigation of FBI cases during the last fiscal year, which was up 408 over those in 1960. Included in this total were 21 members of the FBI's "Ten Most Wanted Fugitives" list, as compared to 16 such fugitives during 1960.

FINES, SAVINGS, AND RECOVERIES

Fines, savings, and recoveries in cases investigated by the Bureau rose during 1961 to a new all-time high of $167,654,622. This is an increase of $24,832,378 over the 1960 record, and it represents a return of $1.34 for each $1 of direct funds appropriated to the Bureau during the fiscal year 1961.

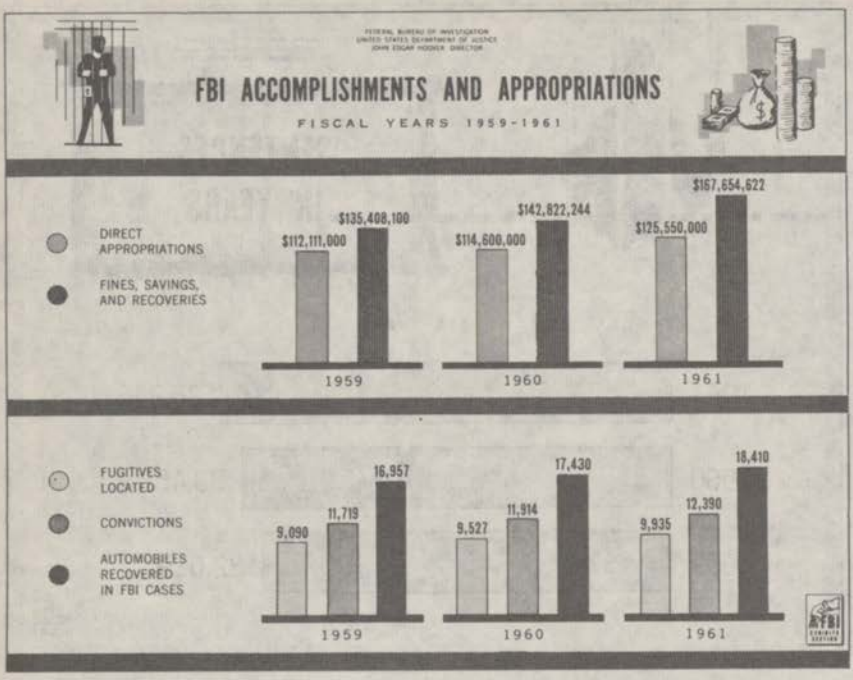
AUTOMOBILES RECOVERED

A record high of 18,410 stolen motor vehicles were recovered in FBI cases during 1961 as compared with 17,430 during the prior year.

The chart which I hand to the chairman shows some of the accomplishments achieved over the past 3 years in the categories I have just discussed, together with the amount of direct funds which Congress made available to us during this period to carry out our responsibilities.

Mr. ROONEY. Without objection, we shall insert this graphic exhibit at this point in the record.

(The exhibit referred to follows:)




ASSISTANCE OF CONFIDENTIAL INFORMANTS

Mr. HOOVER. Many of our accomplishments were made possible by the splendid assistance of our confidential informants.

During the fiscal year 1961, as a direct result of information provided by our informants, we located 2,194 individuals, including 4 who were on our "10 most wanted fugitives" list. These informants also provided information which resulted in the recovery of stolen merchandise and contraband valued at $3,138,692.

In addition, during 1961, information received by the FBI from its informants concerning matters within the investigative jurisdiction of local, State, and other Federal law enforcement organizations, resulted in 2,640 arrests and in the recovery of merchandise valued at $1,605,047 following our dissemination of the information to them.

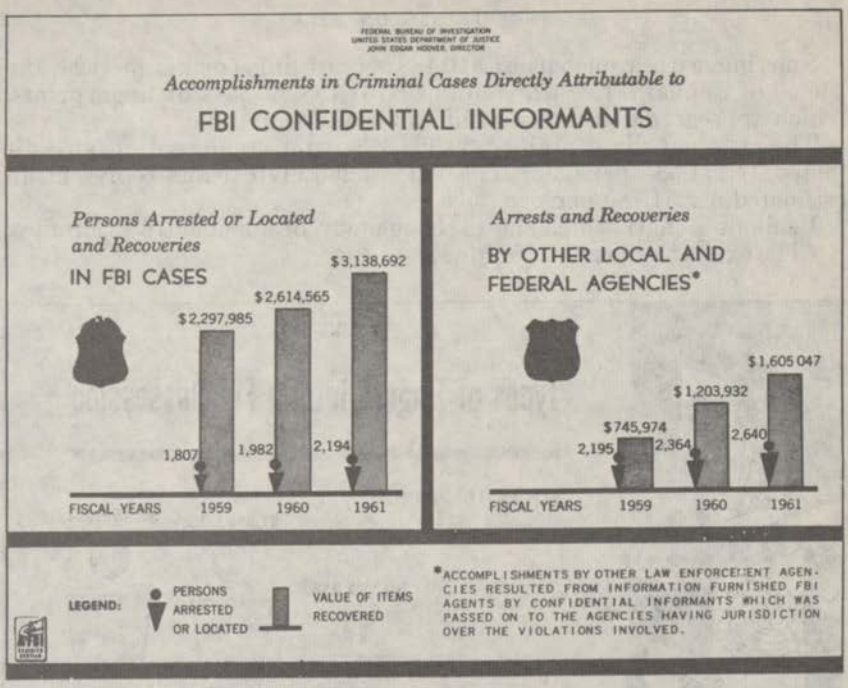
The chart which I hand to the committee shows the upward trend in the accomplishments in criminal cases directly attributable to FBI confidential informants.

Mr. ROONEY. Do you want this in the record?

Mr. HOOVER. I have no objection, Mr. Chairman. The reason I made the chart available is to refute what we hear so frequently, criticizing the use of confidential informants. The chart clearly reflects the value and assistance law enforcement receives from confidential informants.

Mr. ROONEY. I think it might be interesting if, without objection, we insert that exhibit at this point in the record.

(The exhibit referred to follows:)




IDENTIFICATION DIVISION

Mr. HOOVER. I will now discuss our Identification Division, which is now in its 38th year of operation, having been established on July 1, 1924, under the authority of this committee.

Serving as a national repository for fingerprint identifying data, it exchanges fingerprint data, on a cost-free basis, with local, State and Federal law enforcement organizations throughout the Nation.

CONTRIBUTORS

During the fiscal year 1961, contributors to this national repository reached an alltime high of 13,427, which includes substantially every law enforcement agency across the land.

I hand to the chairman a chart which shows the steady climb in the number of fingerprint contributors.

Mr. ROONEY. Very good.

INTERNATIONAL EXCHANGE

Mr. HOOVER. In addition to the receipt of fingerprint data from contributors in this country, we cooperate with 77 foreign non-Communist nations as well as the Canal Zone, Guam, Puerto Rico, and the Virgin Islands, in the international exchange of fingerprint information.

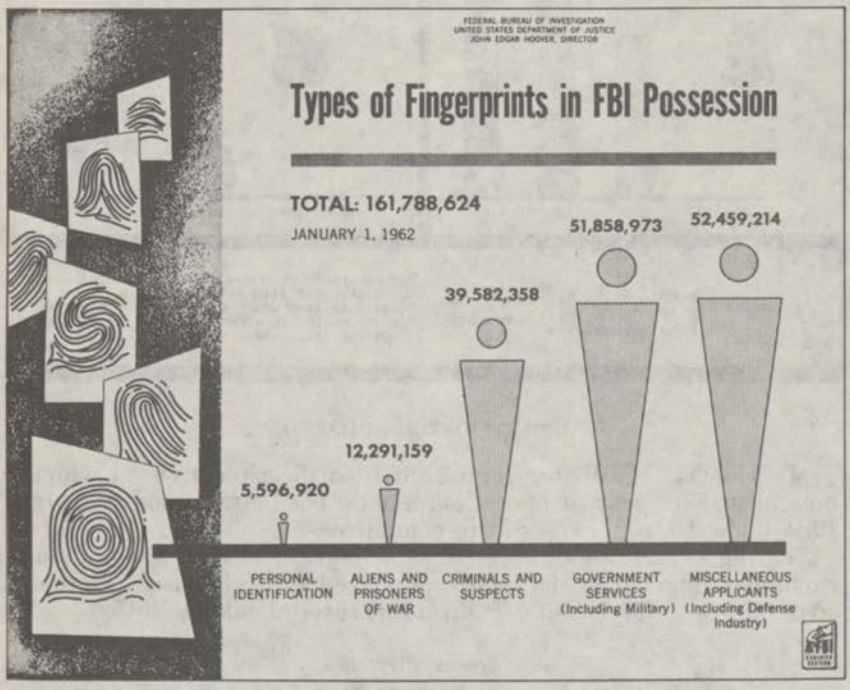
FINGERPRINTS ON FILE

Starting with a nucleus of 810,188 sets of fingerprints in 1924, the file as of January 1, 1962, contained 161,788,624 sets of fingerprints, which are segregated into a criminal file and a civil file.

The criminal file contained 39,582,358 prints representing an estimated 14,171,584 persons. The 122,206,266 civil prints represent an estimated 62,231,780 persons.

I submit a chart which shows the makeup of our identification files.

(The exhibit referred to follows:)




POLICE RECORD IDENTIFICATIONS

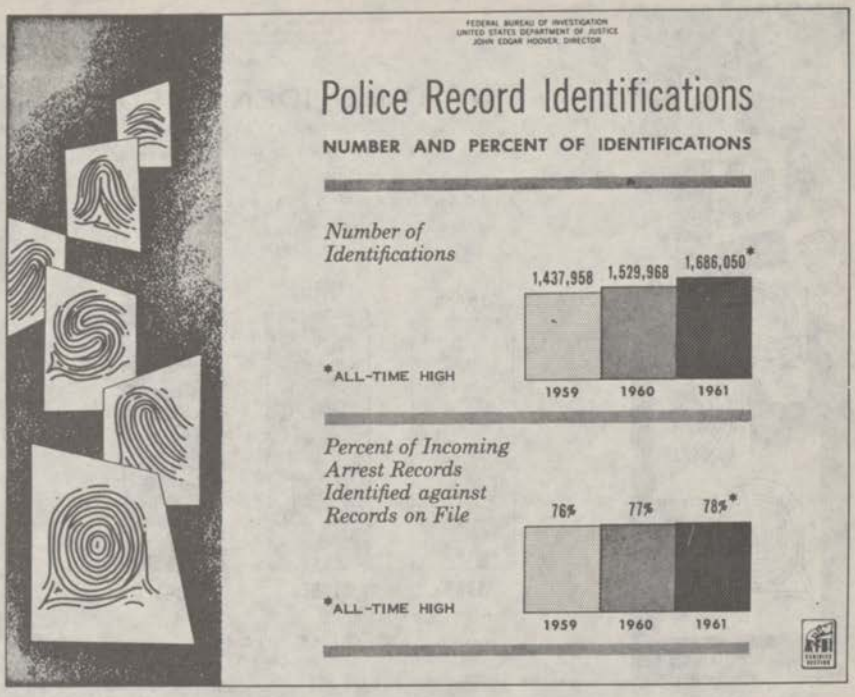
Mr. HOOVER. The outstanding cooperation on the part of all law enforcement and other contributors in submitting fingerprint data has made our national fingerprint file a most effective force in the overall effort of law enforcement in this country to combat crime on a national scale.

For example, in the important matter of identifications made with police prints, during the fiscal year 1961 an alltime high of 78 percent of the police prints handled by our Identification Division were identified with prior police records.

The chart which I present shows graphically the growing effectiveness of the fingerprint file.

Mr. ROONEY. Very well.

(The exhibit referred to follows:)




FUGITIVES IDENTIFIED

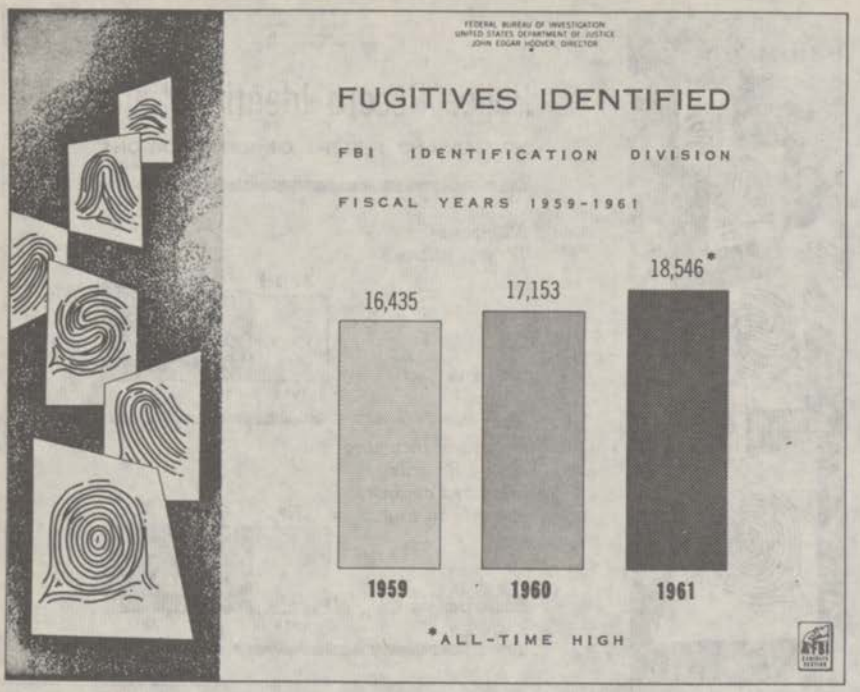
Mr. HOOVER. The growing value of the fingerprint file is also reflected in the number of fugitives being identified. During the fiscal year 1961, an all-time high of 18,546 fugitives from justice were identified by fingerprint searches. I hand to the chairman a chart which graphically portrays the increasing accomplishments in this endeavor.

Mr. ROONEY. Very well.

(The exhibit referred to appears on following page.)

WANTED NOTICES

Mr. HOOVER. With the high percentage of identifications being effected on prints received for search, police agencies find that the posting of wanted notices in our fingerprint file is an effective means of locating wanted fugitives who have fled from the local police and the place of their crime. As of January 1, 1962, there were 86,277 such wanted notices on file.




The effectiveness of this service is well illustrated by a recent case with which I think the committee may be familiar, that of Mate Ivanov, an escapee from a New York mental institution on November 15, 1961, who was widely sought by local authorities after 5 members of his brother-in-law's family were brutally murdered in their home on November 25, 1961, at Mineola, N.Y. On December 5, 1961, a man claiming to have the name of Mario Levi, and a native of Italy, appeared in the Florida Keys stating he was a refugee from the Castro regime, having fled Cuba in a rowboat using his clothes as a sail.

The U.S. Immigration and Naturalization Service took this man into custody. We were called in to interview him, and fingerprints of him were taken. We found them to be the fingerprints of Ivanov, the man who was sought for the murders in New York. The Nassau County Police Department arranged to have him removed to New York State.

### FBI DISASTER SQUAD

The FBI Disaster Squad, organized in 1940, is a group of specially trained fingerprint experts who are available on request to assist in the identification of persons killed in fires, storms, explosions, airplane crashes and the like. Since being organized, the squad has identified victims in 36 such major disasters. This chart shows the areas in which our Disaster Squad has been called to function since July 1, 1960.

Mr. ROONEY. Very good.

(The exhibit referred to follows:)

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
JOHN EDGAR HOOVER, DIRECTOR

# FBI DISASTER SQUAD

SINCE JULY 1, 1960, DISASTER SQUAD SERVICES HAVE BEEN REQUESTED IN THE IDENTIFICATION OF VICTIMS IN TEN DISASTERS.

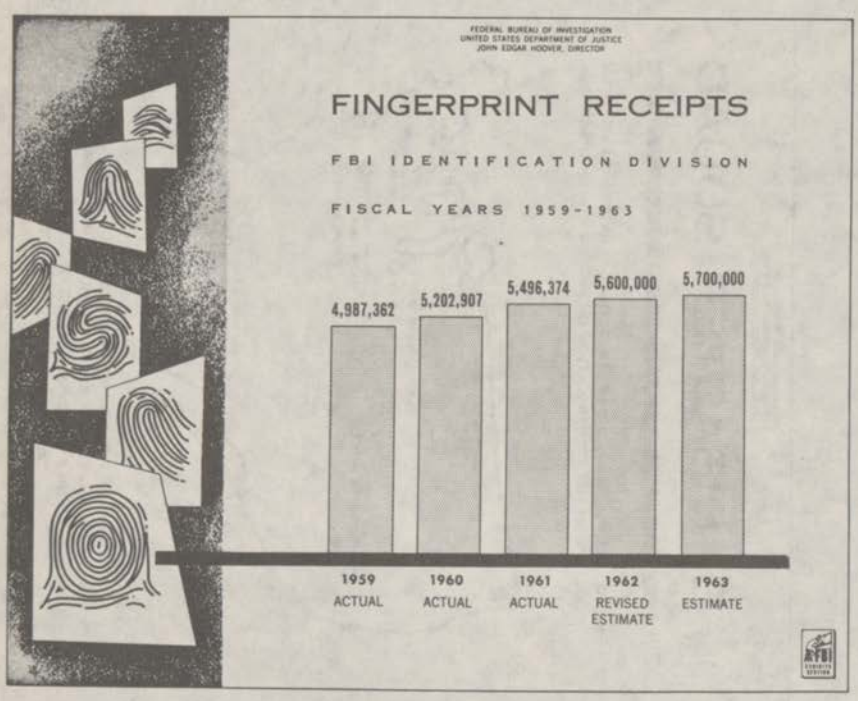
THESE DISASTERS RESULTED IN 497 DEATHS. DISASTER SQUAD MEMBERS WERE ABLE TO SECURE ONE OR MORE FINGERPRINTS FROM 281 VICTIMS. 223 OF WHOM WERE IDENTIFIED THROUGH FINGERPRINT COMPARISON.

FINGERPRINT WORKLOAD VOLUME

Mr. HOOVER. During the fiscal year 1961, our Identification Division received 5,496,374 sets of fingerprints for handling. This is an increase of 293,467 sets of fingerprints, or 6 percent, when compared with those received during the previous year.

This chart shows the upward trend, actual and estimated, in the receipt of fingerprints from 1959 to 1963.

(The exhibit referred to follows:)




Mr. HOOVER. The steady rise in our fingerprint work can be better visualized when you consider the volume in terms of the average number of fingerprints received each day. During the fiscal year 1960, we received a daily average of 20,484 sets of fingerprints. During 1961, this was up to 21,811 and during the first 6 months of the current fiscal year, the average daily has jumped to 23,520.

Although our fingerprint work has increased substantially, as indicated, we are not requesting any additional personnel in that Division.

TRAINING AND INSPECTION DIVISION

Our Training and Inspection Division has the responsibility of supervising our overall training program throughout the entire service of the Bureau, and carries out our inspection operations. These training and inspection activities fulfill an important need and serve constructively to strengthen and unify our procedures. It amounts to an audit of our field offices and a determination of the uniformity of the procedures utilized and their efficiency.

Upon request, we assist in the training of police officers of other duly authorized law enforcement organizations throughout the Nation.

Over the years, hundreds of thousands of police officers across the country have attended training schools which have been conducted by FBI instructors in all phases of law enforcement.

### NEW AGENTS' TRAINING

One of our schools is for newly appointed special agents in the service. We require that applicants for appointment to the position of special agent be between the ages of 25 and 40 and capable of strenuous physical exertion. They must be graduates of resident law schools and have 2 years of accredited resident undergraduate work, or a 4-year resident degree majoring in accounting, with at least 3 years of practical accounting or auditing experience. I may add that each agent is required to take a physical examination each year.

Newly appointed special agents receive an intensive 14-week period of training in Washington, D.C., and at the FBI Academy and firearms ranges on the U.S. Marine Corps Base at Quantico. The training course is a rigorous, concentrated, fast-moving activity which demands the very best of each man.

### FBI INSPECTION PROGRAM

Our inspection program over the years has brought about increased economy and efficiency in the operations of the Bureau. Annual inspections are objective and constructive. They cover administration, supervision, and performance at all levels of work, both at the seat of government and in the field. This is one means whereby we can achieve the strictest economy, streamlining of our operations, and maximum use of our available manpower.

### FBI NATIONAL ACADEMY

The training which we make available for the benefit of local, State and Federal law enforcement agencies throughout the Nation is one of our important cooperative functions. This includes the FBI National Academy which is a vital and dynamic force in American law enforcement. It was founded in 1935 and is now in its 27th year of operation.

The demand for attendance is extremely heavy. In view of this, the size of each class, beginning with last August, was increased to 80 men. Up to that time, there were approximately 60 men in each class. The 68th session, with 80 officers in attendance, graduated on November 8, 1961, bringing the total number of graduates to 4,093. More than 28 percent of the graduates now actively engaged in law-enforcement work are the executive heads of their respective departments.

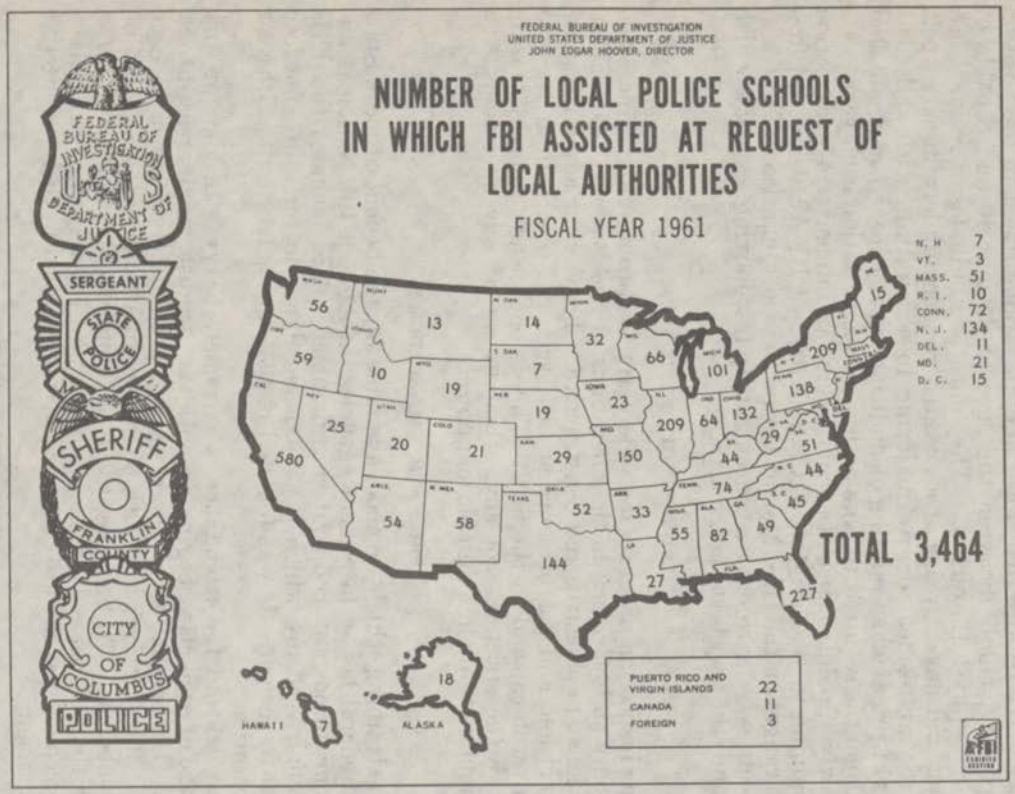
### LOCAL POLICE SCHOOLS

For many years we have participated, upon request, in police training schools offered by local law-enforcement agencies for their officers. During the fiscal year 1961, we participated in a total of 3,464 such local police training schools at the invitation of local authorities.

This chart shows the widespread nature of this cooperative police training, and it indicates the number of schools which were held during the last fiscal year at the request of the local departments.

Mr. ROONEY. Very well.

(The exhibit referred to follows:)


FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
JOHN EDGAR HOOVER, DIRECTOR
NUMBER OF LOCAL POLICE SCHOOLS
IN WHICH FBI ASSISTED AT REQUEST OF
LOCAL AUTHORITIES
FISCAL YEAR 1961
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
SERGEANT
STATE POLICE
SHERIFF
FRANKLIN COUNTY
CITY OF COLUMBUS
POLICE
56
13
14
32
66
101
209
15
59
10
19
7
19
23
209
64
132
138
25
20
21
29
150
29
51
580
44
74
44
54
58
52
33
55
82
49
45
144
27
227
18
7
HAWAII
ALASKA
N. H. 7
VT. 3
MASS. 51
R. I. 10
CONN. 72
N. J. 134
DEL. 11
MD. 21
D. C. 15
PUERTO RICO AND VIRGIN ISLANDS 22
CANADA 11
FOREIGN 3
TOTAL 3,464

REGIONAL LAW ENFORCEMENT CONFERENCES

Mr. HOOVER. An important auxiliary phase of the FBI's training program is the FBI regional law-enforcement conferences. These conferences are sponsored annually throughout the United States, and they permit the mutual exchange of ideas and the analysis of pressing problems confronting law enforcement as a whole.

During the fall of 1961, a series of 215 FBI regional conferences were held on the organized crime problem, largely based upon the new legislation which was enacted during the last session of Congress and which broadened our jurisdiction, and on the growing bank robbery problem. All aspects of the new legislation and how it could be used as a weapon in combating organized crime as it exists in this country today were covered. These conferences were attended by 20,470 persons representing 9,856 law-enforcement agencies and other interested groups.

FBI LAW ENFORCEMENT BULLETIN

For the information of the committee, I submit a copy of the FBI Law Enforcement Bulletin. It is prepared for the use of law enforcement organizations throughout the country. It is distributed on a monthly basis, and apprises the officers at the local level of new developments in their work and provides a national medium for the mutual exchange of ideas within the profession.

CHILD MOLESTER POSTER

Mr. HOOVER. The child molester is a revolting criminal who may strike in any of our communities. A foremost measure of crime prevention against this type of criminal is a program of educating children in regard to the dangers of being lured by strangers. As a primary weapon in this campaign, the FBI in 1956 began distributing coloring sketches for elementary schoolchildren, pointing out the menace of the child molester. We make it available without cost and it has received a tremendous response. Over 18 million copies have been distributed to date to law enforcement agencies, schools, civic and service organizations, and the like.

"THE STORY OF THE FEDERAL BUREAU OF INVESTIGATION"

The booklet, "The Story of the Federal Bureau of Investigation," a copy of which I hand to the chairman, was initially prepared a number of years ago at the suggestion of this committee, and continues to be very much in demand. To date, over 800,000 copies have been distributed free of charge. It costs 3 cents per copy to produce.

Since it provides information regarding the background, activities, and accomplishments of the Bureau, it serves to answer many of the inquiries which we receive for this information from individuals and from educational and civic organizations and Members of Congress.

NATIONAL CRIME TRENDS

Regretfully, there has been no change in the national crime trend. Crime continues to increase rapidly and to rise four times faster than the population.

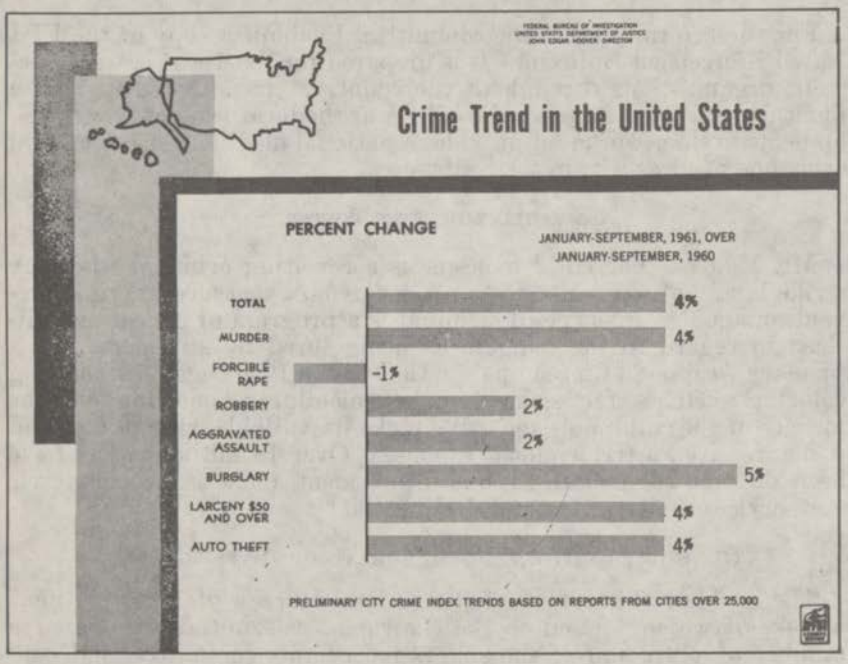
Based on reports from more than 7,700 law enforcement agencies throughout the Nation, there were an estimated 1,861,300 serious crimes committed during the calendar year 1960, an increase of 14 percent over 1959.

Preliminary figures for 1961 show that this upward surge is continuing. Except for forcible rape, which decreased 1 percent, all major crime classifications reflected an increase during the first 9 months of 1961 when compared to the same period of the previous year. On an overall basis, crime was up 4 percent during this period. Burglaries rose 5 percent; murders, automobile thefts, and larcenies over $50 moved ahead 4 percent; and robberies and aggravated assaults increased 2 percent.

I submit a chart which graphically portrays the increases in serious crime to which I have referred.

Mr. ROONEY. Very well.

(The exhibit referred to follows:)




CRIME HIGHLIGHTS AND COST

Mr. HOOVER. Even those Americans who may be fortunate enough to personally escape a frontal attack by some lawbreaker help pay the staggering crime bill estimated at $22 billion a year. Equally divided, this bill averages out to a sum of $128 for every individual in the United States. To further illustrate the magnitude of financial waste in the cost of crime, one has only to consider these figures: For every dollar spent on education, $1.11 goes to crime; for every dollar donated to religious organizations, crime claims $9.

Averaging out the total number of serious crimes in 1960, we discovered that each day of the year an estimated 25 persons were feloniously killed; 356 suffered an aggravated assault; 43 were forcibly raped; 243 robberies, 2,243 burglaries, and 1,298 larcenies over $50 occurred; and 878 motor vehicles were stolen. These figures reveal an average of 5,086 serious crimes were committed in the United States each day in 1960.

### FACTORS AFFECTING CRIME TREND

The ultimate weapon in the fight against crime is the American citizen. In military parlance, law enforcement agencies are operating in the field of combat without the benefit of support troops. Their supply lines, especially, are thin and inadequate, for the American people are not "passing the ammunition" in the form of information about illegal operations.

I dare say that at this very moment there are literally hundreds of thousands of Americans who possess vital information about various criminal activities, which, if placed in the hands of law enforcement officers, could start an offensive against the lawless hordes that would result in a complete rout of the forces of crime.

I do not mean to imply that Americans fail to cooperate with law enforcement officers in the investigation of such serious crimes as murder, rape, and robbery—most of them do. But when it comes to those offenses which support organized crime and breed the murderer, the rapist, and the robber, the vast majority of Americans turn their heads, apparently feeling that illegal gambling, prostitution, the sale of narcotics and obscene material, and other such vices do not affect them and are none of their business.

The overlords of organized crime could be dealt, I believe, a death blow if citizens would stop trading with the bookie, the prostitute, the drugpusher, and other "salesmen" of the criminal empire. The pennies, nickels, dimes, and dollars funneled into the underworld bankrolls provide the means for the hoodlums and racketeers to spread graft and corruption throughout the Nation. Too, the customers of organized crime, desperate for funds, often turn to robbery, burglary, or other such crimes.

### ASSAULTS ON LAW ENFORCEMENT OFFICERS

I would like to say just a few words about assaults on police officers. Vicious, sadistic attacks on law enforcement officers are increasing daily, and the tragic fact is that many of these attacks are carried out in the very presence of disinterested citizens—men and women who had neither the courage to interfere nor the sense of duty to summon assistance. Statistics collected by the FBI disclose that 6 of every 100 police officers were the victims of physical assaults during 1960. All too often the margin between serious injury and death is much too thin. There is no way of determining how many of the officers assaulted escaped death by a hairbreadth. To me, the most alarming thing about these atrocious assaults is the complete indifference of so-called "decent" members of society and the lack of any feeling of civic responsibility to combat this growing evil.

I am fully aware that there are dishonest members in the law enforcement profession. The same is true in every other profession.

I say this not as an excuse but as a statement of fact. Any officer who accepts bribes, protects hoodlums, lies, steals, or in any way—either actively or passively—engages in illicit activities or improperly uses his authority, generates a feeling of suspicion which is directed against the entire law enforcement profession.

I would like to say something off the record.

(Off the record.)

Mr. HOOVER. Inadequate pay in many areas still is a bar to the recruitment of the best qualified personnel at the local level, but in spite of this and other hardships, law enforcement agencies have progressed to the point where the American people, I feel, can and should take great pride in them and provide the support they need and deserve. Certainly, an alert interest in local affairs by honest citizens can prevent the hoodlums and their political supporters from gaining control.

## YOUTHFUL CRIMINALITY

The expanding scope of youthful criminality in the United States is one of the most disheartening things that I can think of today. The frequency and viciousness of the criminal acts being committed by our young people, already alarming, are speeding toward certain tragedy unless the current trend is some way arrested.

We are allowing a group of disrespectful young people who have no sense of moral responsibility to develop into hardened criminals. This is true because these children are being allowed to just grow up, rather than receiving proper home training. They are being neglected and denied the love, care, and guidance in the home necessary to proper development as good, law-abiding citizens.

I realize, of course, that this is a damning indictment of many parents, but in case after case of vicious crimes committed by young people which I have studied, there has been gross parental neglect of the children. A recent poll among teenagers throughout the Nation revealed that 50 percent of them held parents responsible for their delinquent children. This poll was conducted by Purdue University and published in October 1961.

This same poll, however, brought out some disturbing opinions with respect to the handling of young lawbreakers. Forty-eight percent of the youths believed that youthful offenders should not be sent to correctional institutions, but should remain in the community for rehabilitation. Even a more alarming fact is that 28 percent advocated nothing more than a serious lecture following the first two offenses, with confinement after a third offense. This is an attitude so prevalent among the young hoodlums arrested by police regardless of the seriousness of their crime. They seem to feel that their tender age entitles them to special treatment.

This belief was not born in the young minds of our children. It was planted there by those misguided sentimentalists who contend that society must protect a juvenile, no matter what he does wrong. The continued use of the pampering phrase, "juvenile delinquency," to describe all illegal acts committed by young people also contributes to this belief. There must be a line drawn between the mischievous pranks of the young people, which may indeed be called juvenile delinquency, and the depraved deeds of teenage thugs who rob, rape,

and kill. These acts, I feel, should be labeled for exactly what they are, which is "youthful criminality".

I am a firm believer in fitting the punishment to the crime. To excuse a willful murder, rape, or robbery committed by a young man, merely because he has not reached his 18th birthday, defies all sane logic. Such action can only encourage greater disrespect for law and order.

There are other great and serious causes of the moral decay which is taking place among the children of our Nation. I speak of those depraved individuals who seek out our young people of this country as customers for all forms of obscene material, narcotics, and intoxicating beverages. Many of the crimes of violence committed by juveniles result from the use of drugs or intoxicants or exposure to obscene movies or literature.

Even the various entertainment media must share their part of the blame for the weakening of the morals of our young people. Many movies, television shows, and theatrical productions have overstepped the bounds of decency. Likewise, these media have flooded the land with scenes of violence which cannot avoid affecting young minds.

How serious is the crime problem among our young people? Statistics for the calendar year 1960 give the answer. Throughout our Nation, arrests of youths under 18 increased 9 percent over 1959, and represented 14 percent of all arrests made in the United States. They accounted for 61 percent of arrests for automobile theft, 49 percent for burglary, 47 percent for larcenies, 26 percent for robberies, 18 percent for forcible rape, 11 percent for aggravated assault, and 7 percent for murder. Girls under 18 contributed greatly to the increase of juvenile arrests, with a rise over 1959 of 14 percent.

Perhaps even more startling is the 20-year trend in the arrests of juveniles. During this period, total police arrests were up 61 percent and while adult arrests increased 53 percent; juveniles nearly doubled the adult percentage rise. This chart shows arrest trends from 1940 to 1960.

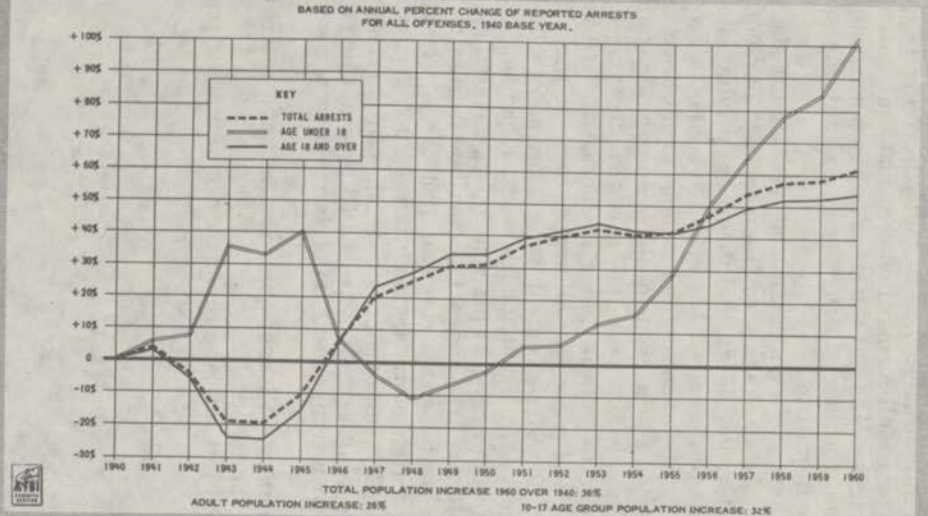
Mr. ROONEY. Without objection, we shall insert this exhibit at this point in the record.

(The exhibit referred to appears on following page.)

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
JOHN EDGAR HOOVER, DIRECTOR

# ARREST TRENDS

## 1940-1960



Mr. HOOVER. It is most disheartening to view the arrest picture of juveniles for the 5-year period from 1955 through 1960. During this 5-year interval we find that the population of persons between 10 and 17 years of age increased 25 percent, while arrests by city police for serious criminal code offenses surged 48 percent. Some of the types of criminal activity contributing to this increase were a 105-percent rise in arrests for buying, selling, and receiving stolen property; 65 percent for driving while intoxicated; 49 percent for robbery; and 41 percent for sex offenses.

This chart graphically shows the percentage increase in arrests for 16 offenses which average out to a 48-percent rise over the past 5 years.

Mr. ROONEY. Very well.

(The exhibit referred to appears on following page.)

Mr. HOOVER. During the year 1960, there was one reported arrest for every 26 youths between the ages of 10 and 17, and arrests for young people in cities were recorded at a rate three times that for rural areas.

While it is true that youthful criminality is a matter of vital concern to all of us, it would not be fair to overlook the fact that the vast majority of our Nation's youth are upright, law-abiding citizens. We, of course, cannot permit the unlawful acts of a few, a small percentage of our youthful population to unduly influence our thinking to the point where it results in an indictment of an entire segment of our society. There is presented, however, a real challenge to our democratic system to materially reduce the incidence of youthful criminality in our country.

### PAROLE, PROBATION AND CLEMENCY ABUSES

Nothing can be more discouraging and disheartening to a law enforcement officer than to see some criminal he has risked his life to capture set free through unwarranted leniency in the form of a suspended sentence, parole, or probation.

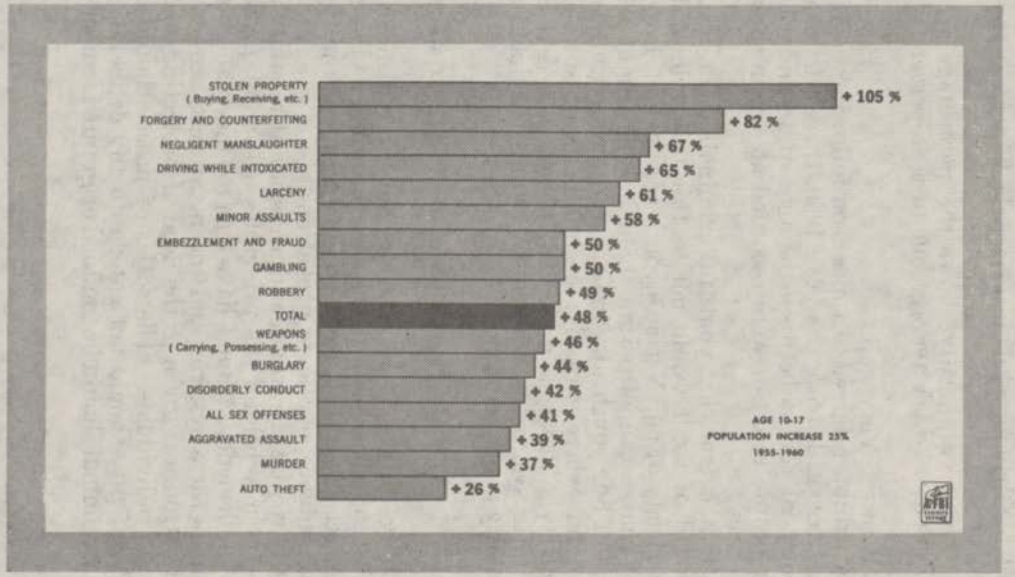
I fully realize the worth and necessity of rehabilitation efforts, and I stand firmly behind the principles of parole, probation, and other forms of clemency. But I have seen too much abuse and maladministration of these systems and too many instances where little or no consideration was given to the need of protecting society by isolating depraved individuals. The scales of justice should be balanced; the emotion of pity should not enter into any deliberation as to whether or not a criminal should be confined or granted leniency.

83356 O—62——22

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
JOHN EDGAR HOOVER, DIRECTOR

# ARRESTS OF PERSONS UNDER 18
## PERCENT CHANGE 1955-1960

(BASED ON REPORTS OF CITY POLICE)



I thought you might be interested to hear the results of a survey we recently made regarding police officers killed in 1960. I have already presented one with regard to those who were attacked. Forty-eight city police officers lost their lives in line of duty during that year, 28 of them at the hands of vicious killers. A total of 34 individuals were arrested for these 28 killings. In looking at their prior criminal history, it was found that these 34 murderers had compiled, among them, a total of 248 prior arrests for an average of 7 arrests each. Burglary was the most common arrest as a group, followed by assault, larceny, and armed robbery. Twenty-seven of these killers had prior convictions ranging from 1 to 24. Twenty-five had been imprisoned at least once. But most significant is the fact that 24 of these men had been granted some form of leniency for past criminal acts, while 12 were on parole or probation at the time they killed a police officer in 1960.

The demands on law enforcement agencies throughout our Nation are heavy enough without the added burden of tracking down hardened criminals who, through unmerited clemency, are turned loose to again prey on the public.

Indicative of the frequency with which ill-advised trust has been placed in convicted criminals is the fact that, of the 86,277 persons listed as wanted in the FBI Identification Division files, 21,286 are wanted as parole or probation violators. Of the 162 criminals who have appeared on the FBI's "10 most wanted fugitives" list since March 1950, 137 have previously received some form of leniency.

### FBI LABORATORY

Turning to the work of our crime laboratory, I would like to point out that it was founded on November 24, 1932, and through the years there have been continuing advances in the application of science to the problems of detecting and apprehending the lawbreaker.

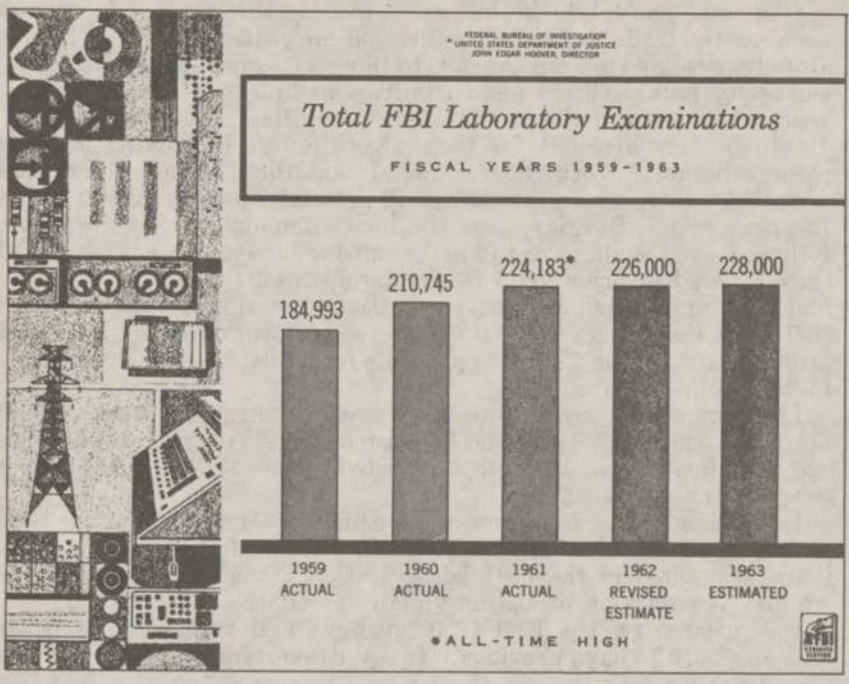
As a service agency, the laboratory works closely with local police agencies across the land. Its facilities are available on a cost-free basis to these law enforcement agencies, and the FBI laboratory experts are available to testify in court as to their findings.

A new record-high volume of 224,183 scientific examinations were handled by the FBI laboratory during the last fiscal year. Of this number, 27 percent were from sources other than the FBI—from local and other law enforcement agencies. This marks the 11th consecutive year that our work in this field has been on the increase.

The chart which I present shows the volume of scientific examinations handled since 1959, as well as the estimated receipts for 1962 and 1963. We have not asked, however, for any additional personnel for the laboratory work.

Mr. ROONEY. Very well.

(The exhibit referred to follows:)




Mr. HOOVER. Local law enforcement agencies from every State of the Union, as well as agencies from several locations outside the country, called upon the laboratory for assistance in 1961. This widespread cooperative activity I think is best portrayed in this chart.

Mr. ROONEY. Very well.

(The exhibit referred to appears on following page.)

Mr. HOOVER. I would like to make a statement off the record, if I may, Mr. Chairman.

Mr. ROONEY. Very well, Mr. Director.

(Off the record.)

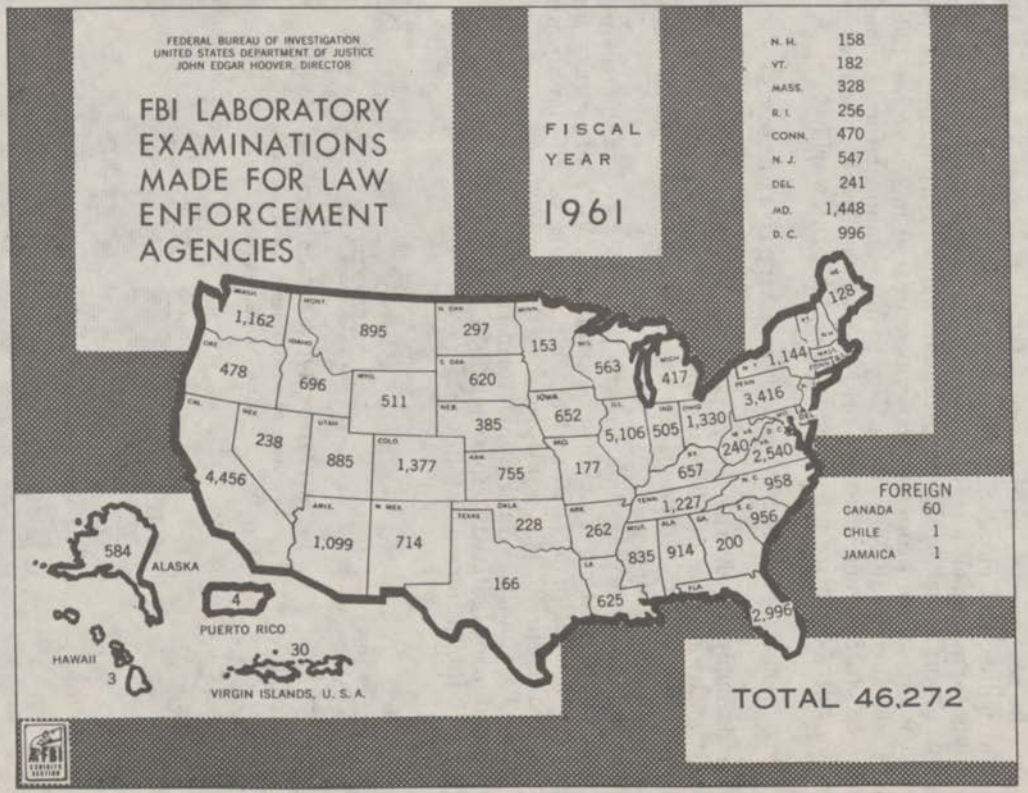
FIELD OPERATIONS

Mr. HOOVER. I submit to the committee a map which shows the setup of our field organization.

Our 55 field offices, the hub of FBI field investigative activity, are located in the major cities of the United States and in San Juan, P.R., and have personnel on duty 24 hours a day throughout the year. In the interest of economy and to facilitate the immediate handling of investigative matters within our jurisdiction, we also maintain resident agencies in approximately 500 cities and towns, each of which is under the immediate supervision of a field office.

FOREIGN LIAISON

In order to better coordinate matters in which the FBI has an interest in both the criminal and internal security fields, the FBI has a nominal staff assigned to strategic liaison posts in 11 foreign countries.


FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
JOHN EDGAR HOOVER, DIRECTOR
FBI LABORATORY EXAMINATIONS MADE FOR LAW ENFORCEMENT AGENCIES
FISCAL YEAR 1961
N. H. 158
VT. 182
MASS. 328
R. I. 256
CONN. 470
N. J. 547
DEL. 241
MD. 1,448
D. C. 996
1,162
895
297
153
563
417
1,144
128
478
696
620
511
652
385
3,416
1,330
505
5,106
238
885
1,377
755
177
657
240
2,540
4,456
1,099
714
228
262
1,227
958
956
835
914
200
166
625
2,996
584
ALASKA
4
PUERTO RICO
30
HAWAII
3
VIRGIN ISLANDS, U. S. A.
FOREIGN
CANADA 60
CHILE 1
JAMAICA 1
TOTAL 46,272

These employees have no jurisdiction abroad, but are liaison in operation.

Substantial benefits are derived from our foreign liaison offices. The location of the far-ranging criminal, who often operates across international boundaries, is an example. A man by the name of Donald Roy Tait went on a yearlong checkpassing spree which took him from the United States to Australia, New Zealand, Canada, and Brazil, where he was located in September 1960. Upon his arrest by Brazilian police, he chose immediate return to the United States. Through arrangements made by our liaison representative in Brazil, he was brought back to this country and charged with interstate transportation of stolen property. He was sentenced in November 1960 by the Federal court in New York City to imprisonment for 18 months.

I hand to the committee a world map showing where our various liaison representatives are located throughout the world.

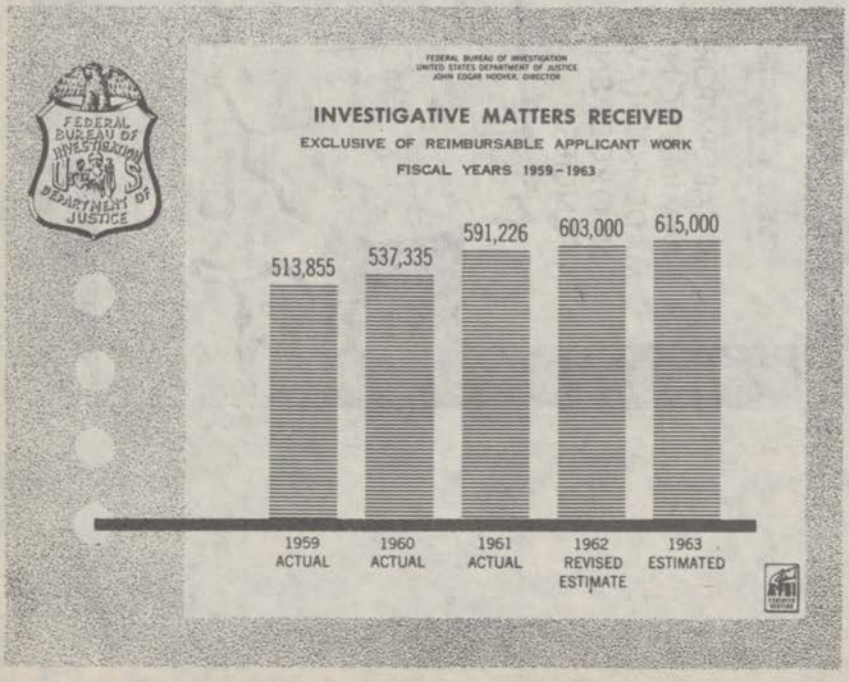
OVERALL PICTURE: FIELD INVESTIGATIVE COMMITMENTS

On January 1, 1962, there were pending throughout the field 111,329 investigative matters of all types, of which 7 percent were in a delinquent status. This represents an average assignment of 22 matters for each special agent.

During the fiscal year 1961, a sharp jump occurred in the receipt of investigative matters in the overall criminal, civil, and security field, reaching a total of 591,226 matters, an increase of 10 percent when compared to the 537,335 matters received during 1960.

This chart outlines in graphic form the actual and estimated increases in investigative receipts since 1959.

(The exhibit referred to follows:)



OVERTIME

Mr. HOOVER. The great bulk of the mounting volume of work throughout the field must be handled immediately. Through diligence and the performance of voluntary overtime, our field staff is making every effort to handle as much of the extra work as possible.

This has been typical of the services of the field employees and of the employees of the Bureau at the seat of Government. The criminal, the spy, and the subversive, of course, do not operate on an 8-hour day or a 40-hour week. They operate 24 hours a day throughout the year. As a result, our staff has to work many extra hours in meeting this challenge.

During the fiscal year 1961, the overtime of our investigative staff totaled 3,668,416 hours, averaging nearly 3 hours for each member during each workday throughout the year.

Looking at it another way, this voluntary overtime service represented the equivalent of 1,764 agents on a full-year basis. Had it been necessary to actually employ the additional 1,764 agents, the cost would have been an estimated $18,702,387. However, under the fringe benefits law this overtime was compensated only to the extent of $5,611,168, resulting, in effect, in a salary savings to the Government of $13,091,219.

INTERNAL SECURITY OPERATIONS

The FBI, as a result of Presidential directives and the enactment of legislation, has investigative jurisdiction over communism, espionage, sabotage, treason, subversion, and related matters within the United States, as well as the responsibility of correlating all security information and disseminating it to appropriate Federal agencies.

The developments on the international scene make it necessary that the FBI continue to have the best possible coverage of the activities and plans of the enemies of democracy within this country which would threaten our security on the homefront.

## COMMUNIST PARTY, U.S.A.

I will briefly review some of the current developments in regard to the Communist Party, U.S.A.

Never in the history of our country have we been confronted with the challenge which the international Communist movement is making today toward world domination.

There is a tendency to minimize the internal threat of Communist activity. This tendency can have tragic consequences, since the Communist Party, U.S.A., the largest subversive organization in our Nation today, is part and parcel of the predatory empire of the international Communist conspiracy whose ultimate objective is world domination by communism. In any showdown with the United States, there is no doubt that the Soviet Union would rely heavily on the party as an advance detachment within our borders, ready and willing to carry out any hostile act within its capability. The threat, therefore, is both internal and external.

Despite the public denial by Soviet leaders, the fact is that the Communist Party in this country has always been and is today unal-

terably welded to the Communist Party of the Soviet Union. Under the false guise of a political organization, the Communist Party in this country acts as the subservient mouthpiece of international communism with the Kremlin setting the line to be followed.

This thin veil of legitimacy was, however, publicly lifted when the Supreme Court last June judicially affirmed the oft-repeated contention that the Communist Party in the United States is not a legitimate political party, but a subversive group directed and controlled by the Soviet Union.

I would like now to go off the record, if I may.

Mr. ROONEY. Very well, Mr. Director.

(Off the record.)

Mr. HOOVER. The 22d Congress of the Communist Party of the Soviet Union, promoted as the "Congress of the Builders of Communism," was held in Moscow from October 17 to October 31, 1961. It was attended by representatives of Communist Parties from over 80 countries of the world and set into play the Soviet Union's strategy for world domination. Actively participating in this Congress was a delegation from the Communist Party, U.S.A., headed by Elizabeth Gurley Flynn, the party chairman. Flynn, in speaking before the Congress, praised the achievements of the Soviet Union in engulfing the world with communism and brazenly predicted that the United States would be a socialist—Communist—country by 1980.

The Communist Party, U.S.A., alined itself still more completely at the Congress with the Soviet Union by joining in attacks on Albania for failure to adhere to the dictates of the Soviet masters.

### ORGANIZATIONAL REALINEMENT

As a defensive measure the party is in the process of streamlining its organizational structure. It is eliminating its apparatus between the district and club levels, and district committees as well as clubs are being reduced in size. This is being done as a result of the upholding by the Supreme Court of the registration provisions of the Internal Security Act of 1950. Club meetings are being held less frequently and when held are masquerading as meetings of "garden clubs," "bridge clubs," and the like. One course of action presently being considered by the party calls for the sending of its members into mass work and the creation of "umbrella organizations" through which the party's continuance can be guaranteed.

In line with its streamlining plans, the party is also considering the dissolution of its National Committee as well as its national executive committee and the placing of the party's reins in the hands of a three-member national board.

### NUMERICAL STRENGTH

At a press conference held in party headquarters, New York City, on June 8, 1961, Gus Hall said that the total party membership was 10,000 in 1960 and that it had grown since then. Party officials in giving membership figures to the press for any particular year or years have varied considerably, indicating that the party uses the term "member" to suit its own needs.

Although there has been a decline in membership of the Communist Party, U.S.A., since 1945, I would like to emphasize that the numerical strength of the party as a measuring device for potential dangerousness to our internal security is grossly inaccurate in reflecting the true facts. We should not be lulled into a sense of security simply because the party membership in this country represents a small percentage of our entire population. It is vital to recognize that the present hardcore party membership through its fanaticism, its propaganda, and its masked activities through front groups, and the like, wields an influence far out of proportion to the actual number of party members.

For example, William Z. Foster, the former head of the party who died in Soviet Russia in September 1961, said:

> But the influence of the party stretches far and wide beyond the limits of its actual membership.

He also said:

> The real power of the party is seen in the mass movements which it initiates * * *

or in other organizations to which it gives its support. As recently as January 1961, Foster said:

> The Communist party in the United States today is potentially, if not actually, stronger than it ever was in history * * *

that while—

> there was a time when the Communist Party in the United States had more members * * * its opportunity for growth and its potentiality as an organization is beyond compare.

For all practical purposes, the hard-core party membership in this country represents a Trojan horse of rigidly disciplined fanatics unalterably committed to bring this free Nation under the yoke of international communism which has 40 million members and 86 Communist Parties with over 60 of these in non-Communist countries.

### RECENT ACTIVITIES OF THE COMMUNIST PARTY, U.S.A.

The party carries on many activities to further its subversive objectives. It has continued its efforts to infiltrate the trade union field, among minority groups, in the field of women's activities, among the youth, among the Negroes, and has been intensifying its propaganda and agitational apparatus.

The intensified drive of the party to attract youth continues unabated. Always anxious to spread its venom on college campuses across the Nation, it has launched an all-out campaign designed to lure youth into the web of communism. This is being done by having more national party functionaries appear before various student groups at various universities.

The party welcomes the opportunity to speak before student groups because it gives the party an aura of respectability; an opportunity to plant seeds of dissent in the minds of individuals; and an opportunity to recruit some youthful followers.

Since its inception the Communist Party, U.S.A. has been alert to capitalize on every possible issue or event which could be used to exploit the American Negro in furtherance of party aims. In its

efforts to influence the American Negro, the party attempts to infiltrate the legitimate Negro organizations for the purpose of stirring up racial prejudice and hatred. In this way, the party strikes a blow at our democratic form of government by attempting to influence public opinion throughout the world against the United States.

The fundamental aims of the Communist Party, U.S.A. propaganda are to spread the Communist doctrines among great masses of the people in order to condition them for revolutionary action; to divide, confuse, and weaken anti-Communist opposition; and to defend the Soviet Union.

This barrage of propaganda representing Communist demands is the Communist Party line. The pages of Communist publications are filled with these demands and the public speeches and statements of party leaders are largely based on them.

However vehemently the Communists may campaign for the various proposals which constitute the party line, they are not genuinely interested in "reforms" or improving our society. Communists declare themselves for a lasting international peace—as long as no one stands up to Communist aggression; for peaceful coexistence—strictly on Communist terms; and for freedom of all people—to live under a Communist dictatorship.

At the request of the Senate Internal Security Subcommittee, we prepared last year a brief analysis of the Communist Party Line, what it is, how it is formed, and how it operates. A reading of this pamphlet, which is available to any citizen upon request, will enable an individual to better understand and interpret the party line, realizing that it is a hypocritical and deceitful Communist technique to hoodwink and beguile us.

### FBI COUNTERMEASURES

The FBI carries on numerous counterintelligence programs to be aware of the tactics and actions of the Communists and other subversives. Our coverage is the best that it has ever been.

### COMMUNIST-FRONT GROUPS

Over the years the Communist Party, U.S.A., has carried on many of its operations through front organizations established for the purpose, or through the infiltration of legitimate existing organizations.

Through these organizations, the party conducts pressure campaigns, disseminates Communist propaganda, distributes Communist literature, raises funds, and insidiously exploits the masses and public opinion to further its revolutionary aims and purposes.

We have today approximately 185 of these known, or suspected, Communist front or Communist-infiltrated groups under active investigation.

### INTERNAL SECURITY ACT OF 1950

The Supreme Court in its decision of last June upheld the 1953 order of the Subversive Activities Control Board that the Communist Party of the United States is a Communist-action organization and required to register as such with the Attorney General under the Internal Security Act of 1950.

From the outset, the party publicly took the position that it would not comply, showing once again its complete and utter disdain for a government of law and order. The party immediately began numerous, devious maneuvers to thwart the law. Gus Hall, the general secretary of the Communist Party, U.S.A., with his admonition, "It is not what you know, but what you show!" warned party members to destroy incriminating documents which might be used in prosecutions against them.

They then launched a mass appeal for support. The basic objective of this flood of propaganda was to attempt to destroy the image of the party as an agent of a foreign power and to create an image of the party as an independent political entity.

I would like to go off the record, Mr. Chairman.

Mr. ROONEY. Very well.

(Discussion off the record.)

### FBI INFORMANT PROGRAMS

Mr. HOOVER. To penetrate the walls of secrecy which surround the Communist conspiracy, we have continued to rely heavily on the services of confidential informants.

Information provided by these men and women, together with data developed by our investigations, leaves no doubt as to the party's ultimate objective of overthrowing our Government—or its status as an inseparable arm of the Communist conspiracy.

Despite the security measures adopted by the Communist Party, U.S.A., our overall informant coverage continues to improve.

May I go off the record again, Mr. Chairman?

Mr. ROONEY. Very well.

(Discussion off the record.)

Mr. HOOVER. In carrying out our responsibility for the internal security of the country, the FBI utilizes a number of investigative techniques, including 84 wiretaps. They are utilized only in cases involving or affecting our national security and in cases of kidnaping and extortion—in other words, where the life of our Nation or where the life of an individual may be in jeopardy. They all have to be approved by the Attorney General in advance and in writing.

### ESPIONAGE AND COUNTERINTELLIGENCE OPERATIONS

I shall now review the operations in the counterespionage and domestic intelligence field.

For over three decades the Soviet Union has directed a vicious, concerted espionage attack against the United States. This activity continues unabated and, in fact, throughout the history of the world, espionage has never been emphasized to the extent and with the fanatical dedication now being practiced by the Soviet-bloc countries.

Numerous intelligence-gathering sources make up the highly integrated Soviet-bloc espionage apparatus. Covert intelligence collection is accomplished under the cover of every Russian-run establishment in the United States. Other operatives function clandestinely under false identities without any observable contact with the official establishments. As a part of the overall apparatus, the Soviets greatly increase their intelligence collection potential by pressing into their

service the foreign intelligence facilities of their satellite nations in the United States was well as in other parts of the world. The Soviets not only have access to all data obtained by the satellites but they also maintain an advisor system at satellite headquarters level to make certain that the satellites operate consistent with Soviet interests.

### AMTORG TRADING CORP.

The Amtorg Trading Corp. is a New York corporation formed in 1924 and since 1949 it has been registered with the Department of Justice as a foreign agent. It represents in the United States approximately 25 Soviet trade organizations. From the beginning the Soviets have used Amtorg as a cover for industrial espionage activities against the United States. It continues in this capacity and Amtorg employees obviously seek out those American businessmen who sometimes place their desire for a quick profit above their regard for the internal security of the United States.

I would like a discussion off the record, Mr. Chairman.

Mr. ROONEY. Very well.

(Discussion off the record.)

Mr. HOOVER. Every means is utilized by the Soviet bloc to penetrate the American way of life. Exploitation of social and business contacts, compromises through sex and perversion, financial gain, Communist sympathies, threats and promises based on hostage situations, are among the techniques brought into play by the Soviet-bloc espionage apparatus to achieve its goal in this country. No method is too reprehensible if it holds the promise of deluding a prospective source to provide services or information for the Communists.

### ESPIONAGE TARGETS

Over the years, no phase of American activity has been immune to Soviet-bloc intelligence attempts. The Soviets have attempted to obtain every conceivable type of information. The targets have been all-encompassing and have included aerial photographs, maps and charts of our major cities and vital areas, data regarding the organization of our military services and their training programs, technical classified and unclassified information concerning nuclear weapons, planes, ships and submarines. Of prime interest to the Soviets is information concerning U.S. military bases, including missile sites and radar installations.

They have probed to penetrate our most critical intelligence and counterintelligence organizations. Their interests extend to the collection of data regarding codes and the latest scientific developments in the electronics, jet and missile fuel, and atomic energy fields. Their operatives have been occupied in gathering information concerning American industrial facilities, material with which they can compromise American Government officials, and political and economic data.

### SOVIET-BLOC OFFICIAL PERSONNEL IN THE UNITED STATES

Through the years the number of officials of the Soviet-bloc countries assigned in this country has been increasing. Our investigation and penetration of Soviet clandestine intelligence collection has

clearly established that these official personnel assigned to the United States have been used extensively for espionage purposes. In fact, a former Soviet intelligence officer who defected from the Russians has estimated that some 70 to 80 percent of the Soviet officials in the United States have some type of intelligence assignment.

Now, if I may go off the record, Mr. Chairman?

Mr. ROONEY. Yes, Mr. Director.

(Discussion off the record.)

### TRADE, TOURISTS AND EXCHANGE GROUPS

Mr. HOOVER. Historically, the Soviet-bloc has made extensive use of its official trade organizations as covers for espionage operations. With greater freedom of travel and the opportunity to make direct contact with Americans engaged in commerce and industry, the use of commercial cover is fully exploited by the Soviet-bloc intelligence services.

Since 1957, there has been a steady upward trend in the number of Soviet cultural, technical, and educational exchange groups visiting the United States. Soviet tourists are also on the increase. The Soviet intelligence services make use of these groups to implement their intelligence operations in this country.

### COLLECTION OF UNCLASSIFIED STRATEGIC INTELLIGENCE INFORMATION

Capitalizing fully on the basic freedoms guaranteed in the United States, Soviet-bloc intelligence personnel employ a variety of techniques in amassing great volumes of extremely valuable but unclassified intelligence information.

For example, during fiscal year 1961, Soviet officials alone made more than 14 intelligence and reconnaissance trips throughout the United States. During such trips, they visited areas of strategic significance, noting military installations and industrial facilities, and collecting available maps, photographs, and other detailed data concerning powerplants, transportation systems, and the like.

They purchase and subscribe to hundreds of U.S. newspapers, magazines, and military, scientific, or industrial publications of intelligence significance.

Through direct correspondence with U.S. industrial facilities and business firms, Soviet-bloc officials obtain blueprints and photographs, production statistics, and other invaluable data concerning U.S. equipment and production methods. In carrying out these activities, they frequently resort to the use of intermediaries or otherwise conceal their official status.

### UNITED NATIONS AS A BASE FOR SOVIET-BLOC ESPIONAGE OPERATIONS

With privileges and immunities, Soviet-bloc personnel attached to the United Nations are becoming increasingly more active in Soviet-bloc intelligence operations. These countries are expanding their representation on the United Nations Secretariat, Soviet representation alone having jumped from 30 on July 1, 1957, to 72 on January 1, 1962.

Now, if I may go off the record, Mr. Chairman?

Mr. ROONEY. Very well.

(Discussion off the record.)

Mr. HOOVER. The FBI has met the ever-increasing threat of Communist-bloc espionage with aggressive programs designed to disrupt and prevent their effectiveness in our country.

(Discussion off the record.)

## CRIMINAL AND CIVIL INVESTIGATIVE OPERATIONS

Mr. HOOVER. Our work in the criminal and civil field has increased substantially during the past year. On an overall basis, there has been a progressive rise in nearly all major criminal offenses within our primary investigative jurisdiction, and our work in the antitrust category has increased substantially. At the same time, the Government's stepped-up and broadened investigative programs directed against organized crime have added greatly to our work. This mounting volume of work is expected to continue through 1963.

### ACCELERATED DRIVE AGAINST ORGANIZED CRIME

Beginning in January 1961, the Attorney General stepped up the Federal Government's drive against organized crime. Under this stepped-up drive, Federal agencies, as I previously stated, made a coordinated effort to develop a vast amount of intelligence information that could be used with the laws then on the statute books with the aim of prosecuting notorious hoodlums.

However, there followed in September-October 1961 a number of laws which were enacted by Congress that developed a tremendous amount of additional investigative work for the Bureau adding to its already heavy investigative burden. For example, to date we have transmitted to the Department 4,896 reports covering the activities of approximately 1,800 criminal figures who are operating in this country. In addition, 417 specially prepared summaries reflecting detailed data as to the background and activities of racketeers operating throughout the country were made available to the Department for its assistance. Further, an intensive all-out investigation was launched early in 1961 on 40 of the most prominent and notorious racketeers in the country and we have initiated an intensive investigative operation against additional ones.

During the course of our investigations, we develop many items of information which are of significance to other Federal, State, and local law enforcement agencies. This data is promptly disseminated to the appropriate agency which can effectively take action on it. Over 101,000 such items of information have been disseminated during the fiscal year 1961. This has been of material assistance to other law enforcement agencies in assisting them in breaking up hoodlum gangs, in locating dangerous fugitives, in recovering stolen merchandise, and in contributing in various ways to the solution of law enforcement problems. At the same time, the FBI is the recipient of information made available by other law enforcement agencies. They, in turn, cooperate to the fullest extent.

I might point out a recent case where FBI cooperation was of immeasurable assistance to local law enforcement authorities. On October 20, 1961, John A. Kilpatrick, president of the International United Industrial Workers of America, was murdered. The FBI entered this case following the discovery of Kilpatrick's body to deter-

mine if a Federal violation had occurred. An extensive investigation was completed and the Attorney General directed the FBI to make available to Chicago law enforcement authorities the results of its investigation when it was established that the persons responsible for the death of Kilpatrick could not be prosecuted for this crime under any Federal statute. FBI personnel, including scientific experts in the FBI laboratory will be made available to testify should prosecution be instituted in State court. The Attorney General praised the FBI for its thorough and painstaking investigation which resulted in such material assistance to the Chicago law enforcement authorities.

In several instances, information developed in our investigation of hoodlum activities has formed the basis for pursuing Federal prosecution against prominent members of the organized underworld.

For example, information which we developed regarding the assets and income of Meyer "Mickey" Cohen in the Los Angeles, Calif., area was made available to the Internal Revenue Service. I have been advised that this information was of material assistance to the Government's case against Cohen for income tax evasion. Cohen was sentenced on July 1, 1961, to 15 years and he was fined $30,000. He appealed his case to the circuit court of appeals where his conviction was sustained on January 12, and his bond revoked. Further appeal action is being considered.

Another instance of effective prosecutive action was that which concerned Isadore Blumenfield and associates, known as the Kid Cann liquor syndicate, who have been involved in hoodlum activities in the Minneapolis, Minn., area for many years. They were prosecuted, as a result of information developed by the Bureau, for bribery and Federal wagering-tax-stamp violations. Blumenfield was sentenced in May 1961 on these charges and received sentences totaling 8 years' confinement and fines in the amount of $30,000. Six others of the Kid Cann group were sentenced for a total of 36 years and the payment of fines amounting to $80,000.

As a result of our inquiries regarding organized crime, it is apparent that gambling is a major source of income to the underworld leaders. The enactment of antigambling laws by the last session of Congress will assist in the drive against the activities of gamblers who provide the financial lifeblood of some of the country's leading racketeers.

By prohibiting the use of interstate wire communications for gambling purposes, by prohibiting the interstate travel or transportation in aid of racketeering, and by prohibiting the interstate transportation of wagering paraphernalia, Congress has provided additional weapons for use against the widespread activities of the gamblers who operate interstate. It enables the FBI to pursue such violations as they come to its attention in its drive against crime.

These new laws have added materially to our jurisdiction and our workload. For example, under the 3 new antigambling laws, which became effective September 13, 1961, we have opened more than 2,100 cases on prominent gamblers who are continuing with their interstate gambling activities. The results of our investigations into these activities are submitted to the Department of Justice for prosecutive action.

As a part of the FBI's continuing crackdown of interstate gambling activities under recently enacted Federal statutes, 10 individuals

were arrested on January 20, 1962, in connection with a large-scale gambling game—dice—that has been in operation in Reading, Pa. Two of the men were charged under the new anticrime law prohibiting interstate travel in aid of racketeering, while the others were charged with aiding and abetting interstate travel with intent to facilitate the above crime.

Our investigation determined the gambling games had been operating continuously since mid-November 1961, and that parties were traveling to and from other States in connection with the nightly gambling activity. Although the games went on every night, the weekends were the most heavily attended with as high as 150 to 200 persons taking part in the gambling at several gambling tables.

FBI agents seized more than $50,000 in connection with the arrests and also gambling paraphernalia.

Those arrested are awaiting further prosecutive action.

Since the enactment of this new legislation, arrests of gamblers have been made by the FBI in New York, West Virginia, North Carolina, South Carolina, and Michigan. In addition, based on information developed through FBI investigations, the Department of Justice is presenting evidence of gambling operations to grand juries in session in Kansas City, Mo., and in New Kensington, and Philadelphia, Pa.

Also, within the past year, information developed by the FBI presented to Federal grand juries contributed substantially to the successful return of indictments against leading hoodlums in the New Orleans, La., and Covington, Ky., areas. In addition, material developed on racketeering activities by the FBI has been, or is being, presented to grand juries in such other areas as New York, N.Y.; Detroit, Mich.; Cincinnati, Ohio, and Chicago, Ill.

Considerable information has come to the attention of the FBI indicating the very strong deterrent effect this new legislation has had on gambling operations. Several wire services which were actually the "lifeline" of gambling operations suddenly discontinued their activities with the signing into law of this new legislation. Wire services utilized by gamblers in Hot Springs, Ark., Chicago, Minneapolis, New Orleans, Cincinnati, Dallas, and Baltimore, promptly discontinued their service.

### BANK ROBBERY

Turning now to our primary responsibility in some other fields of crime, I would like to discuss the matter of bank robbery.

The fiscal year 1961 witnessed the largest number of violations of the Federal bank robbery statute in our Nation's history. The 895 violations occurring during that year reflected an increase of 142 offenses over the previous year and included 488 robberies, 304 burglaries and 103 larcenies of banks, credit unions, and savings and loan associations.

Among the reasons for the increase in these crimes against banking institutions is that more and more institutions have been brought under the statute so that the possibility for such crimes which fall under Federal jurisdiction has increased greatly. For example, some 10,000 Federal credit unions were brought under the Federal bank robbery statute since 1959. There has also been an increase in the number of

banks in suburban areas, which is a temptation for many individuals to commit bank robberies.

During recent years the crimes affecting financial institutions have changed perceptibly in their pattern. Today the list of offenders includes the "lone robber," who is oftentimes an amateur with perhaps no criminal record, although the professional bank robbers are still in operation.

Our investigations of the record high number of depredations against banks in 1961 resulted in 426 convictions, with total sentences in excess of 4,425 years and fines of $430,000. Stolen moneys recovered amounted to $1,107,486 and 121 fugitives being sought for violation of the Federal bank robbery statute were located.

### BANK ROBBERIES SURVEY

We recently made a survey of bank robberies which shows that out of 125 typical cases, only eight robberies netted more than $10,000, while in 30 instances the bank bandits obtained no loot at all. Even those that do obtain loot are, in many instances, identified and apprehended before they have an opportunity to spend the money. These facts, when coupled with the sentences they face upon apprehension, undoubtedly discourage many potential bank robbers.

### KIDNAPING

During fiscal year 1961, under the Federal kidnaping statute, there were 23 convictions resulting in sentences totaling 289 years with 4 getting life and 1, death.

Of the major kidnaping cases investigated since the Federal kidnaping statute was enacted in 1932, all but three have been solved. The three are: Charles Fletcher Mattson, Tacoma, Wash., on December 27, 1936; Peter David Levine, New Rochelle, N.Y., on February 24, 1938; and Mary Lou Olson, National City, Calif., on January 3, 1960.

The case involving 7-year-old Michael Joseph Condetti occurred shortly prior to my appearance before this committee last year. The boy had disappeared on November 14, 1960, after leaving his Washington, D.C., home to visit a neighborhood store. His ravaged body was found on November 17, 1960, in a wooded area near Ardmore, Md.

The FBI, in cooperation with the Metropolitan Police Department and the Prince Georges County, Md., authorities, began an immediate, exhaustive investigation. The tremendous investigative effort we make in these cases can be seen from the fact that our Washington field office alone developed more than 1,800 suspects and that some 11,500 interviews were conducted in the Washington, D.C., area.

Among the suspects developed was Joseph Haverman Alvey. He was arrested at Miami, Fla., on November 4, 1961, and was charged with kidnaping. He is now awaiting trial.

In another case, Melvin Davis Rees, Jr., was found guilty and sentenced to life imprisonment on a Federal kidnaping charge on April 6, 1961. It was as a result of extensive investigation conducted by the FBI that he had been identified as being involved in the kidnaping and murder of the Carroll Vernon Jackson, Jr., family in Virginia in 1959. The Virginia authorities subsequenty tried Rees on

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a murder charge in connection with the same crime. He was again found guilty and on January 4, 1962, was sentenced to death. Rees' counsel has indicated this death sentence would be appealed.

INTERSTATE TRANSPORTATION OF STOLEN AUTOMOBILES AND AIRCRAFT

Continuing the upward trend extending over the past several years, a new record high of 18,410 stolen automobiles which had been moved interstate were located and recovered in FBI-investigated cases. Convictions growing out of these offenses reached an alltime high of 5,329.

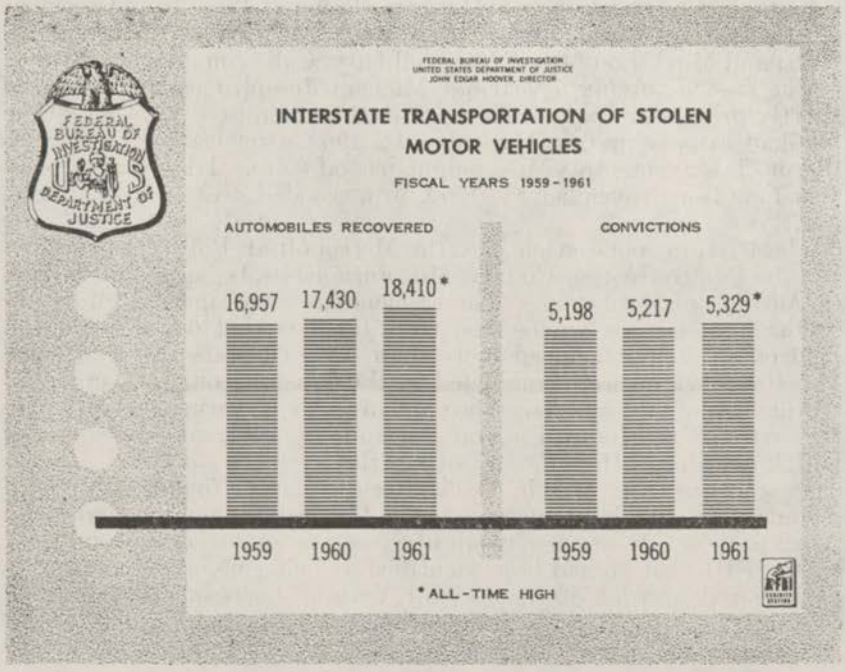
A major problem in this field continues to be the professional automobile theft gangs which regularly transport large numbers of stolen cars in interstate commerce. Approximately 80 such automobile theft rings are now under investigation.

Violations involving the interstate transportation of aircraft have decidedly mounted with the increasing production of small aircraft manufactured for private or commercial utilization. Thieves have found it a simple matter to alter registration data and transport stolen airplanes to distant States or foreign countries where they can be sold to innocent purchasers.

Automobiles or aircraft are also fraudulently obtained by such means as embezzlement and breach of trust and are then subsequently transported in interstate commerce.

This chart which I present to the committee portrays the growing number of automobiles recovered in our cases during the past 3 years as well as the growing number of convictions resulting from our investigative efforts.

(The chart referred to follows:)



CRIME ABOARD AIRCRAFT

Mr. HOOVER. Following several incidents involving the attempted hijacking of commercial passenger planes, Congress enacted legislation amending the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce.

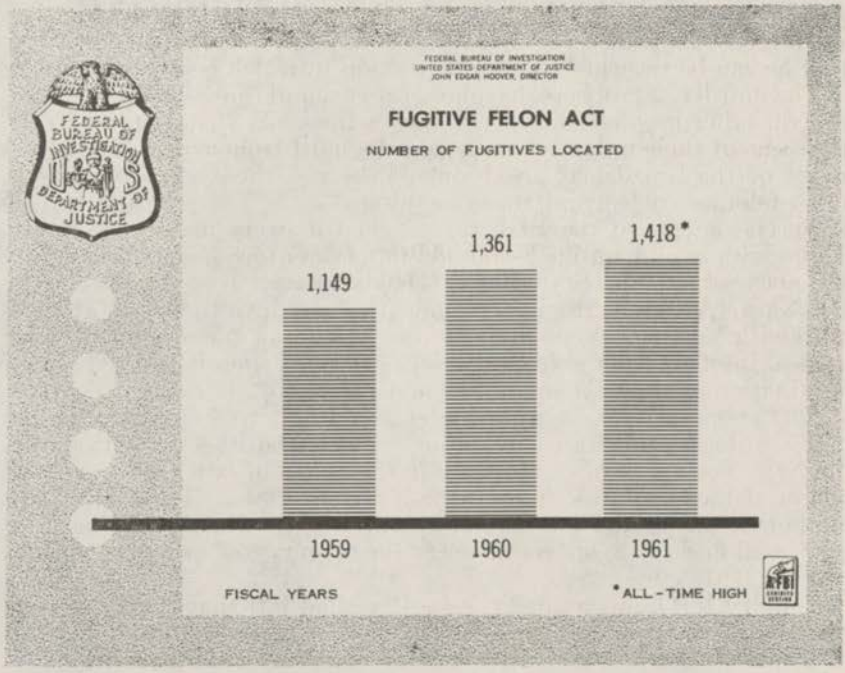
This new legislation brings a wide range of violations under our jurisdiction in addition to the hijacking offense. It includes interfering with the flight crew of the aircraft, carrying concealed weapons aboard the aircraft, and the commission of certain other crimes while aboard the aircraft. In addition, conveying or imparting false information concerning attempts or alleged attempts to do any act which would be a crime under the foregoing provisions is prohibited.

FUGITIVE FELON ACT

During 1961 an alltime high of 1,418 unlawful flight fugitives were located. This represents the eighth consecutive year that a record high number of badly wanted local fugitives were located under the Fugitive Felon Act.

This chart which I hand to the committee shows the steady rise in our accomplishments during the 1959–61 period.

(The chart referred to follows:)



Mr. HOOVER. Public Law 87-368, approved October 4, 1961, amended the Fugitive Felon Act and greatly broadened our jurisdiction to locate local fugitives who have fled across State lines—to avoid prosecution, or custody or confinement, or to avoid giving testimony—by including under the act all State crimes punishable by death or which are felonies in the place from which the fugitive fled or which, in the case of New Jersey, are high misdemeanors.

Heretofore, the unlawful flight to avoid prosecution, custody, or confinement had to be in connection with certain types of crimes—murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, extortion accompanied by threats of violence, or attempts to commit any of these crimes.

Under the Fugitive Felon Act we investigate cases only upon specific request for assistance from local law enforcement agencies. In each instance, the local authorities must agree to extradite the fugitive upon apprehension and, as a result, they must assume the costs involved in returning the fugitive to the place of prosecution. Since the local authorities must necessarily undertake the obligations of effecting extradition through State procedures, this limits the requests to the more aggravated cases.

As of January 1, 1962, a total of 967 new cases had been received under the broadened provisions of the act.

Our investigations under the Fugitive Felon Act are not aimed at proving or disproving the State or local crime with which the fugitive is charged—the FBI seeks only to locate and apprehend the fugitive so that he can be returned to the jurisdiction in which he is wanted.

The murderers, robbers, burglars, rapists, and those who committed certain other major crimes have known for years that distance from the scene of their unlawful act is no safeguard from arrest. Now, because of the broadened provisions of the act, those who commit all other felonies are learning the same thing.

Special agents of the FBI are assigned in every major city in the United States and, unlike local and State law enforcement officers, they are not restricted by State lines. They can make arrests anywhere in the Nation. The strategic deployment of our investigative staff coupled with our efficient communications system can and often does mean that a fugitive fleeing from the scene of his crime is greeted at his destination by the FBI and placed under arrest.

Our cooperative assistance under the Fugitive Felon Act means much to local and State law enforcement authorities. For example, in New York a paroled forger left the State in late 1961. A local officer determined the fugitive had fled to Ohio. The New York authorities requested our assistance and a Federal warrant charging unlawful flight to avoid confinement for forgery was issued on November 13, 1961.

Inquiry in Ohio revealed the fugitive had left that State en route to Tennessee. Special agents in Tennessee were immediately notified and quickly located and arrested the fugitive. This man, who previously had served a prison sentence for rape, agreed to waive extradition.

Prior to the amendment of the Fugitive Felon Act, the New York authorities would have been faced with costly and unsatisfactory

alternatives. They could have detailed an officer to personally track down the fugitive through several States—although the officer would not have the power to make an arrest outside New York—or send detailed information to various State and local law enforcement agencies, seeking their aid in locating the fugitive.

As it was, all the New York authorities had to do was contact a special agent of the FBI, furnish him pertinent information including an indication that the fugitive had fled from the State, and ask for help. The special agent thereafter secured a Federal warrant authorized by a U.S. attorney and instructed the appropriate FBI offices to conduct the necessary investigation to locate the wanted man. In less than a month, the fugitive was in custody and New York authorities had been notified where he was being held. Their only expense in getting him back to New York was the necessary cost of transporting him from Tennessee.

### "TEN MOST WANTED FUGITIVES" PROGRAM

Over the years, the FBI's 10 most wanted fugitives program has aided greatly in the location of badly wanted fugitives, local as well as Federal. Its success has been due to the splendid cooperation afforded the program by the various forms of public information media throughout the country, by local law enforcement groups and by private citizens.

Since its inception in 1950, a total of 162 badly wanted fugitives has been placed on the list. Of 151 fugitives located to date, 89 were solely by investigative efforts while an impressive 62 were as the direct result of information furnished by citizens who recognized the fugitives from wanted posters or publicity given by various news media.

### FEDERAL PROBATION, PAROLE, AND CONDITIONAL-RELEASE VIOLATOR FUGITIVES

Our jurisdiction has been broadened in regard to Federal probation, parole and conditional release violator fugitives. Prior to May 1961, the FBI located such fugitives only in cases where the original prosecution was in a case within FBI jurisdiction. Since that time, on the instructions of the Attorney General, we have undertaken the investigation of all such cases regardless of the original jurisdiction.

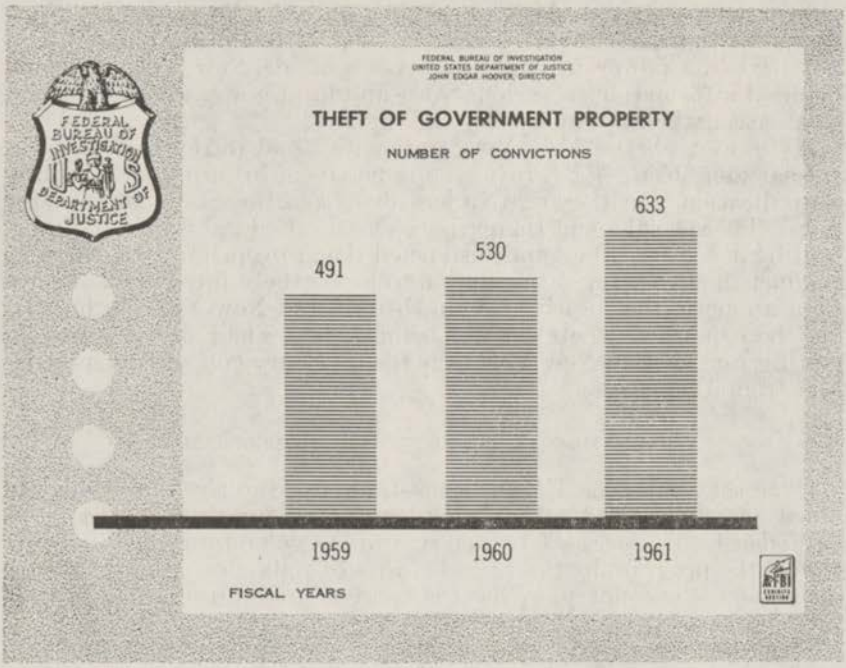
As of January 1, 1962, this expanded jurisdiction had resulted in the receipt of 541 new cases.

### THEFT OF GOVERNMENT PROPERTY

Theft of Government property and related violations give rise to a large volume of work. A total of 633 convictions followed FBI investigations of theft, embezzlement, illegal possession or destruction of Government property in 1961, an increase of 103 over the previous year. Recoveries amounted to almost a half million dollars.

This chart which I present to the committee shows the growing number of convictions resulting from our investigations of these violations during the 1959–61 fiscal year period.

(The chart referred to follows:)



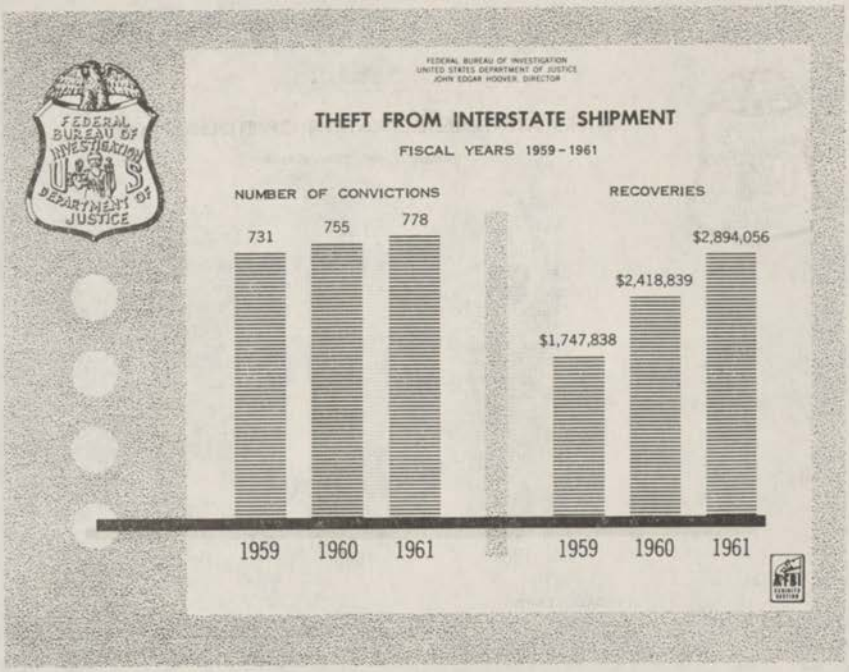

THEFT FROM INTERSTATE SHIPMENT

Mr. HOOVER. Our work concerned with thefts from interstate shipments continues to mount. These violations against shipments moving interstate include hijackings with the use of force and violence, larceny, embezzlement and pilferage.

During 1961, our investigations resulted in 778 convictions and in recoveries of $2,894,056.

This chart which I hand to the committee shows for the 1959–61 period the growing number of convictions and recoveries resulting from our investigative efforts to combat this type of crime.

(The chart referred to follows:)

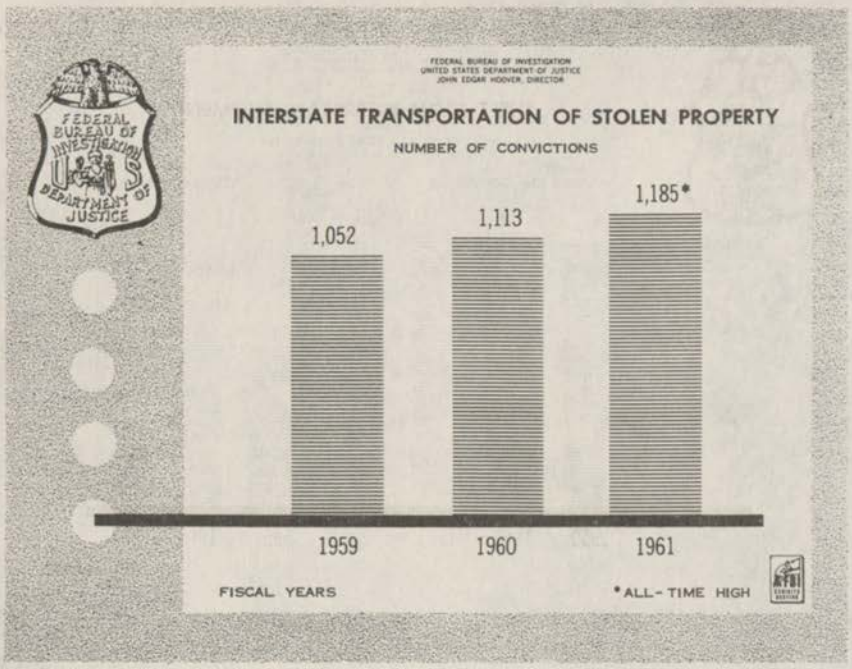



INTERSTATE TRANSPORTATION OF STOLEN PROPERTY

Mr. HOOVER. Thieves who carry plunder interstate, the receivers of such stolen goods, confidence men who flee interstate after victimizing the unwary, and bad check passers whose worthless checks are a plague on the legitimate business of a community, often violate Federal laws under our jurisdiction.

Our investigations in this type of criminal activity resulted in an alltime high of 1,185 convictions during 1961. The growing number of convictions obtained is shown in this chart which I hand to the committee depicting the trend over the past 3 years.

(The matter referred to follows:)




Mr. HOOVER. In addition, during 1961 property valued at $3,754,094 was recovered and 590 fugitives were located.

Our jurisdiction in this type of violation was extended by Public Law 87–371, approved October 4, 1961. This legislation extended the coverage of the interstate transportation of stolen property statute to prohibit the transportation of fraudulent State tax stamps in interstate or foreign commerce.

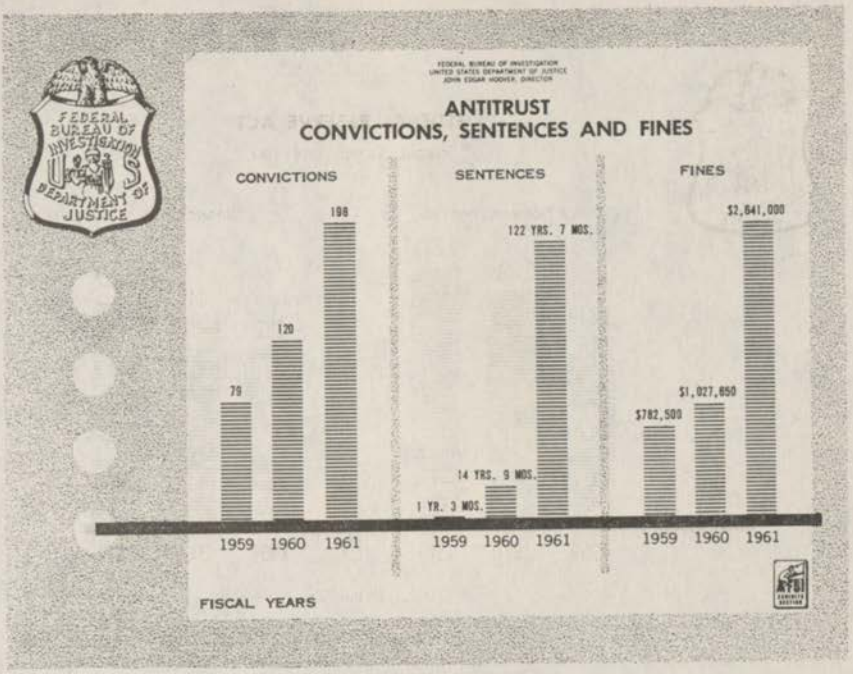
ANTITRUST

The FBI, at the request of the Department of Justice, investigates alleged violations of the antitrust laws. These matters are usually of a complicated nature and the investigative activity often extends over a wide geographical area. In many instances the investigations will require simultaneous handling by numerous of our field offices throughout the Nation. As a result, these investigations often require the heavy assignment of manpower over prolonged periods.

Our work in the antitrust field has greatly increased. This is reflected in the growing investigative accomplishments resulting from our investigations. For example, convictions jumped from 79 in 1959 to 198 in 1961. During the same period, fines assessed rose from $782,500 to $2,641,000.

This chart which I present to the committee portrays the investigative results over the past 3 years and clearly reflects the mounting volume of work in this area.

(The chart referred to follows:)




Mr. HOOVER. Our antitrust workload commitments are expected to continue to rise throughout the fiscal year 1963 because of the emphasis being placed by the Antitrust Division upon criminal prosecutions in connection with increased inquiries as to possible violations being committed by racketeers in the labor field, price fixing in industry, and the like. In addition, added emphasis is being placed by the Department upon the enforcement of civil judgments and inquiries into mergers. All of this will require the assignment of additional manpower.

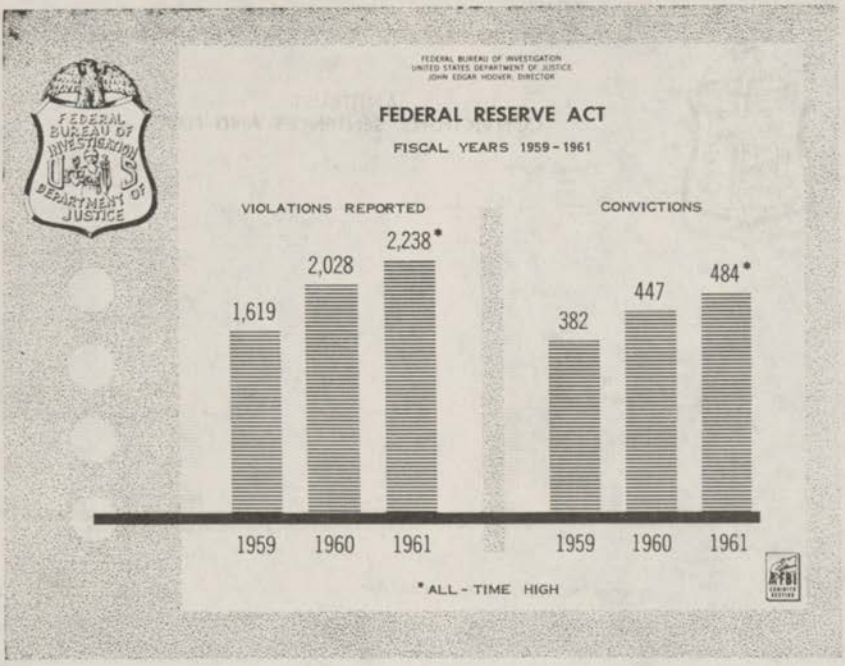
FEDERAL RESERVE ACT

Violations of the Federal Reserve Act, involving embezzlements and related offenses by officers, employees and customers of banks and other financial institutions, continue to increase. An alltime high of 2,238 violations involving shortages in excess of $11 million were received for handling during 1961. The tremendous jump in this type of violation can be better visualized when you consider that in 1951 violations reported numbered 698.

Our investigations during 1961 resulted in an alltime high of 484 convictions and in recoveries totaling over $2,800,000.

This chart which I hand to the committee shows the steady upward climb in this type of violation over the past 3 years as well as the increasing number of convictions which have resulted from our investigation of these cases.

(The chart referred to follows:)

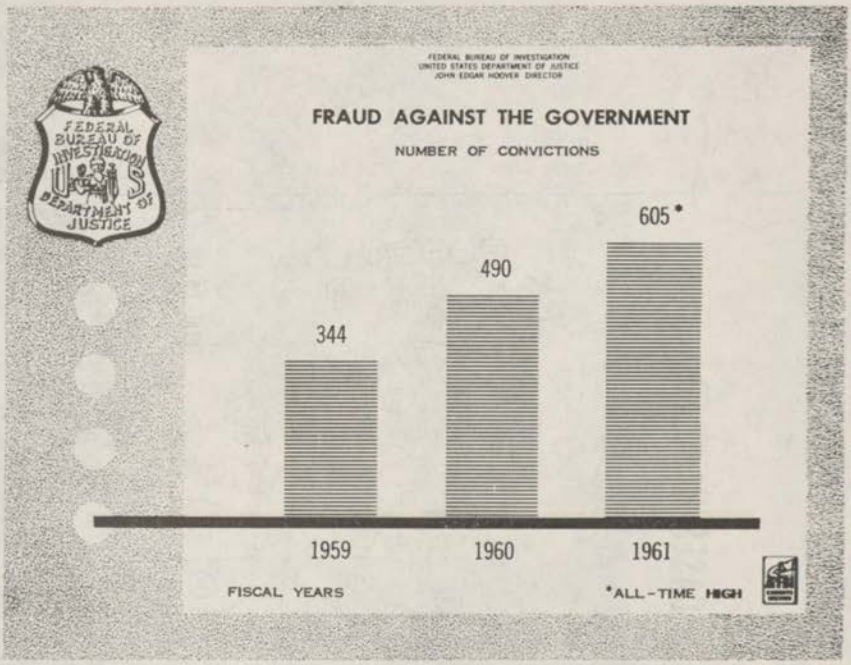



FRAUD AGAINST THE GOVERNMENT

Mr. HOOVER. Convictions in fraud against the Government matters reached an alltime high of 605 during 1961. These cases arise from false statements or false claims to the Government or in matters within its jurisdiction. Most of the cases grow out of Government procurement contracts for supplies and services, particularly those concerning purchasing operations of the military in the national defense effort.

This chart which I show to the committee portrays the increasing number of convictions we have obtained over the past 3 years in this area of operations.

(The chart referred to follows:)




CIVIL RIGHTS

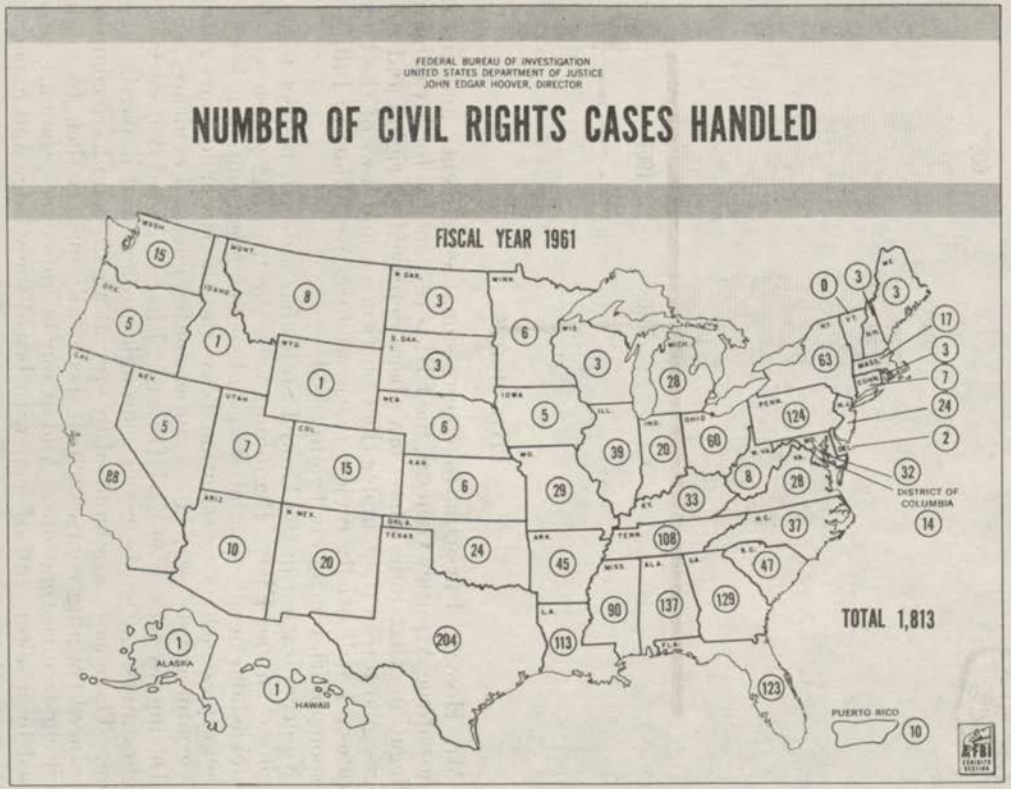
Mr. HOOVER. Pursuant to congressional enactments and instructions of the Attorney General, the FBI is responsible for investigating allegations that individuals have been deprived of rights and privileges guaranteed them under the Constitution and laws of the United States. I will briefly review the procedures we follow to fulfill our responsibilities in the civil rights field.

No organization in the United States has a deeper respect for civil rights than the FBI. Beginning with the training course which is provided our newly appointed special agents, great emphasis is placed upon topics such as constitutional law and the laws and court rulings governing arrests, searches, seizures, confessions and evidence.

During my tenure as FBI Director, I have insisted that every civil rights investigation be given thorough, prompt and impartial attention. These cases are handled by special agents who have completed advanced training courses which specifically qualify them to conduct civil rights investigations. And at our headquarters, they are supervised by a select staff of men with broad knowledge and experience in these matters.

Some idea of the vast size of our investigative responsibilities under the civil rights statutes may be found in the fact that 1,813 alleged violations of civil rights were reported to the FBI during 1961. The wide distribution of these cases is shown in this map which I present to the committee.

(The chart referred to follows:)


FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
JOHN EDGAR HOOVER, DIRECTOR
NUMBER OF CIVIL RIGHTS CASES HANDLED
FISCAL YEAR 1961
WASH. 15
OREG. 5
CALIF. 28
IDAHO 1
NEV. 5
MONT. 8
WYO. 1
UTAH 7
ARIZ. 10
COL. 15
N. MEX. 20
N. DAK. 3
S. DAK. 3
NEB. 6
KAN. 6
OKLA. 24
TEXAS 204
MINN. 6
IOWA 5
MO. 29
ARK. 45
LA. 113
WIS. 3
ILL. 39
MICH. 28
IND. 20
OHIO 60
KY. 33
TENN. 108
MISS. 90
ALA. 137
GA. 129
FLA. 123
W. VA. 8
PENN. 124
N.Y. 63
MD. 28
VA. 37
N.C. 47
S.C. 47
DISTRICT OF COLUMBIA 14
ALASKA 1
HAWAII 1
PUERTO RICO 10
TOTAL 1,813

Mr. HOOVER. The 1,813 civil rights cases handled during 1961 included 1,563 cases involving law enforcement officers. This certainly shows there is no reluctance on the part of victims and others to bring these alleged violations to our attention.

Some sources have inferred that we might be reluctant to investigate personnel of other law enforcement agencies. This assumption is completely unfounded. As long as the civil rights statutes are part of the Federal law, and as long as the FBI is charged with their enforcement, we will carry out this responsibility thoroughly, promptly, impartially and without apology to anyone.

When the FBI receives a complaint alleging police brutality, we immediately launch a preliminary investigation which includes the most thorough type of interviews with the victim, the subjects and witnesses as well as a review of appropriate records. Written statements are obtained during pertinent interviews whenever possible and the results of investigation are furnished without delay to the Civil Rights Division of the Department of Justice for its immediate review and decision as to further action.

From time to time a complaint of alleged police brutality may be received which raises a question as to the desirability of immediate investigation. One example of this would be a matter in which local authorities are taking vigorous action and appear to be proceeding in good faith. In every such instance the facts are brought to the immediate attention of the Civil Rights Division for a determination as to whether the investigation should proceed or be held in abeyance.

If investigation is requested by the Civil Rights Division, it is immediately instituted by the FBI.

When a civil rights complaint is received which involves some matter other than police brutality, the complaint is brought, without delay, to the attention of the Civil Rights Division of the Department of Justice for its immediate review and decision as to action. In order to assist the Civil Rights Division in appraising each alleged violation, our special agents obtain a full and detailed account of the complaint in writing whenever possible. If the complaint has been made by someone other than the victim, we also attempt to locate the victim immediately so that his account of the alleged violation can be obtained. Thereafter, in the event an investigation is requested by the Civil Rights Division of the Department, it is immediately instituted by the FBI.

There is no delay on the part of our field offices in furnishing civil rights complaints to FBI headquarters even when the complaint does not allege police brutality. Dependent upon the urgency of the situation, they are received by telephone, teletype, or the mails. Promptly upon their receipt, they are transmitted, without recommendation or evaluation, to the Civil Rights Division of the Department.

At the outset of a civil rights investigation which involves police officers or personnel of other public agencies, we contact the head of the agency, as well as the Governor if a State institution is involved, and provide a brief explanation of the allegation which has been received and our jurisdiction to investigate. This often enables us to obtain information which has already been gathered by the agency involved; and, in the overwhelming majority of cases, our policy of

contacting the head of the agency materially assists in expediting the investigation. Every responsible law-enforcement official recognizes that our profession has no room for the man who will abuse the very rights which he is pledged to uphold. Police departments realize also that their most effective means of refuting unfounded allegations of brutality and duress is to expose them to the light of an impartial investigation by the FBI.

In civil rights cases, as in all other matters within our jurisdiction, the FBI functions strictly as a fact-gathering and fact-reporting agency. Our special agents do not express opinions as to guilt or innocence; nor do they make prosecutive recommendations or otherwise assume the role of accuser, prosecutor, jury or judge.

I have always felt a deep concern regarding the necessity to protect the rights of the individual against any unlawful infringement, particularly by law-enforcement officers. In order to preserve this basic premise of our democratic society, the FBI in schools conducted throughout the country for local police officers and at the FBI National Academy held in Washington, D.C., emphasizes the responsibility on the part of all law enforcement officers to scrupulously protect these rights in the performance of their duties.

During the course of these schools, we go into detail regarding the rights guaranteed under the Constitution, the statutes covering civil rights, and FBI jurisdiction in regard to civil rights matters, so that the local law enforcing officer will have a better understanding of the various ramifications of the civil rights statutes and the role of the FBI in these investigations.

The FBI has always taken an aggressive stand in the area of training so that law-enforcement officers will have a clear understanding of the basic liberties they share with other Americans. For example, during the mid-1950's the FBI conducted a series of 553 specialized schools in civil rights for law-enforcement agencies throughout the country. These were attended by 27,551 officers. Since 1956, through December 1961, FBI police instructors have given 827 lectures on this subject at police schools attended by 36,061 officers.

There is never any need for any officer to disregard the civil rights of those whom he investigates or arrests. Scientific methods of investigation, detection and identification have long since proved that a professionally trained officer can effectively handle any law-enforcement problem by legal means.

Mr. Chairman, this concludes my statement.

Mr. ROONEY. I should like to ask you whether or not it is a fact that a number of Swiss banks have been taken over by Communists.

(Discussion off the record.)

### PEACE CORPS INVESTIGATIONS

Mr. ROONEY. With regard to the Peace Corps to which reference was made in one of your exhibits inserted in the record, I noted that you had 23 full-scale investigations as of January 1.

Mr. HOOVER. That is correct.

Mr. ROONEY. Can you tell us, either on or off the record, what are the facts with regard to these investigations?

Mr. HOOVER. Mr. Chairman, you will recall when the Peace Corps was organized, the head of the Peace Corps came to see me and asked

whether I would investigate his people. I told him I would do it on a limited basis; namely, that we could not agree to investigate all of his personnel, but we would help as much as we could until he could work out satisfactory arrangements with the Civil Service Commission to do these investigations. The Peace Corps Act, Public Law 87–293, approved September 22, 1961, provided that if the agency, which in this case would be the Civil Service Commission, making the investigation of personnel of the Peace Corps develops data reflecting that the person being investigated is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the FBI for a full field investigation. As I have indicated, since this act was approved, the FBI has received through January 1, 1962, 23 such cases to investigate.

Mr. ROONEY. In the first instance, it is then turned over to you for a full investigation?

Mr. HOOVER. Yes.

Mr. ROONEY. But of the 23, were those under the arrangement you had with Mr. Shriver?

Mr. HOOVER. No; they were received under the arrangement with the Civil Service Commission under the Peace Corps Act. When they develop data reflecting that the person is of questionable loyalty or is a questionable security risk, then it is referred to the FBI for a full field investigation.

Mr. ROONEY. How did the whole thing shape up?

Mr. HOOVER. As I have indicated, we have received 23 cases from the Civil Service Commission thus far.

Mr. ROONEY. Do you have any results as yet?

Mr. HOOVER. We have completed the investigations on 16 of the 23. The reports were forwarded to the Civil Service Commission for dissemination to the Peace Corps.

Mr. ROONEY. How about the top echelon people; pretty clean?

Mr. HOOVER. We conduct the investigation to determine the facts. We make no evaluations or issue any clearances since this is entirely up to the employing agency.

### CULTURAL EXCHANGE PROGRAM BETWEEN SOVIET UNION AND UNITED STATES

Mr. ROONEY. Have you had any instances in the past year with regard to this so-called cultural exchange program between the Soviet Union and the United States?

Mr. HOOVER. Yes, we have. As I testified earlier, the Soviet intelligence services continue to make use of all of these groups to implement their intelligence operations in this country.

Mr. ROONEY. Last week we had some people down here on the question of our nuclear policy and also in opposition to bomb shelter programs. Do you have any information with regard to the background of that organization?

Mr. HOOVER. I would like to respond off the record.

Mr. ROONEY. Very well.

(Discussion off the record.)

SOBELL CASE

Mr. ROONEY. What is behind all of this business about Sobell?

Mr. HOOVER. There, again, we witness one of the most intensive propaganda drives made in this country since the *Rosenberg* case. As you recall, in that case, there was a great effort made to commute the sentences of the Rosenbergs.

The clamor died down with the execution of the Rosenbergs.

Sobell, who was part of the Rosenberg espionage apparatus, is now serving as a great propaganda issue for those seeking to get his release from prison.

CASELOAD PER AGENT

Mr. ROONEY. Do you have the figure on your present caseload per agent?

Mr. HOOVER. Twenty-two.

Mr. ROONEY. Mr. Sikes?

"OPERATION ABOLITION" FILM

Mr. SIKES. How do you evaluate the film "Operation Abolition"?

Mr. HOOVER. Although we did not participate in the preparation of the film I should like to point out, however, that the House Committee on Un-American Activities did cause to be published a report on the student demonstration based on the FBI's investigation of Communist Party activities, from eyewitnesses on the scene, and from official records of local authorities involved. It outlined the agitational tactics used by Communists during the May 1960 hearings to build the agitational pitch of the demonstrators to an explosive point—the point at which an effort was made to supplant the rule of law with mob action. These facts speak for themselves. Despite confusing and contradictory statements which have been made about the affair, the truth is that the students went beyond the limits of the law and broke up a duly constituted hearing.

In view of the subsequent additional publicity over this affair, a responsible eyewitness to the riot wrote to me and in part summarized:

> To sum it all up, there was a fracas on the hearing room side of the barricade involving a young man whose identity I do not know, triggering the mob violence immediately preceding the police use of the hoses. There is no question as to this sequence of events.

Insofar as the film shows how demonstrators can be induced by Communists to go beyond the limits of the law, I believe it serves an educational purpose.

I understand that the committee has revised the film. However, I have not seen this version of it.

Mr. SIKES. I am glad to have your reaction. We have made it a point to have it shown as frequently and in as many places as we could in my district in the last few months.

Mr. HOOVER. You will find in many areas of the country there are staged demonstrations where the film is going to be shown even by picketing against it.

Mr. BOW. Would you yield at this point?

Mr. SIKES. Yes.

Mr. BOW. I might say that I stayed home a little late this morning in order to see the "Today" show where they were going to take up

the film "Operation Abolition." I was very much amazed and disappointed to find that show put on the defense for the Communists and to see they made comments criticizing "Operation Abolition" and claiming that it was exaggerated, and not factual. To me, this was a rather disturbing thing.

Mr. ROONEY. Is it not strange, too, that that "Today" program went on television today, at a time when there is a concerted campaign to deny funds for the House Un-American Activities Committee?

Mr. BOW. That is right.

Mr. HOOVER. Off the record.

(Discussion off the record.)

CUBAN REFUGEE PROBLEM

Mr. SIKES. Will you tell us something about the particular problems that have been brought to you as a result of the Cuban refugee situation in this country?

Mr. HOOVER. That problem is a very difficult one and imposes a very heavy burden on us because in the Miami area proper there are nearly 100,000 refugees who have come into this country from Cuba.

There is no way of stopping them from coming in. As a matter of fact, Castro urges some of them to leave. Others come in surreptitiously on the Keys and other areas in Florida. They are taken into custody by the local authorities, and the Immigration and Naturalization Service. There is a very close working arrangement among the Government agencies in Florida.

One of the great problems with which we are faced is the fact that Castro's spies may be coming into this country. We have to be constantly alert that an individual who alleges to be a refugee, under severe pressure by Castro, who has had to leave his home and had his property confiscated, may in fact be a spy. His objective may be to spy upon the great number of Cuban refugees who are against Castro, loyal to this country and who would like to see him overthrown.

It has put tremendous pressure and a great burden on our three Florida offices which have to contend with the problem.

Mr. SIKES. With so many refugees, do you not have an almost impossible situation to detect the people who are sent here as agents for Castro?

Mr. HOOVER. It is a very difficult problem.

(Discussion off the record.)

RESPONSIBILITIES UNDER LANDRUM-GRIFFIN ACT

Mr. SIKES. There is some feeling in this country, and I do not know how accurate it is, that the Government does not now, and has never, particularly wanted to rigorously enforce the Landrum-Griffin bill.

Is your agency called upon to make investigations which would have to do with the enforcement of this act?

Mr. HOOVER. Yes, and I can assure you the FBI is handling its responsibilities under the act vigorously.

Following the enactment of this law the Attorney General and the Secretary of Labor executed a memorandum of understanding on February 16, 1960, by the terms of which the Labor Department retained jurisdiction with respect to all civil enforcement actions and the

investigation of some criminal provisions. This agreement also delegated responsibility to the Department of Justice for the investigation of certain other criminal provisions of the act. Briefly, these involve sections of the labor statute concerned with:

(1) Embezzlement of union funds, (2) payment by an employer of a fine imposed upon a labor union officer convicted of violations of the act, (3) prohibition against Communists and convicted felons holding union office, (4) picketing for extortion purposes, (5) deprivation by force or violence of the rights of union members, (6) retention by the FBI of an amendment in the act broadening the Labor-Management Relations Act of 1947 so as to prohibit illegal payments made to middlemen or others acting for an employer or as a representative of employees.

INCREASE IN CRIME

Mr. SIKES. You told us that crime is increasing four times as fast as the population and there is constantly more crime despite the fact that each year we spend more money and have more people in law enforcement programs.

How do you explain that situation?

Mr. HOOVER. Mr. Congressman, there are a great many factors affecting the increase of crime. These include the density of population and the size of the community and the adjacent metropolitan area; the composition of the population, especially with reference to age, sex, and race; economic status of the population; climate, including seasonal weather conditions; education, recreational, and religious facilities in the community; effective strength of the police force and the policies of the prosecuting officials and courts; standards regarding appointments to the police force and the efficiency of these agencies; and the attitude of the general public toward law enforcement problems.

The tremendous mobility of our population also is a factor. There is a great migration from one area to another and a rapid urbanization. Since 1940, population in metropolitan areas has increased by 55 percent. As of 1960, 63 percent of the total population of the United States was located in metropolitan areas.

I feel that the general moral decay which has taken place in our Nation, the decline of parental authority, public apathy toward the crime problem, unwarranted and unrealistic lenient treatment of willful and hardened criminals, and the lack of citizen cooperation with law enforcement agencies are among the most important factors.

We are living in a society today where, to a great extent, indulgence has replaced discipline. There has been an increasing breakdown of authority and moral standards in the home, the neighborhood, and, frequently, in the entire community. These factors, I think, are especially pertinent to the great rise in juvenile crime. Children must be taught to respect the rights and property of others. Law enforcement certainly is not a substitute for parental authority and a good moral code.

Unwarranted lenient treatment of willful criminals has virtually killed any respect for the forces of law and order among the lawless. America now has the most efficient law enforcement profession in its

history, yet many of those persons who regularly engage in illegal activities look upon an arrest as little more than a minor inconvenience. Experience has shown that even if convicted the criminal stands a good chance of going free with little or no punishment. Many of the crimes in the United States are committed by repeaters. A number of burglaries, robberies, automobile thefts, and other such serious crimes often are committed by the same gang before its members are arrested. Even capture and conviction frequently mean only a relatively short break in the gang's crime activities. Many of them go right back to the same criminal acts as soon as they are released. The problem here, in my opinion, is the fact that a number of them are set free almost immediately through suspended sentences, parole, and probation. While I firmly believe in the principles of rehabilitation, I abhor soft treatment of hardened criminals which only fosters contempt for law and order and encourages others to embark on a life of crime. Criminals and those inclined toward a life of crime must be taught the full meaning of the old adage, "Crime doesn't pay."

Public apathy and the lack of citizen cooperation with law enforcement agencies is one of the shocking great weaknesses in the fight against crime. In effect, citizens who are basically honest support the criminal empire and at the same time protect it. They must be made to realize that the small bets they place with illegal gamblers and the money they feed into illegal gambling devices make up the working capital for organized crime. Hundreds of thousands of dollars are funneled into the treasury of the underworld each day from various types of illegal gambling. If these citizens will stop dealing with the hoodlums and report what they know about gambling operations, two things will result: (1) The major source of income for organized crime will be eliminated; (2) Law enforcement, armed with the information supplied by the citizens, can mount an offensive which will quickly rout the forces of organized crime. Here again, the matter of lenient treatment arises. In many areas of the country, operators of illegal gambling activities are sentenced to nothing more than a fine following conviction. This actually amounts to the mere payment of a local license fee to operate and certainly will not deter the bookmaker and others like him.

Public indifference to the crime problem also is evident in other ways. Many of our citizens have become totally unconcerned about the welfare of their fellow man. There is an increasing number of incidents where citizens stand idly by while some innocent person, or even a law enforcement officer, is assaulted. They lack courage to aid the victim personally or the interest to summon help. Such a case occurred in Washington on Christmas night when a taxi driver witnessed a man being beaten by a group of teenagers. He reportedly made no move to assist the victim and although his cab was equipped with a two-way radio, he did not even summon help until after discharging a passenger and returning to the scene.

Law enforcement agencies lack sufficient officers to patrol all streets and other areas in our Nation where trouble can break out. Law enforcement agencies must depend on citizens to report criminal operations, potential lawbreakers and danger areas.

UTILIZATION OF FBI SERVICES BY LOCAL LAW ENFORCEMENT AGENCIES

Mr. SIKES. There is very general and widespread appreciation for the work of your Agency and I am sure this is true in all the States. I note, however, that the number of local police schools, for instance, varies quite widely; 227 in Florida and 27 in Louisiana.

The FBI Laboratory examinations made for law enforcement agencies varies just as widely; 2,996 in Florida and 166 in Texas.

Why is it, in your opinion, that there is not a more uniform utilization of the services that the FBI can give local law enforcement agencies?

Mr. HOOVER. We never make any examination or conduct police schools except on request.

Mr. SIKES. I understand that.

Mr. HOOVER. In Florida, you have a rapidly developing State, very much like California and consequently such a State would request more services.

The situation will vary from State to State, with some having local, or State laboratories or training facilities that do the work for the local people. Wherever they have done that it takes care of the problem.

We will not accept evidence if a previous examination has been made since this would be a duplication of someone else's work, resulting in inefficiency. If the evidence is submitted to us in the first instance without previous examination we will do it for any law enforcement organization, State, local, or Federal. No charge is made for these services.

CHILD-MOLESTER PROBLEM

Mr. SIKES. You discussed the problem of child molesters.

Not long ago, in my area a man was arrested and charged with such a crime, yet one would never have suspected any such inclination on his part.

Is there a pattern of behavior? Do people who are potential child molesters generally follow a certain behavior pattern?

Is this something that can become manifest at any age without previous indications or is it something that has been there throughout a person's life?

Mr. HOOVER. Some psychiatrists have indicated it is inherent in the early stages of life and may remain latent for varying periods of growth or it may never manifest itself patently. Therefore, there may or may not be any recognizable evidence of this tendency.

From a practical point of view, I wish they would under State or local law or regulation, take fingerprints of teachers who are employed in our schools because recently in one of the school districts near Washington, D.C., a teacher was arrested as a child molester. He had a previous record for a similar offense. We had this record of him in our fingerprint file obtained when he taught in another part of the country.

Therefore, I have advocated that fingerprinting of persons in contact with children in schools should be required. Some protest that this is a reflection upon their integrity. I cannot share that view. I think that a fingerprint is no different than a man's signature. Our school children are entitled to this protection.

EVALUATIONS OF INVESTIGATIONS

Mr. SIKES. Investigations of applicants for jobs with the Government sometimes fail to show Communist connections or even to show such undesirable traits as homosexual tendencies. Does that mean the investigation was not thorough enough?

Mr. HOOVER. If it was made by the FBI, we would probably find it.

Mr. SIKES. Yet I note there have been cases of homosexuals who were found in the State Department several years after they have been employed.

Mr. HOOVER. If those men were properly investigated by their agency, that could have been found if there had been outward manifestations of their tendency.

The crux of the matter is how carefully the results of any investigation are evaluated by those having that responsibility.

I have heard the argument some people make that homosexuality is not something to preclude an individual from working in a sensitive security position. I think it is, because there have been instances where such individuals have been blackmailed into compromising the security of their country.

Mr. ROONEY. Mr. Director, we find ourselves in a situation where there is a quorum call going on and by the time we answer our names, it will be another 15 minutes.

On top of that, there will be a rollcall vote on the postal rate increase bill, so I would like to ask you, because the minority have announced they have some questions, to come back at 1:30.

Mr. HOOVER. I would be happy to do so, Mr. Chairman.

Mr. ROONEY. Then we will try to finish promptly.

Mr. HOOVER. Thank you.

AFTERNOON SESSION

Mr. ROONEY. The committee will please come to order.

Mr. Marshall?

FREEDOM RIDER MOVEMENT

Mr. MARSHALL. Mr. Director, the Federal Bureau of Investigation under your able direction is the most highly respected and regarded by the vast majority of my constituency, of any Department of our Government. I am wondering, has there been any evidence of Communist participation in the so-called freedom rider movement?

Mr. HOOVER. In regard to the freedom rider movement, as I pointed out previously, Communists as a tactic do not initiate these movements as a rule, but there are always a few Communists who will join in any movement relating to a vital public issue in an effort to exploit it for their own sinister purposes. In a few of the freedom rides throughout the South, there have been individuals who have subversive connections. The freedom rider movement was not initiated by them and they are not in the majority in such activities, but they play a part.

Mr. MARSHALL. Just one comment off the record.

(Off the record.)

Mr. ROONEY. Mr. Bow?

Mr. Bow. Mr. Director, in my area of the country there seems to be quite a rash or outbreak of bank robberies. Is that pretty generally true throughout the country, or is it centralized in this particular area?

Mr. HOOVER. It is generally true all over the country. During the last quarter of 1961 we held 215 conferences with local law enforcement officers and members of the banking profession on a nationwide basis to discuss ways and means of combating this problem, including cooperative efforts of law enforcement agencies and protective measures which might be taken by banking institutions.

Mr. Bow. I am wondering whether the modernization of banking equipment and furniture, where they have tried to get away from the cages and things of that kind, has had anything to do with this. It seems to me it is rather an invitation to people to come in.

Mr. HOOVER. The trend toward modern decor in design of our new banking institutions has resulted in the removal of the protection previously afforded the bank employees by high cages and protective bars. Easy access to the bank working area is an open invitation to those considering a bank robbery.

The removal of protective features has given courage to lone individuals contemplating bank robberies. No longer is it necessary for a gang, such as the Karpis and Dillinger gangs that robbed banks years ago, to participate in a bank robbery. This may account for the large increase in the number of so-called lone bandit bank robberies.

During our recent conferences we pointed out to the banks various steps which they could take to prevent bank robberies and to assist law enforcement in the prompt apprehension of bank robbers should a bank robbery occur. In addition to protective devices, considerable emphasis was placed on the training of bank employees so they would know what was expected of them in the event of a robbery. These points are also covered in an instructive booklet which we published for the information of banking institutions.

In the figures I gave earlier this morning, there were 895 violations reflected, which was an increase of 142 over the previous year. It is the largest number of violations of bank robbery in the history of the Nation. Positive deterrent action is necessary to halt the continued increase of these violations.

Mr. Bow. Let me ask this question on bank robberies. It has seemed to me that in most instances, in our area at least, they have been apprehended within a comparatively short time. Is this generally true? Are most of them being apprehended?

Mr. HOOVER. They are. It is one factor that should be a deterrent. I stated this morning in my testimony that we had made a study of 125 typical cases which showed only 8 robberies netted more than $10,000, while in 30 instances the bandits obtained no loot at all. I think that shows that bank robbery does not pay. The very substantial sentences which the courts have imposed in bank robbery cases is another deterrent.

SERVICE TO PROBATION AND PAROLE OFFICIALS

Mr. Bow. Going to the question of probation and parole, I think it was a staggering figure that we heard here this morning, and one that everybody should be concerned about. I am wondering, when the courts are called upon to hear questions of probation, do they call upon your agency at all for files and background on these people?

Mr. Hoover. When a local or Federal judge refers a case to the probation officer, taking probation first, the officer generally will check as to the background of the man, his record, family associations, and so forth. At this time, if requested, we will furnish the arrest record from our fingerprint files. In the parole procedure, the parole boards can secure this information from the prison in which the man is incarcerated.

I share your view. One of the strongest contributing factors to our crime problem today is the release of criminals who are not good risks. They should be kept in prison until completion of their term or until it may be reasonably determined they are no longer a threat to society.

Mr. Bow. Are these agencies using to the fullest extent your facilities?

Mr. Hoover. I frankly would not know. The Federal Parole Board, I know, does. I do not know how many of the State probation and parole officials obtain the information in our files and records.

Mr. Bow. Is it available to them at their request?

Mr. Hoover. It is available to all probation and parole officials.

Mr. Rooney. Not the file itself, but the information in the file.

Mr. Hoover. That is correct. I know in the Federal courts, many judges will make a special request that the FBI arrest record be considered in the matter of sentencing. It may provide background to allow the judge to determine intelligently whether the man is a proper probation risk.

AGE GROUPS OF REPEATERS

Mr. Bow. Do you have any charts or records which would show the age group of repeaters, taking in the so-called juvenile delinquent and then 20 to 25, and perhaps different age groups?

Mr. Hoover. We do not have such charts. Such a chart regarding youthful offenders would not necessarily give you a true picture because juveniles in many jurisdictions are not fingerprinted.

JUVENILE CRIMES

Mr. Bow. What is the record of repeaters among juveniles?

Mr. Hoover. As I have indicated, there is no reliable data available to answer your question concerning juveniles because many juvenile courts do not allow such data to be released. However, we have observed numerous instances where youthful criminals have been repeaters, particularly concerning serious types of crime.

In speaking of serious crimes I refer to felonies, muggings, rapes, and felonious assaults, as distinguished from what may be called pranks. Some social workers and juvenile court judges favor releasing juveniles regardless of the gravity of their offenses. The age of juveniles is set by law and varies in different States. In some States

it is as high as 21 and in others as low as 16. In New York State they endeavored to raise the age limit. The newspapers by strong editorial protests have helped keep it at 16. I would like to see the age lowered to 16 in all States. I think when one reaches 17 or 18 years of age, he knows the difference between right and wrong. When he commits a murder, rape, felonious assault, or mugging, he ought to be treated as a person of older age would be treated who commits the same crime.

SERVICE TO LOCAL ENFORCEMENT AGENCIES

Mr. Bow. I should like to say, Mr. Director, that the Wayne County, Ohio, prosecuting attorney has told me of an instance where they had a very brutal murder—I am quite sure it was a murder; a quite brutal assault, at least—and they knew quite well who had committed it but they had trouble getting evidence. Your laboratory and agency were called into the case and did an excellent job. One of your men testified. This resulted in the conviction, and certainly the community and the prosecuting attorney were very pleased with the work done by your agency.

Mr. Hoover. I am glad to hear that.

Mr. Bow. This is a matter of a local community benefiting quite substantially from your service.

Mr. Hoover. Many law enforcement agencies throughout the country turn to the Bureau's laboratory for assistance because it is the largest scientific crime laboratory in the world and has facilities to do the work properly without cost to them. In the long run, the sinews of decency in the community are improved when a criminal is removed from society. Specific evidence is essential to prove guilt or innocence. A man may be guilty, but without concrete evidence to prove it he will go free.

Mr. Bow. This prosecutor's feeling was that without the help, information, and testimony of the FBI, they might not have gotten a conviction.

Mr. Hoover. We have had expressions of that kind from many parts of the country; if the laboratory had not been called in and our representatives had not appeared and testified in court, conviction would not have been obtained.

TELEVISION PROGRAMS

Mr. Bow. Mr. Director, I watched a television show the other night. I do not know whether you are familiar with it or not. On this show there was brought in, behind a curtain, gang girls, gang boys, narcotic mainliner, theft gang, and two boys who were supposed to belong to a gang, who make their living by theft and stealing. They talked about how they organized and how they did it. How can this happen?

Mr. Hoover. Motion pictures and television shows of this country need to recognize that they exert a great impact upon their audiences. We are all inclined to look at and hear something and get more out of it than we do by just listening. I have always deplored, and have commented, long before the recent drive to revise and improve TV, that there has been too much violence on these shows. While the theme "Crime Does Not Pay" generally comes at the very end of

the program it is only briefly covered. The shows that I have criticized have portrayed extreme violence leaving a deplorable impression in the minds of youth. There are instances in which youths have committed crimes, the idea for which they obtained from looking at TV. A survey of TV programs was made on the west coast recently for a single week and an unbelievably large number of murders and assaults were shown.

Mr. Bow. The thing that disturbed me in this was the fact that where they had the two boys who were supposed to belong to a theft gang in New York, the one boy admitted a number of thefts he had done and told how they go out and steal. Their fence is a doctor on Madison Avenue. When he was asked whether he had ever been arrested, no, he had never been arrested. Here on television before the public was a boy admitting that he was a thief, that he had a fence to get rid of these things, but had never been arrested. Yet he was telling this to the whole world. It just seemed to me to be a terrible thing.

Mr. Hoover. That is deplorable.

Mr. Bow. The inference was that they had police protection. I just wondered whether that had come to your attention and how they can get by with it.

Mr. Rooney. I would doubt that they have police protection.

Mr. Bow. I am not saying they did. I am saying this is the inference. I do not believe it, either.

Mr. Rooney. It was encouraging disregard for the dignity of the law.

Mr. Hoover. That is right.

Mr. Bow. That is the thing I am concerned about, how they can do this in public and put a show on. It would seem to me that certainly if law enforcement agencies had seen that show, they would have been perfectly justified in going into the studio and picking those fellows up.

Mr. Hoover. On so many shows of the type depicting violence they seldom portray the typical day-by-day life. By innuendo or inference, they leave the impression that all law enforcement is venal. There are unfortunately some venal officers in law enforcement, but the great majority of the profession is honest and dedicated. I doubt that the particular event portrayed on that show is a common practice, or is a common occurrence in New York City, because the New York City Police Department is a very efficient department.

Mr. Bow. I had no intention of leaving an inference that could be construed as adverse to the New York police.

Mr. Hoover. Unfortunately, exaggerated TV portrayal of inefficiency and dishonesty in law enforcement has caused a misconception prevalent among some segments of our population.

Mr. Bow. The reason I raise the point is that I think it is a deplorable situation that they can put on that kind of show and leave that impression, and other juveniles who might see it say, "These fellows get by with it and get protection."

Mr. Hoover. Television programs receive ratings based on the number of people who are attracted to them. Unfortunately, many people are drawn to certain programs purely by the excitement generated through the violence and brutality portrayed. So-called gossip columns are often widely read because something bad is said about a

person. Similarly, it seems, certain television programs, to attract viewers, use the technique of portraying unusual and often unrealistic episodes and situations involving violence and brutality. Regrettably, this type of program often attracts a larger segment of viewers than those adhering strictly to truthful, realistic situations.

Television and motion pictures should recognize that this situation is at least partly responsible for the moral decay we see within the home and the resultant increase in juvenile criminality.

### INCREASE IN IMMIGRATION FROM SOVIET BLOC

Mr. Bow. One further question. I noticed one chart you had here this morning showed the great increase in immigration from the Soviet bloc. How are they coming in?

Mr. Hoover. Many of them come in through a third country. They leave——

Mr. Bow. How do they get in?

Mr. Rooney. They have plenty of Poles coming in now.

Mr. Bow. In what way? Under the quota?

Mr. Hoover. Under the visa and quota systems.

Mr. Bow. I thought our quotas were pretty well filled.

(Off the record.)

Mr. Bow. Thank you.

Mr. Rooney. Mr. Lipscomb?

Mr. Lipscomb. Mr. Director, it is always a privilege to hear your testimony. It is straightforward and concise, and very enlightening. I personally believe that the record of the FBI is outstanding under your leadership, and that of your officers and members of your staff.

I wish also that every American could hear your testimony. Certainly every American should join the fight against organized crime. If they could only read the testimony on communism and other materials available to them which you have written and have spoken about, I think we would all be better educated to the threat of communism to our Government.

It is always a privilege for me to be here when you appear.

I would like to ask a few questions.

### UNITED NATIONS PROGRAM

Mr. Director, on your exhibit where your estimated reimbursements are itemized, underneath the place which indicates you do some work for the Civil Service Commission it says, "United Nations Program." It evidently involves name checks and investigations.

Mr. Hoover. That is correct.

Mr. Lipscomb. What kind of program is this?

Mr. Hoover. Investigations are made of American citizens employed by the United Nations. The character investigation is done by the Civil Service Commission and we make a name check. It is similar to the procedure we follow with the Peace Corps. If in the course of their investigation the Civil Service Commission develops some question regarding applicant's loyalty, it is referred to the FBI for a full field investigation.

Mr. Lipscomb. These are American citizens going to work for the United Nations?

Mr. HOOVER. Yes, sir.

Mr. LIPSCOMB. Is this also the case for other international organizations?

Mr. HOOVER. Only when it has been specified by law as Congress has done a number of times.

Mr. LIPSCOMB. So the only international organization you now do investigative work for is the United Nations?

Mr. HOOVER. The United Nations, the International Labor Organization and World Health Organization.

### INVESTIGATION OF AMERICAN CITIZENS TO BE EMPLOYED BY INTERNATIONAL ORGANIZATIONS

Mr. LIPSCOMB. As I understand it, when American citizens go to work with any international organization, as U.S. representatives or otherwise, a check must be made on them by the Civil Service Commission.

Mr. HOOVER. I do not know whether that is a fact.

(Off the record.)

Mr. LIPSCOMB. If that is not the case, if the Civil Service Commission does not check loyalty, it would have to be put in the law to have somebody do it.

Mr. HOOVER. There would have to be legal basis to have it done.

Mr. LIPSCOMB. I have heard of an organization where each American that goes to work for it must be checked by either the Civil Service Commission or the State Department. I do not know which.

Mr. HOOVER. I think this is a desirable procedure.

Mr. LIPSCOMB. But I have also heard it alleged that the organization has within it people who infiltrated as employees from other nations and who lean toward communism. There does not seem to me to be any way to correct this.

Mr. HOOVER. It is an agency created by Congress?

Mr. LIPSCOMB. No. It is an international organization. We participate in it.

Mr. HOOVER. Appropriations are made by Congress for American participation?

Mr. LIPSCOMB. Yes.

Mr. HOOVER. I think there should be some provision to require an investigation of employees who are American citizens.

Mr. ROONEY. Those employees have already been investigated, have they not, when they first went to work for one of the agencies, for instance, the State Department?

Mr. HOOVER. They might have, Mr. Chairman, if it had been done within recent years. It was not the procedure to check all persons coming into the Government until some years ago, when there was quite some concern about Communists infiltrating the Government. When they transfer from one place to another, it is likely they could have been investigated. It does not necessarily follow that they all were. It was under the Truman administration that the loyalty program was started. That later was changed in the Eisenhower administration to the Federal employees security program. That is the program that is now followed.

RESPONSIBILITY IN ESPIONAGE ACTIVITIES IN UNITED STATES

Mr. LIPSCOMB. If it is a proven fact that there is Communist infiltration in an international organization, from a foreign country, all our Government can do is to try through appropriate agencies to influence the international organization to get rid of them?

Mr. HOOVER. That is correct. Of course, when any person engages in espionage activities in this country it is our responsibility to endeavor to learn about it and, if we find he is connected officially with the United Nations, we then make a report to the State Department and they in turn take it up with the U.S. delegation to the United Nations, which takes it up with the Secretary General. In most instances, I know that the individual then departs from the United States.

If he is in an embassy, the State Department has on occasion, after we have supplied them the information, declared the person persona non grata, and then he has to leave this country. Sometimes, if the Ambassador learns that action is coming, he will send him back on his own initiative. Usually when the State Department declares a Soviet-bloc official persona non grata his country retaliates by declaring someone in the American Embassy there persona non grata.

Mr. LIPSCOMB. You fulfill most of your responsibility when you report this to the State Department?

Mr. HOOVER. That is correct. We do not deal with international organizations or the United Nations as such.

(Off the record.)

DANGERS OF TRADING WITH SOVIET BLOC

Mr. LIPSCOMB. You have mentioned in your testimony the subject of American businessmen trading with the Soviet bloc. Would it be helpful in any way if the Commerce Department and the State Department if necessary with the cooperation of the Federal Bureau of Investigation, would prepare some sort of pamphlet that could be given to American businessmen so they would understand the dangers of trading with the Soviet bloc? There are dangers to our country and to themselves. There are many factors involved. Would this be of any help?

Mr. HOOVER. From the practical point of view, my observation has been that the average American businessman in trading with the Soviet bloc knows what he is doing. He is not doing it through ignorance.

(Off the record.)

Mr. LIPSCOMB. When you were giving your testimony you said, I believe, that there are agents within the Amtorg Trading Corporation.

Mr. HOOVER. That is correct.

Mr. LIPSCOMB. I wonder how many businessmen who are willing to sell machine tools to the Soviet bloc realize when Amtorg contacts them they could well be dealing with a Soviet agent who is out——

Mr. HOOVER. It would be only personal opinion. A Senate committee brought out a great deal about this very problem some years ago.

Mr. LIPSCOMB. This is a pretty sad situation.

(Off the record.)

Mr. LIPSCOMB. Mr. Director, you were also very specific in your remarks about cultural exchange.

Mr. HOOVER. Yes, I was.

Mr. LIPSCOMB. I believe at the present time our Government is negotiating a new cultural exchange agreement with the Soviet Union.

Mr. HOOVER. That is a fact.

Mr. LIPSCOMB. If this is going to take place and it is insisted we need cultural exchanges, is there anything we can do to limit their operations and activities as Soviet agents?

(Discussion off the record.)

DOCUMENTS DESCRIBING COMMUNIST MENACE

Mr. LIPSCOMB. This goes along with your question, Mr. Chairman, in regard to the group which came down here by train and picketed the White House. In October, Gus Hall, general secretary of the Communist Party of the United States, sent out a pamphlet. I received one. In this pamphlet he was talking about the need for two Germanys, coexistence, nuclear and general disarmament, and so forth. In closing he said:

> * * * What is missing to bring this into full play so that Government policy can be influenced for peace is a resurgent, fully developing mass peace movement that will really reflect the deep concern of the American people. We must seek every avenue to this end.

To me, it appears that he is calling for these peace movements. This was on October 2.

On October 19, a nationwide peace strike was started. It was started by a woman in Washington or Chicago, I believe.

Then our offices began getting loaded with mail from Women for Peace from Chicago, advocating a peace strike, and the Voice of Women in different parts of the country, advocating a program of this nature.

Just this morning I received a letter from a woman who says she is confused, that everything these people say sounds good. She just does not know what to do. She said she does not know these organizations. She wants peace. I have a pamphlet here that she sent me. It was handed to her by a picket. It is from the Pacific Non-Violent Action Group in Los Angeles, Calif., and advocates such things as participation in civil disobedience demonstrations. It states, in part, "There are times when laws are used to conceal great injustice." They say "Support the turn toward peace movement. Participate in the Los Angeles Easter peace walk and rally."

Some of the policies to stop tensions are: "recognition of East Germany and China although we may not agree with their methods; neutralization of West Germany as part of a neutralized central Europe with internationally guaranteed access to Berlin; social, cultural, intellectual, and economic exchange programs which will bring people with differing ideologies together and increase the awareness of human communities."

We have stated before today that many people just do not know what these things are and what they represent. Often it may sound good to people who are not up on this or as knowledgeable as you are.

(Off the record.)

Mr. HOOVER. The great problem is the definition of "peace." We define it as we understand "peace" in our dictionaries. The Russians and their sympathizers and satellite nations have an entirely different meaning for "peace." Theirs is peace on their conditions. They add

the phrase "as long as there is no opposition to communism." Some of the people who support these movements and march as pickets are thoroughly sincere in their desire for peace, but they may have been influenced by some of the Gus Hall propaganda.

To me, an interesting thing is how these Communists and some of these organizations were able to twist, when Russia resumed atom testing, and then they all had to reverse themselves.

Mr. LIPSCOMB. We can put out pamphlets by the millions for fallout shelters. We can put out millions of baby books. We can do all these things. Is there not some way that we can put this down for people who write to us and ask, "What can I do about communism?" in a manner and form that calls a spade a spade? It seems to me that somehow we are not getting to the people what the Communist menace is.

Mr. HOOVER. Of course, much literature has been put out by committees of Congress on that subject.

Mr. ROONEY. I take it you are not assuming there are a great many people in the country who subscribe to that sort of business. I think the rank and file of people in this country are sensible people.

Mr. HOOVER. They are not the most vocal.

Mr. ROONEY. There are a few people who are vocal.

Mr. LIPSCOMB. They are the most vocal ones, but I am not assuming anything. What I do believe is that we have a lot of apathetic people in this country who do not assume one way or the other. Therefore, I believe we all ought to be knowledgeable about it and we can act better in unity as a nation.

Mr. HOOVER. This morning I mentioned the document called "The Communist Party Line." I do not know how many thousands of copies the committee of the Senate has issued, although I have been told by the chairman there has been an enormous demand. This document spells out in simple language just what the Communist Party line is.

The American Bar Association's board of governors, through its president, has asked us to prepare a textbook suitable for use in high schools and colleges. The seed forms there as a result of the influence of some professors who are sympathetic to the Communist movement or are so unrealistic that they are apologists for communism. When they begin to explain matters of political "isms," they do not stress the positive values of democracy. They tell you all the things that are wrong with this country and all the things that are good with Russia.

There is a need, as you say, for something that will educate the people and arouse them from their apathy. Steps are being taken to meet the situation.

Mr. LIPSCOMB. It may not be as black as I picture it, but I want to keep moving on it.

Mr. HOOVER. There is real concern. I think that is one of the reasons you find today that some people are aroused. That is why some people join organizations to fight communism when they know very little about the organizations and probably do not accomplish as much as they would like to, such as extremist organizations of the "radical right."

Mr. LIPSCOMB. I want to have a responsible approach to it.

Mr. HOOVER. A responsible, penetrating, and objective approach

will bring positive results. As I have said many times, it is not enough to be against communism. You must be for something.

Mr. LIPSCOMB. Thank you very much, Mr. Director.

Mr. HOOVER. Thank you, Mr. Congressman. I appreciate your remarks.

Mr. ROONEY. Mr. Magnuson?

Mr. MAGNUSON. Mr. Director, can you tell us what the situation is with respect to identifying and locating, if necessary, the officers of the Communist Party in this country who have failed to register?

(Discussion off the record.)

Mr. MAGNUSON. Has there been any effort on the part of the actual leaders to drop out of sight?

(Off the record.)

Mr. MAGNUSON. I have no more questions.

Mr. ROONEY. Mr. Cederberg?

Mr. CEDERBERG. Mr. Director, I only have one question.

PASSPORT REGULATIONS

As I understand it, the State Department recently issued a regulation in the Passport Division whereby if an individual was denied a passport for security reasons, he would have the right of confrontation to determine the basis upon which the evidence was presented so the denial could be made.

Do you know anything about this?

Mr. HOOVER. I have read the regulations. They pose a problem as to identifying confidential informants of the FBI.

All pertinent information the FBI has is sent to the State Department and the question of making confidential informants available is determined on the merits of each case.

We should not uncover a confidential informant necessary to the security of this country. The Communists would like to identify our sources. Therefore, Communists will demand to be confronted if the State Department denies a passport, and they will want to know the identity of the FBI source. Thereafter he would be of no value.

Mr. CEDERBERG. That is the specific reason I raised this question and I am delighted to have the answer that you gave. I can see all kinds of problems that would be raised by the denial of a passport and the very situation you have stated could result.

It would appear to me, and I discussed this with the Attorney General when he was before our committee, that there really is not much we can do about it unless we change the security statutes.

Mr. HOOVER. I think the Congress by legislation could solve that problem by giving to the Secretary of State appropriate authority to deny a passport in any case where the internal security will be imperiled by disclosing FBI confidential sources of information.

Communists go abroad on trips to Moscow and all over the world, and they do not do our country any good. They make speeches as Elizabeth Gurley Flynn did, portraying falsely the conditions in this country. They have to have passports.

Congress has under consideration a bill to meet this very problem you raise.

Mr. CEDERBERG. That is all I have.

Mr. ROONEY. Mr. Director, Mr. Tolson, Mr. Mohr, I should like, on

behalf of this subcommittee, to extend to you our thanks for the highly informative and interesting sessions which we have had both this morning and this afternoon.

Mr. HOOVER. We appreciate that very much, Mr. Chairman, and members of the committee.

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WEDNESDAY, JANUARY 24, 1962.

## IMMIGRATION AND NATURALIZATION SERVICE

### SALARIES AND EXPENSES

**WITNESSES**

**R. F. FARRELL, COMMISSIONER**

**E. A. LOUGHRAN, ASSOCIATE COMMISSIONER**

**D. FRANCIS, ASSISTANT COMMISSIONER**

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Permanent positions | 42,065 | 44,049 | 44,707 |
| | Positions other than permanent | 843 | 578 | 578 |
| | Other personnel compensation | 4,631 | 4,567 | 4,572 |
| | Total personnel compensation | 47,540 | 49,194 | 49,857 |
| 12 | Personnel benefits | 3,767 | 3,937 | 3,987 |
| 21 | Travel and transportation of persons | 2,465 | 2,282 | 2,282 |
| 22 | Transportation of things | 683 | 590 | 593 |
| 23 | Rent, communications, and utilities | 1,240 | 1,153 | 1,159 |
| 24 | Printing and reproduction | 378 | 385 | 378 |
| 25 | Other services | 1,954 | 2,000 | 1,953 |
| 26 | Supplies and materials | 2,200 | 2,220 | 2,242 |
| 31 | Equipment | 1,819 | 1,721 | 1,560 |
| 32 | Lands and structures | 439 | 539 | 532 |
| 42 | Insurance claims and indemnities | 10 | 4 | 4 |
| 44 | Refunds | 31 | 31 | 31 |
| | Unvouchered | 50 | 50 | 50 |
| | Subtotal | 62,575 | 64,106 | 64,628 |
| | Deduct quarters and subsistence | 28 | 28 | 28 |
| | Total costs | 62,547 | 64,078 | 64,600 |
| | Change in selected resources | 306 | −619 | |
| | Total obligations | 62,853 | 63,459 | 64,600 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 7,062 | 7,190 | 7,237 |
| Full-time equivalent of other positions | 220 | 141 | 141 |
| Average number of all employees | 6,788 | 6,876 | 6,886 |
| Number of employees at end of year | 6,981 | 7,055 | 7,061 |
| Average GS grade | 7.6 | 7.6 | 7.6 |
| Average GS salary | $6,450 | $6,531 | $6,613 |

Mr. ROONEY. Gentlemen, the next item is that for the U.S. Immigration and Naturalization Service which is to be found beginning at page 121 of the committee print. The details are to be found under tab 26 of the justifications book.

At this point we shall insert pages 26–1 through 26–185 in the record.

(The pages follow:)

83356 O - 62 - 25

DEPARTMENT OF JUSTICE
SUMMARY ANALYSIS OF ESTIMATE

Appropriation title: Salaries and Expenses, Immigration and Naturalization Service

| | | |
|---|---|---|
| Appropriation, 1962: | | |
| Regular | | $63,500,000 |
| Transfer to "Operating Expenses, General Services Administration" | | - 41,000 |
| Total | | 63,459,000 |
| Reductions (-): | | |
| 1. Inspection for admission into the United States | $315,600 | |
| 2. Detention and deportation | 19,700 | |
| 3. Naturalization | 3,800 | |
| 4. Border patrol | 863,400 | |
| 5. Investigating aliens' status | 160,900 | |
| 6. Immigration and naturalization records | 167,100 | |
| 7. General administration | 5,600 | |
| Adjustment in base | | -1,536,100 |
| Base for 1963 | | 61,922,900 |
| Estimate for 1963 | | 64,600,000 |
| Increase over base | | 2,677,100 |
| INCREASE FROM TOTAL APPROPRIATION, 1962 | | 1,141,000 |

CONSOLIDATED COMPARISON OF PROGRAM COSTS

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Employment Summary | | | | | | |
| Permanent positions | 7,062 | 7,190 | - | 7,190 | + 47 | 7,237 |
| Positions equivalent of required savings due to lapses | 494 | 455 | + 109 | 564 | - 72 | 492 |
| Average number of permanent | 6,568 | 6,735 | - 109 | 6,626 | + 119 | 6,745 |
| Full-time equivalent of temporary and part-time | 220 | 141 | - | 141 | - | 141 |
| Average number of all employees | 6,788 | 6,876 | - 109 | 6,767 | + 119 | 6,886 |
| 10 PERSONAL SERVICES AND BENEFITS | | | | | | |
| 11 Personnel Compensation: | | | | | | |
| Total permanent | 45,359,596 | 46,759,119 | +701,678 | 47,460,797 | + 189,537 | 47,650,334 |
| Deduct lapses | 3,294,228 | 2,710,119 | +701,678 | 3,411,797 | - 468,463 | 2,943,334 |
| Net permanent | 42,065,368 | 44,049,000 | - | 44,049,000 | + 658,000 | 44,707,000 |
| Temporary employment | 564,387 | 195,100 | - | 195,100 | - | 195,100 |
| Part-time employment | 4,196 | 5,300 | - | 5,300 | - | 5,300 |
| Intermittent employment | 274,198 | 377,300 | - | 377,300 | - | 377,300 |
| Regular pay above 52-week base | 174,000 | - | - | - | - | - |
| Overtime | 347,480 | 290,700 | - | 290,700 | - | 290,700 |
| Premium compensation | 2,023,763 | 2,126,000 | - | 2,126,000 | - | 2,126,000 |
| Holiday pay | 39,192 | 43,000 | - | 43,000 | - | 43,000 |
| Nightwork differential | 227,807 | 218,500 | - | 218,500 | + 5,700 | 224,200 |
| Extra compensation (Act-3-2-31): | | | | | | |
| Non-reimbursable | 1,529,116 | 1,580,000 | - | 1,580,000 | - | 1,580,000 |
| Additional pay for service abroad | 136,354 | 140,000 | - | 140,000 | - | 140,000 |
| Casual workers | 62,943 | 78,000 | - | 78,000 | - | 78,000 |
| Pay of detainees | 2,209 | 2,200 | - | 2,200 | - | 2,200 |
| Rewards | 77,706 | 77,700 | - | 77,700 | - | 77,700 |
| Witness fees | 7,242 | 7,300 | - | 7,300 | - | 7,300 |
| Payments to other agencies for reimbursable details | 3,575 | 3,600 | - | 3,600 | - | 3,600 |
| Total - Personnel Compensation | 47,539,536 | 49,193,700 | - | 49,193,700 | + 663,700 | 49,857,400 |

CONSOLIDATED COMPARISON OF PROGRAM COSTS

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS: | | | | | | |
| 12 Personnel Benefits: | | | | | | |
| Accident compensation | - | - | - | - | + 3,000 | 3,000 |
| Foreign quarters allowance | 153,273 | 155,000 | - | 155,000 | - | 155,000 |
| Foreign education allowance | 13,405 | 13,700 | - | 13,700 | - | 13,700 |
| Allowance for uniforms | 302,933 | 331,300 | - | 331,300 | - | 331,300 |
| Separation allowance | 2,820 | - | - | - | - | - |
| Group life insurance, Government contribution | 143,993 | 155,000 | - | 155,000 | + 3,300 | 158,300 |
| F.I.C.A. taxes, Government contribution | 37,664 | 38,000 | - | 38,000 | - | 38,000 |
| Incentive awards | 28,737 | 28,000 | - | 28,000 | - | 28,000 |
| Employees Health Benefits Act | 382,701 | 416,300 | - | 416,300 | + 1,700 | 418,000 |
| Payments to retirement fund, Government contribution | 2,701,147 | 2,800,000 | - | 2,800,000 | + 41,500 | 2,841,500 |
| Total - Personnel Benefits | 3,766,673 | 3,937,300 | - | 3,937,300 | + 49,500 | 3,986,800 |
| 10 Total Personal Services and Benefits | 51,306,209 | 53,131,000 | - | 53,131,000 | + 713,200 | 53,844,200 |

CONSOLIDATED COMPARISON OF PROGRAM COSTS
By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 2,464,817 | 2,281,600 | - | 2,281,600 | - | 2,281,600 |
| 22 Transportation of things | 682,824 | 590,400 | - 59,700 | 530,700 | + 62,600 | 593,300 |
| 23 Rent, communications, and utilities | 1,240,456 | 1,152,800 | - | 1,152,800 | + 6,100 | 1,158,900 |
| 24 Printing and reproduction | 377,753 | 384,614 | - 6,214 | 378,400 | - | 378,400 |
| 25 Other services | 1,543,630 | 1,589,007 | - 75,107 | 1,513,900 | + 28,500 | 1,542,400 |
| Unvouchered | 50,000 | 50,000 | - | 50,000 | - | 50,000 |
| Services performed by other Government agencies | 410,148 | 410,800 | - | 410,800 | - | 410,800 |
| 26 Supplies and materials | 2,199,551 | 2,219,604 | - 3,304 | 2,216,300 | + 26,000 | 2,242,300 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 1,819,418 | 1,721,092 | -1,471,192 | 249,900 | +1,309,400 | 1,559,300 |
| 32 Lands and structures | 439,305 | 539,249 | - 539,249 | - | + 531,300 | 531,300 |
| 40 GRANTS AND FIXED CHARGES | | | | | | |
| 42 Insurance claims and indemnities | 9,912 | 4,500 | - | 4,500 | - | 4,500 |
| 44 Refunds | 30,799 | 31,000 | - | 31,000 | - | 31,000 |
| Total other costs | 11,268,613 | 10,974,666 | -2,154,766 | 8,819,900 | +1,963,900 | 10,783,800 |
| Total | 62,574,822 | 64,105,666 | -2,154,766 | 61,950,900 | +2,677,100 | 64,628,000 |
| Deduct quarters and subsistence furnished | 28,066 | 28,000 | - | 28,000 | - | 28,000 |
| Total costs | 62,546,756 | 64,077,666 | -2,154,766 | 61,922,900 | +2,677,100 | 64,600,000 |
| Costs financed from obligations of other years, net (-) | - | - 618,666 | + 618,666 | - | - | - |
| Obligations incurred for costs of other years, net | 306,198 | - | - | - | - | - |
| Total obligations | 62,852,954 | 63,459,000 | -1,536,100 | 61,922,900 | +2,677,100 | 64,600,000 |

## Object Summary of Cost and Obligation Adjustments in Base

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other Obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 22 Transportation of things | - 59,700 | - | - 59,700 |
| 24 Printing and reproduction | - | - 6,214 | - 6,214 |
| 25 Other services | - 64,000 | - 11,107 | - 75,107 |
| 26 Supplies and materials | - | - 3,304 | - 3,304 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | -1,136,800 | -334,392 | -1,471,192 |
| 32 Lands and structures | - 275,600 | -263,649 | - 539,249 |
| Total | -1,536,100 | -618,666 | -2,154,766 |

## STATEMENT OF REIMBURSEMENTS

| | 1961 Actual | | | 1962 Estimate | | | 1963 Estimate | | |
|---|---|---|---|---|---|---|---|---|---|
| | Federal | Non-Federal | Total | Federal | Non-Federal | Total | Federal | Non-Federal | Total |
| **By Object:** | | | | | | | | | |
| 10 Personal Services and Benefits | $ 581 | $1,321,714 | $1,322,295 | $1,000 | $1,351,000 | $1,352,000 | $1,000 | $1,351,000 | $1,352,000 |
| 20 Contractual Services and Supplies | 10,221 | 174,251 | 184,472 | 12,000 | 179,000 | 191,000 | 12,000 | 179,000 | 191,000 |
| 30 Acquisition of Capital Assets | 12 | 182,667 | 182,679 | 125,000 | 54,000 | 179,000 | - | 56,100 | 56,100 |
| Total | 10,814 | 1,678,632 | 1,689,446 | 138,000 | 1,584,000 | 1,722,000 | 13,000 | 1,586,100 | 1,599,100 |
| **By Source:** | | | | | | | | | |
| Transportation Lines: | | | | | | | | | |
| Maintenance and detention | - | 6,029 | 6,029 | - | 5,100 | 5,100 | - | 5,100 | 5,100 |
| Hospitalization | - | 630 | 630 | - | 700 | 700 | - | 700 | 700 |
| Inspection overtime | - | 1,313,688 | 1,313,688 | - | 1,345,000 | 1,345,000 | - | 1,345,000 | 1,345,000 |
| Guarding aliens in direct transit | - | 84 | 84 | - | - | - | - | - | - |
| Sale of equipment (automobiles, trucks, etc.) | 12 | 182,667 | 182,679 | - | 54,000 | 54,000 | - | 56,100 | 56,100 |
| Lands and structures (Customs) | - | - | - | 125,000 | - | 125,000 | - | - | - |
| Miscellaneous (meals and quarters, textbooks, travel, salaries, utilities, communications, etc.) | 10,802 | 175,534 | 186,336 | 13,000 | 179,200 | 192,200 | 13,000 | 179,200 | 192,200 |
| Total | 10,814 | 1,678,632 | 1,689,446 | 138,000 | 1,584,000 | 1,722,000 | 13,000 | 1,586,100 | 1,599,100 |

## SUMMARY OF PERMANENT FORCE BY PRINCIPAL GROUPS

| | Actual 1961 | Estimate 1962 | Estimate 1963 | Increase (+) or Decrease (-) |
|---|---|---|---|---|
| Field: | | | | |
| Immigrant inspectors | 1,175 | 1,230 | 1,230 | - |
| Patrol inspectors | 1,593 | 1,593 | 1,593 | - |
| Special inquiry officers | 34 | 34 | 34 | - |
| Attorneys | 6 | 6 | 6 | - |
| Airplane pilots | 56 | 56 | 56 | - |
| Naturalization examiners | 159 | 169 | 169 | - |
| Investigators | 791 | 791 | 791 | - |
| Deportation and parole officers | 13 | 13 | 13 | - |
| Officers in charge, supervisory, and administrative officers | 329 | 329 | 332 | + 3 |
| Port receptionists | 74 | 59 | 59 | - |
| Clerks, etc. | 2,084 | 2,162 | 2,176 | + 14 |
| Detention officers | 195 | 195 | 195 | - |
| Custodial | 108 | 108 | 108 | - |
| Total permanent, field | 6,617 | 6,745 | 6,762 | + 17 |
| Central Office | 445 | 445 | 475 | + 30 |
| Grand Total | 7,062 | 7,190 | 7,237 | + 47 |

## SUMMARY OF PERSONAL SERVICES AND BENEFITS

| | 1961 | | | 1962 | | | 1963 | | |
|---|---|---|---|---|---|---|---|---|---|
| | Department | Field | Total | Department | Field | Total | Department | Field | Total |
| PERSONAL SERVICES AND BENEFITS | | | | | | | | | |
| Personnel Compensation: | | | | | | | | | |
| Net permanent | 2,803,568 | 39,261,800 | 42,065,368 | 2,888,000 | 41,161,000 | 44,049,000 | 3,034,300 | 41,672,700 | 44,707,000 |
| Part-time employment | - | 4,196 | 4,196 | - | 5,300 | 5,300 | - | 5,300 | 5,300 |
| Temporary employment | 413,922 | 150,465 | 564,387 | 110,000 | 85,100 | 195,100 | 110,000 | 85,100 | 195,100 |
| Intermittent employment | 592 | 273,606 | 274,198 | 600 | 376,700 | 377,300 | 600 | 376,700 | 377,300 |
| Casual workers | - | 62,943 | 62,943 | - | 78,000 | 78,000 | - | 78,000 | 78,000 |
| Pay of detainees | - | 2,209 | 2,209 | - | 2,200 | 2,200 | - | 2,200 | 2,200 |
| Rewards | 4,038 | 73,668 | 77,706 | 4,000 | 73,700 | 77,700 | 4,000 | 73,700 | 77,700 |
| Witness fees | - | 7,242 | 7,242 | - | 7,300 | 7,300 | - | 7,300 | 7,300 |
| Regular pay in excess 52-week base | 11,300 | 162,700 | 174,000 | - | - | - | - | - | - |
| Overtime | 15,285 | 332,195 | 347,480 | 10,000 | 280,700 | 290,700 | 10,000 | 280,700 | 290,700 |
| Premium compensation | - | 2,023,763 | 2,023,763 | - | 2,126,000 | 2,126,000 | - | 2,126,000 | 2,126,000 |
| Holiday pay | 761 | 38,431 | 39,192 | 700 | 42,300 | 43,000 | 700 | 42,300 | 43,000 |
| Nightwork differential | 12,832 | 214,975 | 227,807 | 6,800 | 211,700 | 218,500 | 12,500 | 211,700 | 224,200 |
| Extra compensation (Act 3-2-31): Non-reimbursable | - | 1,529,116 | 1,529,116 | - | 1,580,000 | 1,580,000 | - | 1,580,000 | 1,580,000 |
| Additional pay for service abroad | - | 136,354 | 136,354 | - | 140,000 | 140,000 | - | 140,000 | 140,000 |
| Payments to other agencies for reimbursable details | - | 3,575 | 3,575 | - | 3,600 | 3,600 | - | 3,600 | 3,600 |
| Total - Personnel Compensation | 3,262,298 | 44,277,238 | 47,539,536 | 3,020,100 | 46,173,600 | 49,193,700 | 3,172,100 | 46,688,300 | 49,857,400 |
| Personnel Benefits: | | | | | | | | | |
| Accident compensation | - | - | - | - | - | - | - | 3,000 | 3,000 |
| Quarters allowance | - | 153,273 | 153,273 | - | 155,000 | 155,000 | - | 155,000 | 155,000 |
| Foreign education allowance | - | 13,405 | 13,405 | - | 13,700 | 13,700 | - | 13,700 | 13,700 |
| Allowance for uniforms | 525 | 302,408 | 302,933 | 500 | 330,800 | 331,300 | 500 | 330,800 | 331,300 |
| Separation allowance | - | 2,820 | 2,820 | - | - | - | - | - | - |
| Group life insurance, Government contribution | 8,910 | 135,083 | 143,993 | 9,000 | 146,000 | 155,000 | 9,100 | 149,200 | 158,300 |
| F.I.C.A. taxes, Government contribution | 14,487 | 23,177 | 37,664 | 14,500 | 23,500 | 38,000 | 14,500 | 23,500 | 38,000 |
| Incentive awards | 6,815 | 21,922 | 28,737 | 6,800 | 21,200 | 28,000 | 6,800 | 21,200 | 28,000 |
| Employees Health Benefits Act | 20,630 | 362,071 | 382,701 | 20,600 | 395,700 | 416,300 | 20,700 | 397,300 | 418,000 |
| Payment to retirement fund, Government contribution | 180,152 | 2,520,995 | 2,701,147 | 184,800 | 2,615,200 | 2,800,000 | 194,200 | 2,647,300 | 2,841,500 |
| Total - Personnel Benefits | 231,519 | 3,535,154 | 3,766,673 | 236,200 | 3,701,100 | 3,937,300 | 245,800 | 3,741,000 | 3,986,800 |
| Total Personal Services and Benefits | 3,493,817 | 47,812,392 | 51,306,209 | 3,256,300 | 49,874,700 | 53,131,000 | 3,417,900 | 50,426,300 | 53,844,200 |

## GENERAL

### Functions and Objectives

The Immigration and Naturalization Service is responsible for the administration and enforcement of the Immigration and Nationality Act and related statutes. It is called upon to furnish services of many kinds and in great volume, principally to people of foreign birth. Functionally, the work of the Immigration and Naturalization Service is divided into seven principal activities. These activities and the chief objectives of each are as follows:

| Activity | Chief Objective |
|---|---|
| 1. Inspection for admission into the United States | 1. To inspect persons applying for admission or reentry into the United States, facilitate the entry of those lawfully admissible, and exclude those found inadmissible. |
| 2. Detention and deportation | 2. To seek out, take into custody, and expel aliens unlawfully in the United States. |
| 3. Naturalization | 3. To encourage, assist and facilitate the naturalization of applicants who meet the statutory requirements; and to prevent the naturalization of persons not qualified for citizenship. |
| 4. Border Patrol | 4. To prevent the illegal entry of persons into the United States and to apprehend any aliens who are successful in accomplishing illegal entry. |

| Activity | Chief Objective |
|---|---|
| 5. Investigating aliens' status | 5. To investigate violations of the Immigration and Nationality Act in support of deportation or denaturalization proceedings. |
| 6. Immigration and naturalization records | 6. Receive, record, file, and produce as needed documents of entry, departure, and naturalization of aliens; maintain a registration record of all aliens who are in or who enter the United States. |
| 7. General administration | 7. The performance of services to facilitate and support operational activities. |

New Legislation

The International Travel Act (Public Law 87-63) approved June 29, 1961, designed to encourage foreign travel to the United States will add to the volume of international traffic.

The Act of International Development of 1961 (Public Law 87-195) approved September 4, 1961, provides for admission as nonimmigrants (if otherwise qualified) of alien participants in any program of furnishing technical information and assistance under the Act, with length and conditions of stay in the United States to be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

The Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) approved September 21, 1961, amends the 1952 Immigration and Nationality Act by including in the nonimmigrant category the alien spouse and minor child of a bona fide alien student. Also brought into the basic law is the exchange alien and his alien spouse and minor child. However, no exchange alien is eligible to apply for a visa as an immigrant or a nonimmigrant or for permanent residence, until he has been physically present in the country of his nationality or last residence, or in another foreign country for an aggregate of at least two years after departure from the United States. The Attorney General may waive the two-year foreign residence requirement under certain conditions.

The Peace Corps Act (Public Law 87-293) approved September 22, 1961, provides for participation by foreign nationals in the training of volunteers and permits their admission as nonimmigrants, if otherwise qualified. Persons so admitted who fail to maintain status, or who fail to depart at the expiration of the time for which admitted, or who engage in political or other activities detrimental to the interest or security of the United States, are subject to deportation.

The Mexican Farm Labor Program (Title V. Agricultural Act of 1949, as amended) is amended and extended to December 31, 1963, by the Act of October 3, 1961, (Public Law 87-345). The amendment provides that workers brought in under the program may be made available only for work of a temporary or seasonal nature where they will not operate or maintain certain power-driven self-propelled machinery. Both restrictions may be waived by the Secretary of Labor in specific cases.

The Act of September 26, 1961 (Public Law 87-301) amends the Immigration and Nationality Act and provides as follows:

An important provision (effective the 30th day after approval) concerns judicial review of orders of deportation and exclusion. For aliens not in Service custody, the new section prescribes an exclusive method for judicial review of final administrative orders of deportation. A petition for review may be filed in the United States Circuit Court having jurisdiction over the alien's place of residence or the place where his hearing before the Speical Inquiry Officer was held. Review by habeas corpus is available any time when the alien is in custody. Final orders of exclusion may be reviewed only by habeas corpus.

There is added to the permanent law provisions for the special admission, as nonquota immigrants of alien orphans adopted abroad or coming to the United States for adoption. With regard to adoption abroad there is a requirement that the adopting parents shall have seen the child prior to or during the adoption proceedings.

The Attorney General is granted authority to deny a visa petition in behalf of an alleged spouse of a citizen if a previous nonquota or preference status has been granted on the basis of a marriage determined to have been entered into for the purpose of evading the immigration laws.

The law deletes references to "race and ethnic classification" in visa applications.

It extends to vaterans of the Korean hostilities naturalization benefits accorded veterans of World Wars I and II.

Provision is made for a determination of quotas in areas where boundaries or sovereignties change, the new quota to be no less than the total of quotas in effect for the various parts as they existed prior to such change.

The basic Act is amended to delete "tuberculosis and leprosy" as specific grounds of exclusion, however retaining "any dangerous or contagious disease" as an excluding ground. There is a provision for entry for permanent residence of persons otherwise admissible, who may be afflicted with tuberculosis and who have close family ties in this country.

The new law incorporates into the 1952 Act certain provisions of the "Sheepherder Act" (September 3, 1954) concerning admission of aliens who have committed but one misdemeanor classifiable as a petty offense.

Also incorporated into the basic Act are provisions of Secs. 5 and 7 of the Sept. 11, 1957 Act relating to waiver of certain grounds of excludability for certain aliens who have close family ties in this country, and where exclusion would result in extreme hardship to a United States citizen or a lawfully resident spouse, parent, son or daughter of such alien, provided that admission would not be contrary to the national welfare, safety, or security of the United States.

There is a provision relieving aliens, otherwise admissible, and who have certain close family ties in the United States, from deportability because of having procured visas or other documents by fraud or misrepresentation.

It requires that all naturalization petitions filed on or after the effective date of the new law be heard and determined in accordance with provisions of the 1952 Act, as amended.

"Illegality" as a ground for cancellation of citizenship has been restored.

Where a claim is made that a loss of nationality has occurred, the new law places burden of proof--by a preponderance of the evidence--on the party claiming that such loss occurred. Acts of expatriation are presumed voluntary unless by a preponderance of evidence shown to be involuntary.

Provisions of the basic Act are liberalized in respect to expatriation by residence abroad of certain naturalized citizens and their close relatives residing abroad with them.

Second and third preference quota aliens may be granted nonquota status provided petitions in their behalf were filed prior to July 1, 1961, and the relationship to the petitioner has been retained.

The Act of June 30, 1961 (Public Law 87-64) amends Title XI of the Social Security Act by authorizing assistance for United States citizens returned from foreign countries because of destitution, illness of such citizen or his dependents, or because of war, threat of war, invasion, or similar crisis. The Attorney General, The Secretary of State, and the Secretary of Defense are to be consulted by the Secretary of Health, Education, and Welfare in developing plans and making arrangements for the provision of temporary assistance within the United States to the specified individuals. The closing date for furnishing assistance under this Act is June 30, 1962.

The Act of September 20, 1961 (Public Law 87-255) adds a new subsection (e) to Section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509). The new amendment authorizes the appropriation of funds to enable the head of any Federal agency charged with inspection, clearance, collection of taxes or duties, etc., with respect to persons or property moving in air commerce, to acquire such space at public airports as he determines, after consultation with the Administrator of the Federal Aviation Agency, to be necessary for the performance of such duties. The head of such agency is required to act through the Administrator of General Services in accordance with procedures established by law generally applicable to acquisition of space.



Organization

On April 2, 1961, the Mexico City, Mexico, District was placed under the jurisdiction of the Central Office, thus reducing the number of districts in the Southwest Region from 9 to 8.

On August 10, 1961, the Dallas District Office was moved to Port Isabel, Texas. At the same time the San Antonio District was realigned. That district now encompasses Dallas as a sub-office.

Broad Comparison

The total estimate for the fiscal year 1963 is $64,600,000, as compared with the total appropriation (adjusted) for the fiscal year 1962 of $63,459,000*, a net increase of $1,141,000. Major subdivisions of the net increase are (1) construction, repair and alteration of inspection and border patrol stations, $142,200; (2) additions to the records force required as a result of increased records activities stemming from other workload increases, $232,400; (3) equipment costs including vehicle, aircraft and radio replacements, $185,100; (4) construction of 1 1/3 miles of enforcement fence, $78,000; and (5) mandatory salary advancements, and accident compensation, $503,300.

The obligation adjustments applied to the 1962 appropriation in order to arrive at the base for 1963 are listed by topics and by activities on the statement entitled "Detail of Adjustments in Base." As shown on the "Summary Analysis of Estimate" the adjustments amount to a net reduction of $1,536,100. Applying this to the 1962 appropriation provides a base of $61,922,900 for purposes of comparison with the 1963 estimate. This results in a comparative increase of $2,677,100 for the fiscal year 1963.



*Excludes $41,000 transferred to the General Services Administration for space provided the Immigration and Naturalization Service on a reimbursable basis.

The comparative increase is subdivided into $713,200 for personal services and benefits and $1,963,900 for other objects, as shown by the table entitled "Consolidated Comparison of Program Costs by Objects." Items authorized to be credited to the appropriation account are estimated at $1,722,000 for the fiscal year 1962 and $1,599,100 for the fiscal year 1963, as detailed by object and by source on the table entitled "Statement of Reimbursements."

Total collections of fees, fines, forfeitures and other items for deposit to the general fund amounted to $4,935,591.80 last fiscal year. Such funds are not available for obligation by the Service.

Topical Tabulation of Increases Over Base

The individual increases over the base are listed and explained in detail in the justifications for the respective activities involved. For comprehensive consideration there follows a topical tabulation of the items of increase, the amount of each, and a brief statement of the purpose.

| Item | Amount | Purpose (in brief) |
|---|---|---|
| Motor vehicles and aircraft | $1,105,900 | Annual replacements required to maintain fleets in suitable condition to meet law enforcement needs; includes purchase and replacement for other aircraft and operation of 3 helicopters to cope with changing conditions on the southern border. |
| Station repairs and alterations | 56,800 | Annual maintenance and changes required for safe operation and prevention of deterioration. |
| Radio system renewal | 275,700 | Scheduled replacement of equipment worn out through ordinary wear and tear and improvements to meet operational needs. |
| Mandatory salary advancements | 500,300 | Unabsorbed portion of mandatory within grade salary advancements. |
| Additional records positions | 232,400 | Additional force to keep apace with records workloads expansion created by increased workloads in other activities, particularly increases in international travel. |

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| Item | Amount | Purpose (in brief) |
|---|---|---|
| Enforcement fence | $ 78,000 | For the construction of 1.33 miles of enforcement fence to strengthen border enforcement. |
| Constructing border inspection stations | 225,000 | Joint program with Customs for constructing 6 border inspection stations or adjunct facilities where present arrangements are grossly inadequate. |
| Constructing Border Patrol Stations | 200,000 | For the construction of facilities to replace inadequate Border Patrol Stations. |
| Accident Compensation | 3,000 | To cover the cost to the Service of reimbursement to the Bureau of Employees compensation for claims by Service employees. |
| TOTAL | $2,677,100 | |



## EXPLANATION OF LANGUAGE CHANGES

Aircraft

A change is required to make the 1963 appropriation available for the replacement of five airplanes. Age tables and other data in support of the replacements appear in the section dealing with the Border Patrol.

## Detail of Adjustments in Base - Obligations

| | Insp'n. | Det. & Dep. | Nat'n. | Border Patrol | Inv'n. | I&N Records | General Adminis. | Total |
|---|---|---|---|---|---|---|---|---|
| **Reductions** | | | | | | | | |
| 1. Passenger vehicle replacements (250): | | | | | | | | |
| Vehicles | 62,200 | 1,800 | 1,800 | 243,800 | 147,000 | - | - | 456,600 |
| Delivery costs | 5,100 | 100 | 100 | 17,900 | 11,900 | - | - | 35,100 |
| Sub-total, item 1 | 67,300 | 1,900 | 1,900 | 261,700 | 158,900 | - | - | 491,700 |
| 2. Truck replacements (123): | | | | | | | | |
| Vehicles | - | - | - | 257,100 | - | - | - | 257,100 |
| Delivery costs | - | - | - | 24,600 | - | - | - | 24,600 |
| Sub-total, item 2 | - | - | - | 281,700 | - | - | - | 281,700 |
| 3. Aircraft replacements (4) | - | - | - | 65,800 | - | - | - | 65,800 |
| 4. Radio system renewal | - | - | - | 180,700 | - | - | - | 180,700 |
| 5. Border inspection stations | 225,000 | - | - | - | - | - | - | 225,000 |
| 6. Station repairs and alterations: | | | | | | | | |
| Contractual repairs | 7,000 | 8,500 | 1,100 | 41,100 | 1,100 | 2,100 | 3,100 | 64,000 |
| Structual improvements | 3,100 | 9,300 | 800 | 32,400 | 900 | 1,600 | 2,500 | 50,600 |
| Sub-total, item 6 | 10,100 | 17,800 | 1,900 | 73,500 | 2,000 | 3,700 | 5,600 | 114,600 |
| 7. Mechanical index equipment | - | - | - | - | - | 37,300 | - | 37,300 |
| 8. Open shelf filing | - | - | - | - | - | 115,000 | - | 115,000 |
| 9. Inspection increase - equipment | 13,200 | - | - | - | - | - | - | 13,200 |
| 10. Immigration and naturalization records increase - equipment | - | - | - | - | - | 11,100 | - | 11,100 |
| Total reductions (-) | 315,600 | 19,700 | 3,800 | 863,400 | 160,900 | 167,100 | 5,600 | 1,536,100 |

## Analysis of Appropriation Base

From the appropriation of $63,500,000 for the fiscal year 1962 has been deducted $41,000 transferred to the General Services Administration for reimbursable space.

The tabulation immediately above, entitled "Detail of Adjustments in Base," summarizes, by items and by activities, the further adjustments applied in obligations to arrive at the appropriation base for 1963. Comments as to numbered items on that tabulation follow:

Items 1 through 6 fall within the so-called "non-recurring" category. These items are listed as reductions in order to arrive at a zero base before taking up requirements for like items in the fiscal year 1963. This eliminates from the base all funds for replacement of passenger vehicles, trucks, and aircraft, renewal of the border patrol radio system, construction, and annual repairs to immigration stations.

Items 7 and 8 eliminate the 1962 fiscal year cost of equipment for the expansion of mechanical index equipment as a result of increased records activity and for open shelf filing to speed filing operations and save space.

Items 9 and 10 adjust downward for the additional equipment for increases in records and inspection force in the fiscal year 1962.

TABLE "1" -- INSPECTION FOR ADMISSION INTO THE UNITED STATES

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Permanent positions | 1,733 | 1,789 | - | 1,789 | - | 1,789 |
| Average number of all employees | 1,716 | 1,765 | - 27 | 1,738 | + 18 | 1,756 |
| 10 PERSONAL SERVICES AND BENEFITS | | | | | | |
| 11 Personnel Compensation: | | | | | | |
| Total permanent | $11,627,342 | $12,126,074 | $+185,820 | $12,311,894 | - | 12,311,894 |
| Deduct lapses | 610,289 | 705,174 | +185,820 | 890,994 | -123,200 | 767,794 |
| Net permanent | 11,017,053 | 11,420,900 | - | 11,420,900 | +123,200 | 11,544,100 |
| Temporary employment | 24,034 | 24,000 | - | 24,000 | - | 24,000 |
| Part-time employment | 3,184 | 5,300 | - | 5,300 | - | 5,300 |
| Intermittent employment | 214,778 | 317,800 | - | 317,800 | - | 317,800 |
| Regular pay above 52-week base | 44,700 | - | - | - | - | - |
| Overtime | 122,850 | 123,000 | - | 123,000 | - | 123,000 |
| Holiday pay | 9,121 | 10,000 | - | 10,000 | - | 10,000 |
| Nightwork differential | 176,893 | 167,300 | - | 167,300 | - | 167,300 |
| Extra compensation (Act 3-2-31): | | | | | | |
| Non-reimbursable | 1,529,116 | 1,580,000 | - | 1,580,000 | - | 1,580,000 |
| Additional pay for service abroad | 78,429 | 80,100 | - | 80,100 | - | 80,100 |
| Casual workers | 9,673 | 24,600 | - | 24,600 | - | 24,600 |
| Rewards | 740 | 700 | - | 700 | - | 700 |
| Total - Personnel Compensation | 13,230,571 | 13,753,700 | - | 13,753,700 | +123,200 | 13,876,900 |

TABLE "1" -- INSPECTION FOR ADMISSION INTO THE UNITED STATES

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS (contd.) | | | | | | |
| 12 Personnel Benefit: | | | | | | |
| Foreign quarters allowance | 107,294 | 108,000 | - | 108,000 | - | 108,000 |
| Foreign education allowance | 5,837 | 5,900 | - | 5,900 | - | 5,900 |
| Allowance for uniforms | 121,035 | 125,200 | - | 125,200 | - | 125,200 |
| Separation allowance | 743 | - | - | - | - | - |
| Group life insurance, Government contribution | 37,484 | 47,700 | - | 47,700 | + 700 | 48,400 |
| F.I.C.A. taxes, Government contribution | 5,440 | 5,800 | - | 5,800 | - | 5,800 |
| Incentive awards | 7,848 | 7,800 | - | 7,800 | - | 7,800 |
| Employees Health Benefits Act | 99,075 | 127,300 | - | 127,300 | - | 127,300 |
| Payments to retirement fund, Government contribution | 709,189 | 735,000 | - | 735,000 | + 7,800 | 742,800 |
| Total - Personnel Benefits | 1,093,945 | 1,162,700 | - | 1,162,700 | + 8,500 | 1,171,200 |
| 10 Total Personal Services and Benefits | 14,324,516 | 14,916,400 | - | 14,916,400 | +131,700 | 15,048,100 |

TABLE "1" -- INSPECTION FOR ADMISSION INTO THE UNITED STATES

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 358,816 | 372,200 | - | 372,200 | - | 372,200 |
| 22 Transportation of things | 183,081 | 146,200 | - 5,100 | 141,100 | + 5,000 | 146,100 |
| 23 Rent, communications and utilities | 282,987 | 260,700 | - | 260,700 | - | 260,700 |
| 24 Printing and reproduction | 66,331 | 60,109 | - 209 | 59,900 | - | 59,900 |
| 25 Other services | 78,190 | 79,184 | - 7,684 | 71,500 | + 4,500 | 76,000 |
| Services performed by other Government agencies | 73,844 | 73,900 | - | 73,900 | - | 73,900 |
| 26 Supplies and materials | 147,065 | 148,254 | - 154 | 148,100 | - | 148,100 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 151,160 | 112,807 | - 76,007 | 36,800 | + 62,300 | 99,100 |
| 32 Lands and structures | 135,825 | 342,841 | -342,841 | - | + 225,100 | 225,100 |
| 40 GRANTS AND FIXED CHARGES | | | | | | |
| 42 Insurance claims and indemnities | 522 | 200 | - | 200 | - | 200 |
| 44 Refunds | 21,953 | 22,000 | - | 22,000 | - | 22,000 |
| Total other costs | 1,499,774 | 1,618,395 | -431,995 | 1,186,400 | + 296,900 | 1,483,300 |
| Total | 15,824,290 | 16,534,795 | -431,995 | 16,102,800 | + 428,600 | 16,531,400 |
| Deduct quarters and subsistence furnished | 23,011 | 23,000 | - | 23,000 | - | 23,000 |
| Total costs | 15,801,279 | 16,511,795 | -431,995 | 16,079,800 | + 428,600 | 16,508,400 |
| Costs financed from obligations of other years, net (-) | - | - 116,395 | +116,395 | - | - | - |
| Obligations incurred for costs of other years, net | 60,503 | - | - | - | - | - |
| Total obligations | 15,861,782 | 16,395,400 | -315,600 | 16,079,800 | + 428,600 | 16,508,400 |

Object Summary of Cost and Obligation Adjustments in Base
Inspection for Admission into the United States

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other Obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 22 Transportation of things | - 5,100 | - | - 5,100 |
| 24 Printing and reproduction | - | - 209 | - 209 |
| 25 Other services | - 7,000 | - 684 | - 7,684 |
| 26 Supplies and Materials | - | - 154 | - 154 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | - 75,400 | - 607 | - 76,007 |
| 32 Lands and structures | -228,100 | -114,741 | -342,841 |
| Total | -315,600 | -116,395 | -431,995 |

## FORCE AND WORKLOAD
## INSPECTION FOR ADMISSION INTO THE UNITED STATES

| | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| **Positions** | | | | | |
| Supervisory | 89 | 93 | 91 | 91 | 91 |
| Officers | 1,097 | 1,146 | 1,114 | 1,169 | 1,169 |
| Clerical | 416 | 440 | 476 | 477 | 477 |
| Detention officers | 12 | 9 | 8 | 8 | 8 |
| Custodial | 3 | 2 | 2 | 2 | 2 |
| Central Office | 37 | 38 | 42 | 42 | 42 |
| Total permanent positions | 1,654 | 1,728 | 1,733 | 1,789 | 1,789 |
| Average permanent employees | 1,588 | 1,608 | 1,654 | 1,686 | 1,677 |
| Average number of all employees | 1,630 | 1,663 | 1,716 | 1,765 | 1,756 |
| **Workload** | | | | | |
| Border Crossers | 149,657,907 | 154,034,400 | 160,294,175 | 168,304,000 | 175,945,000 |
| Aliens | 84,127,330 | 88,991,881 | 92,259,659 | 96,172,000 | 100,806,000 |
| Citizens | 65,530,577 | 65,042,519 | 68,034,516 | 72,132,000 | 75,139,000 |
| Other aliens admitted | 1,907,740 | 2,255,630 | 2,340,720 | 2,517,000 | 2,784,000 |
| Other citizens admitted | 2,579,406 | 2,698,083 | 2,805,866 | 3,360,000 | 3,844,000 |
| Aliens denied entry on primary inspection | 146,043 | 148,436 | 158,738 | 172,200 | 183,200 |
| Special inquiry hearings (exclusion) | 1,210 | 1,464 | 2,599 | 1,900 | 2,000 |
| Crewmen examined (arrived) | 2,550,634 | 2,530,961 | 2,560,884 | 2,589,000 | 2,617,000 |
| Aliens | 1,692,893 | 1,707,992 | 1,746,339 | 1,760,000 | 1,779,000 |
| Citizens | 857,741 | 822,969 | 814,545 | 828,500 | 837,600 |
| Vessels boarded (arrived) | 64,293 | 67,064 | 67,680 | 70,000 | 73,000 |
| Aircraft examined (arrived) | 167,772 | 176,029 | 173,312 | 175,000 | 175,000 |
| Stowaways found on arriving vessels | 316 | 240 | 213 | 300 | 300 |
| Visa petitions | 62,379 | 81,542 | 77,301 | 82,600 | 85,100 |
| Extensions of temporary stay | 143,432 | 158,043 | 182,179 | 201,000 | 216,300 |
| Applications, waiver of excludability | 2,326 | 2,171 | 1,850 | 1,700 | 1,700 |
| Change of nonimmigrant status | 6,848 | 7,737 | 11,220 | 9,600 | 9,900 |
| Change from nonimmigrant to immigrant status | 13,316 | 14,875 | 13,520 | 16,400 | 17,500 |
| Petitions to import | 8,054 | 10,153 | 12,146 | 13,300 | 13,800 |
| Creation of record of admission | 5,033 | 5,363 | 5,711 | 6,200 | 6,500 |

## 1. INSPECTION FOR ADMISSION INTO THE UNITED STATES

| | |
|---|---|
| Appropriation base | $16,079,800 |
| Budget estimate | 16,508,400 |
| Increase in the budget estimate over the appropriation base | 428,600 |

Persons arriving or destined to arrive in the United States are inspected for the purpose of determining whether they are citizens or aliens and, if they are determined to be aliens, whether they are admissible under the immigration laws. Persons arriving by means of aircraft, vessel, rail, bus, and private vehicles, as well as afoot, are inspected at the border ports, seaports, or airports designated by the Service. Where practicable and permissible inspections are performed abroad prior to the traveler's departure for the United States. In some instances inspection of ship passengers is performed en route. Categorically, those persons seeking to enter are either citizens (or nationals) of the United States or aliens such as immigrants (quota or nonquota), visitors, students, transits, returning residents, officials of foreign governments and members of their families, suites, etc. The inspection activity includes:

(1) Examining the carriers' passenger and crew manifests, all types of documents, such as visas, reentry permits, border crossing cards, and other travel documents; interrogation of persons applying for admission to the United States;

(2) Checking arrivals against a "lookout" system in which are recorded the names and available information concerning aliens known or believed to be excludable from the United States on security or other grounds, and cases of interest to other government agencies;

(3) Holding inquiry hearings to determine admissibility;

(4) All work in connection with admission; parole into the United States; extension of stay; change of status; preparation and issuance of immigration documents to visitors, students, transits, etc., visa petitions and permission to reapply;

(5) Exercise of discretionary authority to waive grounds of inadmissibility under Section 211 and 212 of the Immigration and Nationality Act.

Previous Year Performance

International Travel. The principal workload areas of the Service are centered around international travel. The upward trend which began with the close of World War II showed no sign of abating during the past fiscal year. There was an increase of 4.1% in total international travel to the United States over the fiscal year 1960. Passenger arrivals by sea and air increased 7.7% and entries over land boundaries increased by 4%. The following comparative figures show the continued upward trend on the two principal items of international travel:

| Fiscal year | Entries over land boundaries | Passenger arrivals by sea and air (excluding crewmen, military personnel, and traffic from insular possessions) |
|---|---|---|
| 1954 | 114,456,153 | 1,612,767 |
| 1955 | 119,763,360 | 1,839,156 |
| 1956 | 129,656,312 | 2,071,130 |
| 1957 | 137,590,261 | 2,338,768 |
| 1958 | 144,298,007 | 2,427,540 |
| 1959 | 149,632,404 | 2,865,567 |
| 1960 | 154,034,400 | 3,111,530 |
| 1961 | 160,294,175 | 3,360,292 |

While there was a 1.5 % decrease in the number of aircraft inspected by immigrant inspectors during the last fiscal year (173, 312) compared to the previous year (176, 029) the difference in the payload of new jets is reflected in the increased passenger figures.

Over 250,000 more air passengers were inspected during the fiscal year 1961 than in the fiscal year 1960. Entry on primary inspection was denied in the cases of 158,738 aliens and hearings by special inquiry officers were conducted in 2,599 cases to determine whether arriving aliens should be allowed to enter or should be excluded and deported.

The total volume of aliens admitted with documents also continued on an upward trend, increasing about 6.1% over the year before. The trend of such admissions is shown as follows:

| | Aliens Admitted | | |
|---|---|---|---|
| Fiscal year | Immigrant | Nonimmigrant | Total |
| 1954 | 208,177 | 566,613 | 774,790 |
| 1955 | 237,790 | 620,946 | 858,736 |
| 1956 | 321,625 | 686,259 | 1,007,884 |
| 1957 | 326,866 | 758,859 | 1,085,725 |
| 1958 | 253,265 | 847,764 | 1,101,029 |
| 1959 | 260,686 | 1,024,945 | 1,285,631 |
| 1960 | 265,398 | 1,140,736 | 1,406,134 |
| 1961 | 271,344 | 1,220,315 | 1,491,659 |

Authorizations. This term refers to action upon the various types of applications relating to admission and status. Examples are visa petitions, petitions to import temporary workers, applications for border crossing cards, crewmen's landing permits, reentry permits, adjustment of status, extensions of temporary stay, duplicate alien laborer's cards, duplicate alien registration cards, permission to

reapply, change of non-immigrant status, school approvals, student employment, waiver of inadmissibility or excludability, etc.

While the number of aliens who changed from non-immigrant to immigrant status decreased from a total of 14,875 in 1960 to 13,520 in 1961, the responsibility as well as the workload of the Service was greatly increased by virtue of enactment of Public Law 86-648 (Act of July 14, 1960).

The significant increases during the last fiscal year in applications for permission to reapply, extensions of stay, changes in non-immigrant status, and petitions to import temporary workers are shown as follows:

| | 1960 | 1961 |
|---|---|---|
| Applications for Permission to Reapply | 4,839 | 6,321 |
| Extensions of Stay | 158,043 | 182,179 |
| Change in Non-immigrant Status | 7,737 | 11,220 |
| Petitions to Import Temporary Workers | 10,153 | 12,146 |



Performance of Functions Abroad. Upon passage of the Act of July 14,1960, the Refugee Parole Program was instituted in Germany, Austria, Italy, France, and Greece. These countries had been declared by the Department of State to have refugee situations. Lebanon and Belgium were later added. The Service office

was reopened in Vienna to handle the program in Austria and Belgium. By June 30, 1961, 10,761 registrations had been received. 7,264 registrants were found qualified and 2,368 applications were rejected or otherwise closed. The number of registrations for the coming year should remain about the same as the past year. 3,892 cases were referred to the Intergovernmental Committee for European Migration and 2,932 arrived in the United States.

Service offices abroad received 846 petitions to classify aliens as eligible orphans in cases where the adoptive or prospective adoptive parents were physically outside the United States when the petitions were filed. Also 1,069 requests were received by offices overseas to conduct inquiries and investigations concerning children in whose behalf petitions were filed in the United States.

Visa petitions, waivers of inadmissibility, both as non-immigrants and immigrants, applications for duplicate alien registration receipt cards, extension of reentry permits, and preinspection of Philippine laborers for Guam were received at about the same rate as last year. The preinspection of air passengers in Nassau and Bermuda continues to increase. Well qualified Service officers stationed abroad where they can act more expeditiously and efficiently on matters predicated upon information from sources where they are located will continue to be most beneficial to Service operations.

Cuban Refugees. Since January 1, 1959, there has been a continuing disenchantment with the Castro regime in Cuba, bringing about an influx of refugees from that country. They arrive directly from Cuba by common carrier, small boats, commandeered aircraft, and from Mexico, after having made their way to that country from Cuba. By the close of the fiscal year, the Service had processed 62,190 such Cubans.

Orphan Petitions. The Act of July 14, 1960 (74 Stat. 505) extended to June 30, 1961, legislation which provides for the issuance of special nonquota visas to eligible orphans. 2,419 petitions, an increase of 19% over the fiscal year 1960 were approved during the year. Public Law 87-301 added to the basic Immigration and Nationality Act provisions for special admission of eligible orphans as nonquota immigrants. Authorization was made for the issuance of special nonquota immigrant visas to certain orphans where the visa petition was approved by (or was pending before) the Attorney General prior to September 30, 1961.

Crewman Landing Cards. Over 366,649 laminated crewman cards have been issued since the program began on May 1, 1958, 121,556 having been issued during the fiscal year 1961. The program, entailing issuance of a laminated identification card after appropriate security clearance, will receive continued emphasis at all ports including those on the Great Lakes at which overseas vessels arrive.

Preinspection. Preinspection abroad expedites international travel. It is in effect in Winnipeg, Toronto, Montreal, Vancouver, B. C., Bermuda, Nassau, Guam, and Puerto Rico in the case of air passengers, and in Victoria, B. C. and Bermuda in the case of ship passengers. The Service has consistently favored completion of inspection and a determination of admissibility before the arrival of an applicant at a port of entry, and now with larger jet planes capable of flying non-stop, thousands of miles with interior cities as their destination, the need for extending the preinspection procedure into additional locations is becoming more urgent.

En Route Inspection. En route inspection, which has much the same advantages and accomplishes much the same results as pre-departure inspection, is carried out on steamship lines operating between Yokohama and Honolulu; the Fiji Islands and Honolulu; Vancouver, B. C., and San Francisco; and on some railroad lines operating between Canada and the United States. The Service is prepared to make en route inspection available to any other interested transportation line on which such inspection is feasible.

Importation of Mexican Agricultural Workers. Importation of Mexican agricultural workers during the fiscal year 1961 reflects a decrease of 31% in the number of agricultural workers admitted under this program. Admissions during the year totaled 294,149.

Revenue. Federal revenue is derived from administrative fines and penalties in connection with items such as (a) bringing aliens to the United States without visas, (b) failure to manifest or improper manifesting of arriving and departing persons, and (c) failure to prevent illegal landing of alien stowaways and crewmen. In the fiscal year 1961, this revenue amounted to $245,880. Fees for applications, permits, and other actions relating to admission to the United States or eligibility to remain, amount to $3,000,000 annually. All such funds are covered into the general fund of the Treasury and are not available for obligation.

Training. Two four-week basic training courses were conducted in Washington, D. C., for journeyman Immigrant Inspectors. A total of 49 officers attended the course which emphasized techniques of inspection and analysis of the law.

Program Outlook

Inspection Volume. With the enactment of "The International Travel Act" (Public Law 87-63) which seeks to encourage international travel, aeronautical advances resulting in larger and more efficient airplanes, and continued and improved service by ocean-going vessels, it is anticipated that international travel will continue to increase. New roads and road improvements under the impetus of the Federal Highways Act will add to the volume of border crossing traffic. The trend in the volume of arrivals requiring inspection, established by the last few years and projected for 1962 and 1963, is shown as follows:

| | Arrived and Inspected (in millions) | | |
|---|---|---|---|
| Fiscal Year | Aliens | Citizens | Total |
| 1955 | 64.5 | 61.0 | 125.5 |
| 1956 | 72.4 | 64.2 | 136.6 |
| 1957 | 78.0 | 66.7 | 144.7 |
| 1958 | 82.6 | 68.9 | 151.5 |
| 1959 | 87.9 | 69.0 | 156.9 |
| 1960 | 92.9 | 68.6 | 161.5 |
| 1961 | 96.1 | 71.0 | ~~167.1~~ 168.0 |
| 1962 est. | 100.4 | 76.3 | ~~176.9~~ 176.8 |
| 1963 est. | 105.4 | 79.8 | 185.2 |

Specific factors pointing to continued increase in international travel and related matters are listed as follows:

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## Jet Air Service

Delivery of larger jets to the major airlines has increased seating capacity and enabled airlines to emphasize and promote tourist traffic. The impact of jets on Service operations is receiving careful study with regard to staffing needs and airport facilities.

## Airports

Work at the Dulles International Airport, Washington, D. C., is progressing and the airport should begin operations early in the Fiscal Year 1963. It is expected to become a major airport of entry for overseas flights.

Daily jet flights from overseas have been inaugurated at Philadelphia and Baltimore, and a new international terminal is under construction at Baltimore. While Chicago's international airport at O'Hare field is in operation, work on many of its facilities continues and it is expected to become one of the larger international air terminals in the United States.

The inspection facilities at the new 30-million dollar terminal at Montreal Airport have been improved and a new inspection facility at Newark Airport has been completed to accommodate arrivals diverted there in emergencies. Improved inspection facilities at Anchorage are in the process of construction. Also, a new inspection facility is in the planning stage for Boston.

The "International Satellite Airport" facility at Los Angeles will be ready for occupancy by January 1962, as will the new international airport at Honolulu. Construction at the San Francisco Airport of a larger inspection area should begin in the near future.

Facilities for inspection of international air passengers are being built at Dallas. Aeronaves de Mexico has begun service from Mexico City to Tucson. Air-India and Philippine Airlines are negotiating for a franchise to provide service to Honolulu.

## Land Ports

During the fiscal year 1962, bridges and border inspection stations at Lewiston and Ogdensburg, New York, and Lubec, Maine, will be completed.

A new crossing point for trucks will be open at Calexico, California, in the near future and a new inspection facility at Brownsville, Texas, has been completed. A new port building at Hidalgo will also be completed early in the fiscal year 1962. New port buildings for Nogales, Arizona, and Cordova Island, Texas (El Paso) are in planning stages with construction to commence in the fiscal years 1962 or 1963. There have also been new border inspection stations erected at Massena, New York; Derby Line, Vermont; and Jackman, Van Buren, and Vanceboro, Maine.

## St. Lawrence Seaway

Due to inadequate docking and freight handling facilities, and insufficient depth of some harbors the impact of the St. Lawrence Seaway has not been fully realized. Shipping tonnage as well as the number of arriving vessels was less than forecast by port authorities and the shipping industry. Corrective action regarding physical shortcomings is being taken but it is believed that the full impact of the Seaway traffic on Service manpower requirements will not be felt until the 1963 shipping season.

Authorizations. A change in regulation which limits the use of alien registration receipt Form I-151 as an entry document after travel to certain iron curtain countries will bring about an increase in the number of reentry permits issued. With the expected increase in the number of aliens visiting the United States, it is anticipated that the number of immigrant visa petitions and applications for adjustment of status will increase.

It is anticipated that there will be a substantial increase in applications for permission to reapply after deportation. Such increase will stem from a regulation change which removed the blanket permission given those aliens who were deported prior to March 1, 1959, who have close relatives in the United States.

Preinspection. Since larger jet planes are capable of flying non-stop thousands of miles, interior cities have become important ports of entry, e.g., Detroit, Chicago and Houston. The problem of staffing such ports has become a matter of concern and studies are being made regarding the possibility of expanding existing as well as creating new preinspection stations abroad.

INCREASE--$428,600

| | | |
|---|---|---|
| A. Passenger vehicle replacements (36): | | |
| Vehicles | $62,300 | |
| Freight | 5,000 | $ 67,300 |
| B. Mandatory salary advancements | | 131,700 |
| C. Repairs and alterations, immigration stations | | 4,600 |
| D. Border inspection stations | | 225,000 |
| Total | | $ 428,600 |



A. Passenger Vehicle Replacements (36)--Increase $67,300

B. Mandatory Salary Advancements--Increase $131,700

C. Repairs and Alterations, Immigration Stations--Increase $4,600

The total amounts requested for each of the foregoing items are tabulated in detail and justified in full in that part of the justifications dealing with multiactivity items. The increases referred to here represent the applicable portions chargeable to the Inspection Activity.

D. Border Inspection Stations--Increase $225,000

There is an urgent need for more suitable buildings and adjunct facilities for the inspection of aliens entering the United States across the land boundaries. At many locations the only quarters available for immigration and customs inspection are in rented buildings so situated that inspection is accomplished only by voluntary appearance of the entrant. It is estimated that approximately 25% of border crossers in these areas fail to make their appearance at the inspection point. At other places the buildings are inadequate and disgraceful in appearance.

A complete listing of required projects and estimated costs has been developed in cooperation with the Bureau of Customs under the guidance of the Bureau of the Budget. New or enlarged inspection facilities are required at 26 locations where action can be taken by the two Services under the Act of June 26, 1930, as amended (46 Stat. 817; 54Stat. 1091; 65 Stat. 336; 70 Stat. 159; 74 Stat. 130). This law authorizes the Secretary of the Treasury and the Attorney General to expend from appropriations for the Customs and Immigration and Naturalization Services not to exceed $40,000, from each appropriation, for any one project, covering sites and buildings to provide better facilities for law enforcement at points along the borders at which no Federal or other buildings adapted or suitably located for the purpose are available. This estimate provides for construction at 6 locations during the fiscal year 1963.

When actual construction takes place the cost will vary from one location to another depending on local pay scales, sub-surface conditions, availability of utility lines, site preparation, etc. However, the overall estimate has been developed on the basis of average conditions as follows:

| | Sq. Ft. | Unit | Amount |
|---|---|---|---|
| Station building | 1,100 | 18 | $20,000 |
| Canopy | 500 | 12 | 6,000 |
| Site, utility installation, etc. | | | 7,500 |
| Grading, approaches and driveways | | | 6,500 |
| Total for station without living quarters | | | 40,000 |
| Cottage | 1,200 | 15 | 18,200 |
| Garage | 288 | 6 | 1,800 |
| Total for living quarters (within limitation) | | | 20,000 |
| Appliances (excluded from limitation): | | | |
| Per cottage | | | 1,250 |
| Per station building | | | 1,000 |

The units for appliances relate to items which are required but are not chargeable to the statutory limitation of $80,000 for sites and buildings. The entire border inspection station program recommended for the fiscal year 1963 is summarized hereunder.

| Location | Cost of Station | Cottages No. | Cottages Amount | Appliances | Total Cost | I&N Cost |
|---|---|---|---|---|---|---|
| 1. Morgan, Montana | $40,000 | 2 | $40,000 | $3,500 | $83,500 | $41,750 |
| 2. Walhalla, North Dakota | 40,000 | 2 | 40,000 | 3,500 | 83,500 | 41,750 |
| 3. Carbury, North Dakota | 40,000 | 2 | 40,000 | 3,500 | 83,500 | 41,750 |
| 4. Warroad, Minnesota | 65,600 | - | - | 1,000 | 66,600 | 33,300 |
| 5. Hansboro, North Dakota | 40,000 | 2 | 40,000 | 3,500 | 83,500 | 41,750 |
| 6. Northgate, North Dakota | 48,400 | - | - | 1,000 | 49,400 | 24,700 |
| | 274,000 | | 160,000 | 16,000 | 450,000 | 225,000 |

1. MORGAN, MONTANA

The present inspection facilities at Morgan consist of a house trailer used as an office and two residences that have been moved into the site. The residences are not suitable for continued use. The installation is located on a Government-owned site at the border. About 12,000 persons enter this port annually. Port hours are 8:00 a.m. to 9:00 p.m., and it is manned by one immigration officer and one customs officer. It is proposed to construct a new office building and two cottages for personnel.

2. WALHALLA, NORTH DAKOTA

Present space is located in a rented building situated in the village of Walhalla, five miles south of the border. Between the inspection station and the border there are five intersecting roads. Annual arrivals total approximately 66,000. Port hours are 9:00 a.m. to 10:00 p.m., manned by one immigration officer and one customs officer. A 5-acre site at the border is owned by the Government. It is proposed to construct an office building and two cottages for personnel on this site.

3. CARBURY, NORTH DAKOTA

The present station is located in a small rented frame building without modern conveniences about 8 miles from the border. There are two lateral roads intersecting the highway between the inspection station and the border. Approximately 18,000 persons enter annually. Port hours are 9:00 a.m. to 10:00 p.m., and it is manned by one immigration officer and one customs officer. The Government owns a 5-acre tract at the border. It is proposed to construct an office building and two cottages for the personnel on this site.

4. WARROAD, MINNESOTA

The present facility is located in a trailer near the border. Approximately 44,000 persons annually enter the United States through this installation. Port hours are 8:00 a.m. to 9:00 p.m. daily. The station is manned by two immigration officers and one customs officer (who are also responsible for inspecting persons entering the country by passenger trains). It is proposed to acquire a site and construct an office building at the border. The highway at Warroad will serve as a link in the Great River Road System northward to the border with a connection to the Trans-Canada Highway and will result in an increase of traffic at the Warroad inspection station.

## 5. HANSBORO, NORTH DAKOTA

Present space is in a rented building located in the village of Hansboro (population 130), four and one-half miles south of the border. There are four intersecting roads, including a county highway, between the present inspection point and the border. Annual arrivals are approximately 30,000. Port hours are 9:00 a.m. to 10:00 p.m., manned by one immigration officer and one customs officer. It is proposed to construct an office building at the border and two cottages for personnel on a site Customs is in the process of acquiring.

## 6. NORTHGATE, NORTH DAKOTA

Inspections are presently conducted in a Government-owned building at the border in Northgate (population 65). The State of North Dakota is planning the construction of North Dakota State Route No. 28 from the border south to North Dakota No. 5 during 1962. The new highway will be located approximately one-half mile west of the present road. When completed, the existing highway will be closed at the border. The present station is approximately 25 years old and its condition would require early replacement in any event. Approximately 50,000 persons are admitted annually at this port.

TABLE "2" -- DETENTION AND DEPORTATION

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Permanent positions | 513 | 531 | - | 531 | - | 531 |
| Average number of all employees | 499 | 503 | - 8 | 495 | + 5 | 500 |
| 10 PERSONAL SERVICES AND BENEFITS: | | | | | | |
| 11 Personnel Compensation: | | | | | | |
| Total permanent | $3,229,642 | $3,346,166 | $+49,600 | $3,395,766 | $ - | $3,395,766 |
| Deduct lapses | 163,514 | 194,666 | +49,600 | 244,266 | -33,300 | 210,966 |
| Net permanent | 3,066,128 | 3,151,500 | - | 3,151,500 | +33,300 | 3,184,800 |
| Temporary employment | 10,057 | 10,000 | - | 10,000 | - | 10,000 |
| Intermittent employment | 12,968 | 13,000 | - | 13,000 | - | 13,000 |
| Regular pay above 52-week base | 12,400 | - | - | - | - | - |
| Overtime | 123,836 | 123,800 | - | 123,800 | - | 123,800 |
| Holiday pay | 17,872 | 19,700 | - | 19,700 | - | 19,700 |
| Nightwork differential | 23,508 | 23,500 | - | 23,500 | - | 23,500 |
| Additional pay for service abroad | 451 | 500 | - | 500 | - | 500 |
| Casual workers | 12,369 | 12,400 | - | 12,400 | - | 12,400 |
| Pay of detainees | 2,209 | 2,200 | - | 2,200 | - | 2,200 |
| Rewards | 10,665 | 10,700 | - | 10,700 | - | 10,700 |
| Witness fees | 844 | 900 | - | 900 | - | 900 |
| Payments to other agencies for reimbursable details | 3,575 | 3,600 | - | 3,600 | - | 3,600 |
| Total - Personnel Compensation | 3,296,882 | 3,371,800 | - | 3,371,800 | +33,300 | 3,405,100 |

TABLE "2" -- DETENTION AND DEPORTATION

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS (contd.) | | | | | | |
| 12 Personnel Benefits: | | | | | | |
| Foreign quarters allowance | 580 | 500 | - | 500 | - | 500 |
| Allowance for uniforms | 21,551 | 21,600 | - | 21,600 | - | 21,600 |
| Group life insurance, Government contribution | 10,531 | 10,700 | - | 10,700 | + 200 | 10,900 |
| F.I.C.A. taxes, Government contribution | 5,487 | 5,500 | - | 5,500 | - | 5,500 |
| Incentive Awards | 1,499 | 1,500 | - | 1,500 | - | 1,500 |
| Employees Health Benefits Act | 28,554 | 30,000 | - | 30,000 | - | 30,000 |
| Payments to retirement fund, Government contribution | 188,586 | 200,000 | - | 200,000 | + 2,100 | 202,100 |
| Total - Personnel Benefits | 256,788 | 269,800 | - | 269,800 | + 2,300 | 272,100 |
| 10 Total Personal Services and Benefits | 3,553,670 | 3,641,600 | - | 3,641,600 | +35,600 | 3,677,200 |

TABLE "2" -- DETENTION AND DEPORTATION

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 583,246 | 666,600 | - | 666,600 | - | 666,600 |
| 22 Transportation of things | 16,429 | 13,900 | - 100 | 13,800 | + 100 | 13,900 |
| 23 Rent, communications and utilities | 111,637 | 107,400 | - | 107,400 | - | 107,400 |
| 24 Printing and reproduction | 14,102 | 15,239 | - 839 | 14,400 | - | 14,400 |
| 25 Other services | 668,306 | 695,157 | - 9,057 | 686,100 | + 3,300 | 689,400 |
| Services performed by other government agencies | 15,315 | 15,900 | - | 15,900 | - | 15,900 |
| 26 Supplies and materials | 320,085 | 325,458 | - 158 | 325,300 | - | 325,300 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 53,526 | 14,682 | - 2,382 | 12,300 | + 1,800 | 14,100 |
| 32 Lands and structures | 648 | 9,300 | - 9,300 | - | + 700 | 700 |
| 40 GRANTS AND FIXED CHARGES | | | | | | |
| 44 Refunds | 2,544 | 2,600 | - | 2,600 | - | 2,600 |
| Total other costs | 1,785,838 | 1,866,236 | -21,836 | 1,844,400 | + 5,900 | 1,850,300 |
| Total costs | 5,339,508 | 5,507,836 | -21,836 | 5,486,000 | +41,500 | 5,527,500 |
| Costs financed from obligations of other years, net (-) | - | - 2,136 | + 2,136 | - | - | - |
| Obligations incurred for costs of other years, net | 12,171 | - | - | - | - | - |
| Total obligations | 5,351,679 | 5,505,700 | -19,700 | 5,486,000 | +41,500 | 5,527,500 |

Object Summary of Cost and Obligation Adjustments in Base
Detention and Deportation

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other Obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 22 Transportation of things | - 100 | | - 100 |
| 24 Printing and reproduction | - | - 839 | - 839 |
| 25 Other services | - 8,500 | - 557 | - 9,057 |
| 26 Supplies and materials | - | - 158 | - 158 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | - 1,800 | - 582 | - 2,382 |
| 32 Lands and structures | - 9,300 | - | - 9,300 |
| Total | -19,700 | -2,136 | -21,836 |

## FORCE AND WORKLOAD
## DETENTION AND DEPORTATION

| | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| **Positions** | | | | | |
| Supervisory | 21 | 22 | 21 | 21 | 21 |
| Officers | 116 | 116 | 117 | 117 | 117 |
| Clerical | 155 | 181 | 143 | 161 | 161 |
| Detention officers | 204 | 187 | 186 | 186 | 186 |
| Custodial | 14 | 11 | 12 | 12 | 12 |
| Central office | 34 | 34 | 34 | 34 | 34 |
| Total permanent positions | 544 | 551 | 513 | 531 | 531 |
| Average permanent employees | 522 | 499 | 493 | 497 | 494 |
| Average number of all employees | 526 | 504 | 499 | 503 | 500 |
| **Workload** | | | | | |
| Aliens expelled: | | | | | |
| Deported (entered w/visa) | 2,165 | 1,762 | 2,199 | 2,300 | 2,500 |
| Deported (entered wo/visa) | 5,823 | 5,067 | 5,239 | 5,300 | 5,500 |
| Required to depart | 13,713 | 10,559 | 15,535 | 16,000 | 16,800 |
| Required to depart (entered wo/visa) | 42,897 | 42,237 | 36,848 | 38,000 | 39,200 |
| Total expelled | 64,598 | 59,625 | 59,821 | 61,600 | 64,000 |
| Indigent aliens returned to their native land at their own request | 67 | 95 | 143 | 100 | 100 |
| Orders to show cause served | 11,587 | 11,817 | 17,252 | 18,500 | 19,000 |
| Warrants of arrest served | 6,674 | 6,694 | 10,072 | 12,000 | 12,000 |
| Hearings conducted | 12,446 | 11,615 | 13,004 | 14,000 | 15,000 |
| Average number of aliens in detention | 968 | 770 | 791 | 800 | 800 |
| Aliens released on recognizance | 916 | 1,705 | 1,782 | 1,900 | 2,000 |
| Aliens placed on bond | 837 | 665 | 524 | 500 | 500 |
| Aliens placed under supervision | 1,362 | 1,542 | 3,213 | 2,000 | 2,000 |
| Unexecuted final orders of deportation pending at end of year | 5,659 | 5,708 | 5,749 | 6,000 | 6,000 |
| Reports in private bill cases | 1,663 | 1,473 | 1,462 | 1,750 | 1,785 |

## 2. DETENTION AND DEPORTATION

| | |
|---|---|
| Appropriation base | $5,486,000 |
| Budget estimate | 5,527,500 |
| Increase in the budget estimate over the appropriation base | 41,500 |

Obligations under this activity include salaries and other expenses for the detention, deportation and parole of aliens. This activity begins at the time an order to show cause is served upon an alien and continues until deportation is effected or proceedings are otherwise terminated. The legal and obligatory responsibilities include:

(1) Conducting hearings in the cases of aliens alleged to be in the United States unlawfully;

(2) Issuing and executing warrants of deportation;

(3) Procurement of travel documents and transportation facilities;

(4) Custody of aliens under deportation proceedings, removal proceedings or pending determination of admissibility; their care, maintenance, hospitalization, etc.;

(5) Release of aliens from custody under recognizance or bond or supervision, imposing reasonable restrictions, and exercise of control to determine compliance therewith;

(6) Removal of aliens from the United States;

(7) Transportation of aliens from one point to another within the United States while under deportation or other removal proceedings;

(8) Guarding aliens while being transported or while in detention;

(9) The operation and maintenance of detention facilities;

(10) Verification of departure of aliens if removed under deportation or similar processes.

Previous Year Performance

Expulsions. Continued attention is being given to procedures by which aliens in this country in an illegal status may be promptly expelled, and deterred from illegal reentry. When satisfactory assurances of the capability and intent to depart are obtained, many deportable aliens are allowed to depart without formal proceedings. In those cases where the alien lacks funds with which to depart, lacks the documents necessary for entry into another country, or is unable to establish a genuine intent to promptly depart, formal deportation proceedings are instituted.

As predicted, the number of aliens formally deported increased in the fiscal year 1961, over the previous year when a decrease occurred. The number of persons required to depart decreased at a rate considerably less than in recent years principally as a result of the increase in the number of aliens apprehended as explained in Section 4 under Border Patrol.

| | 1958 | 1959 | 1960 | 1961 |
|---|---|---|---|---|
| Formal deportations | 7,142 | 7,988 | 6,829 | 7,438 |
| Required to depart | 60,600 | 56,610 | 52,796 | 52,383 |



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Efforts to cope with the problem presented by crewmen desertions and to effect the expulsion of all classes of aliens in illegal status promptly before they have acquired "equities" as a result of mere continued illegal presence in this country, have been highly successful. This program constitutes a significant deterrent to repeated attempts to gain residence in this country by illegal means.

Criminal, immoral, narcotic, and subversive cases. 677 aliens were deported on criminal, immoral, or narcotic charges and 6 were deported on subversive charges or were aliens with subversive background.

On April 4, 1961, Carlos Marcello, famed New Orleans racketeer and kingpin, was deported to Guatemala. This culminated an eight year effort by the government to expel him. His abuse of the legal process to frustrate enforcement of the order of deportation had previously been successful. However, in his suit before the High Tribunal of Rome, which asked for a declaration of non-citizenship of Italy, he had furnished the authorities abroad a birth certificate reflecting that he was a native of Guatemala. As soon as this came to light, his deportation became possible. However, he surreptitiously returned to the United States and on June 5, 1961, he was again taken into Service custody for deportation purposes. He was released on two bonds of $10,000 each pending deportation and criminal proceedings for illegal entry. He has also been indicted on charges of perjury in an affidavit submitted to the United States District Court, District of Columbia, and conspiracy to defraud the Government.

Michele Abati, former member of the Detroit Purple Gang and a member of the organized crime syndicate in California, was finally deported to Italy on July 8, 1961. This ended his seven-year fight against deportation.

Subversive aliens deported during the year included Panagiotis Veliotis, who served as Executive Secretary of the OENO, the Communist controlled and dominated Federation of Greek Maritime Unions. Veliotis had entered the United States illegally in 1948. After intensive investigations, he was located and arrested by Service investigators on February 14, 1961, and deported to Czechoslovakia on March 2, 1961.

Deported to Poland on August 26, 1960, was Zeny Grzelewski, former Literature Agent for the Communist Party, West Side Section, Detroit, Michigan. Deported on subversive grounds were Hamish Scott MacKay, a Canadian citizen and Willia Nuikkanen, of Finland. In each instance, the deportation charge was premised on membership in the Communist Party. These expulsions finally brought to an end proceedings which were contested administratively and in the courts for many years.

Deportation of Mentally or Physically Ill Aliens. The Service airplane which is especially equipped with medical facilities to cope with the in-flight needs of mental patients continues to play an important role in the return of mentally ill aliens to their homeland. It is also used to return criminal deportees for whom commercial transportation is difficult to obtain. During the fiscal year 1961, 49 mentally incompetent aliens were deported or removed by the Service aircraft. Their care in institutions in the United States had already cost over $228,000. Had they continued

to remain in these institutions for the extent of their life expectancy, the anticipated public expenditure in their behalf would have exceeded $2,000,000. In addition to the mentally incompetent, the Service aircraft transported overseas 125 other aliens being deported or removed from the United States. On return flights, the plane carried refugees and United States citizens who had become ill or stranded abroad and were being returned to the United States by the Department of State.

Expulsion of Aliens to Mexico. Transportation by contract airlift to Mexico of 6,543 violators of the immigration laws was accomplished last fiscal year. These movements were staged from the detention facility at McAllen, Texas, and terminated at Leon Guanajuato.

Also 3,565 violators were assembled at the detention station at El Paso, Texas, moved to Presidio, Texas, by bus, and transferred to trains at Ojinaga, Mexico, provided by the Mexican Government for transportation south into Mexico.



Private Bills. The 2,207 bills introduced during the fiscal year 1961 represent a 12% increase over the fiscal year 1959, which includes a comparable first session of Congress. The major source of private bills continues to be oversubscribed quotas, such as the quota for Italy, the quota for Chinese persons, the quota for Greece, and the quota for Poland. A survey of bills introduced in the 1st session of the 87th Congress reveals that 75% are designed to permit the immigration of aliens to whom quota numbers are not available. In contrast to the 2,207 introduced during the fiscal year 1961 are the 151 bills enacted, 60% less than the fiscal year 1959. This contrast is greater when compared to prior years in the following table:

UNIT WORKLOAD CYCLE BY FISCAL YEAR

| | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | Est. 1962 | Est. 1963 |
|---|---|---|---|---|---|---|---|---|---|
| Bills introduced | 3099 | 1474 | 3144 | 1217 | 1963 | 1118 | 2207 | 1250 | 2100 |
| Service requested to submit reports | 2524 | 1370 | 2866 | 1194 | 1773 | 994 | 2029 | 1100 | 1800 |
| Bills enacted | 201 | 573 | 647 | 501 | 374 | 367 | 151 | 375 | 315 |

The fiscal year estimates for 1962 and 1963 follow the usual up and down pattern caused by heavy introductions during the first session of every Congress of bills not reached for consideration during the past Congress. Special emphasis has been placed upon keeping the Judiciary Committees apprised as to the current immigration status of pending private bill cases and reporting, as they occur, developments which might materially affect the Committee's consideration of these bills. Increasing Service activity in this regard is reflected in the large number of supplemental reports. Results of a similar special program conducted last year to identify administrative remedies for private bill beneficiaries are reflected in a survey of bills introduced in the 87th Congress which revealed that but 7% were unnecessary. Substantial progress is demonstrated when compared with similar surveys showing 11% unnecessary in the 86th Congress and 28% in the 85th Congress.

Program Outlook

The Government has embarked on a program to encourage tourists to visit the United States. It is expected that there will be a substantial increase in the number of temporary visitors arriving here. There is certain to be a concurrent rise in the number of aliens violating their status, resulting in an increase in the number of deportations and related actions in the Detention and Deportation activity.

The increasing emphasis on investigative search work under the investigation activity, coupled with the continued rigid enforcement measures relating to alien crewmen, will add to overseas deportations. From a work standpoint, the overseas nationalities present the greatest problem. The need for custodial status throughout the period from apprehension to deportation, the difficulty in obtaining documentation, complexities of arranging transportation, and the increased cost of all these are factors in the situation. The following table shows for recent years the analysis of formal deportations by principal area of destination:



| | Percentage Distribution of Deportations by Area of Destination | | | | | |
|---|---|---|---|---|---|---|
| | F.Y. 1956 | F.Y. 1957 | F.Y. 1958 | F.Y. 1959 | F.Y. 1960 | F.Y. 1961 |
| All countries | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| Europe | 13.5 | 21.4 | 22.8 | 25.0 | 22.5 | 22.5 |
| Asia | 3.6 | 6.2 | 4.2 | 3.8 | 3.7 | 3.7 |
| South Amercia | 1.5 | 2.0 | 1.9 | 2.2 | 1.7 | 1.9 |
| North America | 80.8 | 69.3 | 69.4 | 68.5 | 71.1 | 67.8 |
| Other | 0.6 | 1.1 | 1.7 | 0.5 | 1.0 | 4.1 |

Unexecuted Final Orders of Deportation. The Service has continued efforts to reduce the number of active case unexecuted orders. The total number of such cases is substantially lower than at the end of 1958, but has risen slightly as compared with 1959 and 1960, despite efforts to keep unexecuted orders of deportation at as low a figure as possible. The slight increase is due to two factors - the Cuban situation and a large number of cases in court litigation. Procedures in handling Cuban cases changed with developments in Cuba. While the Service no longer places non-subversive and non-criminal Cubans under deportation proceedings, there were a number already under orders of deportation in whose cases deportation was stayed. As there is a continuing order of deportation in these cases, they continue to be carried on Service records as unexecuted orders. A breakdown showing the reasons why deportation has not been effected is reflected in the following tabulation:

| | Unexecuted Orders as of June 30, | | | |
|---|---|---|---|---|
| | 1958 | 1959 | 1960 | 1961 |
| Completely ready for deportation | 397 | 357 | 423 | 197 |
| Unexpired voluntary departures after order | 2,017 | 944 | 605 | 933 |
| Deportation document application pending | 804 | 705 | 621 | 538 |
| In institutions | 1,654 | 1,627 | 1,624 | 1,680 |
| Suspensions not yet referred to Congress | 87 | 16 | 2 | — |
| Private bill stays | 691 | 533 | 517 | 630 |
| Litigation stays | 203 | 187 | 290 | 379 |
| Temporary stay for cause; section 243(h) applicants, etc. | 1,494 | 1,290 | 1,630 | 1,392 |
| Total unexecuted orders | 7,347 | 5,659 | 5,712 | 5,749 |

Procurement of travel documents prior to the time administrative processes are completed remains a major problem. Seldom can a travel document be obtained prior to this time unless the Service can present the document used at the time of entry. Many aliens apprehended conceal and deny possession of such documents. Continuing emphasis is placed on exerting every effort to secure all possible travel documents and other evidence of nationality from aliens at the time of their apprehension. Close working arrangements between Service officers in the field and foreign consuls to induce and expedite issuance of travel documents for deportation remains a major program objective, and Service officers are encouraged to develop personal acquaintance with such consuls in order to obtain expeditious and favorable action on requests.

An instruction course for journeymen deportation officers is planned during fiscal years 1962 and 1963.

INCREASE--$41,500

| | | | |
|---|---|---|---|
| A. | Mandatory salary advancements | | $35,600 |
| B. | Repairs and alterations, immigration stations | | 4,000 |
| C. | Passenger vehicle replacements (1): | | |
| | Vehicle | $1,800 | |
| | Freight | 100 | 1,900 |
| | Total | | 41,500 |

A. Mandatory Salary Advancements--Increase $35,600

B. Repairs and Alterations, Immigration Stations--Increase $4,000

C. Passenger Vehicle Replacements-- Increase $1,900

The total amount requested for each of the foregoing items is tabulated in detail and justified in full in that part of the justifications dealing with multiactivity items. The increase referred to here represents the applicable portion chargeable to the Detention and Deportation activity.

TABLE "3" -- NATURALIZATION

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Permanent positions | 445 | 455 | - | 455 | - | 455 |
| Average number of all employees | 423 | 425 | - 8 | 417 | + 5 | 422 |
| 10 PERSONAL SERVICES AND BENEFITS | | | | | | |
| 11 Personnel Compensation: | | | | | | |
| Total permanent | $2,979,275 | $3,104,500 | $+46,300 | $3,150,800 | $ - | $3,150,800 |
| Deduct lapses | 233,909 | 179,500 | +46,300 | 225,800 | -32,800 | 193,000 |
| Net permanent | 2,745,366 | 2,925,000 | - | 2,925,000 | +32,800 | 2,957,800 |
| Temporary employment | 33,143 | 20,000 | - | 20,000 | - | 20,000 |
| Intermittent employment | 1,088 | 1,100 | - | 1,100 | - | 1,100 |
| Regular pay above 52-week base | 11,400 | - | - | - | - | - |
| Overtime | 4,622 | - | - | - | - | - |
| Holiday pay | 34 | - | - | - | - | - |
| Nightwork differential | 2 | - | - | - | - | - |
| Additional pay for service abroad | 12,162 | 12,100 | - | 12,100 | - | 12,100 |
| Casual workers | 5,015 | 5,000 | - | 5,000 | - | 5,000 |
| Witness fees | 4 | - | - | - | - | - |
| Total - Personnel Compensation | 2,812,836 | 2,963,200 | - | 2,963,200 | +32,800 | 2,996,000 |

TABLE "3" -- NATURALIZATION

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS (contd.) | | | | | | |
| 12 Personnel Benefits: | | | | | | |
| Allowance for uniforms | 200 | 200 | - | 200 | - | 200 |
| Group life insurance, Government contribution | 9,153 | 9,200 | - | 9,200 | + 200 | 9,400 |
| F.I.C.A. taxes, Government contribution | 2,206 | 2,200 | - | 2,200 | - | 2,200 |
| Incentive awards | 1,287 | 1,300 | - | 1,300 | - | 1,300 |
| Employees Health Benefits Act | 19,947 | 21,000 | - | 21,000 | - | 21,000 |
| Payments to retirement fund, Government contribution | 173,540 | 180,000 | - | 180,000 | + 2,000 | 182,000 |
| Total - Personnel Benefits | 206,333 | 213,900 | - | 213,900 | + 2,200 | 216,100 |
| 10 Total Personal Services and Benefits | 3,019,169 | 3,177,100 | - | 3,177,100 | +35,000 | 3,212,100 |

TABLE "3" -- NATURALIZATION

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 189,914 | 189,900 | - | 189,900 | - | 189,900 |
| 22 Transportation of things | 7,527 | 6,300 | - 100 | 6,200 | + 300 | 6,500 |
| 23 Rent, communications, and utilities | 108,423 | 106,700 | - | 106,700 | - | 106,700 |
| 24 Printing and reproduction | 70,804 | 72,968 | - 468 | 72,500 | - | 72,500 |
| 25 Other services | 15,429 | 16,755 | - 1,855 | 14,900 | + 200 | 15,100 |
| Services performed by other government agencies | 1,525 | 1,500 | - | 1,500 | - | 1,500 |
| 26 Supplies and materials | 37,533 | 38,995 | - 395 | 38,600 | - | 38,600 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 50,345 | 12,906 | - 5,606 | 7,300 | + 3,400 | 10,700 |
| 32 Lands and structures | 7,128 | 800 | - 800 | - | + 100 | 100 |
| 40 GRANTS AND FIXED CHARGES | | | | | | |
| 44 Refunds | 6,056 | 6,100 | - | 6,100 | - | 6,100 |
| Total other costs | 494,684 | 452,924 | - 9,224 | 443,700 | + 4,000 | 447,700 |
| Total | 3,513,853 | 3,630,024 | - 9,224 | 3,620,800 | +39,000 | 3,659,800 |
| Deduct quarters and subsistence furnished | 184 | 200 | - | 200 | - | 200 |
| Total costs | 3,513,669 | 3,629,824 | - 9,224 | 3,620,600 | +39,000 | 3,659,600 |
| Costs financed from obligations of other years, net (-) | - 9,824 | - 5,424 | + 5,424 | - | - | - |
| Total obligations | 3,503,845 | 3,624,400 | - 3,800 | 3,620,600 | +39,000 | 3,659,600 |

## Object Summary of Cost and Obligation Adjustments in Base
## Naturalization

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other Obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 22 Transportation of things | - 100 | | - 100 |
| 24 Printing and reproduction | - | - 468 | - 468 |
| 25 Other services | - 1,100 | - 755 | - 1,855 |
| 26 Supplies and materials | - | - 395 | - 395 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | - 1,800 | -3,806 | - 5,606 |
| 32 Lands and structures | - 800 | - | - 800 |
| Total | - 3,800 | -5,424 | - 9,224 |

## FORCE AND WORKLOAD
## NATURALIZATION

| | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| **Positions:** | | | | | |
| Supervisory | 23 | 23 | 23 | 23 | 23 |
| Officers | 159 | 159 | 168 | 178 | 178 |
| Clerical | 220 | 229 | 235 | 235 | 235 |
| Central Office | 19 | 18 | 19 | 19 | 19 |
| Total permanent positions | 421 | 429 | 445 | 455 | 455 |
| Average permanent employees | 397 | 397 | 415 | 420 | 417 |
| Average number of all employees | 398 | 403 | 423 | 425 | 422 |
| **Workload (production)** | | | | | |
| Applications, petitions for naturalization (N-400,402) | 134,870 | 168,199 | 189,923 | 190,000 | 190,000 |
| Petitions filed with the courts | 109,270 | 127,543 | 138,718 | 142,000 | 142,000 |
| Recommendations to courts | 108,353 | 123,383 | 137,051 | 140,000 | 140,000 |
| Persons naturalized | 105,272 | 119,909 | 132,815 | 138,000 | 138,000 |
| Applications, derivative citizenship certificates (N-600) | 33,801 | 36,770 | 42,283 | 42,000 | 42,000 |
| Applications for new naturalization papers (N-565, 575) | 8,894 | 8,962 | 9,317 | 10,000 | 10,000 |
| Applications, declarations of intention (N-300) | 18,569 | 17,809 | 17,878 | 18,000 | 18,000 |
| Declarations filed with courts | 16,115 | 16,255 | 15,921 | 16,500 | 16,500 |
| Aliens referred to public schools | 110,364 | 223,997 | 99,328 | 100,000 | 100,000 |
| Citizenship textbooks distributed | 159,009 | 133,210 | 191,931 | 190,000 | 190,000 |

## 3. NATURALIZATION

| | |
|---|---|
| Appropriation base | $3,620,600 |
| Budget estimate | 3,659,600 |
| Increase in the budget estimate from the appropriation base | 39,000 |

Obligations under this activity include salaries and other expenses for administration and enforcement of the nationality laws. Work in this activity includes:

(1) Examination of aliens and their witnesses to determine whether the aliens are qualified to file petitions for naturalization;

(2) Preliminary examination of applicants (after petition is filed) to determine recommendation to be made to naturalization court;

(3) Presentation of facts and recommendations to naturalization courts;

(4) According examinations to applicants for certificates of citizenship;

(5) The examination of applications to file declaration of intention;

(6) The processing of miscellaneous types of nationality applications under the Immigration and Nationality Act;

(7) Examining the records of naturalization courts;

(8) Administration of the citizenship education program.

Previous Year Performance

The Naturalization Workload. A statistical comparison of the work performed during the fiscal years 1960 and 1961 discloses an increase in naturalization volume. 189,923 applications to file petitions for naturalization were completed in the fiscal year 1961, compared to the 168,199 during the fiscal year 1960. 132,815 petitioners were admitted to citizenship, an increase of more than 12,000 over the number naturalized during the fiscal year 1960. Petitions for naturalization pending on June 30, 1961, totaled 36,223 contrasted with the 29,222 petitions pending on June 30, 1960, over 10,000 more petitions having been filed in the fiscal year 1961 than in the previous year. Still, the Service saw to it that petitions for naturalization were regularly filed within several weeks of application receipt, and were presented to the naturalization courts for hearing, with dispatch. Declarations of intention, although no longer necessary for naturalization, continued to be filed in considerable number during the fiscal year 1961. Generally, these declarants sought the documents in order to qualify for enlistment in the United States Armed Forces, for various licenses required by State statutes, or for certain types of civilian employment or privileges. 17,878 declarations were filed in the fiscal year 1961, approximately the same number as were filed during the preceding fiscal year.

Certificates of Citizenship. The Service is charged with the responsibility of conducting administrative proceedings which lead to the issuance of certificates of citizenship to persons who have derived or acquired United States nationality through the naturalization of a parent or parents, through marriage, or at birth abroad to citizen parents.

During the fiscal year 1961, ~~30,988~~ certificates of citizenship were issued, exceeding by ~~4,082~~ the number issued during the fiscal year 1960, thus, paralleling the increase in the volume of naturalization during the fiscal year 1961.

Contributing materially to the volume of applications received was the Service practice of notifying newly naturalized persons in writing of the derivative rights of their children and of the administrative procedure leading to the issuance of a certificate of citizenship. The notification procedure will be continued in order to assure that the full potential in this area will be realized during the years ahead.



Miscellaneous Nationality Applications. Another area of Service responsibility in the field of citizenship stems from the statutory authority to issue new naturalization and citizenship certificates and declarations of intention, special certificates of naturalization to obtain recognition as a citizen of the United States by a foreign state, and certificates of naturalization or repatriation. Included in this group are certificates issued to naturalized citizens whose names have been changed

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by marriage or order of court subsequent to their admission to citizenship. In order to initiate each of these proceedings applications commonly referred to as "Nationality Applications" must be submitted by the subject of the record or some one authorized by Service regulations to act in his behalf. These applications also include those to preserve residence in the United States for naturalization purposes. They are executed by applicants whose business or profession require their absence from the United States for more than a year on behalf of an American concern or the United States Government.

Administrative action is authorized by statute to cancel naturalization and citizenship documents issued by the Service when evidence shows that the person to whom it was issued procured such document by fraud or illegality. During the fiscal year 1961, 44 certificates of citizenship were cancelled under this procedure.

Cooperation with the Naturalization Courts. During the fiscal year 1961, the relationship between the Service and the naturalization courts continued to be one of maximum cooperation, a factor which contributed materially to effective operation. This cooperative atmosphere, inspired as in the past by a close liaison between Service representatives and court personnel, has been rewarding in many respects. The clerks of court in many instances continue to act as information

media in the naturalization and citizenship field and to perform many of the clerical operations which would otherwise have to be assumed by Service personnel. Almost without exception, the judges proved responsive to Service requests for special final hearings in cases involving the public interest. The constant movement of military personnel and their alien dependents overseas, and the foreign assignment of resident aliens engaged in special government projects, frequently require an accelerated naturalization.

The court consolidation program designed to benefit both Service and naturalization applicant alike, through an increased efficiency and economy of operation, was also advanced in the fiscal year 1961, with a reduction in active Federal and State courts from 684 to 662 compared with 950 six years ago. This program to concentrate the naturalization work in the larger courts permits more frequent filing periods which, in turn, results in additional final hearings and a consequent early disposition of cases. Additionally and equally important, by increasing the number of petitioners to a maximum at each final hearing, a more representative class of candidates for citizenship and more impressive ceremonies become possible, with full participation by civic and patriotic organizations.



Citizenship Responsibility. Citizenship responsibility involves not merely the exercise of the rights and privileges of the status, but also the full assumption of the duties and obligations. During their examination of the naturalization applicant, the examiners emphasize this truth to the end that, upon naturalization, the applicant will strive to take an active, well-informed interest in

public affairs. The Service also cooperates fully with the courts, and civic and patriotic organizations in arranging impressive ceremonies at the final hearings in order to impress the newly naturalized person with the fact that he has assumed a place of new importance in the life of the community, State, and Nation. Beyond this point, is the Service practice of making information available through the local press and informing Members of Congress directly regarding persons who have been naturalized. This program holds out a further assurance that the new citizens will be welcomed into their communities and their interest stimulated in local and national affairs.

The Citizenship Education Programs. The naturalization law includes among its requirements an ability to speak, understand, read and write the English language, as well as a fair knowledge of this country's history, government and Constitution. The special citizenship education programs, which are designed to assist the naturalization applicant in preparing to meet these prerequisites, were again fully implemented during the fiscal year 1961. 168,430 visa name slips containing the names and addresses of newly arrived immigrants were furnished local schools in order that invitations to attend citizenship classes might be extended. To the extent requested by local schools, similar information was regularly supplied upon receipt of naturalization applications and upon the continuance of petitions for failure to satisfy the educational prerequisites. Referrals of new applicants totaled 50,890. The effectiveness of the procedure in question is well established and will be continued in the fiscal years ahead.

The Federal Textbook on Citizenship, published and distributed by the Service, remained available to candidates for naturalization, either through the medium of the public schools or the Government Printing Office 191,931 copies of the various parts of the textbook were distributed by the Service during the past fiscal year.

Training Program. A new development in the training program of the Service in the naturalization and citizenship field during 1961 was a specialized course for recently appointed naturalization examiners. One feature of the course was a mock petition filing period in which members of the class participated as petitioner, witnesses, preliminary examiner and designated examiner. Thereafter, at a round table discussion of the mock proceedings, constructive suggestions were offered and considered as a means of further instruction.

Revenue. The revenue to the Federal Government from fees collected by clerks of courts for filing petitions and declarations and by the Immigration and Naturalization Service in connection with applications and other items relating to naturalization, amounted to $1,648,178 last fiscal year. All such receipts are covered into the general fund of the Treasury and are not available for obligation by the Service except for reimbursement of the cost of publication and distribution of citizenship textbooks.

Program Outlook

Futures in Naturalization. Past experience has demonstrated that, as the volume of immigrants entering the United States increases the naturalization potential will be correspondingly augmented in the years ahead when these immigrants attain eligibility to apply for citizenship. The comparative immigration figures for the pertinent years comprising the period 1955 to 1960 show a substantial increase during 1955 (237,790), continued increases in 1956 (321,625) and 1957 (326,867), and while there was a decrease in 1958 (253,265) the number was still in excess of the 1955 figure. The figures rose again in 1959 to 260,686, in 1960 to 265,398, and in 1961 to 271,344. Immigration mounted by more than 80,000 in 1957, and there was an increase in immigration of more than 35% in 1956 and 1957 over the preceding five years of immigration.



Other sources also contribute to the pool from which naturalization applicants may be expected. TYPICAL Of such sources is the enlarged extent to which aliens have been granted the status of lawful permanent residents in recent years through private legislation, or under adjustment, suspension and other remedial procedures authorized by statute. Statistics compiled for the period 1956 to 1960 reveal a consistent overall yearly increase in this area as follows:

| 1956 | 1957 | 1958 | 1959 | 1960 |
|---|---|---|---|---|
| 5,180 | 6,047 | 7,809 | 15,422 | 16,834 |

A further factor is the substantial residue of some 30,000 paroled Hungarian refugees, who pursuant to special legislation enacted in 1958, have been granted permanent residence retroactive to 1956 and 1957.

As these groups accumulate the three years' residence required for naturalization eligibility as the spouse of a United States citizen, or the five years' residence which is necessary to proceed under the general provisions of the law, they will increase the nationality potential and add to naturalization activity workloads.

Estimated Naturalization Workloads. The substantial increases in immigration coupled with significant increases in adjustments of status indicate a rise in the naturalization activity during the fiscal years 1962 and 1963. It is estimated that 142,000 petitions will be filed in each of these years, accompanied by an increase in the number of recommendations to the courts (140,000 each year). Furthermore, it is not anticipated that any decreases will occur in other naturalization activity workload items.

The backlog which existed in the nationality activity in years past has been completely eliminated, and the Service has, despite increases in naturalization and citizenship workloads, succeeded in having petitions filed within six to eight weeks after receipt of applications. This has been possible only by making more and more productive demands upon examiners, who are now producing generally at the rate of 1,100 to 1,200 (and more in some offices) cases per year, and handling 12 to 14 petitions as a day's work. When it is considered that a minimum of three persons must be examined in each case, and that the examination includes such time-consuming tasks as a literacy and government

examination, creation of a record, obtaining numerous signatures, and examination of documents, in addition to the interrogation of petitioner and witnesses, it is apparent that more time should be made available than the increased workload and authorized force presently permits. The importance of United States citizenship in the climate of present day world conditions, demands that workloads per examiner be reduced, that more time be allotted to the interrogation of applicants for naturalization and their witnesses, and to the preparation of the recommendations to be made to the naturalization courts. It is planned to accomplish this gradually by such force reassignments as can be effected within appropriation limits.

INCREASE--$39,000

| | | | |
|---|---|---|---|
| A. | Mandatory salary advancements | | $35,000 |
| B. | Passenger vehicle replacements (2): | | |
| | Vehicle | $3,400 | |
| | Freight | 300 | 3,700 |
| C. | Repairs and alterations, immigration stations | | 300 |
| | Total | | 39,000 |

A. Mandatory Salary Advancements--Increase $35,000

B. Passenger Vehicle Replacements--Increase $3,700

C. Repairs and Alterations, Immigration Stations--Increase $300

The total amount requested for each of the foregoing items is tabulated in detail and justified in full in that part of the justifications dealing with multiactivity items. The increase referred to here represents the applicable portions chargeable to the Naturalization activity.

TABLE "4" -- BORDER PATROL

By Objects

| | 1961 Actual | 1692 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Permanent positions | 1,969 | 1,969 | - | 1,969 | - | 1,969 |
| Average number of all employees | 1,761 | 1,845 | - 30 | 1,815 | + 20 | 1,835 |
| 10 PERSONAL SERVICES AND BENEFITS | | | | | | |
| 11 Personnel Compensation: | | | | | | |
| Total permanent | $12,638,733 | $12,939,723 | $+196,874 | $13,136,597 | $ - | $13,136,597 |
| Deduct lapses | 1,434,405 | 748,023 | +196,874 | 944,897 | -131,200 | 813,697 |
| Net permanent | 11,204,328 | 12,191,700 | - | 12,191,700 | +131,200 | 12,322,900 |
| Temporary employment | 19,639 | 19,600 | - | 19,600 | - | 19,600 |
| Intermittent employment | 21,542 | 21,600 | - | 21,600 | - | 21,600 |
| Regular pay above 52-week base | 48,600 | - | - | - | - | - |
| Overtime | 48,288 | 5,000 | - | 5,000 | - | 5,000 |
| Premium compensation | 1,329,242 | 1,426,000 | - | 1,426,000 | - | 1,426,000 |
| Holiday pay | 10,866 | 12,000 | - | 12,000 | - | 12,000 |
| Nightwork differential | 14,269 | 14,300 | - | 14,300 | - | 14,300 |
| Casual workers | 1,558 | 1,600 | - | 1,600 | - | 1,600 |
| Rewards | 26,591 | 26,600 | - | 26,600 | - | 26,600 |
| Total - Personnel Compensation | 12,724,923 | 13,718,400 | - | 13,718,400 | +131,200 | 13,849,600 |

TABLE "4" -- BORDER PATROL

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS | | | | | | |
| 12 Personnel Benefits: | | | | | | |
| Allowance for uniforms | 152,597 | 176,800 | - | 176,800 | - | 176,800 |
| Group life insurance, Government contribution | 39,201 | 39,500 | - | 39,500 | + 700 | 40,200 |
| F.I.C.A. taxes, Government contribution | 5,307 | 5,300 | - | 5,300 | - | 5,300 |
| Incentive awards | 6,412 | 6,400 | - | 6,400 | - | 6,400 |
| Employees Health Benefits Act | 119,273 | 120,000 | - | 120,000 | - | 120,000 |
| Payments to retirement fund, Government contribution | 726,343 | 750,000 | - | 750,000 | + 8,200 | 758,200 |
| Total - Personnel Benefits | 1,049,133 | 1,098,000 | - | 1,098,000 | + 8,900 | 1,106,900 |
| 10 Total Personal Services and Benefits | 13,774,056 | 14,816,400 | - | 14,816,400 | +140,100 | 14,956,500 |

TABLE "4" -- BORDER PATROL

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 732,053 | 452,500 | - | 452,500 | - | 452,500 |
| 22 Transportation of things | 324,667 | 263,800 | - 42,500 | 221,300 | + 45,300 | 266,600 |
| 23 Rent, communications, and utilities | 299,270 | 269,600 | - | 269,600 | - | 269,600 |
| 24 Printing and reproduction | 40,074 | 28,291 | - 491 | 27,800 | - | 27,800 |
| 25 Other services | 529,396 | 543,547 | - 47,947 | 495,600 | + 19,100 | 514,700 |
| Services performed by other government agencies | 872 | 900 | - | 900 | - | 900 |
| 26 Supplies and materials | 1,235,396 | 1,267,560 | - 360 | 1,267,200 | + 23,700 | 1,290,900 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 1,042,090 | 1,070,350 | - 955,450 | 114,900 | +1,080,800 | 1,195,700 |
| 32 Lands and structures | 284,573 | 181,308 | - 181,308 | - | + 304,900 | 304,900 |
| 40 GRANTS AND FIXED CHARGES | | | | | | |
| 42 Insurance claims and indemnities | 8,422 | 4,000 | - | 4,000 | - | 4,000 |
| Total other costs | 4,496,813 | 4,081,856 | -1,228,056 | 2,853,800 | +1,473,800 | 4,327,600 |
| Total | 18,270,869 | 18,898,256 | -1,228,056 | 17,670,200 | +1,613,900 | 19,284,100 |
| Deduct quarters and subsistence furnished | 3,696 | 3,700 | - | 3,700 | - | 3,700 |
| Total costs | 18,267,173 | 18,894,556 | -1,228,056 | 17,666,500 | +1,613,900 | 19,280,400 |
| Costs financed from obligations of other years, net (-) | - | - 364,656 | + 364,656 | - | - | - |
| Obligations incurred for costs of other years, net | 163,038 | - | - | - | - | - |
| Total Obligations | 18,430,211 | 18,529,900 | - 863,400 | 17,666,500 | +1,613,900 | 19,280,400 |

Object Summary of Cost and Obligation Adjustments in Base
Border Patrol

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 22 Transportation of things | - 42,500 | - | - 42,500 |
| 24 Printing and reproduction | - | - 491 | - 491 |
| 25 Other services | - 41,100 | - 6,847 | - 47,947 |
| 26 Supplies and materials | - | - 360 | - 360 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | -747,400 | -208,050 | - 955,450 |
| 32 Lands and structures | - 32,400 | -148,908 | - 181,308 |
| Total | -863,400 | -364,656 | -1,228,056 |

## FORCE AND WORKLOAD
## BORDER PATROL

| | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| **Positions** | | | | | |
| Supervisory | 5 | 7 | 7 | 7 | 7 |
| Officers | 1,528 | 1,505 | 1,698 | 1,698 | 1,698 |
| Clerical | 160 | 158 | 163 | 163 | 163 |
| Custodial | 85 | 83 | 80 | 80 | 80 |
| Central Office | 19 | 20 | 21 | 21 | 21 |
| Total permanent positions | 1,797 | 1,773 | 1,969 | 1,969 | 1,969 |
| Average permanent employees | 1,718 | 1,636 | 1,752 | 1,836 | 1,826 |
| Average number of all employees | 1,720 | 1,644 | 1,761 | 1,845 | 1,835 |
| **Workload** | | | | | |
| Persons apprehended | 34,218 | 29,881 | 30,209 | 30,300 | 30,800 |
| Smugglers of aliens | (321) | (330) | (284) | (300) | (330) |
| Deportable aliens | (32,996) | (28,966) | (29,384) | (29,300) | (30,500) |
| Other law violators | (1,348) | (1,089) | (1,083) | (1,000) | (1,000) |
| **Seizures:** | | | | | |
| Automobiles and trucks | 169 | 51* | 71 | 90 | 90 |
| Other conveyances | 14 | 9 | 17 | 35 | 35 |
| Value of all seizures | $763,045 | $415,619 | $353,181 | $350,000 | $350,000 |

* Reflects change in reporting procedures.

## 4. BORDER PATROL

Appropriation base ..... $17,666,500

Budget estimate ..... 19,280,400

Increase in the budget estimate over the appropriation base ..... 1,613,900

Obligations under this activity include salaries and other expenses for the prevention of smuggling and unlawful entry of aliens into the United States; the apprehension of persons guilty of such violations; guarding the international boundaries, the Gulf and Florida coasts, and keeping under surveillance a number of airports and seaports. The legal and obligatory responsibilities of the Border Patrol include:

(1) Guarding the boundaries and borders of the United States against smuggling and the illegal entry of aliens.

(2) Locating, identifying and apprehending aliens illegally in the United States.

(3) Devising and enforcing measures to prevent the entry of criminal, immoral, narcotic and subversive classes of aliens.

(4) Locating and arresting violators of statutes relating to smuggling, inducing to enter, transporting, concealing and harboring of aliens.

(5) Preventing departure of persons from the United States on request of Secretary of State.

(6) Inspection of ranches, farms, industries, businesses and other places where deportable aliens are suspected of being employed.

(7) Interrogation of suspects encountered while patrolling or during inspection activities who may be in the United States unlawfully or attempting to enter the Unites States unlawfully, or attempting to smuggle aliens.

(8) Searching automobiles, buses, trucks, trains, airplanes and ships for illegal aliens, including stowaways.

(9) Maintenance and operation of Border Patrol facilities and equipment, including motor vehicles, aircraft and boats.

(10) Maintenance and operation of Border Patrol Academy, and advanced and field training programs.

(11) Development and use of informants and other sources of intelligence within and without the United States for the purpose of securing timely information regarding smuggling and illegal entry of aliens.

(12) Utilization of Border Patrol Special Mobile Force to meet emergency situations.

(13) Development and coordination of anti-air smuggling programs.

(14) Conveyance by Service-operated transport of aliens found illegally in the United States.

(15) Maintenance and operation of the Border Patrol radio network, including electronic detection devices.

(16) Developing, preparing and presenting for prosecution, cases apprehended by the Border Patrol involving criminal violations of the Immigration and Nationality Act and related offenses.

(17) Development and maintenance of proficiency in the safe use of small arms for self defense or in the defense of an innocent person.

(18) Research and use of techniques and procedures to detect and apprehend aliens who use fraudulent documents or who make false claims to United States citizenship to enter and remain in the United States illegally.

Previous Year Performance

Benefits of Continued Control. Economic pressures in Mexico and political unrest in Cuba resulted in an increase in the total number of persons apprehended. 51% of the aliens apprehended were violators of nonimmigrant status. 13% had criminal records and 31% had records of prior immigration violations. Pertinent figures appear in the chart below:

| Category | FISCAL YEAR 1959 | 1960 | 1961 |
|---|---|---|---|
| Deportable aliens apprehended | 32,996 | 28,966 | 29,384 |
| Apprehended after surreptitious entry | 17,398 | 14,134 | 14,506 |
| Status violators apprehended | 15,598 | 14,832 | 14,878 |
| Previously rejected, deported or granted voluntary departure | 10,690 | 9,374 | 9,112 |
| Aliens with criminal records | 4,790 | 3,828 | 3,899 |



The primary objective of the Border Patrol is the prevention of smuggling and illegal entry of aliens. During the year, all phases of the operation were subjected to critical and continuing analysis to assure the most effective use of officer force and equipment and that all efforts were directed toward maintaining and improving border security.

Improvements were made in the drag trails used in the southwestern United States to detect the passage of illegal aliens and some new trails were placed in operation. Additional electric eyes and flood lights were installed. Crewman control measures were strengthened and expanded to include the ports of Charleston, S. C. and Savannah, Ga. Additional observation aircraft were placed in operation along the Gulf and Florida Coasts. The use of observation aircraft was extended and more frequent flights

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were made along the Mexican border. Secondary operations away from the border prevented aliens who were successful in evading the force on the line, from reaching sanctuary in the interior and a large number of aliens who had violated the terms of their admission were intercepted. The methods of explusion used were designed to discourage unlawful return. In the case of persistent violators, prosecution and formal deportation were utilized as additional deterrents.

Violators of other laws are often encountered by Border Patrol officers while performing their regular duties. Last fiscal year 771 such violators were turned over to other enforcement agencies for varying offenses. These included 69 narcotic violators. The value of seizures of narcotics, contraband and other goods amounted to $ 265,164.



Northern Border Operations: Alien apprehensions on the Northern border totaled 4,974 in the fiscal year 1960 compared to 4,379 in the fiscal year 1961. Surreptitious entries across the Canadian border declined from 1719 in the fiscal year 1960 to 1,263. During the 1960 shipping season alien crewman desertions in United States ports in the St. Lawrence-Great Lakes area increased again, as did desertions in the Canadian province of Quebec as shown by the following chart:

Crewman Desertions

| | Shipping Season | | |
|---|---|---|---|
| | 1958 | 1959 | 1960 |
| Great Lakes-St. Lawrence Area U. S. Ports ..... | 20 | 122 | 126 |
| Canadian Ports in Province of Quebec ..... | 136 | 173 | 197 |

On May 8, 1961, eight Chinese crewmen deserted their vessel at Buffalo, N. Y., their first port of call. During the preceding month, St. Albans, Vermont, officers apprehended a Portuguese alien who had entered Canada at Montreal as a stowaway. Activities to combat these problems continued on a widely coordinated basis.

Last winter, the St. Lawrence river again froze solid in some places thus presenting another difficult illegal entry problem. During the first three weeks of February 1961, 761 vehicles with 2,447 passengers and 70 pedestrians crossed over one of these ice bridges at Cape Vincent, N. Y. Twenty were deportable aliens. This is a new problem as ice-bridges rarely formed in the St. Lawrence River before completion of the Seaway.

Particular attention has been directed toward surreptitious entries along the Canadian border of criminal and previously deported aliens. In the fiscal year 1961 31% of all aliens apprehended in this area had criminal records as compared to 26% the preceding year. 16% were repeat violators as compared to 13% in the fiscal year 1960.

Border Patrol officers and Service investigators collaborated with enforcement officers on both sides of the border in a program designed to identify and disclose the movements of known criminals frequenting border areas. In April 1961, these efforts resulted in the arrest at Blaine, Washington, of an armed Canadian criminal and recovery of a number of stolen checks. Information developed from this case produced another Canadian criminal in Portland, Oregon, who is now under charges of passing stolen checks in Olympia, Washington. A third Canadian was charged as an ex-convict in possession of firearms and stolen goods and is wanted in Canada on a warrant for several burglary charges.

Special attention was given the collection of information relating to commercialized smuggling of aliens into the United States and the location of aliens who entered as visitors and violated non-immigrant status. For example, Henri LEMAIRE, with 4 passengers, obtained temporary admission as visitors at Rouses Point, New York, by responding to questioning as coached by LEMAIRE. When picked up near Albany, N. Y., January 3, 1961, all admitted entry by false and misleading statements. After close interrogation LEMAIRE admitted smuggling five additional aliens into the United States in November 1960, in the same manner and transporting them to Florida. Four were apprehended and the presence of the fifth in Canada was established. LEMAIRE pleaded guilty.

Mexican Border: Increases in the total number of aliens apprehended and in the number of aliens who entered surreptitiously were confined to the state of Texas, principally in the Rio Grande Valley. Apprehensions in New Mexico, Arizona, and California, as well as surreptitious entries there, continued the downward trend of the past seven years. A large proportion of the aliens apprehended in southwestern United States during the year were violators of nonimmigrant status. 509 Cuban aliens were apprehended as they entered surreptitiously from Mexico as compared to 238 during the fiscal year 1960. Nearly all of these attempts to enter were made in the Brownsville and the McAllen sectors.

The cotton crop in Mexico adjacent to the Brownsville and the McAllen sectors was poor last year. Laborers coming from the interior could consequently find little work and they were thus unable to meet the Mexican governments's requirement of 30 days work in the Mexican cotton harvest before being eligible to receive contracts to pick cotton in the United States. Furthermore, contracting was suspended by the Mexican government from July 15 to 23, 1960, the wage scale having become the subject of litigation.

Literally thousands of unemployed workers were milling about in this small area where there was no work for them. At the same time, the lower Rio Grande Valley of Texas had a bumper cotton crop and a short labor supply. It was inevitable that many attempted illegal entry. Additional officers were detailed into the area to maintain effective control. This horde of potential violators was dispersed by September and illegal activity in the area returned to normal.

Patrol in vehicles is practically impossible in many areas along the border because of the rocky terrain, arroyos caused by flash floods, or dense growth of desert shrubs, mesquite and cactus. Experienced border violators are willing to walk through these areas, often for days, carrying a small supply of water and food, because they have a better chance of escaping detection and making good their entry. Usually they travel by night and hide in the day-time. Seeing a low flying observation plane, they flee before officers dispatched to pick them up can arrive on the scene. Limited access trails into these areas are made by removing large boulders, filling in washes, and grubbing out the thick vegetation. Passage may then be made with jeeps equipped with 4-wheel drive and special tires. These "drag trails" are patrolled daily by officers who usually work alone. When tracks are observed crossing the trails, other officers in jeeps are called by radio to assist and an observation aircraft is alerted. In such cases, it is often necessary to track the suspect afoot across country for many miles.

Control along the western Mexican border continued to be improved. Flood lights installed in the Tijuana river bottom forced illegal entrants to cross into more open areas thus lessening the chance of escape. In a one-day task force operation involving 86 officers, all farms and ranches in the Imperial Valley of California were checked. Only 3 aliens who had entered surreptitiously were found, thus proving

the effectiveness of border operations. The checking of transportation facilities in the Chula Vista sector was analysed and revised to provide more thorough coverage.

The Reynosa-Leon airlift and the Presidio-Ojinaga bus trainlift have consistently proven their value in deterring unlawful return. During the year 6,543 aliens were transported to the interior of Mexico by airplane and 3,565 from Presidio to Chihuahua, Chihuahua by train. Patrol by observation aircraft in the Southwest Region was expanded greatly during the year from 10,760 flight hours during the fiscal year 1960 to 15,422 hours in the fiscal year 1961. During the year, 1,481 aliens were apprehended through the use of observation aircraft.

Most of the narcotic seizures made in Southwestern United States involved marijuana smuggled from Mexico. On December 8, 1960, officers seized one hundred pounds of marijuana 30 miles north of Del Rio, Texas while checking traffic. When advance information is received that narcotics or other contraband is to be smuggled, the information is passed to the appropriate agency. For example, information received in the Del Rio sector resulted in the seizure, on July 1, 1960, of 66 pounds of marijuana in Chicago and the arrest of the smuggler by Customs Agents and Chicago police officers.



Caribbean Situation: Unrest in Cuba continued. Disillusion and disappointment in the Castro regime increased markedly. Surreptitious entry of Cuban aliens increased. During the fiscal year 1961, 269 of these aliens were apprehended in the Florida area, in addition to the 509 which were picked up in the Southwest Region.

An amendment to the 1961 appropriation provided 155 additional officers to prevent the departu of persons in private aircraft to or over Cuba. Temporary details in Florida and nearby states were terminated and officers were replaced by transferring experienced officers from other areas. On January 19, 1961, departure control was expanded to include United States citizens and lawful resident Cuban aliens who were departing for Cuba by any means. During the year 144 notices of prevention of departure were served; the total number outstanding as of June 30, 1961, was 199.

During June and July 1960, indictments were returned by the Federal Grand Jury at Miami, Florida, on seven pilots involved in smuggling eight Cuban aliens into the United States from Cuba and the Bahamas by aircraft. Sentences aggregating 96 months were imposed and fines totaling $1250 were assessed.

Enforcement of State Department regulations to prevent the departure of Dominican citizens and former Dominican citizens to that republic and other countries in the Caribbean area and the Bahamas, was activated on June 1, 1961. Departure control was placed in effect in Puerto Rico and 41 Border Patrol officers were temporarily detailed there to assist in the operation.



False Claims to Citizenship. The Service was able to prove fraud and establish alienage in the cases of 1,048 Mexican aliens who attempted to back up their false claims to American citizenship with documents. There are now over 6,000 such cases on file at the Fraudulent Document Center at El Paso, Texas. As these records increase, the value of the center as an enforcement tool becomes more apparent.

Recently a study of known cases revealed that 62% of all birth certificates used in fraud cases originated in five south Texas counties. A delayed certificate, especially one filed years after an

alleged birth in one of these counties, is now suspect. An officer encountering a person of Mexican appearance now makes a more careful examination of the individual who presents such a document to support a claim to American citizenship.

Information relating to false claims to citizenship by Mexican aliens is exchanged and the center's facilities are available to other agencies having an interest in the problem.

Use of Intelligence: Intelligence is used as a guide in the deployment of personnel to combat illegal alien activities, including smuggling. Special emphasis is placed on the development of contacts and informants. Intelligence is used to measure the effectiveness of operations, either by geographical area or type of work being performed.

The flight information center at Miami, used in connection with enforcement of departure control was a prime source of information for the Service and other enforcement agencies dealing with aircraft. The air intelligence centers at Yuma, Arizona and Detroit, Michigan continued to obtain information concerning suspected violations by aircraft. During the year 85 such violations were established and fines amounting to $10,500 were assessed.

Officer Training: Three 13-week sessions were held at the Border Patrol Academy and 235 new appointees completed their initial Service training.

Two training officer seminars coordinated the training of newly graduated officers throughout their probationary period. Lesson plans and training material were furnished by the Academy. Specialized and other advanced training for journeyman officers was continued at the sector level.

Intensive on-the-job training of officers selected by the Officer Selection Board for training as pilots continued. 32 officers have participated in the program, 13 of them successfully completed their training during the year.

Last fiscal year Border Patrol officers were involved in 23 encounters with armed violators, including 13 involving firearms. A reputation for shooting proficiency has a marked deterring effect on those armed violators who are encountered. Consequently, each officer is required to maintain proficiency with firearms. Widely publicized successes at national firearms matches have won for Service officers a nation-wide reputation for marksmanship.



Program Outlook

Activity Forecast. Continuation of the firmly established control of the borders is not expected to bring about a significant change in the number of aliens apprehended during the fiscal year 1963. Illegal entries across the border are expected to remain about the same with seasonal variations becoming more apparent. Shifting political and economic conditions in neighboring countries and the Caribbean area will require adjustment of forces in some areas and shifting of emphasis on types of operations in others.

Need for Persistent Control: There will be no marked letup in surreptitious entries, violations of non-immigrant status, false claims to citizenship, entries by fraud, and smuggling of aliens. Last year's lowered apprehension rate along the Canadian border was largely due to a temporary reduction in employment opportunities in northwestern United States. Smuggling and illegal entry from Cuba and by Cubans from Mexico and the Caribbean is expected to continue. It will be necessary to continue deployment of major forces along the Mexican border to maintain and improve control there.

Enforcement efforts to assure quick and certain apprehension near the borders and to prevent violators from moving inland will not be relaxed. Further improvement in control of the borders and coastal areas will largely depend on maintaining a completely equipped force of officers at full strength. Operational techniques and procedures will be revised as required by changing conditions.

Canadian Border - Great Lakes Area: The St. Lawrence Seaway has opened the Great Lakes to foreign ocean-going vessels. The area where alien crewmen may attempt desertion has thus been extended to include a vast region containing many large industrial cities. Many of these cities contain concentrations of alien nationality groups in which the deserter has a better chance to work and live undetected. Increases in foreign shipping have been predicted for Sault Ste. Marie, Saginaw and Bay City, Michigan. Port facilities are being expanded in several locations. It is expected that attempted desertions in Canada and the United States will also increase.

Gulf and Florida Coastal Areas: Revolutionary and counter-revolutionary activities in the Caribbean area, particularly by Cubans, will continue to be the cause of the major enforcement problem in southeastern United States. Plans to enter unlawfully by boat and aircraft by refugees and others will continue so long as transportation is available and whenever opportunist pilots and smugglers feel they can operate at a profit. There can be no lessening of vigilance along the beaches and among the Florida Keys. There will continue to be a pressing need for more careful screening of refugees by this Service and other agencies responsible for the national security. The political affiliations of many of the officials and workers in the Castro regime and the communistic leanings of many of those associated with it at all levels cannot be discounted.

Aside from these accelerated activities, the usual enforcement activities of coastal patrol and airport surveillance to prevent smuggling and unlawful entry, search for deportable aliens, crewman control and the checking of contract alien laborers will continue. Foreign crewmen admissions and the yearly winter influx of non-immigrant status violators from Canada can be expected to increase. Over 2,200 shrimp and fishing vessels must be kept under surveillance as they carry on their work in the same international waters as do vessels from Caribbean and Central American countries.

Mexican Border Area: The conditions which contributed to the almost overwhelming invasion of Mexican nationals prior to 1955 have shown no sign of changing. When the same combination of circumstances is repeated, as during July and August 1960, in the lower Rio Grande Valley of Texas, the pressure on the border increases.

Travel from the interior of Mexico and along the border has been facilitated by new and improved roads and railroads, and more are under construction. The inland movement of aliens through similarly desolate areas such as the Big Bend country of Texas, has been made easier by construction of new roads along the American side of the Rio Grande. This growing network of highways and rail and other transportation facilities will result in increased attempts of illegal entry in areas which previously offered no problems. Population of both countries, especially in border cities, will continue to grow. Because of these changes, more emphasis will be required on operations in urban areas near the border as will a broadened and more frequent checking of highway traffic and transportation facilities.

Numerically, the Mexican alien will continue to be the largest single nationality group among deportable aliens apprehended. A good deal of them will be violators of non-immigrant status and those attempting to evade apprehension by using false documents, especially those attesting to American citizenship.

Effective control of the Mexican border will depend largely on continued application of time-tested enforcement measures. These include constant emphasis on operations in the immediate border areas to prevent unlawful entry and to assure quick and certain apprehension. The value of removal of apprehended Mexican aliens by airlift or bus-trainlift to discourage repeat violations has been well established. For example, each year a smaller proportion of the Mexican aliens transported by air to the interior of Mexico has been found to have returned unlawfully. It is planned to continue this operation as well as the Presidio-Ojinaga bus-trainlift. Formal deportation and prosecution will provide additional deterrents for persistent violators and criminal aliens.

INCREASE--$1,613,900

| | | | |
|---|---|---|---|
| A. | Passenger vehicle replacements (126 sedans): | | |
| | Vehicles | $218,000 | |
| | Freight | 17,700 | $235,700 |
| B. | Mandatory salary advancements | | 140,100 |
| C. | Repairs and alterations, immigration stations | | 46,000 |
| D. | Truck replacements (138): | | |
| | Vehicles | 389,100 | |
| | Freight | 27,600 | 416,700 |
| E. | Aircraft replacements (5): | | |
| | 3 Helicopters, 1 Cessna, 1 Super cub | 198,000 | |
| | Maintenance and operation | 23,700 | 221,700 |
| F. | Radio system renewal | | 275,700 |
| G. | Enforcement fence | | 78,000 |
| H. | Border Patrol Stations | | 200,000 |
| | Total | | $1,613,900 |

A. Passenger Vehicle Replacements--Increase $235,700

B. Mandatory Salary Advancements--Increase $140,100

C. Repairs and Alterations, Immigration Stations--Increase $46,000

The total amounts requested for each of the foregoing items are tabulated in detail and justified in full in that part of the justifications dealing with multiactivity items. The increases referred to here represent the applicable portions chargeable to the Border Patrol activity.

D. Truck Replacements (138)--Increase $416,700

Operations of the Border Patrol require the support of a fleet of trucks. The mileage record of the fleet as of June 30, 1962 will be approximately as follows:

| Model | Age-Years | No. of Vehicles | Average Mileage |
|---|---|---|---|
| 1962 | 1 | 98 | 2,661 |
| 1961 | 2 | 125 | 22,936 |
| 1960 | 3 | 126 | 44,029 |
| 1959 | 4 | 103 | 47,394 |
| 1958 | 5 | 48 | 57,345 |

Funds are requested for 138 replacements out of the estimated 253 which will fall within General Services Administration replacement schedules during 1963. The net cost of the 138 replacements is computed as follows:

| | Unit | Amount |
|---|---|---|
| Vehicles, gross | $2,930 | $404,300 |
| Sale of old vehicle | - 110 | -15,200 |
| Vehicles, net | 2,820 | 389,100 |
| Freight | 200 | 27,600 |
| Total | 3,020 | 416,700 |

E. Aircraft Replacements (5)--Increase $221,700

The Border Patrol operates a fleet of 46 aircraft, six of which are transport planes acquired from the military. The light aircraft are used for patrol and observation of border areas, for direction of ground interceptor forces, and for checking widely scattered airfields to detect illegal entries and departures of aircraft. Included in the light aircraft fleet are 14 T-34B's, one Beechcraft C-45, one Cessna 310D, and two deHavilland Beavers which will not require replacement for a number of years. As to the remaining 22 light observation type aircraft, four years of operation has proved to be the maximum limit for replacement. Immigration patrol inspectors who operate observation aircraft have little time to search for emergency landing places as they examine from the air moving trains, hiding places in brush and around farmyards, distinguish foot tracks and follow trails. In the interest of safety and in order to keep all aircraft in operation the planes must be replaced in accordance with the standards.

Replacement of five planes will be required during the Fiscal Year 1963 as shown by the following table of Service observation planes in use on June 30, 1962:

| No. of Planes | Age Years | Replace in F. Y. 1963 |
|---|---|---|
| 4 | 1 | - |
| 5 | 2 | - |
| 8 | 3 | - |
| 5 | 4 | 5 |
| 22* | | 5 |

*Does not include two DeHavilland Beavers, one Cessna 310D, one Beechcraft C-45, and 14 T-34B's not to be replaced.

It is proposed to replace four Piper Super Cubs and one Cessna 180 with 3 Bell helicopters, one Cessna 180, and one Piper Super Cub.

The aircraft to be replaced are as follows:

| IDENTIFICATION NUMBER | MAKE | MODEL YEAR | TO BE REPLACED BY |
|---|---|---|---|
| N9339D | Piper | 1958 | Bell 47G-3B |
| N9397D | Piper | 1958 | Bell 47G-3B |
| N9398D | Piper | 1958 | Bell 47G-3B |
| N9440D | Piper | 1958 | Piper Super Cub |
| N7656A | Cessna | 1956 | Cessna 180 |

The use of helicopters for Border Patrol operations has been under consideration for several years and definite enforcement advantages have been established. Highways, railroads and cultivated areas along the Mexican border previously afforded illegal entrants less arduous avenues of entry into the United States. Now, due to the tight control being maintained, persistent violators have been forced to seek entry in the rough, inaccessible areas which are found to some degree in every sector along the border. When suspects are observed from conventional aircraft in such places many hours are required of ground teams in reaching them for questioning. A helicopter can land and the issue of deportability can be determined immediately.

The three helicopters will be based at Del Rio, Texas, Marfa, Texas, and Chula Vista, California. The terrain in these sectors is rough and mountainous and in many places is impassable to vehicles, even jeeps. In vast areas it is impossible to land a conventional light observation aircraft.

In more open spaces such as exist in the Del Rio sector, officers following trails in jeeps are forced to detour for miles where the tracks cross over a fence. Also, rocky terrain in this sector produces sporadic foot trails which can be more readily followed from above in a helicopter. These conditions attract entry afoot by violators.

In addition to the enforcement advantages helicopters will provide added safety in two directions. They will afford safety to officers who otherwise would have to fly conventional aircraft low over rough territory, a hazardous duty. On the other hand, an officer working alone on sign-cutting assignments would have help more readily available in the event of an encounter he could not cope with because a helicopter can land almost anywhere.

It is not anticipated that the use of the three helicopters will permit the reassignment of officers to other locations. However, in addition to the added safety features, areas of the border which were previously inactive and are now causing trouble because of tighter enforcement elsewhere will receive more careful attention.

Computation of the Net Replacement Cost Follows:

| Type | Cost |
|---|---|
| 1 Piper Super Cub | $ 14,500 |
| 1 Cessna | 21,000 |
| 3 Helicopters @ $55,000 | 165,000 |
| | 200,500 |
| Less Sales 5 @ $500 | - 2,500 |
| | 198,000 |
| Maintenance and operation of helicopters | 30,000 |
| Less maintenance and operation of 3 Super Cubs to be replaced | - 6,300 |
| NET COST | $221,700 |



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F. Fiscal year 1963 Radio System Renewal--Increase $275,700

A functional change in the radio system will be required in the fiscal year 1963 to accommodate the increased radio activity in some areas. All radio units within a Sector must now use the same channel. Since only one conversation at a time is possible some units with business must wait their turn resulting in severe inefficiency in operations in some areas. To overcome this it is necessary to go to 400 megacycle multichannel equipment for repeater links and headquarters control, which will enable breaking the operations of a Sector into groups, but still tie all the groups into the Sector Headquarters. The 400 megacycle multichannel equipment planned has just recently become available commercially and is the lowest cost equipment available that will provide the necessary functions. The Sectors that need immediate relief are Miami, New Orleans, Brownsville, McAllen, Grand Forks, and Detroit.

There are continuing needs to make periodic replacements of equipment in order to keep the over-all system reasonably modern and operative. Additional radio coverage is required in a few areas to meet expanded operational requirements. The detailed requirement for the fiscal year 1963 is listed as follows:

| | | | |
|---|---|---|---|
| 90 | FM Mobile | @ $ 650 | $ 58,500 |
| 26 | FM Portable | @ 450 | 11,700 |
| 10 | FM Base Station | @ 610 | 6,100 |
| 9 | FM Repeaters | @ 3,000 | 27,000 |
| 11 | Antenna Towers-Various Heights | | 54,000 |
| 11 | AM Receivers | @ 650 | 7,200 |
| 2 | AM Base Station | @ 4,000 | 8,000 |
| 4 | UHF Base Station | @ 1,800 | 7,200 |
| 12 | UHF Repeaters | @ 8,000 | 96,000 |
| | | | $275,700 |

The FM mobile and portable sets are for replacement of old equipment. The higher estimate for mobile equipment is for transistorized equipment which will cost more initially, but should reduce maintenance costs considerably.

Eight of the FM base stations are for replacement of old equipment. Two are installations at Ports of Entry not previously equipped.

Five of the FM repeaters are for replacement of old equipment. Four are for expansion.

Four of the towers are for the same areas as the four FM repeaters. The seven others are required in the conversion to UHF.

The AM receivers and AM (single side band) base station equipment is to replace old equipment at control stations.

The UHF base and repeater equipment is for the purposes noted above. The relatively high cost of this equipment is due to the added expense of special multiplexing (channel stacking) and control equipment necessary.

There follows a project summary of the required items by patrol sector and unit cost.

## Radio System Replacement and Expansion

| Location | Mobile 2-way radio sets | Portable 2-way radio sets | FM base station | FM repeaters | Antenna towers various heights | AM radio receivers | AM (single side band) base station | UHF base station | UHF repeaters | Total Cost |
|---|---|---|---|---|---|---|---|---|---|---|
| Blaine, Wash. | - | - | - | - | - | 1 | - | - | - | $ 650 |
| Brownsville, Texas | - | - | - | - | 1 | - | 1 | 1 | 1 | 20,300 |
| Buffalo, N. Y | - | - | - | - | - | 1 | - | - | - | 650 |
| Chula Vista, Calif. | - | - | 1 | 1 | - | 1 | - | - | - | 4,260 |
| Del Rio, Texas | - | - | - | 1 | - | - | - | - | - | 3,000 |
| Detroit, Mich. | - | - | - | - | 1 | - | - | 1 | 1 | 16,300 |
| El Centro, Calif. | - | - | 1 | 1 | - | - | - | - | - | 3,610 |
| El Paso, Texas | - | - | 1 | - | - | - | - | - | - | 610 |
| Grand Forks, N. D. | - | - | 1 | - | 3 | 1 | - | 1 | 4 | 55,060 |
| Havre, Montana | - | - | 1 | 1 | 1 | 1 | - | - | - | 7,260 |
| Houlton, Maine | - | - | 1 | 1 | 1 | 1 | - | - | - | 7,260 |
| Livermore, Calif. | - | - | - | 1 | 1 | - | - | - | - | 6,000 |
| Marfa, Texas | - | - | 1 | - | - | 1 | - | - | - | 1,260 |
| McAllen, Texas | - | - | - | - | - | - | - | 1 | 1 | 9,800 |
| Miami, Florida | - | - | 1 | - | 1 | - | - | - | 3 | 30,610 |
| New Orleans, La. | - | - | 1 | - | 1 | 1 | - | - | 2 | 23,260 |
| New York City, N. Y. | - | - | - | 1 | 1 | 1 | - | - | - | 3,650 |
| Ogdensburg, N. Y. | - | - | - | - | - | 1 | - | - | - | 650 |
| Tucson, Arizona | - | - | 1 | 1 | - | 1 | - | - | - | 4,260 |
| Yuma, Arizona | - | - | - | 1 | - | - | 1 | - | - | 7,000 |
| NW Region, general | 10 | 5 | - | - | - | - | - | - | - | 8,750 |
| NE Region, general | 10 | 6 | - | - | - | - | - | - | - | 9,200 |
| SW Region, general | 60 | 12 | - | - | - | - | - | - | - | 44,400 |
| SE Region, general | 10 | 3 | - | - | - | - | - | - | - | 7,850 |
| Total number | 90 | 26 | 10 | 9 | 11 | 11 | 2 | 4 | 12 | |
| Unit Cost | $650 | $450 | $610 | $3000 | various | $650 | $4000 | $1800 | $8000 | |
| Total cost | $58,500 | $11,700 | $6,100 | $27,000 | $54,000 | $7,200 | $8,000 | $7,200 | $96,000 | $275,700 |

G. Enforcement Fence--Increase $78,000

Enforcement fencing has proved to be an effective means of preventing illegal entry in some areas along the Mexican border. The present fence in the San Ysidro area extends 2,781 feet east of the port. The fence was never extended beyond this point because the Service was previously unable to secure a lease providing for easement. The necessary right of way has now been acquired.

It is planned to extend the San Ysidro fence from the end of the present fence 1 1/3 miles through rough country such as Spring Canyon so it will terminate on a high, flat plain, where illegal entrants could be more easily controlled.

It is estimated that of the aliens who enter illegally over the 60-mile border area of the Chula Vista Sector, 26% enter through the Spring Canyon area.

During daylight hours, three to four officers are assigned to this area on a continuous basis. At night this figure is raised to six or seven and when manpower is available additional officers are assigned to this crossing point. The area is particularly vulnerable since once an alien gains entry he has only to walk approximately half-a-mile to the bus depot and within thirty minutes he is out of town. If he continues in the other direction, within forty-five to sixty minutes he is in a populated area where location and apprehension are extremely difficult.

In addition to the aliens who have been apprehended, there are numerous crossings made by women and children in this area who are merely chased back to Mexico.

It is estimated that with a security fence manpower in the Spring Canyon area could be reduced to one man during daylight hours and two men during night hours. In addition to having a more secure control over the area we would entail a saving of manpower, which is desperately needed, in other areas.

The cost of enforcement fence is $58,400 per mile. The cost of 1 1/3 miles of fence will be $78,000

The unit cost of $58,400 per mile is for chain link fence, No. 6 wire, 10 feet high, mounted on steel posts, topped by "V" arms carrying 12 strands of barbed wire (6 on each side), with a roll of concertina wire (4 feet diameter) inside the "V" and a 3-foot diameter roll on the underside of the "V", the lower edge of the fence imbedded in 18 inches of concrete. The unit cost represents current list prices less approximately 33% as the anticipated benefit of competitive bidding. Details of the unit cost are as follows:

ENFORCEMENT FENCE

| | Cost Per Foot | | | Cost Per Mile |
|---|---|---|---|---|
| | Material | Erection | Total | |
| Chain link fence, No. 6 wire - 10 ft. high ..... | $ 6.16 | $1.80 | $7.96 | $42,028 |
| "V" arm with 12 strands of barbed wire ..... | 1.50 | .75 | 2.25 | 11,880 |
| 4' concertina in center of "V" ..... | 1.34 | 1.20 | 2.54 | 13,411 |
| 3' concertina on underside of "V" ..... | 1.34 | .90 | 2.24 | 11,827 |
| Concrete base ..... | .75 | .85 | 1.60 | 8,448 |
| Total ..... | $11.09 | $5.50 | $16.59 | $87,594* |

*Unit cost is 33% less as benefit of competitive bidding.

H. Border Patrol Stations--Increase $200,000

Some border patrol officers have been housed for years in most inadequate quarters. There are 18 border patrol stations in the long range program scheduled for construction under authority available to the Immigration and Naturalization Service (The Act of June 26, 1930, as amended). A program has been adopted for accomplishment of five projects in the fiscal year 1963; eight in 1964; and five in 1965. It is planned to construct stations at a cost of $40,000 each at Trenton, Michigan, Sanderson, Texas, Brackettville, Texas, Campo, California, and Shelby, Montana during the fiscal year 1963.

The 1963 border patrol station construction program is summarized hereunder.

BORDER PATROL STATIONS (1963)

Trenton, Michigan

The present station is located in leased space consisting of one small office. There are no provisions for the interrogation of suspects or the temporary detention of aliens. These inadequate quarters have been tolerated only because no other suitable space is available. Five officers are assigned to the station. It is proposed to construct a new station having the required minimum facilities, including an attached garage for government vehicles.

Sanderson, Texas

There are no provisions for the interrogation of suspects or the temporary detention of aliens in the present station which is located in leased space consisting of one small office. No other suitable space is available. Five officers are assigned to the station. A new station and a garage having the required minimum facilities, will be constructed.

Brackettville, Texas

The present station is located in leased space consisting of a squad room and a small office. There are no provisions for the temporary detention of aliens. The quarters are inadequate but no other suitable space is available. Six officers are assigned to the station. The project will consist of a new station having the required minimum facilities, including a garage.

Campo, California

Two rooms of a temporary frame building acquired from an abandoned World War II military base house the present station. These inadequate quarters have been tolerated only because no other suitable space is available. Eight officers are assigned to the station. Construction of a new station having the required minimum facilities, including a garage is proposed.

Shelby, Montana

The present station is located in unsatisfactory leased space which has been tolerated only because no other suitable quarters are available. 4 officers are assigned to the station. A new station having the required minimum facilities, including an attached garage will be constructed.

TABLE "5" -- INVESTIGATING ALIENS' STATUS

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Permanent positions | 1,173 | 1,185 | - | 1,185 | - | 1,185 |
| Average number of all employees | 1,140 | 1,114 | - 18 | 1,096 | + 12 | 1,108 |
| 10 PERSONAL SERVICES AND BENEFITS | | | | | | |
| 11 Personnel Compensation: | | | | | | |
| Total permanent | 8,331,078 | 8,482,757 | +127,640 | 8,610,397 | - | 8,610,397 |
| Deduct lapses | 266,615 | 492,157 | +127,640 | 619,797 | - 85,200 | 534,597 |
| Net permanent | 8,064,463 | 7,990,600 | - | 7,990,600 | + 85,200 | 8,075,800 |
| Temporary employment | 10,637 | 10,600 | - | 10,600 | - | 10,600 |
| Intermittent employment | 18,608 | 18,600 | - | 18,600 | - | 18,600 |
| Regular pay above 52-week base | 32,000 | - | - | - | - | - |
| Overtime | 9,460 | 9,500 | - | 9,500 | - | 9,500 |
| Premium compensation | 694,521 | 700,000 | - | 700,000 | - | 700,000 |
| Holiday pay | 156 | - | - | - | - | - |
| Nightwork differential | 180 | 200 | - | 200 | - | 200 |
| Additional pay for service abroad | 30,883 | 32,900 | - | 32,900 | - | 32,900 |
| Casual workers | 12,474 | 12,500 | - | 12,500 | - | 12,500 |
| Rewards | 39,710 | 39,700 | - | 39,700 | - | 39,700 |
| Witness fees | 6,394 | 6,400 | - | 6,400 | - | 6,400 |
| Total - Personnel Compensation | 8,919,486 | 8,821,000 | - | 8,821,000 | + 85,200 | 8,906,200 |

TABLE "5" -- INVESTIGATING ALIENS' STATUS

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS (contd.) | | | | | | |
| 12 Personnel Benefits: | | | | | | |
| Foreign quarters allowance | 45,399 | 46,500 | - | 46,500 | - | 46,500 |
| Foreign education allowance | 7,568 | 7,800 | - | 7,800 | - | 7,800 |
| Separation allowance | 2,077 | - | - | - | - | - |
| Group life insurance, Government contribution | 27,537 | 27,600 | - | 27,600 | + 500 | 28,100 |
| F.I.C.A. taxes, Government contribution | 2,020 | 2,000 | - | 2,000 | - | 2,000 |
| Incentive awards | 7,560 | 7,500 | - | 7,500 | - | 7,500 |
| Employees Health Benefits Act | 68,708 | 70,000 | - | 70,000 | - | 70,000 |
| Payments to retirement fund, Government contribution | 520,786 | 540,000 | - | 540,000 | + 5,100 | 545,100 |
| Total - Personnel Benefits | 681,655 | 701,400 | - | 701,400 | + 5,600 | 707,000 |
| 10 Total Personal Services and Benefits | 9,601,141 | 9,522,400 | - | 9,522,400 | + 90,800 | 9,613,200 |

TABLE "5" -- INVESTIGATING ALIENS' STATUS

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 419,377 | 419,400 | - | 419,400 | - | 419,400 |
| 22 Transportation of things | 131,601 | 143,100 | - 11,900 | 131,200 | + 11,900 | 143,100 |
| 23 Rent, communications, and utilities | 182,151 | 166,800 | - | 166,800 | - | 166,800 |
| 24 Printing and reproduction | 38,739 | 36,890 | - 190 | 36,700 | - | 36,700 |
| 25 Other services | 164,294 | 163,550 | - 1,650 | 161,900 | + 200 | 162,100 |
| Unvouchered | 50,000 | 50,000 | - | 50,000 | - | 50,000 |
| Services performed by other Government agencies | 21,632 | 21,600 | - | 21,600 | - | 21,600 |
| 26 Supplies and materials | 266,214 | 267,393 | - 893 | 266,500 | - | 266,500 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 311,766 | 162,023 | -147,523 | 14,500 | +147,000 | 161,500 |
| 32 Lands and structures | 10,642 | 900 | - 900 | - | + 100 | 100 |
| 40 GRANTS AND FIXED CHARGES | | | | | | |
| 42 Insurance claims and indemnities | 968 | 300 | - | 300 | - | 300 |
| 44 Refunds | 37 | 100 | - | 100 | - | 100 |
| Total other costs | 1,597,421 | 1,432,056 | -163,056 | 1,269,000 | +159,200 | 1,428,200 |
| Total | 11,198,562 | 10,954,456 | -163,056 | 10,791,400 | +250,000 | 11,041,400 |
| Deduct quarters and subsistence furnished | 1,094 | 1,000 | - | 1,000 | - | 1,000 |
| Total costs | 11,197,468 | 10,953,456 | -163,056 | 10,790,400 | +250,000 | 11,040,400 |
| Costs financed from obligations of other years, net (-) | - 58,420 | - 2,156 | + 2,156 | - - | - | - |
| Total obligations | 11,139,048 | 10,951,300 | -160,900 | 10,790,400 | +250,000 | 11,040,400 |

## Object Summary of Cost and Obligation Adjustments in Base
## Investigating Aliens' Status

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other Obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 22 Transportation of things | - 11,900 | - | - 11,900 |
| 24 Printing and reproduction | - | - 190 | - 190 |
| 25 Other services | - 1,100 | - 550 | - 1,650 |
| 26 Supplies and materials | - | - 893 | - 893 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | -147,000 | - 523 | -147,523 |
| 32 Lands and structures | - 900 | - | - 900 |
| Total | -160,900 | -2,156 | -163,056 |

FORCE AND WORKLOAD
INVESTIGATING ALIENS' STATUS

| Positions | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Supervisory | 55 | 54 | 52 | 52 | 52 |
| Officers | 762 | 744 | 751 | 751 | 751 |
| Clerical | 351 | 351 | 339 | 351 | 351 |
| Detention Officer | - | 1 | - | - | - |
| Custodial | 3 | 2 | 1 | 1 | 1 |
| Central Office | 29 | 30 | 30 | 30 | 30 |
| Total permanent positions | 1,200 | 1,182 | 1,173 | 1,185 | 1,185 |
| Average permanent employees | 1,126 | 1,133 | 1,133 | 1,107 | 1,101 |
| Average number of all employees | 1,134 | 1,136 | 1,140 | 1,114 | 1,108 |
| Workload - Investigations | | | | | |
| Subversive (Total) | 3,390 | 2,399 | 3,468 | 3,895 | 3,780 |
| Revocation | 643 | 304 | 137 | 185 | 185 |
| Deportation | 1,027 | 851 | 1,057 | 1,220 | 1,185 |
| Applicant for admission | 1,322 | 929 | 1,645 | 1,705 | 1,700 |
| Naturalization | 398 | 315 | 629 | 785 | 710 |
| Criminal, immoral and narcotic (Total) | 3,764 | 5,990 | 6,785 | 7,195 | 7,295 |
| Revocation | 166 | 131 | 63 | 55 | 55 |
| Deportation | 3,598 | 2,903 | 3,268 | 3,425 | 3,400 |
| Applicant for admission | -(a) | 2,956 | 3,454 | 3,715 | 3,840 |
| General (Total) | 49,465 | 34,797 | 38,680 | 35,385 | 35,900 |
| Revocation | 161 | 161 | 176 | 175 | 165 |
| Naturalization | 3,894 | 2,015 | 2,628 | 2,970 | 2,865 |
| Other naturalization and citizenship | 468 | 562 | 497 | 455 | 455 |
| Document fraud | 2,362 | 2,487 | 2,741 | 3,090 | 3,090 |
| Deportation | 22,668 | 13,397 | 12,190 | 12,655 | 12,650 |
| Applicant for admission | 5,845(a) | 4,483 | 9,545 | 6,950 | 6,800 |
| Smuggling | 261 | 328 | 357 | 345 | 345 |
| Alien registration & address report prosecution | 271 | 188 | 102 | 110 | 110 |
| Other investigation looking toward prosecution | 1,019 | 787 | 699 | 745 | 745 |
| Private bill | 2,062 | 1,383 | 2,249 | 1,290 | 2,100 |
| Parole and abscondees | 3,611 | 3,630 | 3,549 | 3,730 | 3,700 |
| Character investigations (other than naturalization) | 2,420 | 1,316 | 1,503 | 1,495 | 1,500 |
| Miscellaneous | 4,423 | 4,060 | 2,444 | 1,375 | 1,375 |
| Search (Total) | -(b) | 16,894(c) | 7,667(c) | 8,020 | 7,970 |
| GRAND TOTAL | 56,619 | 60,080 | 56,600 | 54,495(d) | 54,945(d) |

(a) Reporting system revised effective July 1, 1959.
(b) The reporting system was extended to include search investigations in the case count effective July 1, 1959.
(c) Apparent decrease from F.Y. 1960 results from revision of case definition providing for unit count only where alien is located without lead and where alien is deportable.
(d) Apparent decrease in 1962 and 1963 estimate results from revision of reporting requirements regarding auxiliary investigations.

FORCE AND WORKLOAD
INVESTIGATING ALIENS' STATUS

| | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Deportable aliens located through search[a] | 17,747 | 16,894 | 7,667 | 8,020 | 7,970 |
| Orders to show cause (issued) | 11,989 | 11,786 | 17,323 | 21,000 | 21,000 |
| Examining officer appearances made[b] | 7,398 | 5,872 | 5,047 | 5,000 | 5,000 |
| Record checks (completed) | 343,501 | 419,189 | 533,623 | 530,000 | 530,000 |
| Liaison and informant development work | Not subject to unit measurement | | | | |
| Prosecution and litigation | Not subject to unit measurement | | | | |
| Surveillance | Not subject to unit measurement | | | | |
| Training and development | Not subject to unit measurement | | | | |
| Related investigative matters | Not subject to unit measurement | | | | |

(a) Apparent decrease in 1960 and 1961 results from changes in reporting system and case definition providing for unit count only where alien is located without lead and where alien is deportable.

(b) 1959 figure shows cases completed.

## INVESTIGATING ALIENS' STATUS

| | |
|---|---|
| Appropriation base | $10,790,400 |
| Budget estimate | 11,040,400 |
| Increase in the budget estimate over the appropriation base | 250,000 |

Obligations under this activity include salaries and other expenses for all work relating to investigations performed by the Service. The various categories of investigative activities performed by the Service are described as follows:

A. Investigations:

(1) Subversive:

(a) Citizenship Revocation - Looking to revocation of judicial naturalization of alleged subversives or persons allegedly having a subversive background.

(b) Deportation - Looking to deportation of alleged subversive aliens or aliens of allegedly subversive background.

(c) Applicant for Admission - Of applicants or prospective applicants for admission who are alleged subversives, or have an allegedly subversive background, to prevent their entry.

(d) Naturalization Petitioners - Of the eligibility of applicants for naturalization, who are allegedly subversive or allegedly have a subversive background.

(2) Criminal, Immoral, and Narcotic:

(a) Citizenship Revocation - Looking to revocation of judicial naturalization of persons allegedly of the criminal, immoral, or narcotic classes.

(b) Deportation - Looking to deportation of persons allegedly in the criminal, immoral, or narcotic classes.

(c) Applicant for Admission - Of applicants, or prospective applicants for admission, who are allegedly in the criminal, immoral, or narcotic classes, including investigations under Section 5 of Public Law 85-316.

(3) General:

(a) Citizenship Revocation - Looking to revocation of judicial naturalization of persons other than those in the subversive, criminal, immoral or narcotic classes.

(b) Naturalization Petitioners - Of the eligibility of applicants for naturalization other than those in the subversive, criminal, immoral or narcotic classes.

(c) Other Citizenship Matters - In connection with citizenship status, miscellaneous applications or matters arising under the nationality laws.

(d) Document Fraud - Looking to deportation or prevention of entry of aliens who perpetrated a document fraud to seek entry, enter or remain in the United States.

(e) Deportation, Other - Looking to deportation of aliens who entered the United States at any time, other than those in the subversive, criminal, immoral, narcotics or document fraud classes.

(f) Applicant for Admission, Other - Of applicants, or prospective applicants for admission, other than those in the subversive, criminal, immoral, or narcotic classes.

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(g) Smuggling - Of smugglers, transporters, harborers of aliens, looking to their identification, apprehension, and criminal prosecution.

(h) Alien Registration and Address Report Prosecution - Looking to possible prosecution for violation of the provisions relating to false or fraudulent alien registration, or noncompliance with any of the registration or address reporting requirements of the law.

(i) Other Investigation Looking Toward Prosecution - Looking to prosecution for violation of criminal provisions of the immigration and nationality laws and relating statutes, other than those mentioned above.

(j) Private Bill - In connection with private bills introduced in Congress for immigration or nationality relief.

(k) Abscondees - To locate aliens who have failed to respond to Service process or notice to appear.

(l) Character Investigation (Other than Naturalization) - To determine eligibility for relief from deportation, or for some other adjustment of immigration status.

(m) Miscellaneous - Of matters not comprehended by preceding classifications (such as those relating to personnel, automobile accidents, and approval of schools for nonimmigrant alien students).

(4) Search:

To locate, without leads, aliens who are in the United States in wilful violation of law. (Unit measurement is based upon deportable aliens located under these conditions.)

B. Orders to Show Cause.

Orders to Show Cause are the basic documents on which deportation proceedings are commenced. Applications for Orders to Show Cause are made when it is determined there is a prima facie cause for deportation. On the basis of these applications investigators,

assisted by clerical personnel, process the actual issuance of the Orders to Show Cause and arrange to have them served on the aliens.

C. Examining Officer:

This activity covers the appearance of investigators in deportation proceedings to represent the government and present the government's case to the Special Inquiry Officer who presides at the deportation hearing.

D. Record Checks:

This activity represents the review of files or records other than Service records, made by representatives of the Service. Such records include birth or death records, court records, and police criminal records. It also includes routine checks made with other government agencies, usually by form letter.

The bulk of record checks are made by clerical personnel. Investigators while traveling away from the office make necessary record checks in outlying areas. They also make record checks requiring research, or careful scrutiny, such as in cases where there is reason to believe a record may have been created through fraud or misrepresentation.

E. Liaison and Informant Development:

This is a continuing operation not subject to unit count in which investigators seek out and cultivate persons who can furnish useful information and leads concerning violators of the immigration and nationality laws, particularly in the subversive, criminal, immoral, narcotic and deserting crewmen fields.

F. Prosecution and Litigation:

Investigative activity assisting United States Attorneys in criminal prosecutions and court litigation activities involving the Service such as denaturalization suits or habeas corpus and declaratory judgment actions. This work is not susceptible to unit measurement.

G. Surveillance:

Investigative activity in the surveillance of persons or places incident to the enforcement responsibilities of the Service. This work is not susceptible to unit measurement.

H. Training and Development:

Investigative participation in programs involving training and development of employees. This work is not susceptible to unit measurement.

I. Related Investigative Matters:

Work performed by investigators including time spent in preparing reports, memoranda and correspondence not covered by the preceding categories. This work is not susceptible to unit measurement.

Previous Year Performance

Utilization of Manpower. During the year, investigators and supervisors were reassigned at locations and duties consonant with operational requirements necessary to achieve objectives of the investigations program. In addition, rotations of personnel were effected as necessary not only to accomplish objectives but to effect on-the-job training.

The assignment of approximately 30% of the force to search investigations was continued. As a result, 7,667 deportable aliens were located. This activity increased the effectiveness of Service controls over illegal entries by deserting crewmen and stowaways and, in addition, resulted in the early location and expulsion of aliens who would otherwise remain in the United States illegally long enough to acquire statutory privileges which would defeat expulsion.

High priorities of manpower were directed to investigations of subversives and criminal elements amenable to Service proceedings. The increase in investigations involving fraudulent documents to gain admission to the United States received particular attention. The rise in the number of such investigations required an increase of investigators assigned to that type of work.

Liaison with other law enforcement agencies, an indispensable media for effective investigations, continues to receive attention. The exchange and receipt of information from other agencies at all levels and from individual informants played a vital role in the achievement of our objectives.

Despite particular emphasis directed to various types of investigations and the fact that receipts of new cases were well above the number anticipated, a relatively current workload was maintained. The pending figure was held down through completion of 56,600 investigations during the fiscal year 1961.

Anti-Crime Operations. One of the major Service investigative programs is the exclusion and deportation of aliens and the denaturalization of naturalized citizens involved in criminal, immoral, or narcotic activities. During the fiscal year 1961, 6,785 investigations of this type were completed. The impact of the manpower assigned to these cases is reflected in the deportation during the year of 677 aliens of this group.

Of the criminal, immoral, and narcotic element, the racketeer has been and continues to be the prime target since, with his removal, the lesser criminals whose interests are dependent upon him would receive irreparable damage. However, both in the denaturalization and deportation processes impediments exist to effective enforcement. Denaturalization has been and continues to be difficult in the face of the stringent requirement imposed by the courts. The deportation process although expeditious is frustrated by the alien's resort to judicial procedures designed solely to delay or obstruct the execution of the deportation orders entered.

After years of litigation, on February 20, 1961, the United States Supreme Court affirmed the denaturalization of Frank Costello, who has just completed serving two five-year sentences concurrently for income tax evasion. Costello's appeal from a deportation order by the Service is currently pending before the Board of Immigration Appeals.

Vito Genovese, characterized as a leader within the criminal hierarchy in the United States, became subject to deportation proceedings in June 1960 when his conviction for conspiracy to violate narcotic statutes was upheld by the United States Supreme Court. Although he had been denaturalized on September 1, 1955, he was not subject to deportation proceedings until convicted on the narcotics charge. On August 30, 1960, the Board of Immigration Appeals sustained a finding by the Service of deportability. Genovese is now serving a fifteen-year sentence at the Penitentiary at Atlanta, Georgia, and his earliest possible release date is in 1970.

Paul De Lucia, alias Paul the Waiter, regarded as the head of syndicated crime in Chicago lost another round in his fight against deportation when the Court of Appeals at Chicago affirmed the decision of the United States District Court denying his motion for review of the deportation order. De Lucia, who allegedly inherited a great portion of the criminal empire of the late Al Capone was released from the United States Penitentiary, Terra Haute, Indiana, on October 21, 1961 after serving a portion of a three year sentence for income tax evasion.

Joseph Stacher, alias "Doc" Rosen, a native of Russia, who has been associated in business ventures with Meyer Lansky, Joe Adonis, Jerry Catena, "Longie" Zwillman, and was an intimate friend and associate of Murder Incorporated's Lepke Buchalter, was put under exclusion proceedings during the year at Los Angeles. Although previously stripped of citizenship, he has not been deportable under law. It was known however that Stacher, one of the wealthiest racketeers in the United States,

occasionally visited Europe. A lookout was posted with the result that when he returned to Los Angeles on March 30, 1961, exclusion proceedings were instituted, based on a conviction for forgery. On August 31, 1961 the Special Inquiry Officer ordered him excluded and deported. His appeal is pending with the Board of Immigration Appeals.

Isadore Blumenfield, alias Kid Cann, who was known as "King of the Bootleggers" during prohibition in the St. Paul-Minneapolis area, became deportable when the United States Supreme Court on February 20, 1961, refused to review his conviction for violation of the White Slave Traffice Act. After hearings before a Special Inquiry Officer he was ordered deported. He did not appeal from the Special Inquiry Officer's order. He is presently serving concurrent jail sentences totaling six years for violation of the White Slave Traffic Act, filing false and fraudulent income tax returns and attempting to bribe a juror.

Salvatore Maneri, prominent in illegal narcotic dealings, although deported in 1955, reentered illegally and was arrested by Service investigators at New York on November 14, 1960. After a hearing, he was summarily ordered deported. The United States District Court sentenced him to six months imprisonment for reentering after deportation. He served this sentence, but his scheduled deportation was delayed when, on May 22, 1961, he was indicted for violation of a Federal narcotic law.

The control of gambling and vice in Gary, Indiana, was weakened with the deportation order entered against Gaetano Morgano on February 1, 1960. Enforcement of the deportation order against Morgano was held in abeyance to permit Indiana state authorities to prosecute him for bribery and other offenses. His prosecution resulted in two dismissals because of hung juries. In the interim, Morgano filed a suit in the United States District Court for a judicial declaration of United States citizenship. On February 23, 1961, that court dismissed his suit and his appeal is now pending before the United States Circuit Court.

The foregoing are only illustrative of the criminal element which received Service attention during the year. In addition to the actions directed against the notorious members of the criminal conspiracy, efforts were also directed against the criminals of lesser stature.

Canadian and Mexican Border Anti-Crime Program. The objective of this phase of the Service's anti-crime operations is to coordinate information concerning the identities, whereabouts, and movements of foreign criminals residing in adjacent countries with a view toward prevention of entries by inadmissable and undesirable aliens or to expeditiously locate any who may have clandestinely entered the United States. This is accomplished by close liaison established through the mutual trust shared by Service investigators and law enforcement officials on both sides of the borders.

Upon the receipt of information indicating that criminals residing in contiguous territory may attempt entry, lookouts are posted to prevent entry. During the past year, lookouts were posted on 1,265 of these criminal aliens. As a result, 46 were excluded when they applied for admission. In addition, 52 such aliens were located in the United States as a result of information furnished under the program.

The results of this program are illustrated by the following cases:

Grant Connor, one of Canada's more notorious criminals, was arrested by Service investigators at Phoenix, Arizona, on November 18, 1960. The Detroit Police Department was able to link him to the November 5, 1960, murder of his foster mother in that city on the basis of the original portfolio maintained by our Detroit Office. Connor subsequently confessed to the murder and is now serving a 30 to 40 year sentence at Jackson Prison, Michigan.

Raymond Robert Louis Belcourt, who has a record of passing and possessing counterfeit money, was arrested by Service investigators at Detroit on December 8, 1960, and turned over to the Secret

Service for prosecution. A previous deportee, he is serving a three-year sentence at Milan Prison, Michigan, on the counterfeit charge.

Ambrose E. Johnston, wanted on a bank robbery charge in Canada, received a two-year suspended sentence in Buffalo, New York, on October 31, 1960, for reentry after deportation after the judge was assured he would be turned over to the custody of the Canadian police when deported. He was subsequently convicted and sentenced on February 1, 1961, to 15 years on the robbery charge at Outremont, Province of Quebec, Canada.

Jacques Levasseur, the "most wanted man in the files of the Montreal Police Department" was arrested by Service investigators at Miami, Florida, on May 4, 1961. Levasseur had escaped from custody of Quebec Provincial Police while being transported from jail after his arrest on a charge of attempted murder. That charge stemmed from a gun battle, during an unsuccessful bank holdup, in which his accomplice was killed and a bystander wounded. Levasseur was turned over to Quebec authorities for prosecution.



Anti-Subversive Operations. The Service continued to meet its share of responsibility for the protection of internal security from the threat of foreign-born Communists, either aliens or naturalized citizens.

An order of deportation was entered on May 5, 1961, against George Albert Scythes, a native of Canada and an official of the Socialist Workers Party at Milwaukee, Wisconsin. His deportation order is presently under review by the courts. This case culminated a long and difficult investigation primarily calculated to procure evidence which could be admitted in the deportation proceedings to establish that the Socialist Workers Party advocates the overthrow of the United States Government by force, violence or other unconstitutional means.

Another successful investigation was concluded with the entry of an order of deportation on August 8, 1960, against August Wilhelm Lahtinen who for many years had been a member of the Finnish Workers Federation and an editor of their newspaper, Tyomies-Eteenpain. For the first time it was administratively held that the Finnish Workers Federation was an affiliation of the Communist Party in the United States. Lahtinen's deportation has been stayed pending the outcome of a declaratory judgment action he instituted in the Federal Court.

Willie Hirsch, a German-born medical illustrator, who had been arrested by the Federal Bureau of Investigation on October 27, 1960, together with Igor Melekh, a United Nations employee, on a Chicago indictment charging conspiracy to obtain military maps and aerial photos of Chicago to send to the Soviet Union, was deported to Czechoslovakia on July 21, 1961. The indictment against Melekh was dismissed after the Court was informed that he had departed for Russia.

Jacob Albam, a Lithuanian, was ordered deported by a Special Inquiry Officer on February 2, 1961, on the charge that he was an undesirable resident of the United States due to conviction for violation of 18 USC 793--gathering, transmitting or losing defense information. The order was affirmed by the Board of Immigration Appeals on August 10, 1961. However, he has filed an application for stay of deportation, claiming that he would be subject to physical persecution if deported to Lithuania. He was a member of the infamous Soble Soviet Spy Ring and has completed serving a sentence of 5½ years imprisonment in a Federal penitentiary.

The Service Chinese Confession Program furthered anti-subversive operations by closing avenues through which Chinese Communist agents might have illegally entered the United States using fraudulently procured documents. Confessions obtained under this program led to the exposure of methods being used by Chinese Communists to send their agents here as well as their assignment in this country.

Canadian and Mexican Border Anti-Subversive Program. The objective of this phase of the Service's anti-subversive operations is to secure and coordinate information concerning the identities and activities of subversive aliens who may seek to enter the United States from foreign contiguous territory. At strategic points along the Mexican border carefully selected bilingual Service

investigators by discreet contacts with informants within the subversive organizations in Mexico, obtain vital information regarding the activities of those organizations, the identities of their prime movers, and the plans and policies of the Communist Party of Mexico and the affiliated front and cover organizations. Lookouts are posted to prevent entries of alien subversives.

During the year, 21 subversive aliens were temporarily denied admission to the United States as a result of information developed under this program. Included among these was Manuel Manzano Radillo of Nuevo Laredo who in 1936 helped found and organize the Communist Party in the State of Sonora, Mexico.

Also, during the year, 19 subversive aliens were permanently excluded as a result of information developed under the program, among whom were:

Epifanio Balderos-Moreno, a Torreon, Coahuila, Mexico farm laborer, who had planned to enter the United States as a bracero.

Rafael Contreras-Monteon, a newspaper owner from Ciudad Obregon, Sonora, Mexico, who had been a Federal deputy to the Mexican National Congress from 1952 to 1955.

Homero Gonzalez-Rubalcaba, a Mexican school teacher and Communist leader at Reynosa, Mexico.

Jose Meza-Tirado, a Mexican school teacher in Matamoros, Mexico, who for many years has been a diligent Communist.

Venancio Lopez Juarez, a Mexican school teacher in the School of the Revolution, Nuevo Laredo, Mexico, and long-time leader of the Communist movement in Mexico.

Caribbean Investigations Program. The objective of this phase of the Service's anti-subversive operations is to collate and disseminate information looking to the exclusion or expulsion of subversive aliens who operate or have been operating in the troubled Caribbean area. The indices maintained in the Miami office as the Service clearing house for this information have been enhanced by the addition of records transferred from our Havana Office at the termination of diplomatic relations with Cuba.

During the year, the tense situation in the Caribbean area worsened as Communists became firmly established in Cuba and the United States terminated diplomatic relations with that country and the Dominican Republic. The Service was confronted with several serious problems including that of screening the thousands of refugees fleeing tyrannies in Cuba and the Dominican Republic. The Caribbean index is utilized for reference on an around-the-clock basis by Service offices in continental United States and Puerto Rico, in screening applicants for admission from Central and South American and the Caribbean area, regardless of the hour of their arrival.

The program has been of considerable value in the development of liaison with Latin Americans who became disaffected with the revolutionary activities in their countries. For example, an investigator at New York developed a Cuban as a confidential informant in October 1960 who identified Isidra Sanz as a pro-Castro Cuban. Investigation disclosed that she was illegally in the United States and she was ordered deported, and a warrant of deportation issued on July 21, 1961. However, it has not been possible to obtain a travel document to effect her deportation.

Herman Frederick Marks, a native of Milwaukee, Wisconsin, who became known as "the butcher" while serving as a "captain" in Castro's Army and "security officer" at La Cabana fortress in Havana, where he supervised the execution of more than 200 Cuban opponents of the Castro regime, lost his United States citizenship as a result and was ordered deported by a Special Inquiry Officer on May 31, 1961. The Board of Immigration Appeals affirmed the order on August 2, 1961. However, he has instituted an action in the Federal Court contesting the deportation order which is still pending.

Information developed under this program indicated that a Cuban named Mariano Francisco Gobel-Valle who worked for the Confidential Department of the Cuban National Police, an agency reported to be responsible for the investigation of Cuban counter-revolutionary activities in the United States, was coming to Miami from Cuba to gather information on "Batistianos". He was intercepted at Key West, Florida, on November 8, 1960. He returned to Cuba fifteen days later after having withdrawn his application for admission to the United States as a returning resident.

Other undesirable aliens voluntarily withdrew their applications for admission to the United States or abandoned their residence in the United States as a result of interrogation and investigation based on the information developed under this program, including:

Oscar Rodriquez-Gonzalez, Miami area distributor of pro-Castro Spanish language newspapers, Revolucion, Bohemia, Verde Olivo, El Mundo, and La Calle.

Erasmo Gasco-Perez, an activist in the 26 of July Movement in New York City and Miami, Florida, and successor to Rodriguez-Gonzalez as distributor of Revolucion, Bohemia, Verde Olivo, El Mundo, and La Calle in the Miami area.

Eduardo Janeiro-Rodriguez, reportedly employed by the Cuban Consulate at Miami, as an intelligence agent.

Felipe Jimenez-Ceballo, President of the pro-Castro Patriotic Movement for Aid to Cuban Farmers, Tampa distributor of Havana published pro-Castro Spanish language newspaper, Revolucion, and alleged leader of Castro intelligence agents in the Tampa area.

During the year, particular emphasis and priority was given to the investigation of aliens and naturalized citizens who were reported to be agents of a foreign government. At the close of the year, 60 of these were under active investigation.

Immigration Frauds. Fraudulent documents are used to circumvent prescribed quotas and mandatory exclusion from admission of classes of undesirable aliens such as criminals, paupers, and immoral persons. Spurious or altered documents usually include birth and baptismal certificates, immigrant and nonimmigrant visas, passports, and alien registration receipt cards.

The detection of counterfeit nonimmigrant visas, principally in possession of aliens arriving from Cuba, continued at a high rate during the fiscal year 1961, reaching a peak in January 1961 when 104 were encountered.

Since the wife or husband of a citizen of the United States is exempted from the quota limitation, sham marriages of aliens to citizens of the United States continue as a serious problem. In spite of the difficulty in proving the true nature and purpose of such a marriage, considerable progress was made during the fiscal year 1961 in combating this fraudulent practice.

Investigation in New York City of the marriages to United States citizens of two Greek crewmen deserters resulted in the successful prosecution of five persons involved. The marriages were arranged by Nicholas Theodosis and Nathan Forman. A fee of $100 was paid to each bride after the marriage and another $100 was promised upon termination of the marriage.

On October 18, 1960, twenty-two persons were indicted in Newark, New Jersey, for complicity in eight sham marriages entered into by male nationals of Portugal and Spain with female citizens of the United States. Fees paid by the aliens ranged as high as $1,500. Sixteen of those indicted have pleaded guilty, one was convicted after trial, one was acquitted, and proceedings against the remainder are still pending.

Frank C. Robles, a former member of the Arizona State Legislature and publisher of the weekly, "Arizona P.M." was indicted for furnishing forged assurances of employment in seven separate cases to aliens seeking to immigrate to this country from Mexico. He appealed his conviction on four counts of the seven-count indictment to the Supreme Court of the United States. On April 10, 1961, he began serving the two year sentence imposed by the Court.

Angela Reyes, a Stockton, California notary public, was indicted on October 24, 1960, after furnishing false letters promising employment to prospective immigrants from Mexico for a fee. She pleaded guilty. However, the court suspended sentence and placed her on probation for a period of five years.

The Service "Chinese Confession Program" was continued during the fiscal year 1961. For several generations, bona fide and spurious Chinese citizens of the United States, upon return after a visit to China, have claimed to have fathered children in China during the absence. Most of these were false claims that established fictitious identities which could be used by others to enter this country upon a false claim to citizenship. These fictitious identities have come to be known as "slots" and could be sold for several thousand dollars each. Under the "Chinese Confession Program", Chinese "paper" citizens, here unlawfully through the assumption of false identities and relationships to citizens, are induced to come forward and disclose their true identities and status in this country, thus putting an end to frauds that may have continued for generations. This forecloses the future fraudulent entry of others by cutting off at the roots the "paper" family trees. Those who cooperate are assisted, if at all possible under the law, in adjusting their immigration status here. During the fiscal year 1961, 1,248 confessed to having entered this country fraudulently. These confessions exposed 2,235 other Chinese persons who entered in the same manner and made 1,187 "slots" unavailable for future use.



Search Investigations Operations. During the fiscal year 1961, search investigations were expanded in an effort to promptly locate aliens illegally in the United States. The promptness in locating these aliens is essential to defeat equities which are gained by prolonged illegal residence, thus eventually thwarting deportation.

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Officers engaged in search investigations work on weekends and during the morning and evening hours to achieve more complete coverage of areas, transportation facilities and the like. They continually engage in the development of informants. Information from such sources saves many hours in locating aliens here unlawfully. In addition, close contact is maintained with municipal, state, and federal law enforcement agencies. This liaison has proved productive in the past and continues to be of invaluable aid in locating aliens illegally in the United States.

A total of 7,667 deportable aliens were located through search operations in the fiscal year 1961.

Control of Illegal Entries at Seaports and in Coastal Areas. Due to unsettled political and economic conditions in various parts of the world, continual efforts are made to gain unlawful entry into the United States as deserting crewmen and stowaways.

Since the possible entry of criminal or subversive elements in this manner represents a threat to the security of this country, operations have been geared to effect the best possible control of aliens who seek to enter the United States through these methods.

Additional measures taken during the fiscal year included the collection by Service officers abroad of possible United States addresses on crewmen deserters and further emphasis on the development of informants in the United States, abroad and on vessels who can furnish reliable information concerning stowaways and smuggling activities. A special program was started in New York City to develop informants among crew members on suspect vessels servicing the Mediterranean area.

During the fiscal year 1961 Service officers located 213 stowaways and 2,634 crewmen who wilfully deserted their vessels.

Private Bills. Upon receipt of a request from the congressional committee for a report on a private bill under its consideration, all necessary investigations are conducted on a priority basis by the Service. Reports are prepared and submitted to the requesting committee. In some instances, several investigations are required to cover multiple beneficiaries named in the bill, or when there is more than one interested party. During the fiscal year 1961, 2,249 such investigations were completed.

Orphan Investigations. Under the Act of July 14, 1960 (P.L. 86-648), special nonquota visas were issued during the fiscal year to certain qualified orphans who were eligible for adoption or had been adopted by a citizen or citizens of the United States. Because of the humanitarian factors and the scheduled expiration date of the legislation on June 30, 1961, a high priority was given to the conduct of the necessary investigations. 2,650 petitions for orphans were acted upon during the year; 2,419 were granted and 231 denied.

Administrative Prosecutions. Deportation proceedings are instituted by serving on the alien an Order to Show Cause which sets forth allegations and the deportable charge. Where an alien admits the allegations, no further evidence on the issue of deportability is received in the record of hearing. Where an alien contests deportability, an examining officer is assigned to prosecute the Government's case.

During the year, 17,252 orders to show cause were served and 13,004 hearings, including reopened hearings, were conducted.

Service Representative Before the Board of Immigration Appeals. During the year, two Service Representatives reviewed 992 cases appealed to the Board of Immigration Appeals. They presented oral arguments in 290 of these cases and in addition reviewed 986 decisions made by the Board.

Training. During the past year, the investigative training program was focused primarily on courses of study for supervisory officers and those recently assigned to the investigative area. Thirty-five supervisory investigators completed a course of study in management and supervisory responsibilities as related to the Investigations program. Of those officers recently assigned to Investigations, 47 journeymen were selected to attend two sessions of a course designed to provide them with a comprehension of Service policies and techniques and investigation procedures. Examining officer training conferences were conducted in all four regions to perfect the preparation of orders to show cause, the initial step in expulsion proceedings.



Program Outlook

Top Priority Program - Anti-Crime Operations. In consonance with the Attorney General's drive on organized crime, the Service will concentrate necessary manpower on anti-crime operations in order to fully exploit such additional information as may become available through this coordinated effort. Liaison with cooperating Federal, state, and city agencies will be extended and information developed will be expeditiously passed to interested law enforcement officials.

To meet the problem of surreptitious return to the United States by deported criminals, the Service furnishes our overseas offices with biographical and descriptive information at the time of deportation. Investigations will be closely coordinated with our overseas offices to ascertain the activities and movements of these deportees and to insure a continuous flow of information to investigators engaged in anti-crime operations.

The Canadian and Mexican Border Programs will be fully implemented with emphasis on major cities in foreign contiguous territory.

Top Priority Program - Anti-Subversive Operations. In view of the close relationship between Service anti-subversive operations and national security, the Service plans to emphasize the immediate investigation of all information received regarding subversive activities by aliens or naturalized citizens to determine their amenability to deportation or revocation proceedings. To this end, the Service will maintain close liaison with security agencies and assiduously develop and cultivate confidential informants especially among those language groups, such as the Cubans, currently being subjected to Communist propaganda and agitation tactics.

Cuba has been taken over by the World Communist conspiracy and will now be used by them as a base for penetrating all of Latin America with Communist agitation and propaganda. Other nearby countries are in constant danger of going the way of Cuba. To meet our domestic security responsibility in this situation, Service investigations will continue to identify Latin American Communists and their agents here and abroad to insure that they are excluded from the United States or deported if already here.

Immigration Frauds. Continued emphasis will be given to the detection of the use of fraudulent methods and documentation to evade the immigration laws. Close liaison will be maintained with the Department of State which has a lateral interest in these frauds. Investigation will be initiated in all cases where fraud is suspected with particular emphasis being given to breaking up "ring" operations supplying aliens with false documents.

Search Investigations. The success attained with search operations in recent years, especially where crewmen control is concerned, dictates the assignment of a maximum number of investigators to such activities during the next two fiscal years. Improved techniques in such operations will be stressed.

Workload

While manpower assignments may require adjustment from time-to-time, as a result of unforeseeable conditions, current plans for assignment by principal work categories of the estimated effective (on duty) officer force during the fiscal years 1962 and 1963 compared with the fiscal year 1961 are as follows:

| Work Category | Effective Force 1961 | 1962 | 1963 |
|---|---|---|---|
| Subversive cases | 44 | 51 | 49 |
| Criminal, immoral, and narcotic cases | 48 | 50 | 50 |
| General cases | 222 | 208 | 211 |
| Search | 211 | 216 | 215 |
| Total casework | 525 | 525 | 525 |
| Order to show cause issuance | 24 | 22 | 22 |
| Examining officer | 10 | 10 | 10 |
| Record checks | 16 | 16 | 16 |
| Liaison and informant | 48 | 48 | 48 |
| Prosecution and litigation | 9 | 9 | 9 |
| Surveillance | 11 | 11 | 11 |
| Training and development | 32 | 32 | 32 |
| Related investigative matters | 28 | 23 | 23 |
| Travel (orders, prosecution, etc.) | 14 | * | * |
| Total | 717 | 696 | 696 |

* No longer reported as a separate item. Travel time is now included in the time reported for supporting activities.

INCREASE--$250,000

| | | | |
|---|---|---|---|
| A. | Mandatory salary advancements | | $ 90,800 |
| B. | Passenger vehicle replacements (85): | | |
| | Vehicle | $147,000 | |
| | Freight | 11,900 | 158,900 |
| C. | Repairs and alterations, immigration stations | | 300 |
| | Total | | 250,000 |

A. Mandatory Salary Advancements--Increase $ 90,800

B. Passenger Vehicle Replacements--Increase $158,900

C. Repairs and Alterations, Immigration Stations--Increase $300

The total amount requested for each of the foregoing items is tabulated in detail and justified in full in that part of the justifications dealing with multiactivity items. The increase referred to here represents the applicable portions chargeable to the Investigations activity.

TABLE "6" -- IMMIGRATION AND NATURALIZATION RECORDS

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Permanent positions | 777 | 809 | - | 809 | + 47 | 856 |
| Average number of all employees | 836 | 802 | - 12 | 790 | + 55 | 845 |
| 10 PERSONAL SERVICES AND BENEFITS: | | | | | | |
| 11 Personnel Compensation: | | | | | | |
| Total permanent | 3,638,483 | 3,813,040 | +55,460 | 3,868,500 | +189,537 | 4,058,037 |
| Deduct lapses | 272,632 | 120,440 | +55,460 | 175,900 | - 36,563 | 139,337 |
| Net permanent | 3,365,851 | 3,692,600 | - | 3,692,600 | +226,100 | 3,918,700 |
| Temporary employment | 425,629 | 69,700 | - | 69,700 | - | 69,700 |
| Part-time employment | 1,012 | - | - | - | - | - |
| Intermittent employment | 3,201 | 3,200 | - | 3,200 | - | 3,200 |
| Regular pay above 52-week base | 13,900 | - | - | - | - | - |
| Overtime | 22,367 | 13,400 | - | 13,400 | - | 13,400 |
| Holiday pay | 160 | - | - | - | - | - |
| Nightwork differential | 11,759 | 12,000 | - | 12,000 | + 5,700 | 17,700 |
| Additional pay for service abroad | 14,429 | 14,400 | - | 14,400 | - | 14,400 |
| Casual workers | 19,463 | 19,500 | - | 19,500 | - | 19,500 |
| Total - Personnel Compensation | 3,877,771 | 3,824,800 | - | 3,824,800 | +231,800 | 4,056,600 |

TABLE "6" -- IMMIGRATION AND NATURALIZATION RECORDS

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS (contd.) | | | | | | |
| 12 Personnel Benefits: | | | | | | |
| Allowance for uniforms | 7,025 | 7,000 | - | 7,000 | - | 7,000 |
| Group life insurance, Government contribution | 11,291 | 11,300 | - | 11,300 | + 900 | 12,200 |
| F.I.C.A. taxes, Government contribution | 14,817 | 14,800 | - | 14,800 | - | 14,800 |
| Incentive awards | 2,396 | 2,400 | - | 2,400 | - | 2,400 |
| Employees Health Benefits Act | 27,655 | 28,000 | - | 28,000 | + 1,700 | 29,700 |
| Payments to retirement fund, Government contribution | 215,479 | 220,000 | - | 220,000 | + 14,600 | 234,600 |
| Total - Personnel Benefits | 278,663 | 283,500 | - | 283,500 | + 17,200 | 300,700 |
| 10 Total Personal Services and Benefits | 4,156,434 | 4,108,300 | - | 4,108,300 | +249,000 | 4,357,300 |

TABLE "6" -- IMMIGRATION AND NATURALIZATION RECORDS

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjustments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 47,087 | 47,000 | - | 47,000 | - | 47,000 |
| 22 Transportation of things | 8,686 | 8,000 | - | 8,000 | - | 8,000 |
| 23 Rent, communications, and utilities | 103,237 | 100,800 | - | 100,800 | + 6,100 | 106,900 |
| 24 Printing and reproduction | 64,514 | 84,616 | - 3,416 | 81,200 | - | 81,200 |
| 25 Other services | 19,516 | 21,733 | - 3,033 | 18,700 | + 600 | 19,300 |
| Services performed by other Government agencies | 291,708 | 291,700 | - | 291,700 | - | 291,700 |
| 26 Supplies and materials | 101,735 | 82,579 | - 879 | 81,700 | + 2,300 | 84,000 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 111,005 | 330,977 | -283,277 | 47,700 | + 14,100 | 61,800 |
| 32 Lands and structures | 100 | 1,600 | - 1,600 | - | + 200 | 200 |
| 40 GRANTS AND FIXED CHARGES | | | | | | |
| 44 Refunds | 209 | 200 | - | 200 | - | 200 |
| Total other costs | 747,797 | 969,205 | -292,205 | 677,000 | + 23,300 | 700,300 |
| Total | 4,904,231 | 5,077,505 | -292,205 | 4,785,300 | +272,300 | 5,057,600 |
| Deduct quarters and subsistence furnished | 81 | 100 | - | 100 | - | 100 |
| Total costs | 4,904,150 | 5,077,405 | -292,205 | 4,785,200 | +272,300 | 5,057,500 |
| Costs financed from obligations of other years, net (-) | - | - 125,105 | +125,105 | - | - | - |
| Obligations incurred for costs of other years, net | 165,882 | - | - | - | - | - |
| Total obligations | 5,070,032 | 4,952,300 | -167,100 | 4,785,200 | +272,300 | 5,057,500 |

Object Summary of Cost and Obligation Adjustments in Base
Immigration and Naturalization Records

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other Obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 24 Printing and reproduction | - | - 3,416 | - 3,416 |
| 25 Other services | - 2,100 | - 933 | - 3,033 |
| 26 Supplies and materials | - | - 879 | - 879 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | -163,400 | -119,877 | -283,277 |
| 32 Lands and structures | - 1,600 | - | - 1,600 |
| Total | -167,100 | -125,105 | -292,305 |

FORCE AND WORKLOAD
IMMIGRATION AND NATURALIZATION RECORDS

| | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| **Positions** | | | | | |
| Supervisory | 11 | 11 | 15 | 15 | 18 |
| Officers | 10 | 18 | 17 | 17 | 17 |
| Clerical | 601 | 632 | 585 | 617 | 631 |
| Detention officers | 2 | 4 | 1 | 1 | 1 |
| Custodial | 3 | 2 | 2 | 2 | 2 |
| Central Office | 120 | 126 | 157 | 157 | 187 |
| Total permanent positions | 747 | 793 | 777 | 809 | 856 |
| Average permanent employees | 688 | 704 | 720 | 779 | 822 |
| Average number of all employees | 709 | 765 | 836 | 802 | 845 |
| **Workload** | | | | | |
| Inquiries and callers at information desks | 2,975,074 | 3,139,250 | 3,444,744 | 3,628,000 | 3,737,000 |
| Incoming and/or outgoing mail | 18,814,148 | 19,989,680 | 20,505,287 | 20,957,000 | 21,108,000 |
| New files prepared | 447,209 | 450,209 | 489,157 | 490,000 | 517,000 |
| Index searches | 3,316,809 | 3,450,430 | 3,425,231 | 3,669,000 | 3,802,000 |
| Verification of arrival and departure | 88,489 | 94,358 | 87,469 | 95,000 | 97,000 |
| Alien address reports received | 2,948,694 | 2,948,973 | 3,038,304 | 3,095,000 | 3,139,000 |
| AR cards laminated | 339,679 | 342,766 | 364,402 | 370,000 | 375,000 |

## 6. IMMIGRATION AND NATURALIZATION RECORDS

| | |
|---|---|
| Appropriation base | $4,785,200 |
| Budget estimate | 5,057,500 |
| Increase in the budget estimate over the appropriation base | 272,300 |

This activity covers the custody and maintenance of records (including alien registration records) and relating indices; the receipt and distribution of mail; laminating; the custody and maintenance of entry records, including the furnishing of information and verifications of arrival therefrom; maintenance of basic records and issuance of lookout listings on excludable aliens and persons wanted by other agencies; receiving and recording aliens' address reports filed annually pursuant to section 265 of the Immigration and Nationality Act; messenger service; records retirement; centralized control of nonimmigrants who entered temporarily and distribution of notices of crewmen wanted by this Service.

Previous Year Performance

Master Index:

Integration of Central Office indexes. During the fiscal year 1961 the program to integrate all active file indexes into one Master Index so there will be an index card for each case file pursuant to section 290 of the Immigration and Nationality Act was virtually completed. The Master Index now contains approximately 28,000,000 cards.

Integration of Immigration Index. Integration of the Immigration Index into the Master Index, started during the fiscal year 1960, has been completed. Approximately 550,000 files to which the cards relate were transferred from the National Archives to the Federal Records Center. Since the old cards contained the name of more than one person on each card, and little or no identifying information, it was necessary to type and file new cards with the name of only one individual on each card. This has improved the effectiveness of index searches.

Integration of Certificate and "A" Files. The Central Office Records Center had many cases in which both a naturalization certificate file and an alien file related to the same person. When a file was desired it was necessary to first obtain the certificate or "C" file, then from the information obtained, the Alien or "A" file was requested. During the fiscal year 1961 a review was made of 652,867 "C" files, the relating "A" numbers obtained and 317,356 docket cards filed showing the "A" numbers. Thus, in cases where a docket card has been made, both files can be obtained with one request.

Integration of Old Case Files. 20,420 case files in the National Archives which were opened between 1882 and 1906 by this Service were inventoried during the fiscal year 1961 and cards on each file were placed in the Master Index.

Inventory of "A" Files. The inventory of all "A" files stored in the Federal Records Center by the Central Office has been completed. 972,431 files were inventoried and an index card for each included in the Master Index.

Mechanical Index Equipment. The mechanical index equipment for the Master Index was installed in the Central Office in the second quarter of the fiscal year 1962. The 60 machines, with a total capacity of 295,000 inches, will greatly improve index searching and filing.

Other Records Accomplishments.

Open Shelf Filing. Open shelf filing equipment was installed in Omaha, Nebraska, Baltimore, Maryland, Cincinnati, Ohio, Washington, D. C., Cleveland, Ohio, Memphis, Tennessee, and Albany, New York. This resulted in a saving of 2,846 square feet of floor space in these offices. Open shelf filing equipment is programmed for Dallas, Texas, San Diego, California, Phoenix, Arizona, Atlanta, Georgia, Miami, Florida, New Orleans, Louisiana, San Juan, Puerto Rico, and Norfolk, Virginia.

Records Disposal. The Central Office and field offices disposed of 4,574 cubic feet of records under existing destruction authorities and transferred 4,411 cubic feet of records to Federal Records Centers. This released file storage space in Service offices equivalent to 1,123 five-drawer file cabinets.

Alien Address Reports. A successful publicity program resulted in 3,038,304 aliens reporting their addresses in January 1961, 90,000 more than in 1960. California retained first place, with 617,733 reporting, increasing the lead it held last year over New York by over 40,000. New York, with 563,700, showed a gain of 10,000 over last year. Florida, due to the influx of Cubans, increased from 83,577 in 1960 to 117,619 in January, 1961.

Closed File Docket Cards. 1,463,402 docket cards were prepared by all Files Control Offices for closed files in Records Centers. These docket cards are filed numerically and used to control the closed files. This does away with reference to numerous shelf lists.

Training. Nine filmstrips used for training Service employees were produced. The films are entitled:

(1) "Opening Service Case Files," (2) "Transfer and Loan of "A" Files," (3) "Visa Petition File Procedure," (4) "The Alien Registration Program," (5) "Service Subject Files," (6) "Service Information Policy and Procedures," (7) "Records Retirement Program," (8) "Service Records System - Prior to January 1, 1955," and (9) "Control of Information Received From Other Agencies." These are color films with accompanying voice recordings. Copies of these visual aids have been placed in each of the regions for training purposes.

Five employees completed training for the position of Records and Information Specialist and three more are being trained. The five who completed training were assigned to positions in Los Angeles, San Francisco, Boston, New York, and Detroit. The training program provides for six months intensive training in the Central Office, a regional office, and two district offices.

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Program Outlook

Objectives. Continued attention will be given to management improvement methods to help keep pace with the tremendous increase in records activities. Principal program objectives, in addition to those projects discussed under the Records increase section, include:

Continuation of the annual inventory, begun in the fiscal year 1961, of all file charges in field offices to insure accurate files control.

The screening of closed files at the time they are closed to remove all material for which destruction authorities exist.

Obsolete index cards in all field office indexes relating to persons whose last names begin with "A" have been checked against the relating files. New index cards have been prepared for all odd size and obsolete cards and the originals placed in the Master Index. The purging of the letter "A" was a pilot project in preparation for the purging of the complete indexes during the fiscal year 1962.

INCREASE--$272,200

| | | |
|---|---|---|
| A. | Mandatory salary advancements | $ 39,100 |
| B. | Repairs and alterations, immigration stations | 800 |
| C. | Additional records positions (47) and related costs | 232,400 |
| | Total | 272,300 |

A. Mandatory Salary Advancements--Increase $39,100

B. Repairs and Alterations, Immigration Stations--Increase $800

The total amounts requested for each of the foregoing items are tabulated in detail and justified in full in that part of the justifications dealing with multiactivity items. The amount referred to here represents the applicable portion chargeable to the Records activity.

C. Additional Records Positions and Related Items--Increase $232,400

Increases in records activities are a natural product of increases in other areas and this is particularly so for inspections activity increases. As international travel grows, records and records functions grow. Improved utilization of equipment and manpower has enabled the records force to remain fairly stable over recent years, but growing volumes of cases and ever broadening use of Service records now require modest annual increases. For the fiscal year 1963, ten records clerks are needed in the Southeast Region one each at Memphis, Tennessee, Norfolk, Virginia, Atlanta, Georgia, and San Juan, Puerto Rico, two in the Washington, D. C. field office, and four in Miami, Florida. Four records clerks are required for the Southwest Region: one each at San Diego and San Francisco, California, and two at Los Angeles, California. Positions of assistant regional records managers must be provided in the Northeast,

Northwest, and Southeast regions to perform the recurrent supervisory inspections so necessary for a high level of effectiveness in this type of work.

Increased use of the master index established pursuant to section 290 of the Immigration and Nationality Act and related programs to increase the effectiveness of travel control, naturalization, and enforcement programs will require 30 additional records positions in the Central Office. The following new operations are scheduled to take full advantage of the integrated master index:

(a) Route applications for United States citizen identification cards to the master index (.2 of a GS-3 - estimated cost $900).

(b) Check all applicants for parole as refugee escapees against the master index (1.2 GS-3 - estimated cost $5,000).

(c) Prior to issuance of alien crewman landing permits and identification cards, check applications against the master index (9.3 GS-3 and 2 GS-4 - estimated cost $53,900).

(d) Check the names of aliens apprehended or found illegally in the United States against the master index except where the alien will depart under safeguard within 48 hours (4 GS-3 and 1 GS-4 - estimated cost $23,900).

(e) Cross-reference and post naturalization cases in the master index; cross-reference cards to be filed in the master index for all aliases cross-referenced in files control office indexes (7 GS-3 - estimated cost $33,100).

(f) Check the master index in all first preference petition cases; audit certificate file charges in the Central Office; cross reference aliases shown on controlled classified information and absorb normal increase in workloads in non-immigrant control and filing (4.3 GS-3 and 1 GS-4 - estimated cost $25,400).

A detailed calculation of additional records positions and related costs follows hereunder.

## Additional Records Positions and Related Items

| | Number | Grade | Annual Salary | Total Amount |
|---|---|---|---|---|
| **Personal Services and Benefits** | | | | |
| Personnel Compensation: | | | | |
| Assistant Regional Records Manager | 3 | GS-11 | $7,571 | $22,713 |
| Clerk | 4 | GS-4 | 4,056 | 16,224 |
| Clerk | 40 | GS-3 | 3,765 | 150,600 |
| Budget round-off | | | | - 37 |
| Nightwork differential | | | | 5,700 |
| Total personnel compensation | 47 | | | 195,200 |
| Personnel Benefits: | | | | |
| Group life insurance-Government contribution | | | | 700 |
| Employees Health Benefits Act | | | | 1,700 |
| Payment to retirement fund, Government contribution | | | | 12,300 |
| Total personnel benefits | | | | 14,700 |
| Total Compensation and Benefits | | | | 209,900 |
| Other Expenses: | | | | |
| Communication service | 47 x $130 | | | 6,100 |
| Office supplies | 47 x ~~$47~~ $49 | | | 2,300 |
| Standard equipment | 47 x $300 | | | 14,100 |
| Total other expenses | | | | 22,500 |
| Grand Total | | | | 232,400 |

TABLE "7" -- GENERAL ADMINISTRATION

By Objects

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Permanent positions | 452 | 452 | - | 452 | - | 452 |
| Average number of all employees | 413 | 422 | - 6 | 416 | + 4 | 420 |
| 10 PERSONAL SERVICES AND BENEFITS | | | | | | |
| 10 Personnel Compensation: | | | | | | |
| Total permanent | 2,915,043 | 2,946,859 | +39,984 | 2,986,843 | - | 2,986,843 |
| Deduct lapses | 312,864 | 270,159 | +39,984 | 310,143 | -26,200 | 283,943 |
| Net permanent | 2,602,179 | 2,676,700 | - | 2,676,700 | +26,200 | 2,702,900 |
| Temporary employment | 41,248 | 41,200 | - | 41,200 | - | 41,200 |
| Intermittent employment | 2,013 | 2,000 | - | 2,000 | - | 2,000 |
| Regular pay above 52-week base | 11,000 | - | - | - | - | - |
| Overtime | 16,057 | 16,000 | - | 16,000 | - | 16,000 |
| Holiday pay | 983 | 1,300 | - | 1,300 | - | 1,300 |
| Nightwork differential | 1,196 | 1,200 | - | 1,200 | - | 1,200 |
| Casual workers | 2,391 | 2,400 | - | 2,400 | - | 2,400 |
| Total - Personnel Compensation | 2,677,067 | 2,740,800 | - | 2,740,800 | +26,200 | 2,767,000 |

TABLE "7" -- GENERAL ADMINISTRATION

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| PERSONAL SERVICES AND BENEFITS (contd.) | | | | | | |
| 12 Personnel Compensation: | | | | | | |
| Accident compensation | - | - | - | - | + 3,000 | 3,000 |
| Allowance for uniforms | 525 | 500 | - | 500 | - | 500 |
| Group life insurance, Government contribution | 8,796 | 9,000 | - | 9,000 | + 100 | 9,100 |
| F.I.C.A. taxes, Government contribution | 2,387 | 2,400 | - | 2,400 | - | 2,400 |
| Incentive awards | 1,735 | 1,100 | - | 1,100 | - | 1,100 |
| Employees Health Benefits Act | 19,489 | 20,000 | - | 20,000 | - | 20,000 |
| Payments to retirement fund, Government contribution | 167,224 | 175,000 | - | 175,000 | + 1,700 | 176,700 |
| Total - Personnel Benefits | 200,156 | 208,000 | - | 208,000 | + 4,800 | 212,800 |
| 10 Total Personal Services and Benefits | 2,877,223 | 2,948,800 | - | 2,948,800 | +31,000 | 2,979,800 |

TABLE "7" -- GENERAL ADMINISTRATION

By Objects
Contd.

| | 1961 Actual | 1962 Estimate | Net Adjust-ments | Base | Inc. (+) or Dec. (-) | 1963 Estimate |
|---|---|---|---|---|---|---|
| Other costs: | | | | | | |
| 20 CONTRACTUAL SERVICES AND SUPPLIES | | | | | | |
| 21 Travel and transportation of persons | 134,324 | 134,000 | - | 134,000 | - | 134,000 |
| 22 Transportation of things | 10,833 | 9,100 | - | 9,100 | - | 9,100 |
| 23 Rent, communications, and utilities | 152,751 | 140,800 | - | 140,800 | - | 140,800 |
| 24 Printing and reproduction | 83,189 | 86,501 | - 601 | 85,900 | - | 85,900 |
| 25 Other services | 68,499 | 69,081 | - 3,881 | 65,200 | + 600 | 65,800 |
| Services performed by other Government agencies | 5,252 | 5,300 | - | 5,300 | - | 5,300 |
| 26 Supplies and materials | 91,523 | 89,365 | - 465 | 88,900 | - | 88,900 |
| 30 ACQUISITION OF CAPITAL ASSETS | | | | | | |
| 31 Equipment | 99,526 | 17,347 | - 947 | 16,400 | - | 16,400 |
| 32 Lands and structures | 389 | 2,500 | - 2,500 | - | + 200 | 200 |
| Total other costs | 646,286 | 553,994 | - 8,394 | 545,600 | + 800 | 546,400 |
| Total costs | 3,523,509 | 3,502,794 | - 8,394 | 3,494,400 | +31,800 | 3,526,200 |
| Costs financed from obligations of other years, net (-) | - 27,152 | - 2,794 | + 2,794 | - | - | - |
| Total obligations | 3,496,357 | 3,500,000 | - 5,600 | 3,494,400 | +31,800 | 3,526,200 |

## Object Summary of Cost and Obligation Adjustments in Base
## General Administration

| | Program adjustments (obligations) | Cost financed from obligations of other years | Net cost adjustments in base |
|---|---|---|---|
| Other Obligations: | | | |
| 20 Contractual Services and Supplies: | | | |
| 24 Printing and reproduction | - | - 601 | - 601 |
| 25 Other services | - 3,100 | - 781 | - 3,881 |
| 26 Supplies and materials | - | - 465 | - 465 |
| 30 Acquisition of Capital Assets: | | | |
| 31 Equipment | - | - 947 | - 947 |
| 32 Lands and structures | - 2,500 | - | - 2,500 |
| Total | - 5,600 | -2,794 | - 8,394 |

## FORCE AND WORKLOAD
## GENERAL ADMINISTRATION

| | ACTUAL | | | ESTIMATE | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| **Positions** | | | | | |
| Supervisory | 21 | 24 | 20 | 20 | 20 |
| Officers | 58 | 52 | 62 | 62 | 62 |
| Clerical | 201 | 203 | 217 | 217 | 217 |
| Custodial | 12 | 11 | 11 | 11 | 11 |
| Central Office | 148 | 149 | 142 | 142 | 142 |
| Total permanent positions | 440 | 439 | 452 | 452 | 452 |
| Average permanent employees | 398 | 394 | 401 | 410 | 408 |
| Average number of all employees | 404 | 407 | 413 | 422 | 420 |
| **Workload** | | | | | |
| Cards keypunched | 1,789,670 | 1,993,665 | 2,114,762 | 2,241,000 | 2,375,000 |
| Cards sorted | —* | 44,295,559 | 47,294,423 | 50,132,000 | 53,134,000 |
| Documents coded | 1,673,700 | 1,812,100 | 1,931,872 | 2,047,000 | 2,169,000 |
| Stencils and plates prepared | 60,974 | 64,259 | 48,168 | 50,000 | 50,000 |
| Duplicating work (sheets duplicated) | 19,129,404 | 21,425,746 | 18,262,977 | 20,000,000 | 20,000,000 |
| Personnel actions processed | 6,843 | 8,242 | 8,350 | 8,400 | 8,400 |
| Payroll changes (documents) | 39,764 | 38,872 | 45,493 | 50,000 | 50,000 |
| Vouchers examined | 64,341 | 67,372 | 72,728 | 76,000 | 77,000 |
| Travel authorizations issued | 12,144 | 11,763 | 12,333 | 12,600 | 12,600 |
| Contracts and leases awarded | 471 | 611 | 580 | 600 | 600 |
| Purchase orders issued | 11,262 | 10,711 | 11,247 | 11,800 | 12,400 |
| Collections for fees, fines, etc. | $4,026,195 | $4,534,201 | $4,935,592 | $5,000,000 | $5,000,000 |
| Messages received and/or sent | 272,475 | 262,344 | 288,656 | 317,500 | 349,000 |

* Not recorded in 1959.

## 7. GENERAL ADMINISTRATION

| | |
|---|---|
| Appropriation base | $3,494,400 |
| Budget estimate | 3,526,200 |
| Increase in the budget estimate over the appropriation base | 31,800 |

This activity includes all work performed and expenses incurred (1) by the Commissioner and Regional Commissioners of the Service and their immediate secretaries in the overall administration and enforcement of the Immigration and Nationality Laws, and (2) by the other Service employees whose services and functions are of an administrative nature and are performed to facilitate the program activities of the Service. Specific work under this classification consists of that relating to personnel, budget, finance, statistics, procurement and property management, duplicating, and organization and methods.

Previous Year Performance

Accounting. The realignment and conversion of object classifications as prescribed by the Bureau of Budget was effected during the fiscal year. Also, accounting instructions were prepared for the monthly reporting of financial transaction to the Treasury Department. A comprehensive audit was conducted in the Northeast Regional Office.

Reports Control. The reports control system continues to eliminate and to standardize procedures. 89 new reports were authorized in the fiscal year 1961. 17 of these were recurring reports, and 72 were one-time reports. 10 recurring reports were cancelled. There were 143 recurring reports in existence at the end of the fiscal year.

Forms Control. A comprehensive review of all Regional, Central office, and I, N, and G forms was made during the year. The review resulted in the elimination of 109 forms. New programs and improvements in procedures called for the creation of 142 new forms including 32 I, N, and G forms. At the end of the fiscal year there were 557 I, N, and G forms.

A system of limiting revisions of forms to two periods of the year (corresponding to form requisition periods) has effected important savings. Since existing stocks of forms must be destroyed when the form is revised, the new system generally does not permit a form revision until stocks are exhausted.

Work Simplification. Work simplification projects have been carried on in every major office of the Service. Several hundred projects were completed throughout the Service during the fiscal year 1961.



Work simplification projects ranged from simplifying record-keeping in New York to processing laborers at Bracero Centers in Mexico.

A program of training Service supervisors in Work Simplification techniques which was begun in the fiscal year 1960 was continued this year.

Incentive Awards. During the fiscal year 1961, 880 contributions of all types were received. 362 contributions were approved. 266 cash awards, were made in recognition of 33 accepted suggestions, 181 sustained superior performances, and 52 special acts. Honorary awards, without cash, totaled 96. Approximately 900 other awards in the form of certificates of achievement were given to deserving employees.

Statistics. The collection, compilation, analysis, and presentation to Congress, other Government agencies, and the general public of statistics on immigration and nationality is an important management function. A related function is the work measurement system of the Service which measures tasks in relation to man-power utilized in seven major programs and operations.

During the fiscal year 1961 special emphasis was placed on improving coding and work measurement reporting. Three-day courses have been held for Records Supervisors; a training course for coders has been written, and a proposed film strip outlined.

Studies and research have included a rewrite of the pamphlet "Our Immigration"; a summary of the legislation and statistics of orphans adopted; problems and contributions of overseas personnel; adjustment of status of students and exchange aliens; the Annual Report of the Service; encyclopedia yearbook articles; comments on the effect of various Congressional bills; brief articles and current statistics for the I & N Reporter and the INS Information Bulletin; and various administrative studies and reports.

Training. Much attention was given during the fiscal year 1961 to the training of employees as a means of providing the most capable employees to accomplish the assigned tasks and to encourage employees in their careers.

Extension Training: 59 lessons dealing with all phases of Service operations and administrative activities are available to employees for their self improvement. During the fiscal year 1961, 1,644 employees participated in the program and approximately 4,000 lessons were completed.

Officer Training: Three 13 week training sessions were held at the Border Patrol Academy, then in El Paso, Texas, for the initial training of officers entering the Service. 236 officers graduated after receiving courses in Spanish, law, fingerprinting, intelligence and enforcement methods. Two six-week Officer Training courses were conducted during the fiscal year for 39 officers. These courses were designed to increase the officers knowledge and competence and qualify them for positions of greater responsibility.

Technical and refresher training sessions were held as follows:

| No. of Sessions | Length of Sessions | Type of Training | No. of Officers Completing Sessions |
|---|---|---|---|
| 4 | 2 weeks | Administrative | 110 |
| 2 | 2 weeks | Investigator | 47 |
| 2 | 4 weeks | Immigrant Inspector | 50 |
| 1 | 2 weeks | Naturalization Examiner | 14 |

Other Training: An Office Practices and Procedures Course consisting of 24 classroom hours was conducted for 82 secretaries and stenographers in the Central Office. A by-product of the course was the issuance of a manual on the preparation of correspondence in the Service. Thirteen persons completed a training program for airplane pilots during the fiscal year 1961. In addition much on the job training took place throughout the Service and many employees took advantage of outside training through their own efforts.

Progress on New Facilities and Space Improvements. Under the authority of the Act of June 26, 1930, as amended, contracts were awarded during the fiscal year 1961 for the construction of five new border patrol stations. Contracts were also awarded, in cooperation with the Bureau of Customs, for the construction of new facilities at five border inspection station installations. Patrol facilities consist of a general office, squad room, detention facilities, locker room and toilet, plus garage facilities. Border stations consist of an office building with general public space and office accommodations for immigrant inspectors and customs inspectors and with adequate living quarters for a relief officer. In addition, there are public toilet facilities. Residences are provided in remote areas.

The status of each project is as follows:

Border Patrol Station Projects

| | |
|---|---|
| Bottineau, North Dakota | Completed November, 1961 |
| Whitefish, Montana | Completed November, 1961 |
| Las Cruces, New Mexico | Completed November, 1961 |
| Presidio, Texas | Completed October, 1961 |
| Cotulla, Texas | Completion scheduled December, 1961 |

Border Station Projects

| | |
|---|---|
| Maida, North Dakota | Contract awarded by Bureau of Customs in January, 1961. Final inspection scheduled in late December, 1961. |
| Roseau, Minnesota | Contract awarded by Bureau of Customs in November, 1960. Final inspection scheduled December 11, 1961. |
| Del Bonita, Montana | Completed February 1961. |

| | |
|---|---|
| Lukeville, Arizona | Completed December, 1960. |
| Pittsburg, New Hampshire | Completed August, 1961. |

Funds were appropriated to General Services Administration for the fiscal year 1958 for the construction of new border stations at Brownsville, and Eagle Pass, Texas, and Madawaska, Maine, and for the expansion of facilities at San Ysidro, California. Funds were also appropriated to the General Services Administration for the fiscal year 1959 for the construction of a new border station at Dunseith, North Dakota and of a new Border Patrol Sector Headquarters at Grand Forks, North Dakota. Coordination with General Services Administration to expedite construction has been on a continuing basis. The completion date of each project is as shown:

| Location | Date Completed |
|---|---|
| Brownsville, Texas | June, 1961 |
| Eagle Pass, Texas | March, 1961 |
| Madawaska, Maine | October, 1960 |
| San Ysidro, California | October, 1960 |
| Dunseith, North Dakota | August, 1961 |
| Grand Forks, North Dakota | September, 1961 |

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Program Outlook

Statistical Analyses Projected. Studies and analyses are geared to program changes or projects initiated by new legislation. A comprehensive study of immigration restriction since 1925 is an example of the projects planned for 1963. This study will take into account many special Acts passed since 1925, and indicate the trend to broaden the classes of relatives of citizens and resident aliens who may be admitted, as well as those Acts which have, in effect, permitted certain immigrants, who under general law would be quota immigrants, to be nonquota immigrants. In connection with this study, tables in manuscript form that were not published (1932 - 1941 when there were no Annual Reports) will be put into summary form for publication.

Employee Development. A long standing need of the Service for an integrated establishment was acheived when the facilities at Port Isabel, Texas were acquired from the Department of Defense on July 1, 1961. The Service will now be able to combine its training efforts to more readily meet the needs of all operational and management activities in the identification, selection, development, and retention of employees with the most capabilities and potential to meet staffing requirements. The new Immigration and Naturalization Service Officer Development Center will centralize the Border Patrol Academy, the various journeyman and supervisory training courses, the Advanced Officers Training School, and other training programs such as the Extension Training Courses.

Current and Projected Construction. This Service has worked closely with the General Services Administration on the review of requirements and plans for projects being funded by that agency. The status of the projects are shown below:

| Location | Project | Status |
|---|---|---|
| Derby Line, Vermont | Border Station | Architect is scheduled to complete drawings in March, 1962. Funds for construction are included in GSA 1962 Appropriation Bill. |
| Detroit, Michigan | Improvement Project | Architect is preparing final working drawings. Funded. |
| El Paso, Texas (Cordova Island) | Border Station | Preliminary plans have been approved by this Service. Funded. |
| Jackman, Maine | Border Station | Working drawings scheduled to be completed February, 1962. Funded. |
| Massena, New York | Border Station | Final plans reviewed June 1961. Funded |
| Nogales, Arizona | Improvement Project | Working drawings scheduled to be completed July, 1962. Funded for site and development only. |

| Location | Project | Status |
|---|---|---|
| Pembina, North Dakota | Border Station | Architectural engineering and design are in progress. Funds for construction are included in GSA 1962 Appropriation Bill. |
| Sweetgrass, Montana | Border Station | Working drawings scheduled to be completed February 1962. Funded. |
| Van Buren, Maine | Border Station | Architectural Engineering contract scheduled for early award. Funded. |
| Vanceboro, Maine | Border Station | Architectural Engineering contract scheduled for early award. Funded. |
| Hidalgo, Texas | Border Station | Under construction for lease by GSA. |
| Lewiston, New York | Border Station | To be constructed by Bridge Authority for lease by GSA. |

Plans and specifications have been completed for the following border stations to be constructed in the fiscal year 1962 under authority of Act of June 26, 1930, as amended.

Antler, North Dakota
Fortuna, North Dakota
Hannah, North Dakota
Lancaster, Minnesota
Opheim, Montana
Sarles, North Dakota

There are 26 projects remaining in the program being carried forward jointly with the Bureau of Customs under authority of the Act of June 26, 1930, for construction of border inspection stations at small ports. The four-year program has been based on accomplishment of six projects in the fiscal year 1963; ten in the fiscal year 1964; six in the fiscal year 1965, and four in the fiscal year 1966.

| Fiscal Year 1963 | Fiscal Year 1964 | Fiscal Year 1965 | Fiscal Year 1966 |
|---|---|---|---|
| Morgan, Montana | Pigeon River, Minnesota | Boundary, Washington | Laurier, Washington |
| Walhalla, North Dakota | Porthill, Idaho | Frontier, Washington | Eastport, Idaho |
| Carbury, North Dakota | Neche, North Dakota | Antelope Wells, New Mexico | Sasabe, Arizona |
| Warroad, Minnesota | Whitetail, Montana | Danville, Washington | Amistad, Texas |
| Hansboro, North Dakota | Wild Horse, Montana | Raymond, Montana | |
| Northgate, North Dakota | Willow Creek, Montana | Scobey, Montana | |
| | Point Roberts, Washington | | |
| | Easton, Maine | | |
| | Forrest City, Maine | | |
| | Hogansburg, New York | | |



There are 18 border patrol stations in the long range program scheduled under authority available to the Immigration and Naturalization Service (The Act of June 26, 1930, as amended). The projected program has been based on accomplishment of five projects in the fiscal year 1963; eight in the fiscal year 1964; and five in the fiscal year 1965.

| Fiscal Year 1963 | Fiscal Year 1964 | Fiscal Year 1965 |
|---|---|---|
| Trenton, Michigan | Comstock, Texas | Mobile, Alabama |
| Sanderson, Texas | Tampa, Florida | Jacksonville, Florida |
| Brackettville, Texas | Niagara Falls, New York | Gila Bend, Arizona |
| Campo, California | Minot, North Dakota | Sonora, Texas |
| Shelby, Montana | Fort Hancock, Texas | Uvalde, Texas |
| | Fort Stockton, Texas | |
| | Browning, Montana | |
| | McAllen, Texas | |

For future General Services Administration budgeting there are ~~ten~~ ELEVEN locations where construction of border patrol sector headquarters will be required, one location where a border patrol station will be necessary, and seven joint inspection station projects as follows:

| Border Patrol Sector Headquarters | Border Patrol Station | Border Inspection Stations |
|---|---|---|
| Blaine, Washington | Calexico, California | Anzalduas Dam, ( Mission) Texas |
| Buffalo, New York | | Del Rio, Texas |
| Del Rio, Texas | | Lubec, Maine |
| Havre, Montana | | Pigeon River, Minnesota |
| Houlton, Maine | | Porthill, Idaho |
| Laredo, Texas | | Sault Ste. Marie, Michigan |
| Miami, Florida | | Tok Junction, Alaska |
| New Orleans, Louisiana | | |
| SPOKANE, WASHINGTON | | |
| Swanton, Vermont | | |
| Tucson, Arizona | | |

Replacement of temporary type construction erected many years ago for detention purposes at El Centro, California, remains for future budgetary consideration.

INCREASE-- $31,800

| | |
|---|---|
| A. Mandatory salary advancements | $28,000 |
| B. Repairs and alterations, immigration stations | 800 |
| C. Accident Compensation | 3,000 |
| Total | 31,800 |

A. Mandatory Salary Advancements-Increase $28,000

B. Repairs and Alterations, Immigration Stations-Increase $800

The toal amount requested for each of the foregoing items is tabulated in detail and justified in full in that part of the justifications dealing with multiactivity items. The increase referred to here represents the applicable portions chargeable to the Naturalization activity.

C. Accident Compensation-Increase $3,000

On December 13, 1960 Section 209 of Public Law 86-767 amended Section 35 of the Employees Compensation Act by requiring each agency to reimburse the Employee Compensation fund for payments on account of injury or death for occurrences after December 1, 1960 to employees under the agency's jurisdiction. Under the new legislation the Secretary of Labor furnishes each agency the cost of benefits paid during the preceding fiscal year and the agency is to include that amount in the annual budget estimates for the next fiscal year. The amount appropriated will be deposited in the Treasury to the credit of the fund within 30 days after it becomes available. The cost of benefits paid to Service employees for claims resulting from injuries or death during the period December 2, 1960 to June 30, 1961 was $3,208.

## MULTIACTIVITY ITEMS

Certain items, which cut across activity lines, must be considered in total for the purpose of a comprehensive justification. These "multiactivity items" are set forth hereunder. The applicable portion is shown in the justification for each activity concerned and cross referenced to this part of the justifications. The subdivision by items is set forth on the next page, followed by complete justification for each item.

| | Insp'n. | Det. & Dep. | Nat'n. | Border Patrol | Inv'n. | I & N Records | General Adm. | Total |
|---|---|---|---|---|---|---|---|---|
| Passenger vehicle replacements: | | | | | | | | |
| Number of replacements | (36) | (1) | (2) | (126 sedans) | (85) | | | (250 sedans) |
| Vehicle cost, including $380 each for police-type equipment | $62,300 | $1,800 | $3,400 | $218,000 | $147,000 | - | - | $432,500 |
| Delivery costs | 5,000 | 100 | 300 | 17,700 | 11,900 | - | - | 35,000 |
| Sub-total | 67,300 | 1,900 | 3,700 | 235,700 | 158,900 | - | - | 467,500 |
| Mandatory salary advancements: | | | | | | | | |
| Personnel compensation | 123,200 | 33,300 | 32,800 | 131,200 | 85,200 | 36,600 | 26,200 | 468,500 |
| Personnel benefits | 8,500 | 2,300 | 2,200 | 8,900 | 5,600 | 2,500 | 1,800 | 31,800 |
| Sub-total | 131,700 | 35,600 | 35,000 | 140,100 | 90,800 | 39,100 | 28,000 | 500,300 |
| Station repairs and alterations: | | | | | | | | |
| Contractual services | 4,500 | 3,300 | 200 | 19,100 | 200 | 600 | 600 | 28,500 |
| Lands and structures | 100 | 700 | 100 | 26,900 | 100 | 200 | 200 | 28,300 |
| Sub-total | 4,600 | 4,000 | 300 | 46,000 | 300 | 800 | 800 | 56,800 |
| Total, Multiactivity Items | 203,600 | 41,500 | 39,000 | 421,800 | 250,000 | 39,900 | 28,800 | 1,024,600 |

Passenger Vehicle Replacements--Increase $467,500

As of June 30, 1962, the Service will be operating an authorized fleet of 992 passenger vehicles, consisting of 973 sedans, 16 buses and 3 station wagons. Out of an estimated 356 vehicles falling within GSA replacement standards during 1963, funds are requested for replacement of 250 sedans. These standards have been fixed with a view to replacement of vehicles prior to the time when rising costs of maintenance make further retention uneconomical. Passenger vehicles used by the Service average approximately 19,000 miles per annum. Passenger vehicles are used for patrol of the border, pursuit of law violators, movement of aliens, travel of officers to meet arriving ships and planes at appointed times and places, travel in connection with examination and interrogation of naturalization applicants at over 500 courts, and for conducting investigations concerning aliens illegally in the United States. A very considerable measure of operations efficiency rests upon the dependability of the fleet.

Replacement of sedans is estimated on the basis of a gross cost of $1,880 per vehicle (including $380 for police-type equipment), net $1,730, plus $140 each for delivery charges. Anticipated receipts for the sale of old vehicles are reflected in the estimated appropriation reimbursements for the fiscal year 1963. The details making up the total cost of replacements (distributed by activities in the tabulation above) are as follows:

~~249~~ Sedans

| | Unit | Amount |
|---|---|---|
| Basic vehicles (gross) | $1,500 | $375,000 |
| Police equipment | 380 | 95,000 |
| Subtotal | 1,880 | 470,000 |
| Sale of old vehicles | - 150 | -37,500 |
| Basic vehicles (net) | 1,730 | 432,500 |
| Freight | 140 | 35,000 |
| Total | 1,870 | 467,500 |

The projected age and mileage distribution of the passenger vehicle fleet as of June 30, 1962, is as follows:

| Model | Age | Number of Vehicles | Average Mileage |
|---|---|---|---|
| | | SEDANS | |
| 1962 | 1 | 248 | 8,113 |
| 1961 | 2 | 246 | 27,142 |
| 1960 | 3 | 239 | 48,870 |
| 1959 | 4 | 221 | 76,685 |
| 1958 | 5 | 19 | 80,251 |
| | | BUSES | |
| 1962 | 1 | 2 | 5,000 |
| 1961 | 2 | 1 | 15,000 |
| 1959 | 4 | 2 | 20,000 |
| 1958 | 5 | 4 | 25,000 |
| 1955 | 8 | 2 | 80,000 |
| 1954 | 9 | 4 | 57,363 |
| 1953 | 10 | 1 | 311,038 |
| | | STATION WAGONS | |
| 1961 | 2 | 1 | 8,000 |
| 1958 | 5 | 2 | 19,000 |

Mandatory Salary Advancements--Increase $500,300

The estimate of $500,300 is for within grade salary advancements required by law (equivalent to 72 man-years). Over the years it has been a demonstrated impossibility for the Service to absorb the cost of these salary advancements through normal day to day personnel turnover. It is becoming less feasible each year as shown by the decline in the percentage of personnel losses per month.

| Fiscal Year | Percent of Losses of Permanent Personnel Per Month |
|---|---|
| 1957 | 1.2% |
| 1958 | 0.9% |
| 1959 | 0.7% |
| 1960 | 0.7% |
| 1961 | 0.6% |

Unless funds are provided to cover the mandatory salary advancements the cost of desirably lower personnel turnover can be absorbed only by forcible retention of positions on a vacancy basis far beyond periods required for a normal recruitment process. The Service cannot afford to do this and continue to carry out its law enforcement functions. Necessity for absorbing these costs along with continued periodic increases in the salary rates of wage board employees, has brought the Service to a situation where arbitrary action in withholding recruitment has had to be taken in order to enforce lapse savings of approximately 6% per year compared with the normally accepted personnel lapse percentage of approximately 3% per year for most agencies in the Federal Government.

The estimate includes $468,500 for personnel compensation, $2,600 for the governments' share of employee's liability insurance and $29,200 for the governments' contribution to the employee retirement fund which will increase as a result of automatic within grade increases.

Repairs and Alterations, Immigration Stations--Increase $56,800

The Service occupies many government-owned buildings located throughout the country. For many years the maintenance and repair of these buildings was deferred because of other pressing expenses. Many of the buildings are old and worn and require constant attention. In addition, unexpected mechanical failures, weather damage, and other emergencies require expenditures which have not been budgeted. The estimate of $56,800 for repairing and maintaining these buildings during the fiscal year 1963 is reported as an increase since the entire 1962 allocation has been deducted from the base. The following pages show the actual obligations for 1961, the amounts allocated for 1962, and the estimate for 1963 for each station.

## REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
## BY STATIONS AND PROJECTS

| | | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|---|
| (a) | Immigration Station - San Pedro, California | | | |
| 1. | Elevator repairs | - | 1,300 | 400 |
| 2. | Painting | 5,665 | 3,500 | 300 |
| 3. | Miscellaneous repairs | 1,410 | 500 | 400 |
| 4. | Install intercom units | 149 | - | - |
| 5. | Remodel offices | - | 3,700 | - |
| 6. | Landscaping of grounds | - | 500 | 300 |
| 7. | Maintenance to plumbing and electrical system | - | 500 | 500 |
| 8. | Maintenance material | 1,030 | - | - |
| 9. | Repairs to windows | - | 1,000 | - |
| 10. | Resurface parking lot | - | 2,000 | - |
| 11. | Install water service for grounds | - | 1,200 | - |
| 12. | Retube fire tube boilers | - | 3,300 | - |
| | Total | 8,254 | 17,500 | 1,900 |
| (b) | Immigration Station - Honolulu, T. H. | | | |
| 1. | Miscellaneous repairs | - | 600 | 600 |
| 2. | Paint flag pole | 75 | - | - |
| 3. | Trimming trees | 130 | - | - |
| 4. | Lighting fixtures and maintenance material | 1,202 | - | - |
| 5. | Landscaping | - | 1,000 | 500 |
| | Total | 1,407 | 1,600 | 1,100 |

REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
BY STATIONS AND PROJECTS
Contd.

| | | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|---|
| (c) | Immigration Station - El Centro, California | | | |
| 1. | Miscellaneous repairs | 706 | 500 | 500 |
| 2. | Painting | 1,376 | 2,100 | 1,200 |
| 3. | Air conditioning detention office and processing building | - | 5,000 | - |
| 4. | Repairs - pistol range | - | 100 | 100 |
| 5. | Maintenance material | 3,564 | - | - |
| 6. | Roof repairs | 446 | 1,500 | - |
| 7. | Replace door frames and base shoes | - | - | 1,300 |
| 8. | Replace insulation and wall - cold storage lockers | 175 | - | - |
| 9. | Install galley equipment | 404 | - | - |
| 10. | Install communication units | 175 | - | - |
| 11. | Install vehicle maintenance boards | 196 | - | - |
| 12. | Install Butane Carburetion System on generators | 364 | - | - |
| | Total | 7,406 | 9,200 | 3,100 |
| (d) | Detention Station and Sector Headquarters El Paso, Texas | | | |
| 1. | Miscellaneous repairs | 181 | 600 | 600 |
| 2. | Painting | 85 | 1,000 | 300 |
| 3. | Repairs - pistol range | - | 500 | 500 |
| 4. | Replace heating and air conditioning system | - | 13,600 | - |
| 5. | Enclose wash rack | - | 500 | - |
| 6. | Install hot water heater | - | 100 | 100 |
| 7. | Install sprinkler system | - | 500 | - |
| 8. | Protective cement block for sump pump | - | - | 300 |
| 9. | Exterior day area for detainees | - | - | 500 |
| 10. | Protective ceilings for garages | - | - | 600 |
| 11. | Maintenance material | 1,613 | - | - |
| | Total | 1,879 | 16,800 | 2,900 |

REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
BY STATIONS AND PROJECTS
Contd.

| | | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|---|
| (e) | Sector Headquarters - McAllen, Texas | | | |
| | 1. Miscellaneous repairs | - | 500 | 500 |
| | 2. Repairs to buildings | 2,116 | 5,400 | - |
| | 3. Resurface pavement | - | 3,000 | - |
| | 4. Painting buildings | - | - | 1,700 |
| | 5. Repair roadway | 700 | - | - |
| | 6. Maintenance material | 6,582 | - | - |
| | 7. Install lavatory | 90 | - | - |
| | 8. Landscaping | - | 800 | - |
| | Total | 9,488 | 9,700 | 2,200 |
| (f) | Sector Headquarters - Marfa, Texas | | | |
| | 1. Miscellaneous repairs | - | 400 | 400 |
| | 2. Painting | - | 2,000 | 600 |
| | 3. Replace space heaters | - | - | 1,500 |
| | 4. Provide crypto area | - | - | 600 |
| | 5. Maintenance material | 588 | - | - |
| | Total | 588 | 2,400 | 3,100 |

REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
BY STATIONS AND PROJECTS
Contd.

| | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|
| (g) Sector Headquarters - Laredo, Texas | | | |
| 1. Miscellaneous repairs | 240 | 500 | 500 |
| 2. Painting | 1,524 | 1,800 | 1,500 |
| 3. Erection of parking shed | - | 1,500 | - |
| 4. Replace flooring | - | 1,600 | - |
| 5. Paving | - | 1,500 | - |
| 6. Replace garage roof | - | 2,600 | - |
| 7. Replace electrical wiring | - | 3,500 | - |
| 8. Inspect radio tower | 136 | - | - |
| 9. Maintenance material | 120 | - | - |
| Total | 2,020 | 13,000 | 2,000 |
| (h) Sector Headquarters - Del Rio, Texas | | | |
| 1. Miscellaneous repairs | - | 600 | 300 |
| 2. Painting | - | 1,100 | - |
| 3. Clean and drain cesspool | 75 | - | - |
| 4. Maintenance material | 145 | - | - |
| Total | 220 | 1,700 | 300 |
| (i) Sector Headquarters - Tucson, Arizona | | | |
| 1. Miscellaneous repairs | 210 | 500 | 500 |
| 2. Painting | 865 | - | - |
| 3. Maintenance material | 77 | - | - |
| Total | 1,152 | 500 | 500 |

REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
BY STATIONS AND PROJECTS
Contd.

| | | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|---|
| (j) | Sector Headquarters - Yuma, Arizona | | | |
| 1. | Miscellaneous repairs | 116 | 500 | 500 |
| 2. | Painting | - | 3,200 | - |
| 3. | Air conditioning | - | 5,300 | - |
| 4. | Additional firing points on pistol range | - | 500 | - |
| 5. | Acoustical tile | - | 500 | - |
| 6. | Resurface blacktop | - | 600 | - |
| 7. | Consolidate radio facilities | - | 1,500 | - |
| 8. | Maintenance material | 478 | - | - |
| | Total | 594 | 12,100 | 500 |
| (k) | Sector Headquarters - Chula Vista, California | | | |
| 1. | Miscellaneous repairs | 117 | 500 | 500 |
| 2. | Painting | 10,475 | - | - |
| 3. | Install additional electrical system | - | - | 5,800 |
| 4. | Addition to water storage tank | - | - | 200 |
| 5. | Concrete footings and watergates | - | - | 1,800 |
| 6. | Dustproof water reservoir building | 145 | - | - |
| 7. | Stucco exterior walls - storage area | 342 | - | - |
| 8. | Maintenance material | 330 | - | - |
| | Total | 11,409 | 500 | 8,300 |

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## REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
## BY STATIONS AND PROJECTS
Contd.

| | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|
| (1) Border Patrol Stations | | | |
| 1. Eagle Pass, Texas | 675 | 900 | 300 |
| 2. Carrizo Springs, Texas | 253 | 1,200 | 200 |
| 3. Comstock, Texas | - | 200 | 8,900 |
| 4. Kingsville, Texas | 82 | 1,200 | 200 |
| 5. Harlingen, Texas | - | 1,200 | 4,700 |
| 6. Mercedes, Texas | - | 1,200 | 200 |
| 7. Rio Grande City, Texas | - | 900 | 200 |
| 8. Presidio, Texas | - | 1,200 | 200 |
| 9. Indio, California | 960 | 300 | 2,600 |
| 10. Hebbronville, Texas | - | 200 | 1,200 |
| 11. Zapata, Texas | - | 1,700 | 800 |
| 12. Temecula, California | - | 1,000 | 200 |
| 13. Falfurrias, Texas | - | 200 | 200 |
| 14. Oceanside, California | 417 | 300 | 300 |
| 15. Sierra Blanca, Texas | - | 200 | 900 |
| 16. Blythe, California | - | 200 | 200 |
| 17. Lordsburg, New Mexico | - | 200 | 900 |
| 18. Jackman, Maine | 275 | - | - |
| 19. Grand Marais, Minnesota | 57 | - | - |
| 20. Columbus, New Mexico | 336 | - | - |
| Total | 3,055 | 12,300 | 22,200 |

## REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
## BY STATIONS AND PROJECTS
Contd.

| | | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|---|
| (m) | Border Stations | | | |
| 1. | Bridgewater, Maine | - | 200 | 200 |
| 2. | Lynden, Washington | - | 200 | 200 |
| 3. | Northgate, North Dakota | 154 | 200 | 200 |
| 4. | Neche, North Dakota | 41 | 200 | 200 |
| 5. | Pembina, North Dakota | 52 | 200 | 200 |
| 6. | Columbus, New Mexico | - | 200 | 900 |
| 7. | Presidio, Texas | - | 2,600 | 300 |
| 8. | Ysleta, Texas | - | 800 | 300 |
| 9. | Fabens, Texas | 200 | 1,400 | 300 |
| 10. | Falcon Heights, Texas | - | 200 | 200 |
| 11. | Turner, Montana | 265 | 200 | 200 |
| 12. | Pinecreek, Minnesota | 15 | 500 | 500 |
| 13. | Fort Hancock, Texas | 142 | 500 | 100 |
| 14. | Hamlin, Maine | 332 | 200 | 200 |
| 15. | Lukeville, Arizona | - | 200 | 200 |
| 16. | Pittsburg, New Hampshire | 300 | - | - |
| | Total | 1,501 | 7,800 | 4,200 |
| (n) | Port Isabel, Texas | - | 8,600 | 1,000 |

REPAIRS AND ALTERATIONS TO IMMIGRATION STATIONS
BY STATIONS AND PROJECTS
Contd.

| | Actual 1961 | Estimate 1962 | Estimate 1963 |
|---|---|---|---|
| (o) Repeater Stations, Towers, and Housing Units | | | |
| 1. Laredo, Texas | - | - | 1,400 |
| 2. McAllen, Texas | - | - | 300 |
| 3. Carrizo Springs, Texas | - | - | 100 |
| 4. Rio Grande City, Texas | 326 | 600 | - |
| 5. Juno, Texas | - | 100 | - |
| 6. Pyote, Texas | - | - | 200 |
| 7. Quitman Peak, Texas | - | - | 200 |
| 8. Sanderson, Texas | - | - | 100 |
| 9. Sonora, Texas | - | 100 | - |
| 10. White Tank Mountain, Arizona | - | - | 100 |
| 11. Santiago Peak, California | - | 100 | - |
| 12. Caballo Mountain, New Mexico | - | - | 200 |
| 13. Mt. Graham, Arizona | - | - | 200 |
| 14. Mount Cunningham, Arizona | - | - | 100 |
| 15. Silver City, New Mexico | - | - | 200 |
| 16. Long Ridge, New Mexico | - | - | 200 |
| 17. Mount Lemmon, Arizona | - | - | 200 |
| 18. Boulder Park, California | 179 | - | - |
| 19. Cactus City, California | 173 | - | - |
| 20. Lyford, Texas | 310 | - | - |
| 21. Riviera, Texas | 340 | - | - |
| 22. El Paso, Texas | 162 | - | - |
| 23. McColl Road, Texas | 311 | - | - |
| Total | 1,801 | 900 | 3,500 |
| Grand Total | 50,774 | 114,600 | 56,800 |

Brief explanations of items involved at the various stations for 1963 are as follows:

San Pedro, California: Elevator repairs; upkeep of grounds; minor painting of interior areas; overhaul and maintenance of heating system; maintenance and repairs to plumbing and electrical system.

Honolulu, Hawaii: Normal maintenance expenses to buildings, grounds, and utilities; maintenance of lawn area and shrubs.

El Centro, California: Painting of the barracks and storage buildings; maintenance of the buildings, grounds, and utilities; replace door frames and base shoes in Border Patrol Sector Headquarters building which are greatly damaged.

El Paso, Texas: Painting exterior of processing building, exterior and interior of mess hall; install hot water tank in north end of processing building. Cement block structure to protect the sewer sump pump from auto damage and weather; erection of out-door facilities on the north side of Barracks #2, including partitions, tables, and benches, which would keep the detained aliens occupied and maintain order; install protective plywood ceiling in service garage at Sector Headquarters; normal maintenance to buildings, grounds, and firing range.

McAllen, Texas: Minor miscellaneous repairs; painting interior and exterior of buildings at the Border Patrol Sector Headquarters. These buildings were last painted in 1958. Due to climatic conditions the exterior surfaces should be repainted every two years.

Marfa, Texas: Painting exterior of housing units; normal maintenance expenses to buildings and utilities; replace present heaters, which are dangerous to health through lack of venting, with panel ray heat. Transferring present detention point to another portion of the building to provide adequate space for crypto facility. The present detention point is too large for purpose now used.

Laredo, Texas: The storage buildings, last painted in 1956, are scheduled for repainting in 1963; normal recurring maintenance expenses to buildings, grounds, and utilities.

Del Rio, Texas: Only normal recurring maintenance expenses to buildings and utilities are scheduled in 1963.

Tucson, Arizona: Only miscellaneous repairs are scheduled for 1963.

Yuma, Arizona: Recurring maintenance expenses to buildings and utilities.

Chula Vista, California: Extension and enlargement of present wiring system to supply complete emergency power to all activities at Chula Vista Headquarters; addition to existing water storage tank to meet the Civil Defense standards required for an emergency water supply consists of providing fall-out proof cover and installation of baffled glass ventilators at each end of the reservoir; erection of three 21' wide, 3' high water gates in international fence at three points approximately 2 miles west of San Ysidro, California. Debris, rocks and silt lodge against the fence at these points causing washouts of the fence. A similar installation in the same fence has proven successful.

Border Patrol Stations:

Comstock, Texas: Erection of parking shed for storage of vehicles;

Harlingen, Texas: Extend building approximately 48' to provide storage space for Government vehicles. The present storage is inadequate.

Indio, California: The roof of the office building is scheduled for replacement in 1963. This is an asphalt composition type roofing which readily deteriorates during the hot season. Paint interior of one of the buildings and exterior and interior of another building which was last painted in 1957.

Hebbronville, Texas: A protective ceiling is necessary to prevent birds from roosting in the roof bridging and rafters; a chain link fence to keep people from walking across the grounds where Border Patrol cars are parked. At present the parking area is open on all four sides.

Zapata, Texas: A fence to divide the working area office, car sheds, and grounds from the housing area.

Sierra Blanca, Texas: Install protective plywood ceiling to station garage; underground sprinkler system is scheduled in 1963.

At the remaining 11 border patrol stations only regular miscellaneous repairs to buildings and utilities are anticipated.

Border Stations: The exterior and interior of the station at Columbus, New Mexico are scheduled for painting in 1963. This building was last painted in 1959. At the remaining 14 Border Stations only minor miscellaneous repairs are anticipated.

Port Isabel, Texas: Miscellaneous repairs are anticipated for 1963.

Repeater Stations, Towers and Housing Units: Painting of stations, towers and housing units at the 13 locations listed under item "(o)" is scheduled for 1963.

New Installation Acquired

On July 1, 1961, the facilities of the recently deactivated Port Isabel, Texas, Naval Auxiliary Air Station were acquired, without payment, from the Department of the Navy. Possession was taken on the same date by use permit. The following operations are being established at that location:

1. District Headquarters
2. Officer Development Center, including Border Patrol Academy
3. Alien Detention Facility
4. Border Patrol Sector Headquarters

Real and personal property acquired included land, buildings, utilities, furniture, as well as maintenance and other miscellaneous equipment and appurtenances. The estimated fair market value of the real and personal property is $462,000 and $31,000 respectively. The acquisition cost to the Department of the Navy for that part of the property which is to be transferred to the Immigration and Naturalization Service is reported as $3,761,000. Official transfer of the property is expected to be consummated in the near future.

Mr. ROONEY. The request is in the amount of $64.6 million, which would be an increase of $1.1 million over the amount appropriated for this Service in the current fiscal year.

We are indeed honored and pleased to have with us the new Commissioner of Immigration and Naturalization, the Honorable Raymond F. Farrell, whose name, I believe, was sent by the President to the Senate yesterday for confirmation.

We shall be pleased to hear from you, Commissioner Farrell.

## GENERAL STATEMENT

Mr. FARRELL. Mr. Chairman, I do not have a prepared statement but I have some notes here from which I would like to speak and highlight some of the formal justifications you have before you.

Mr. ROONEY. Very well. You may proceed.

Mr. FARRELL. As you said, the budget request this year is for $64.6 million. The 1962 requirements of the Immigration and Naturalization Service totaled $63,459,000. The 1962 appropriation was $63.5 million less $41,000 transferred to GSA for reimbursable space.

This represents a net increase of $1,141,000.

### CONSTRUCTION

The 1963 estimate includes $425,000 for construction. Of this amount $225,000 is to replace inadequate facilities at six border inspection station locations and $200,000 is for the construction of——

Mr. ROONEY. What are the locations? What page is that on?

Mr. LOUGHRAN. That is on page 42 in the justifications book, Mr. Chairman.

Mr. FARRELL. Morgan, Mont.; Walhalla, N. Dak.; Carbury, N. Dak.; Warroad, Minn.; Hansboro, N. Dak.; Northgate, N. Dak.

Mr. ROONEY. The total cost of these stations and cottages would come to $450,000, of which the Immigration share would be $225,000 and the Customs in the Treasury Department bill would be $225,000?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. Very well.

Mr. FARRELL. This compares with the $225,000 available for construction of inspection stations during fiscal year 1962, or an increase of $200,000, which has been offset by a decrease of $57,800 in the amount requested for repairs and alterations at existing stations, making a total net increase of $142,200.

### ADDITIONAL RECORDS POSITIONS

There is an item in here for an increase of $232,400 for 47 additional records positions and related items, to keep pace with records. Workload expansion, created by increased workloads in other activities, particularly increases due to inspection work and international travel. Seventeen positions are for handling growing volumes of cases and greater utilization of records and 30 are for expansion and increased use of the master index in the Central Office in Washington.

AIRCRAFT

An item of $185,100 is for the net additional cost of equipment, principally aircraft replacements, including the purchase of three helicopters, as replacements for observation aircraft and annual renewal of the radio system for enforcement work.

ENFORCEMENT FENCING

An increase of $78,000 is for the construction of 1⅓ miles of enforcement fencing to strengthen enforcement of the border at San Ysidro where previously delayed construction can be undertaken since the necessary right-of-way has now been acquired.

Mr. ROONEY. San Ysidro is where we allowed some money for fence a couple of years ago?

Mr. LOUGHRAN. Mr. Chairman, I have no recollection of money being allowed for a fence there.

Mr. ROONEY. Where was it that we allowed the fence money? Was that not San Ysidro?

Mr. LOUGHRAN. I do not remember the last fence. We have asked for money, Mr. Chairman——

Mr. ROONEY. As I recall, we gave you authority in the bill 2 years ago to build a fence.

Mr. LOUGHRAN. You gave us the legal language.

Mr. ROONEY. And you had enough money, remember?

Mr. LOUGHRAN. No, sir, I do not recall that.

Mr. ROONEY. Did you not say all you needed was the authority and you had enough money to absorb it?

Mr. LOUGHRAN. No, sir. I do not have any recollection whatsoever of that.

Mr. BOW. Was it not some suit and clothes man from Brooklyn?

Mr. ROONEY. No; from Seventh Avenue, Manhattan.

Mr. LOUGHRAN. Mr. Chairman, that may be in connection with acquiring a right-of-way over the property owned by a Mr. Varnhagen at a location east of San Ysidro. We have in this estimate, as the Commissioner said, $78,000 for a mile and a third of fences at San Ysidro.

Mr. ROONEY. Is that the same property?

Mr. LOUGHRAN. That is the same property and we have the right-of-way over the property. The Government does not own the property yet.

The indicated cost of the property now, just for the right-of-way, is about $2,500.

Mr. ROONEY. You may proceed Commissioner.

Mr. FARRELL. $503,300 increase includes the unabsorbed portion of mandatory within-grade salary advancement and the additional cost to the Service for reimbursement to the Bureau of Employees Compensation for claims by Service employees, $3,000.

No funds are included in this estimate to implement the act of September 20, 1961, which in addition to amending the Federal Airport Act also amended section 1109(e) of the Federal Aviation Act. The amendment authorizes the appropriation of Federal funds for the acquisition of space at public airports for the performance of

certain Federal functions, including the inspection of persons or property moving in air commerce.

EMPLOYMENT

During 1962, the average number of all employees in man-years is 6,876 and for 1963, the level required is 6,886, an overall net increase of 10 man-years.

The number of permanent positions required for the fiscal year 1963 is 7,237, an increase of 47 over the 7,190 for last year.

This increase consists of 47 records positions to handle increased record workloads as a result of increases in other activities created particularly by rising volumes of international traffic and recent legislation.

INCREASES REQUESTED FOR 1963

Mr. ROONEY. Let us see if I understand this correctly.

You request an increase of $1,141,000; is that correct?

Mr. FARRELL. That is correct.

Mr. ROONEY. That is made up of five items, is it? Is that made up of five general items?

Mr. FARRELL. Five general items.

Mr. ROONEY. $142,200 for construction, repair, and alteration of inspection and border patrol stations?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. These are in addition to the stations we mentioned a while ago in North Dakota and Minnesota, are they?

Mr. LOUGHRAN. Yes, sir. They are the border patrol stations and the others are border inspection stations.

Mr. ROONEY. The second of the five items making up the $1,141,000 is the amount $232,400 for additions to the records force; is that correct?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. That would include the addition of how many personnel?

Mr. FARRELL. Ten man-years.

Mr. ROONEY. The number of positions?

Mr. FARRELL. Forty-seven.

Mr. ROONEY. It would be 3 officers in charge; supervisory and administrative officers; 14 clerks and 30 in the central office; is that right?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. That is what you are requesting, of course?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. The third item that makes up the $1,141,000 is $185,100 for equipment costs including the vehicle aircraft and radio replacements; right?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. The fourth item is the construction of a fence to which reference has previously been made, $78,000; is that right?

Mr. FARRELL. That is right.

Mr. ROONEY. The fifth and last is $503,300 for mandatory salary advancements and accident compensation; is that correct?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. This entire amount of $503,300 is required by law as a result of the Ramspeck Act and required personnel benefits?

Mr. FARRELL. That is right.

Mr. ROONEY. Such as retirement and insurance; is that correct?

Mr. FARRELL. Yes, sir.

BORDER PATROL STATIONS

Mr. ROONEY. According to pages 26–106 of these justifications, "a program has been adopted for the accomplishment of five projects"; to wit, construction of border patrol stations in fiscal year 1963. Five stations at a cost of $40,000 each at Trenton, Mich.; Sanderson, Tex.; Bracketville, Tex.; Campbell, Calif.; and Shelby, Mont.

Is that right?

Mr. FARRELL. Yes, sir.

Mr. ROONEY. Where does that fit into the five items we referred to a while ago?

Mr. LOUGHRAN. The $200,000 item on the border patrol stations is a part of the construction funds we are requesting for the coming fiscal year. We had another item of $225,000——

Mr. ROONEY. Wait a minute, please. Where in the five items to which I have made reference a while ago, do you include the $200,000 for these five border patrol stations? No. 1, of the five items which make up the $1,141,000 is the amount $142,200 for construction, repair and alteration of inspection and border patrol stations?

Mr. LOUGHRAN. During fiscal year 1962, we have $225,000 which you granted us last year for border inspection stations and we have $114,600 for repairs and alterations to all of our stations.

You remember in the preparation of the budget, we delete for the coming year all nonrecurring items, two of which I just mentioned. Then we start reconstructing and we have $225,000 in the current justifications for inspection stations and $200,000 for border patrol stations, plus $56,800 for repairs and alterations to other stations.

Mr. ROONEY. Where is this set forth in the justifications?

Mr. LOUGHRAN. Page 174 shows the increase in the repairs and alterations.

Page 21 shows the reduction of the nonrecurring items. No. 5 and No. 6 on page 21 show the reductions of the $225,000 and $114,600 items which we have in the current year.

Mr. ROONEY. Apparently you take the amount of $114,600 for repairs and alterations and $225,000 for the cost of the inspection stations with customs and you get a total of $339,600. As against that, you take $225,000 for inspection stations, $200,000 for the border stations, $56,800 for repairs and alterations and when you add those three together, you get $481,800, and from this $481,800, you deducted $339,600, to which reference has just been made; and you arrive at a net figure of $143,200; is that right?

Mr. LOUGHRAN. $142,200.

Mr. ROONEY. Right.

Mr. LOUGHRAN. Right.

ADDITIONAL RECORDS POSITIONS

Mr. ROONEY. With regard to the 47 requested additional personnel, how much is in this budget in dollars for these new personnel?

Mr. LOUGHRAN. $232,400.

May I refer you to page 152, sir?

Mr. ROONEY. It would appear from this page that all of the 40 employees requested at the central office here in Washington would be GS–3, clerk-stenographers?

Mr. LOUGHRAN. File clerks, sir.

Mr. ROONEY. Where would you use the four GS–4 clerks?

Mr. LOUGHRAN. They would be used in Washington. The largest portion of this request is for additional employees in Washington—30 of them.

Mr. ROONEY. Where would you use the assistant regional GS–11's? Where would you use the three GS–11's?

Mr. LOUGHRAN. One in our northwest regional office, one in the southwest office, and one in our northeast regional office.

Mr. ROONEY. I thought that with all of the additional records equipment and filing equipment I saw at some of your field offices, we would not be building up file personnel.

How do you account for that?

Mr. LOUGHRAN. The records equipment in the installations in the field and in the central office is what has permitted us to do the job we are required to do with relatively few employees and without asking for any major increase, with the exception of last year, for about 10 years past.

Mr. ROONEY. How many file clerks do you have at the central office?

Mr. LOUGHRAN. 169 at the central office.

Mr. ROONEY. Do you want to insert the rest of your notes at this point, Commissioner?

Mr. FARRELL. I would rather continue, but I could give you something further later.

Mr. ROONEY. Proceed in your own fashion, Commissioner.

INCREASE IN INTERNATIONAL TRAVEL TO UNITED STATES

Mr. FARRELL. In connection with the workload which would necessitate these 47 additional positions, we want to point out that in 1961 the total increase in international travel to the United States over fiscal year 1960 was up 4 percent. Passenger arrivals by sea and air increased 8 percent and entries over land boundaries increased by 4 percent.

Mr. ROONEY. It is down in 1962 though, is it not?

Mr. FARRELL. I believe it is up again, sir, in 1962.

Mr. ROONEY. Somewhere I heard that the reduction in travel customs exemption and some other things have caused travel to go down in 1962 as compared with 1961.

Mr. LOUGHRAN. Total admissions to the United States were 93.3 million during the current 6 months period, that is July to December of 1961.

Mr. ROONEY. Calendar year?

Mr. LOUGHRAN. Yes, sir. They were 3 percent above July to December of 1960.

Mr. ROONEY. Very well. Proceed.

Mr. FARRELL. Passenger arrivals by sea and air increased 8 percent and entries over land boundaries increased by 4 percent over 1960.

We inspected 168 million persons altogether and there were significant increases during the last fiscal year in the various applications completed relating to admission and status.

Applications for permission to reapply increased 30 percent, extensions of stay increased 15 percent and changes in nonimmigrant status increased 45 percent, while petitions to import temporary workers increased 20 percent.

The refugee program by the end of December of 1961 found us confronted with 14,160 registrations of which 9,322 were approved and 4,549 rejected.

There were 4,925 arriving in the United States as a result of this program.

Service officers abroad process petitions to classify aliens as eligible orphans in cases where the adoptive parents are physically overseas and conduct investigations in the United States concerning children in whose behalf petitions are filed in the United States.

There were 2,650 petitions for orphans acted upon during the year and 2,419 were granted and 231 denied.

The Service was confronted with a continuing influx of refugees from Cuba since January 1, 1959, and there were 88,800 Cubans processed. Of this number, 76,600 were refugees and 12,200 nonimmigrants.

The importation of Mexican agricultural workers during fiscal year 1961 decreased approximately 30 percent. Admissions during the year totaled 294,149.

With the enactment of the International Travel Act (Public Law 87–63) and aeronautical advances resulting in larger and more efficient airplanes, continued and improved service by oceangoing vessels and increased utilization of the St. Lawrence Seaway, international travel will continue to increase.

New bridges, new roads, and road improvements under the impetus of the Federal Highways Act will also add to the volume of border crossing traffic.

In addition to the International Travel Act, other legislation passed during the 1st session of the 87th Congress will result in increased responsibilities being placed upon the Service.

Under Public Law 87–301 we have special admission, as nonquota immigrants, of alien orphans adopted abroad or coming to the United States for adoption; this public law also contains special provisions for naturalization of veterans of the Korean hostilities; permits the waiver of affliction with tuberculosis as a ground of exclusion for aliens with close relatives in this country; restores illegality in procurement as a ground for cancellation of citizenship; and grants nonquota status to second and third preference quota aliens if a visa petition was filed with the Attorney General prior to July 1, 1961.

It is estimated that 30,000 additional nonimmigrants will be processed annually under Public Law 87–256, the Mutual Educational and Cultural Exchange Act of 1961.

There are approximately 60,000 such aliens in the country now and there will be an estimated 30,000 additional because this permits wives and children to come in.

The Peace Corps Act and Public Law 87–195 will also add slightly to our burdens because it permits the importation of teachers to train some of our Peace Corps people.

Finally, the Mexican Farm Labor Law was extended for 2 years.

### DEPORTATIONS

In 1961, 7,438 aliens were formally deported under formal deportation proceedings and 52,383 others were permitted to depart voluntarily without formal hearings.

Six hundred and seventy-seven aliens were deported on criminal, immoral, or narcotic charges and six were deported on subversive charges, or were aliens with subversive background.

The most prominent deportation case involving a criminal was that of Carlos Marcello, famed New Orleans racketeer who, after many years of litigation, was deported on April 4, 1961. He was deported to Guatemala, but he is now back in the United States and again under order of deportation.

Michele Abati, identified for years with the Detroit Purple Gang, was deported on July 8, 1961.

He had been fighting deportation for more than 7 years.

Among the subversive aliens deported during the year was the executive secretary of the OENO, the Communist-controlled and dominated Federation of Greek Maritime Unions, Panagiotis Veliotis.

Zeny Grzelewski, former literature agent for the Communist Party, west side section, Detroit, Mich., was deported to Poland on August 26, 1960, on subversive grounds.

Also deported on subversive grounds premised on membership in the Communist Party were Hamish Scott McKay, a Canadian citizen and Willia Nuikkanen of Finland.

Congress introduced 2,207 private bills during fiscal year 1961 and the Service was requested to submit reports in 2,029 cases. These were investigated and reports submitted to Congress relative to these bills.

### NATURALIZATION

During fiscal year 1961, 132,815 aliens became citizens and 30,942 certificates were issued. The Service took in $1,648,178 in naturalization fees, deposited in the General Fund of the Treasury Department.

### BORDER PATROL

During 1961 there was a slight increase in the total number of persons apprehended during border patrol operations. However, 51 percent of these were actually nonimmigrants who had overstayed their time in the United States. It is significant that 13 percent had criminal records and 31 percent had records of prior immigration violations.

Failure of the cotton crop in Mexico near the Brownsville and McAllen sectors, and the consequent inability of the labor market to meet the 3-day Mexican cotton work requirement plus suspension of contracting in July, resulted in thousands of unemployed workers in this small area.

A bumper cotton crop and a short labor supply in the lower Rio Grande Valley of Texas required the detail of additional officers to

maintain effective control. The area was returned to normal by September.

One thousand four hundred and eighty-one aliens were apprehended through the use of observation aircraft during fiscal year 1961. Patrol inspectors operating observation aircraft are able to examine moving trains, hiding places in the brush and around farmyards, and to aid in tracking aliens.

The success with air operations encourages expansion to the use of helicopters for even greater border security in difficult areas. When suspects are observed from conventional aircraft in some areas, many hours are required for ground teams to reach the scene for questioning.

Also, rocky terrain in some sectors produces sporadic foot trails which can be more readily followed from above in a helicopter. In addition, helicopters will provide added safety by affording greater flexibility for officers who otherwise would have to fly conventional aircraft low over rough territory, a hazardous duty.

The impact of the Caribbean situation has also been felt in other areas of Service operations; 509 illegal Cuban aliens were picked up in the southwest region.

Enforcement of State Department regulations to prevent the departure of Dominican citizens and former Dominican citizens to that Republic and the countries in the Caribbean area and the Bahamas was activated on June 1, 1961. Departure control was placed in effect in Puerto Rico and 41 border patrol officers were temporarily detailed there to assist in the operation.

Last fiscal year, 771 violators of other laws were turned over to other law enforcement agencies for prosecution.

### INVESTIGATIONS

During the past year 6,785 investigations of people engaged in criminal, immoral, or narcotic activities were completed and 677 aliens of this group were deported, who were engaged in this activity.

On February 20, 1961, the U.S. Supreme Court affirmed the denaturalization of Frank Costello, who has just completed serving two 5-year sentences concurrently for income tax evasion. Costello's appeal from a deportation order by the Service was dismissed by the Board of Immigration Appeals on January 2, 1961.

Efforts are being made to obtain a travel document for him from the Italian Government.

Vito Genovese, denaturalized in 1955, became subject to deportation proceedings in June 1960 when his conviction for conspiracy to violate narcotic statutes was upheld by the U.S. Supreme Court.

On August 30, 1960, the Board of Immigration Appeals sustained a finding by the Service of deportability.

He is now serving a 15-year sentence at the penitentiary at Atlanta, Ga.

Paul DeLucia, alias Paul the Waiter, regarded as the head of syndicated crime in Chicago, lost another round in his fight against deportation when on January 11, 1962, the Court of Appeals denied his motion for review of the deportation order.

DeLucia, who allegedly inherited the great portion of the criminal empire of the late Al Capone, was recently released after serving a sentence for income-tax evasion.

Officers stationed at strategic points along the land borders obtain information through governmental sources and informants concerning the identities and activities of alien subversives as well as alien criminals across the borders.

Intelligence information developed by Service investigators is furnished other interested agencies of the Government. During the year, 21 subversive aliens were denied admission to the United States as a result of this program.

May I go off the record a moment to mention about our operations on the other side of the border, particularly in Mexico?

Mr. ROONEY. Very well.

(Discussion off the record.)

Mr. FARRELL. Another phase of the Service's antisubversive operations is centered around the Caribbean investigations program of problems which confronted the Service in screening the thousands of refugees fleeing tyrannies in Cuba and the Dominican Republic.

We have an index, which we refer to as the Caribbean index, maintained at Miami. It is utilized on an around-the-clock basis by all Service offices in screening applicants for admission from Central and South America and the Caribbean area. This index is made up of all kinds of information we have been able to gather and concentrate in Miami and is a result of records we were able to get out of Cuba just prior to the revolution there. It has been invaluable to us.

We are using it currently along with other agencies in Florida, particularly at Opa Locka, Miami, Fla.

Mr. LOUGHRAN. Mr. Chairman, at Opa Locka, Fla., which was a naval air base, the Service has opened this past July a detention facility wherein we place certain Cubans on whom we do not have sufficient information to clear them through and get them into the country immediately.

While we are checking out the information on them, they are kept there. This has been opened since about the middle of July 1961 and we have had a population of approximately 100 Cubans every day since that time. We have had 17 cases as of today where we are not completely finished. Looking into their backgrounds, and the information we have acquired so far indicates they should not be released into the United States of America. However, they are free to go on back to Cuba or anyplace else they wish, but they are not allowed out of detention.

Mr. FARRELL. The detection of counterfeit nonimmigrant visas, primarily in possession of aliens arriving from Cuba, continued at a high rate during fiscal year 1961 while sham marriages of aliens to citizens of the United States continued at a high rate.

Investigation in New York City of the marriages of two Greek crewman deserters resulted in the successful prosecution of five persons involved. A fee of $100 was paid to each bride after the marriage and another $100 was promised upon termination of the marriage.

On October 18, 1960, 22 persons were indicted in Newark, N.J., for complicity in 8 sham marriages entered into by male nationals of Portugal and Spain with female citizens of the United States.

Fees paid by the aliens ranged as high as $1,500.

A total of 7,667 deportable aliens were located through search operations in fiscal year 1961. Officers engaged in search investigations

work on weekends and during the morning and evening hours to achieve more complete coverage of areas, transportation facilities, and the like.

They develop informants and keep close contact with municipal, State, and Federal law enforcement agencies.

During fiscal year 1961, Service officers located 213 stowaways and 2,634 crewmen who willfully deserted their vessels.

RECORDS ACTIVITIES

Increases in records activities are a natural product of increases in other areas, particularly when inspection activity increases. As international travel grows, records and records functions grow.

Improved utilization of equipment and manpower has enabled the records force to remain fairly stable over recent years, but growing volumes of cases and ever broadening use of service records caused principally by increases in immigration and international travel now require a modest increase.

Almost a million and a half aliens entered with documents last year. While 1.2 million of these were nonimmigrants, each nonimmigrant requires at least two filing and one searching operation.

FACILITY AT PORT ISABEL, TEX.

On July 1, 1961, the facilities of the recently deactivated Port Isabel, Tex., Navy Auxiliary Air Station were acquired by use permit, without payment, from the Department of the Navy. The following operations have been established at that location: (1) district headquarters; (2) officer development center, including border patrol academy; (3) alien detention facility.

Mr. ROONEY. When are you going to discontinue that?

Mr. FARRELL. We have border patrol sector headquarters——

Mr. ROONEY. When do you expect to discontinue that?

Mr. LOUGHRAN. Sir, we had not considered discontinuing the school at Port Isabel. You may recall a few years ago we asked permission to look for a school building alone, not in connection with anything else, which would have resulted in a request to you for $2 million or more.

However, when this installation became available the Service at that time took a look at it and decided it could be used with much less expense.

Mr. ROONEY. We were talking of a school at the time, were we not?

Mr. LOUGHRAN. Yes, sir.

Mr. ROONEY. What about the club feature?

Mr. LOUGHRAN. Club, sir?

Mr. ROONEY. Yes.

Mr. LOUGHRAN. There is a recreation association of employees at Port Isabel and there is a room down there. In fact, there is on the base a recreation area which had two bowling alleys already installed and they have a room there where they can hold parties.

Mr. ROONEY. Will this be a winter or summer resort?

Mr. LOUGHRAN. It will be a recreational association installation just for the employees of the Service.

Mr. ROONEY. What facilities do they have there now?

Mr. LOUGHRAN. At the present time, they have, of a recreational nature, two bowling alleys and another separate room wherein they can have dances and parties. Outdoors they have a basketball court and tennis courts, baseball field, and that is all, sir.

Mr. ROONEY. What are the requirements for admission to the club?

Mr. LOUGHRAN. Membership in the recreation association of the employees.

Mr. ROONEY. What qualifies one for membership in the recreation association?

Mr. LOUGHRAN. Being an employee of the Immigration and Naturalization Service.

Mr. ROONEY. How about former or retired employees?

Mr. LOUGHRAN. I think in keeping with the usual practice of recreation associations in the Government at large, an individual who had been with the Service and retired could become a member.

Mr. ROONEY. When are you going to close this, Commissioner?

Mr. FARRELL. Mr. Chairman, the club we are referring to here now is much more conservative in its outlook than what you have reference to. In the beginning——

Mr. ROONEY. You mean it does not have a golf course?

Mr. FARRELL. No, sir.

Mr. ROONEY. I heard somebody say they had plans to build a golf course?

Mr. FARRELL. They do not have any plans now, sir.

Mr. ROONEY. Are you sure?

Mr. FARRELL. Positive.

Mr. ROONEY. I have pretty good information on this as recently as yesterday.

Mr. FARRELL. As of last Friday they had no plans for any golf course, Mr. Chairman.

Mr. ROONEY. That is a pretty good answer. Go ahead, Commissioner.

Mr. FARRELL. I had one table which summarizes the derivation of some of the estimates here which I would like to submit for the record.

Mr. ROONEY. This is already in the justifications, is it not?

Mr. LOUGHRAN. Yes, sir.

### CHINESE CONFESSION PROGRAM

Mr. ROONEY. What about the Chinese confession program?

Mr. FARRELL. The Chinese confession program is continuing with considerable success.

Mr. ROONEY. You might, for the record, describe what the Chinese confession program is.

Mr. FARRELL. It is an attempt to clean up the so-called slots which have existed for years whereby Chinese have come to this country illegally and then brought in other Chinese under the claim they were sons or daughters; in most instances, sons.

It is a situation that has existed for a long time and the program was inaugurated in an effort to legalize these Chinese who have been here, some of them, as long as 50 years, and close it out once and for all so that we do not have more illegal Chinese coming to us to fill up these slots.

Mr. ROONEY. You are going ahead with that, are you?
Mr. FARRELL. Yes, it is continuing right now.

MEXICAN AIRLIFT

Mr. ROONEY. Where do we find the details with regard to the cost of the Mexican wetback airplane costs? The train costs are paid for by the Mexican Government, are they not?
Mr. FARRELL. Yes, sir.
Mr. ROONEY. We do not pay any part of that?
Mr. FARRELL. No, sir.
Mr. ROONEY. Where do we find your figures with regard to the wetbacks and the airlift?
Mr. LOUGHRAN. We have a contract airlift running out of a base across from McAllen, Tex., to take the Mexicans into Leon in Mexico.
Mr. ROONEY. Where do we find that in these justifications?
Mr. Francis, you set up 185 pages of justifications and you ought to have an index for them.
Mr. FRANCIS. Yes, sir.
Mr. LOUGHRAN. Mr. Chairman, the cost would not be separated on the airlift in this justification.
Mr. ROONEY. Do you have the information as to how much the airlift costs?
Mr. LOUGHRAN. From July 1, 1960, to June 30, 1961, the airlift amount for 6,543 Mexicans totaled $88,330, at a cost of $13.50 each.
Mr. ROONEY. How many of them came back in?
Mr. LOUGHRAN. I do not have the figures available but I will search them out and, if I may, submit them for the record. There were relatively few.
Mr. ROONEY. How many miles is that for $13.50? Approximately how many miles is that?
Mr. LOUGHRAN. I have an idea it is 600 or 700 miles. It is a rather long distance down into the mountains.
Mr. ROONEY. The scenery is pretty nice going on down, is it not?
Mr. LOUGHRAN. It may be from the air, Mr. Chairman, but not from the ground. It is through a mountainous area on questionable type highways.

HELICOPTERS

Mr. ROONEY. I see you have helicopters in here again. Are you going to go ahead with this proposition on helicopters? We were afraid some of your younger border patrolmen were going to get killed fooling around with them.
Mr. LOUGHRAN. We looked upon it to be a rather safer type of airplane observation craft. There is so much low flying along the Mexican border, particularly by our border patrolmen, that we were sure that the helicopters would be far safer, as I say, than the single-engine planes. One of our men named Kenneth L. Carl, an airplane pilot, was killed on June 18, 1961, down at El Centro, Calif., in the Imperial Valley.
Mr. ROONEY. That was a Cessna or Piper Cub?
Mr. LOUGHRAN. It was either a Cessna or Piper Cub. I do not remember which one it was.

Mr. ROONEY. Would you not rather be in a Piper Cub than in a helicopter if your motor went off?

Mr. LOUGHRAN. I am not personally that familiar with either of the two craft, but our experienced pilots indicate that the helicopter is much safer.

Mr. ROONEY. Mr. Marshall?

CONSTRUCTION COSTS

Mr. MARSHALL. I notice that you are building some cottages. I notice that the total cost of building two cottages amounts to $83,500.

Mr. ROONEY. What page is that?

Mr. MARSHALL. Page 26.42. What is there about a cottage that costs that much money? Would you describe what the cottage is?

Mr. LOUGHRAN. The cottages are costing approximately $20,000 apiece, sir. On page 26.42 the total cost of the entire construction, for example, at Morgan, Mont., is $40,000 for the station, plus $40,000 for two cottages, plus $3,500 for the appliances necessary, for a total cost for the entire station of $83,500. The Immigration Service cost is $41,750.

Mr. ROONEY. That does not answer Mr. Marshall's question. He wants to know why they should cost $20,750. Why do you have to have a $20,000 house?

Is that your question, Mr. Marshall?

Mr. MARSHALL. That is right.

Mr. LOUGHRAN. All of our construction is done as the result of drawing plans and specifications and soliciting bids from contractors in the immediate area for the construction which is to take place. It has been our experience that this is what our cottages have been costing. Some of these locations are rather isolated from, should I say, lumberyards, building material suppliers, and such. Much of the material must be brought in by truck. One of the reasons we build the cottages is because these locations are so isolated.

Mr. MARSHALL. These dwellings that you are building have how many bedrooms?

Mr. LOUGHRAN. Three bedrooms, sir.

Mr. MARSHALL. Do you put a basement under them?

Mr. LOUGHRAN. In most places, no. Some of them on the Canadian border have basements, but at some of those locations we have water problems, meaning that the soil is such that you cannot dig a basement. You have springs. Any place we can construct a basement with a cottage, we like to do so.

STATION AT WARROAD, MINN.

Mr. MARSHALL. I note that you are building a station at Warroad, Minn., for $65,600, and in your statement you say that 44,000 persons enter annually through that installation, and previously you have been able to get along with a trailer near the border. What necessitates that much cost per station?

Mr. LOUGHRAN. This particular site at Warroad is right at the highway. A tremendous amount of fill has to be put into the site before we can start construction. I do not have the plans and specifications with me, but I woud be happy to bring them over and show

them to you. That is what the high cost is at this particular location. We had a trailer previously, it is true, but we have never felt and we always felt the Congress never really believed we should have a trailer at locations where people are coming into the country.

Mr. MARSHALL. The area that you are going to build the station is such that it is necessary that you put it right at that particular location?

Mr. LOUGHRAN. We try to get all of our inspection stations right on the border, if we can. That is not always possible, but our experience in the past is that sometimes these stations, going back years ago, were located as much as 30 and 40 miles below the border, or even 10 and 15 miles below the border, and as time went on a highway was placed in between our station and the border, with the result that persons coming into the country voluntarily came in to our station for inspection. We were never sure whether all the people were being inspected or not. For some years past, every time we do any construction, it is right on the border.

Mr. MARSHALL. Just on the face of it, that seems like a tremendous amount of additional money for fill, when you are building one at Northgate, N. Dak., for a total cost of $49,400, which takes care of 50,000 people rather than 44,000.

BORDER STATION AT PITTSBURG, N.H.

Mr. ROONEY. Could you tell us offhand the cost of the border station at Pittsburg, N.H.?

Mr. LOUGHRAN. The station cost $35,500 at Pittsburg, N.H., and the residences, $41,600. The total cost of the entire project was $77,100, which was shared jointly with Customs.

Mr. ROONEY. That is two residences, at $20,800 each.

Mr. LOUGHRAN. Yes, sir.

Mr. Chairman, that is an example of a rather isolated location where almost everything had to be brought into that area by truck for a few hundred miles.

Mr. MARSHALL. Where is this?

Mr. LOUGHRAN. Pittsburg, N.H.

Mr. ROONEY. I think you will agree, Mr. Bow, it is not too elaborate.

Mr. BOW. I did not see that, Mr. Chairman.

Mr. ROONEY. I thought you had.

Mr. BOW. I was supposed to go with you, but I did not.

Mr. ROONEY. I did not think it was too elaborate. I thought it was a good, functional building as far as the station is concerned.

Mr. LOUGHRAN. Mr. Chairman, in soliciting bids we solicit as many as possible, and we take the lowest bidder after we check out his reputation in the construction field. The spread between the top bidder and the low bidder has always amazed us. It is maybe as much as 100 percent from the bottom to the top.

(Off the record.)

Mr. ROONEY. At some places it is the fact, is it not, that the tourists, whether American or Canadian, have trouble finding the station?

Mr. LOUGHRAN. Yes, sir.

Mr. ROONEY. We had that situation for years at Rouses Point, N.Y.

Mr. LOUGHRAN. Yes, sir.

Mr. ROONEY. They found a sign, "Make sure you report to Customs and Immigration." I have been in places where you had a deuce of a job finding where you should report.

Mr. LOUGHRAN. These are estimates that we have in the budget, as you know. If we are granted this amount of money, we never go over it, obviously. We would insure that we do it for the least cost and get exactly what we are describing through our plans and specifications. I think there is nothing elaborate about any our stations.

Mr. MARSHALL. That all may be. It is true that I do not know how much of a structure is involved. I have not looked at any of your plans or anything. But I am amazed at the cost of putting that station in that locality. It seems to me you could build quite an adequate station for about one-third as much as you are suggesting here.

Mr. Chairman, I cannot conceive of there being that much expense. With your permission, I would like to see some of the plans before we mark up the bill.

Mr. ROONEY. I am sure Mr. Loughran will see that you have an opportunity to inspect them.

Mr. LOUGHRAN. Yes, sir.

Mr. MARSHALL. That is all.

Mr. ROONEY. Mr. Bow?

Mr. Bow. Commissioner Farrell, how long have you been with this Department?

Mr. FARRELL. Since January 1941, sir.

Mr. Bow. That is a long time. In all that period of time, you have not looked around to find any place we could reduce the size of this operation and save some funds. You are in here with your first budget, which has gone up over a million dollars right off the bat.

Mr. FARRELL. I am taking another good look at it now. I did not prepare this particular budget.

Mr. Bow. What are you looking for—places where you are going to put more in, or where you are going to reduce it for us?

Mr. FARRELL. We are trying to get the most efficient operation we can. We may be able to reduce it.

Mr. Bow. I will take that as a promise.

EFFECT OF INTERNATIONAL TRAVEL ACT

I notice one of your justifications here is the new Travel Bureau that the Department of Commerce has initiated. How much do you think that will increase travel into the United States?

Mr. LOUGHRAN. We have no idea, really, how much, but we do know they are sending people abroad to try to convince tourists——

Mr. Bow. Do you know how they are trying to convince them?

Mr. LOUGHRAN. From what I know of it, they have sent even private industrial groups, as I will call them, such as Pan American Airways, and they sent a Greyhound bus with certain employees of the Government and others abroad, through Europe to convince chambers of commerce and travel agents that visitors should come to the United States.

Mr. Bow. In London they got a bus and they put a New Orleans jazz band on it with some Indians on top of the bus, and told people to come over to this country to see them. I imagine it will increase

travel to beat hell over here to have the Indians and the jazz bands traveling the streets of London. I understand that was not just in London, but they were doing this all over.

Have you heard of any tourists coming into this country because of the Indians?

Mr. FARRELL. Not yet, sir.

Mr. LOUGHRAN. But I know, Mr. Bow, that they are talking to chambers of commerce throughout this country and to travel agents throughout this country and abroad.

Mr. BOW. I probably look at it with a jaundiced eye, because I was against it from the beginning. I thought private enterprise ought to do its own promotion of travel.

(Off the record.)

Mr. BOW. I wish you the best of luck, Mr. Commissioner. I am delighted that you have the position you have. I am sure you will make an excellent Commissioner, particularly with the associates that you have.

Mr. FARRELL. Thank you.

Mr. BOW. I am really personally delighted to see you in the position you are in.

That is all, Mr. Chairman.

DEPORTATIONS DELAYED BY PRISON TERMS

Mr. MARSHALL. Mr. Chairman, I notice in the justifications it was determined that Kid Cann became deportable on February 20, 1961. What is the situation there? When are you going to deport him?

Mr. FARRELL. I am not too familiar with that case, Mr. Congressman, but we are pushing all of these just as hard as we can. Usually when we do not get them out, it is because of some action that they are taking in the courts which takes it out of our hands, or it is in some judicial action. As soon as any case is through the courts, we usually move right in.

Mr. MARSHALL. To refresh your memory, he is serving a 6-year term. Would that have some bearing on the situation?

Mr. FARRELL. Yes, sir; it would. The same situation exists with Genovese. He is serving 15 years. Usually they make them serve out their terms before they are deported. In that case, I am sure—and I can get the record for it—you will find we have completed our deportation hearings and, as far as we are concerned, this man is ready to go as soon as he serves his term.

Mr. MARSHALL. It seems rather strange to me that the taxpayers would have to feed this man for about 6 years when he is deportable.

Mr. FARRELL. Yes, sir. We have many cases like that. They are serving time in penitentiaries all over the country.

Mr. MARSHALL. That is all.

Mr. ROONEY. Thank you very much, gentlemen.

THURSDAY, JANUARY 25, 1962.

# U.S. ATTORNEYS AND MARSHALS

## WITNESSES

**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**
**WILLIAM A. GEOGHEGAN, ASSISTANT DEPUTY ATTORNEY GENERAL**
**P. H. MODLIN, FIRST ASSISTANT, EXECUTIVE OFFICE FOR U.S. ATTORNEYS**

## SALARIES AND EXPENSES

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Permanent positions | 17,378 | 17,909 | 19,645 |
| | Positions other than permanent | 134 | 145 | 170 |
| | Other personnel compensation | 1,010 | 1,057 | 1,118 |
| | Total personnel compensation | 18,522 | 19,111 | 20,933 |
| 12 | Personnel benefits | 1,138 | 1,188 | 1,299 |
| 21 | Travel and transportation of persons | 2,147 | 2,471 | 2,661 |
| 22 | Transportation of things | 15 | 15 | 15 |
| 23 | Rent, communications, and utilities | 592 | 600 | 850 |
| 24 | Printing and reproduction | 347 | 363 | 417 |
| 25 | Other services | 708 | 720 | 830 |
| 26 | Supplies and materials | 144 | 130 | 142 |
| 31 | Equipment | 340 | 487 | 565 |
| | Total costs | 23,953 | 25,085 | 27,712 |
| | Change in selected resources | 139 | | |
| | Total obligations | 24,092 | 25,085 | 27,712 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 2,690 | 2,690 | 2,935 |
| Full-time equivalent of other positions | 13 | 14 | 14 |
| Average number of all employees | 2,573 | 2,628 | 2,869 |
| Number of employees at end of year | 2,458 | 2,600 | 2,860 |
| Average GS grade | 6.3 | 6.2 | 6.2 |
| Average GS salary | $5,790 | $5,832 | $5,820 |
| Average salary of ungraded positions | $9,455 | $9,552 | $9,568 |

Mr. ROONEY. The committee will please come to order.

The first item to which the committee shall direct its attention this afternoon is the item at page 107 of the committee print entitled "Salaries and expenses, U.S. attorneys and marshals."

The particulars are to be found under tab 21 of the justifications book.

We shall insert at this point in the record pages 21–1 through 21–5 of these justifications.

(The pages follow:)

*Salaries and expenses, attorneys and marshals*

| | |
|---|---|
| Appropriation, 1962 | $25,085,400 |
| Estimate, 1963 | 27,712,000 |

*Analysis by activities*

| | 1962 | Increases | 1963 |
|---|---|---|---|
| U.S. attorneys | $14,513,400 | $1,726,600 | $16,240,000 |
| U.S. marshals | 10,572,000 | 900,000 | 11,472,000 |
| Total | 25,085,400 | 2,626,600 | 27,712,000 |

*Analysis of litigative funds included in appropriation "Salaries and expenses, U.S. attorneys and marshals"*

| Activity | Actual, 1961 | Estimate, 1962 | Estimate, 1963 |
|---|---|---|---|
| U.S. attorneys: | | | |
| (a) Travel in legal proceedings | $324,247 | $433,000 | $466,100 |
| (b) Evidentiary and other litigative expenses: | | | |
| (1) Fees, condemnation commissioners | 141,292 | 200,000 | 200,000 |
| (2) Printing and reproduction | 333,411 | 350,000 | 404,100 |
| (3) Other contractual services (reporting and attendance fees and transcripts, compensation of interpreters, and doctors abstract of titles and recording fees | 596,787 | 600,000 | 689,200 |
| Total, U.S. attorneys | 1,395,737 | 1,583,000 | 1,759,400 |
| U.S. marshals: | | | |
| (c) Executing judicial orders and transporting prisoners: | | | |
| (1) Guard hire | 244,183 | 304,000 | 328,000 |
| (2) Travel (marshals attending court, serving process and transporting prisoners including prisoners' travel) | 1,782,297 | 1,998,000 | 2,155,300 |
| (3) Communication services (postal registry, summoning jurors) | 14,000 | 14,000 | 14,000 |
| (4) Other contractual services (guarding, hauling and destroying seized property, and expenses of transporting prisoners) | 143,301 | 120,000 | 140,600 |
| Total, U.S. marshals | 2,183,781 | 2,436,000 | 2,637,900 |
| Total, litigative funds | 3,579,518 | 4,019,000 | 4,397,300 |

PROGRAM AND PERFORMANCE

The Government is represented in each of the 91 judicial districts by a U.S. attorney and a U.S. marshal. The U.S. attorney is responsible for the Government's legal interests in his district. The marshal has custody of all Federal offenders until released by the courts or confined in prison. He also acts as agent of the court in the service of process.

The following table shows actual and estimated workloads:

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| U.S. attorneys: | | | |
| Cases— | | | |
| Pending beginning of year | 26,971 | 29,059 | 31,059 |
| Filed during year | 54,668 | 59,000 | 68,600 |
| Terminated during year | 52,580 | 57,000 | 67,000 |
| Pending end of year | 29,059 | 31,059 | 32,659 |
| U.S. marshals: | | | |
| Process served | 675,124 | 680,000 | 690,000 |
| Process endeavors | 158,373 | 165,000 | 175,000 |
| Defendants arrested | 17,505 | 18,000 | 19,000 |
| Prisoners handled | 174,487 | 180,000 | 185,000 |

AMOUNT REQUESTED

It is requested that an appropriation of $27,712,000 be authorized for the U.S. attorneys' and marshals' offices for the 1963 fiscal year. This is $2,626,600 more than the amount available in 1962 of which $1,726,600 is for the U.S. attorneys and $900,000 is for the U.S. marshals.

The principal increases are due to the passage of Public Law 87–36 which authorized the appointment of 63 additional district court judges, a substantial number of which have been appointed and are holding court. There is also included $300,000 to provide for adjustment of the salaries of assistant U.S. attorneys.

LANGUAGE CHANGES

Delete: "one bus at not to exceed $17,500; and"

Insert: "$75,000" (in lieu of $50,000). This will permit the employment of bailiffs for the new judges authorized by Public Law 87–36.

Insert: "That not to exceed $12,500 shall be available for the cost of installing Government-owned police-type equipment in deputy marshals' privately owned automobiles for use in law enforcement work: *Provided further*,"

The need for this authority arises from the changing character of the marshals' duties. Recent incidents involving the handling of large groups of people, escort activities, etc., require the use of mobile equipment to insure reliable and rapid communications. Since marshals use their personally owned automobiles to a large extent in the performance of their official duties it is extremely important that the requested authority be granted.

Mr. ROONEY. The request is in the amount $27,712,000 which would be a substantial increase of $2,626,600 over the amount appropriated for these activities in the current fiscal year.

What have you to say about this, Mr. Andretta?

Mr. ANDRETTA. Mr. Chairman, as you indicated we have a substantial increase in this appropriation: $1,726,600 is for the U.S. attorneys and $900,000 is for the marshals' offices.

I am going to address myself to the U.S. attorneys' appropriation and Mr. Clyde Palmer, who is here, will talk about the marshals' part of it.

REDUCTION IN CASES TERMINATED

Mr. ROONEY. On a hasty glance at these workload charts at page 21–23, they indicate that Mr. Palmer will have to do a lot of talking.

Mr. ANDRETTA. You mean by that, that the figures are going down for both the U.S. attorneys' and marshals' offices?

Mr. ROONEY. Are you suggesting the same applies to the U.S. attorneys?

Mr. ANDRETTA. I cannot deny the figures that are in front of you which show that there has been a slight falling off in cases terminated. The cases filed have kept up pretty well, but there, again, those statistics are down from the peak year, which was fiscal 1959, I think. The reason is that toward the end of the prior administration, we had men starting to leave and we did not fill positions or vacancies. We began to get a deterioration in the staffs and the result was that production fell off both in the filing of cases and in terminations.

You will notice that the backlogs have gone up for the last 2 years, so that now we have a pending load greater than we have had since we started the drive on the backlog a few years back.

You remember that in that drive, we were able to cut the backlog down something like 35 percent.

You are absolutely correct in that the figures would not support an increase like this, but in an appropriation like this for the U.S. attorneys' offices the more manpower you have the better the statistics are that you can develop. In other words, the more work they can turn out.

Mr. ROONEY. We are not merely interested in statistics.

Mr. ANDRETTA. No, I understand that.

Mr. ROONEY. You mean statistics to get bigger and better appropriations?

Mr. ANDRETTA. No, sir.

Mr. ROONEY. More manpower?

Mr. ANDRETTA. No, sir. We only request manpower because they have definite work in front of them that has to be handled to protect the interests of the United States. As you know, Mr. Chairman, the U.S. attorneys' offices are the fountainhead of the Department of Justice in the field covering legal activities and handle a major portion of these activities.

Mr. ROONEY. Are you going to address yourself solely to the U.S. attorneys at this point?

Mr. ANDRETTA. Yes, sir.

## UNITED STATES ATTORNEYS

Mr. ROONEY. We are eagerly looking forward to hearing what you have to say, but before you go on, we shall insert at this point in the record pages 22–1 through 22–15(d) of the justifications.

(The pages referred to follow:)

*U.S. attorneys*

| | |
|---|---|
| Appropriation, 1962 | $14,513,400 |
| Estimate, 1963 | 16,240,000 |
| Increase | 1,726,600 |

AMOUNT REQUESTED

It is estimated that $16,240,000 will be required to meet the needs of U.S. attorneys' offices for the 1963 fiscal year; $12,883,000 for personal services and $3,357,000 for other expenses. The increase requested exceeds the amount available for 1962 by $1,726,600 and includes funds for 157 additional positions (94 additional assistant U.S. attorneys and 63 additional clerks).

GENERAL STATEMENT

The U.S. attorneys are not only the field representatives of the Department of Justice—they are the sole instruments through which the Federal laws are enforced and administered throughout the 50 States and possessions. As such, they represent almost all agencies and departments of the Government in the actual litigation of claims by and against the United States. The effectiveness of their work materially influences the degree of respect and compliance which the citizenry accords the Nation's laws. The results of their litigative efforts also have a direct impact on the Treasury of the United States in the number of monetary judgments which must be paid by the Government, and in the legal principles of Government's liability which are established in any given field of law. The success of the U.S. attorneys' efforts is largely governed by the assistance furnished to U.S. attorneys in the way of personnel and related items. The Department of Justice is involved, either tangentially or directly, in most of the problems affecting our national life. As those problems increase both in scope and complexity, the work of the U.S. attorneys becomes correspondingly heavier and more difficult. The tremendous increase in land acquisition for dam reservoir and military purposes, the ever-increasing number of tax cases, both civil and criminal, the large number of frauds cases arising from the various governmental welfare programs are all matters which the U.S. attorneys must handle. Their proper handling requires that the U.S. attorneys be furnished with the tools to do the job, i.e., funds sufficient to meet the operational needs of their offices.

The results of the work of all of the Federal investigative agencies in their districts, such as the FBI, the Bureau of Narcotics, the Alcohol and Tobacco Tax Unit, the Internal Revenue Service, and the Secret Service, are channeled through the U.S. attorneys' offices to the courts. The end result of the time, money, and personnel spent on such investigations is thus dependent upon the effectiveness of the legal work done by the U.S. attorneys and their assistants.

This applies not only to criminal cases but to civil cases as well where the amounts involved in suits for or against the United States involve an aggregate of hundreds of millions of dollars. Because of the importance of preserving the interests of the Government in these cases, it is essential that the professional staff of the U.S. attorneys not only be adequate in number but also possess the highest degree of legal skill and be compensated in a manner commensurate with their responsibilities. Competent legal assistance requires adequate remuneration, and the maintenance of an insufficient or mediocre legal staff is false economy in an area where not only the prestige of the Government is involved but where the complex legal issues, unless skillfully handled, may result in precedents extremely damaging to the Government.

It is for these reasons that the executive office for U.S. attorneys has endeavored to recruit attorneys whose academic background, legal experience, and skill are of the highest caliber. Obtaining men of this type for the U.S. attorneys' offices is becoming more difficult inasmuch as the number of highly qualified lawyers available is comparatively small, competition for their services is keen, and the salaries which can be offered by private firms, by other Federal agencies, and by State and local governments places the Department at a disadvantage in this competition. We cannot hope to compete with private firms, but we must be able to compete with State and local prosecutive offices, as well as with other Federal agencies. A recent survey conducted by the executive office for U.S. attorneys revealed that in over one-third of the local agencies and almost one-fourth of the State agencies throughout the country, attorneys are permitted private practice. The income derived from private practice frequently exceeds their salaries. The difficulties this poses in recruiting attorneys for U.S. attorneys' offices, where private practice is forbidden, are self-evident. Added to this is the attrition in the legal staff caused by transfers of experienced attorneys to other Federal agencies which are in a position to pay salaries commensurate with the attorney's experience and ability.

In order to recruit and keep the type of assistant we need, it is essential that we raise the salaries of our assistant U.S. attorneys to a rate comparable to that existing in other Federal agencies and in State and local agencies. Of the amount requested for fiscal 1963, $300,000 is earmarked for this purpose.

The law establishing 10 additional judgeships for courts of appeal and 63 additional judgeships for district courts makes it necessary that the present force of assistants be expanded so that the additional courts may be serviced. For that reason, we have requested $1,303,835 to establish 94 additional legal positions and 63 clerical, of which $884,735 reflects the cost of new positions, and $419,100 for related costs. This number of additional positions represents a ratio of approximately 1½ legal positions and one clerical position to each additional district court judgeship. These additional positions will be utilized also to handle the increased volume of business which the newly enacted anticrime legislation, the stepped-up internal revenue enforcement program, and the tremendous rise in land acquisition, will bring to the U.S. attorneys' offices.

In August 1954 the first departmentwide inventory of pending legal business revealed a total of 74,972 cases and matters pending in the U.S. attorneys' offices. During the succeeding 7 years, or as of June 30, 1961, an intensive backlog drive had cut this total to 49,145, a reduction of 34.4 percent, or over one-third. This substantial advance in bringing the Government's legal business to as current a status as possible illustrates what can be done when the U.S. attorneys are given the necessary tools with which to do the job. Most important of these tools is a staff which is adequate from the standpoint of both salary and numbers.

As is usual after a national election which results in a change of administration, the turnover in legal personnel in the U.S. attorneys' offices was unusually high in fiscal 1961. This, in turn, had an unfavorable but unavoidable effect on the production records. While in some respects the fiscal year's achievements do not equal those of prior years, they are nevertheless impressive in view of the fact that during the last half of the year over 60 percent of the U.S. attorneys and well over half of the authorized force of assistant U.S. attorneys had resigned and been replaced.

Total matters received and cases filed by U.S. attorneys during fiscal 1961 aggregated 195,750, a rise of 1,436 over the preceding year's total. During fiscal 1961, civil cases filed decreased 505, or 2.7 percent; criminal cases filed increased 174, or 0.57 percent; criminal complaints filed were up 1,200, or 1.1 percent; and civil matters received increased 567, or 1.7 percent. As these figures show, the volume of new business received, with the exception of civil cases, was substantially above that of fiscal 1960.

Total collections by U.S. attorneys during the 1961 fiscal year aggregated $34,837,720. This represents an increase of $1,873,371, or 5.3 percent over the preceding year. The total recovered was the fourth highest aggregate of collections in the last 9 years. We are hopeful that, given additional personnel and through the exercise of intensive collection efforts during the 1963 fiscal year, we shall be able to increase the amount of money recovered on claims due the Government. Collections for fiscal 1961 represent a return to the Government of $2.61 for each dollar obligated for U.S. attorneys' offices.

Of equal importance with the monetary sums actually recovered is the aggregate of savings effected to the Government by U.S. attorneys through the defense or compromise of suits against the United States. During fiscal 1961, 1,134 suits against the Gevornment were terminated. In these suits the savings to the Government aggregated $41,352,191. When this total is added to the aggregate of $34,837,720 actually collected for the Government, we find that the U.S. attorneys effected a return to the Government of $5.71 for each dollar used in the operation of their offices, a return of over 500 percent.

The successful results which have been achieved in the backlog drive have also contributed to the alleviation of delay and congestion in the courts. The disposition of large numbers of older Government cases from the dockets has brought the administration of justice to a more current status thus reducing the waiting period for all litigants, governmental as well as private. As of August 31, 1954, there were 10,392 criminal and 23,413 civil cases pending in U.S. attorneys' offices. In addition, such offices had 18,404 criminal and 22,763 civil matters pending. As of June 30 1961, the number of criminal cases had been reduced to 8,319 and civil cases (exclusive of tax lien suits) to 17,088, an overall reduction of 24.8 percent. Criminal matters were reduced from 18,404 to 10,498 and civil matters from 22,763 to 13,240, a decrease of 42.3 percent in the category of pending matters. As indicated in the first part of this justification, the reduction in total cases and matters pending was 34.4 percent. There were 331 fewer criminal and civil cases filed during fiscal 1961 than in the previous year. Cases terminated fell below those of the previous year by 1,339, and cases pending at the close of the year increased 2,088 cases above the total for fiscal 1960. The number of tax lien cases pending at the end of the fiscal year increased from 3,056 in 1960 to 3,721 in 1961, a rise of 665, or 22.1 percent.

As pointed out previously, the additional positions requested are designed to expand the legal and clerical staffs of the U.S. attorneys' offices (94 assistants and 63 clerks) to enable them to cope with the new business received. It is expected that productivity will rise considerably in the U.S. attorneys' offices in fiscal 1963. The recently enacted Public Law 87-258, which provides for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of employment, will be a prolific source of litigation for U.S. attorneys' offices. When it is remembered that the Post Office Department and the Department of Defense alone have thousands of vehicles in operation daily, some idea can be gained of the number of cases which the U.S. attorneys will have to handle. The enactment of several measures dealing with organized crime will increase the number of criminal cases received. Among these are: Public Law 87-228, which penalizes travel interstate for the purpose of furthering racketeering enterprises; Public Law 87-216, which prohibits the transmission of information on bets and wagering over wire facilities; Public Law 87-218, which prohibits the interstate transportation of wagering paraphernalia; Public Law 87-342, which amends the Federal Firearms Act by applying the provisions of the act to the commission of any felony instead of, as formerly, to certain specified felonies; and the amendment of the Fugitive Felon Act, which also broadens the coverage to all felonies instead of certain specified felonies, as before. Moreover, the intensive preliminary investigative work now being carried on under the Attorney General's organized crime and racketeering program will bear fruit in the form of criminal prosecutions during fiscal 1963.

In addition, the new legislation establishing additional judgeships will make available sufficient court time to try and to dispose of the many hundreds of cases which are now awaiting trial.[1] In many districts, the U.S. attorneys and their assistants have been ready, willing, and able to try a large number of cases, but have been unable to do so because of the shortage of judges and the attendant curtailment of court time. Case terminations by U.S. attorneys have fallen for the past 2 years both on the criminal and civil side. A survey conducted to

[1] As of December 1961 a total of 59 of the 73 additional judges authorized were sitting.

ascertain the causative factors for this decrease revealed that lack of sufficient court time was the most important single factor.

In addition to the foregoing reasons for the employment of additional personnel, there are other and equally compelling reasons for the expansions of the existing staffs. From the standpoint of dollars and cents, the cost of additional attorneys and clerks would be returned to the Government many times over in the form of greatly increased collections. U.S. attorneys' offices have always been economically self-sufficient, returning much more than the cost of their operation. Aside from the monetary benefits to be derived from an expanded force, the additional personnel will not only serve to lighten the individual caseloads now being carried but will enable more time and careful consideration to be given each case. Moreover, the amount of work accomplished will be very materially increased.

In the first years of the backlog drive, when U.S. attorneys were urged to accelerate the disposition of older cases and matters, they very naturally cleared out the less complex litigation first. As these cases were terminated, the nature of the remaining backlog changed so that in general the hard core of cases now pending represents protracted and complex litigation which consumes much more time and attention for its successful disposition. The importance of eliminating delay in the disposition of litigation can be readily appreciated when it is realized that each year of delay costs the Government between $2 and $2½ million in interest charges alone. From this standpoint, the very considerable inroads made in the case backlog since fiscal 1954 have saved incalculable sums for the Government while at the same time preparing the way for further saving by bringing the existing caseload to a more current status.

In terms of cases filed and terminated, the past fiscal year was not as productive for U.S. attorneys as the previous year. Elsewhere in this statement we have pointed out that the lack of sufficient judges and the attendant curtailment of available court time for trying cases have had a very considerable impact on the number of cases terminated during the year. Another factor is the greatly increased time required for pretrial preparation and the protracted nature of the trials themselves. An important case of nationwide interest, such as the *Mickey Cohen Criminal Tax* case in the southern district of California, can tie up the work of the office for an extended period. Other examples of this type are the air crash cases involving large planes and which give rise sometimes to hundreds of suits and securities fraud cases which are not only highly complex but also time consuming. Such cases sometimes involve months of preliminary investigation and preparation, followed by weeks of actual trial, and require the coordinated efforts of a number of assistants. When completed, however, the case counts for no more, statistically, than a minor case which might involve only a half day's work. While the present litigation reporting system is highly effective, it reflects only the number of cases pending or terminated, and not their complexity. Thus a decrease in the number of cases handled does not indicate a diminishing workload, but rather, that the cases being handled are requiring more time and preparation.

An important aspect of the work of the U.S. attorneys is the acquisition of land for Federal purposes. The authorization of dam reservoir projects and the development and testing of jet planes, guided missiles, and other modern armament has greatly increased the need for land by the Federal Government. Lands work is perhaps the most time consuming of all types of litigation because of the difficulty in locating owners, the number of tracts involved in each case, and the consequent number of landowners who must be served with the necessary process, etc. During the past fiscal year U.S. attorneys received requests for condemnation of 10,848 land tracts, while requests for acquisition by direct purchase totaled 8,768 tracts. This was an increase of 19.2 percent over the previous year. A total of 6,399 tracts were acquired through condemnation and 11,600 tracts through direct purchase, an increase of 123 tracts. As of June 30, 1961, there were 40,040 tracts pending—32,057 in condemnation and 7,983 in direct purchase. As the average period between the filing of a complaint in a condemnation proceeding and the final closing of the case is over 3½ years, it is clear that, aside from the new volume of work received in the coming year, the lands work in U.S. attorneys' offices will remain heavy for some time to come. Among the over 40,000 tracts of land now pending are many which involve substantial monetary amounts. As interest in such cases runs at 6 percent per year, it is incumbent upon the U.S. attorneys to make every effort to keep their lands workload as current as possible. An unfortunate aspect of lands work is that it is not evenly distributed. In a few districts new acquisition projects may add

thousands of land tracts to the workload, whereas in the remainder of the districts the workload may be relatively stable. This poses serious personnel problems, as an adequately staffed office becomes understaffed in the face of an avalanche of new lands work.

The condition of the lands backlog has aroused the concern not only of the Department of Justice but of the judiciary as well. Of the 32,057 tracts pending in condemnation, 2,405 have been pending from 3 to 5 years, and 2,966 have been pending over 5 years. Stated another way, 5,300 tracts, or one-sixth of all tracts pending, have been pending for over 3 years. A survey shows that in 6,500 tracts the compensation has been determined, and all that remains to be done in order to dispose of the matter is to forward to the Department the necessary papers, or take some other minor action. To do this, however the U.S. attorney must take an assistant away from other work. The Lands Division has requested the U.S. attorneys to give priority to these 6,500 tracts so that they may be closed. Despite their sincere desire to cooperate, the U.S. attorneys have found it difficult to assign sufficient manpower to these tracts to close them out.

The difficulties being encountered with the pending lands workload will be further compounded in fiscal 1963, when the demand for acquisitions is expected to rise very considerably. The Department of the Army has advised that it expects to acquire 30,230 tracts in fiscal 1962, and 24,035 in fiscal 1963, or a total of 54,265 tracts for the 2-year period. These acquisitions by the Army's Corps of Engineers will be for the benefit of the Army, the Air Force, the Atomic Energy Commission, and the National Aeronautics and Space Administration. Including the Army, all Government agencies have advised that they expect to acquire 68,491 tracts during fiscal 1962 and 1963. This is an average of 34,245 tracts a year. In the fiscal year just ended, 19,606 tracts were actully acquired, the second largest total since 1944, a war year. Thus, the anticipated average acquisitions in fiscal 1962 and 1963 will represent an increase of 14,639 tracts, or 76.8 percent, over the actual number acquired in fiscal 1961. The U.S. attorneys and their assistants will handle the legal work for these acquisitions.

There has been a consistent rise in tax litigation during the past decade. The increase in fiscal 1961 was 6.4 percent. As the amounts involved in tax cases have increased over the past 10 years, there has been a corresponding increase in the complexity of such work. In addition, the very considerable interest charges on such sums make it mandatory that they be disposed of as quickly as possible. Most civil tax work is done by departmental legal personnel but the expense attendant upon the litigation, such as printing of briefs, etc., is borne by the U.S. attorneys offices: 1,198 civil tax cases were tried last year.

U.S. attorneys and their assistants are responsible for the trial of criminal tax cases. During fiscal 1961, 686 such cases were commenced. In addition to being difficult, complex and time consuming, cases in this category of litigation are also expensive to prepare and try.

The continued rise in tax litigation is accelerating tremendously. In the first quarter of fiscal 1962, new cases received have increased 16 percent. However, new criminal cases have increased during the first quarter by a phenomenal 70 percent. It is this flood of cases which the U.S. attorneys must handle. This tide of criminal work undoubtedly will continue and increase in fiscal 1963. Congress has authorized an increase of 6,000 Internal Revenue Service enforcement officers in the past 2 years. The impact that this 25 percent increase in the investigative force will have upon the U.S. attorneys offices in the form of new cases can well be imagined. The Department of Justice Tax Division has received congressional authority to employ 96 additional employees in fiscal year 1962. The work of these additional employees will have a direct effect upon the number of cases received by the U.S. attorneys.

During the 1958–59 period, the practice of permitting Internal Revenue Service attorneys to participate in tax litigation was stopped. The practice had grown up as a result of shortages of qualified assistants in the U.S. attorneys offices. During fiscal 1961, when such offices were experiencing a high turnover rate as a result of the change in administration, Internal Revenue Service attorneys were used to help out, particularly in insolvency proceedings, in some districts. This practice has several pernicious aspects. Internal Revenue Service attorneys are not authorized by statute to appear in such cases, thus their participa-

tion renders the proceedings liable to attack on this ground. Moreover, their participation usurps the time and attention they should be devoting to their regularly assigned and authorized duties. The additional personnel requested will expand existing work forces in the U.S. attorneys offices sufficiently to permit the elimination of participation in tax cases by Internal Revenue Service attorneys. It will also permit the assumption of this additional work by the staffs of the U.S. attorneys offices.

In line with the overall increase in tax matters, tax lien cases increased 22.1 percent in the past year. This field of activity has registered the sharpest rise in any category of work. On June 30, 1955, there were 1,197 such cases pending. During the intervening 6 years the number of new cases received has doubled, and on June 30, 1961, there were 3,721 such cases pending, an increase of 210 percent. While these cases are generally not difficult to handle, their increasing volume cuts down proportionately on the time and effort which should be devoted to more important litigation.

In the past 4 fiscal years the number of criminal complaints received has increased by 7,747, or 7.7 percent, and there is no indication that this upward trend will subside. The review of these complaints, the selection of those which are to be tried, and the careful preparation necessary for their trial all add to the general expenses of the U.S. attorneys offices. The preponderance of litigation in the field offices is criminal in nature and it must be carried forward promptly and vigorously in order to achieve effective Federal law enforcement.

While criminal cases filed each year outnumber civil cases, it is the processing of Government monetary claims and the defense of suits against the United States which occupy much of the time and effort of the personnel of the U.S. attorneys offices. Wherever possible, the cost of litigation is avoided by arranging voluntary installment payment plans with those who owe money to the Government. As a result, the bulk of the moneys recovered each year is collected without suit or prosecution. To accelerate the disposition of civil cases and matters, the authority delegated to U.S. attorneys to compromise or settle such cases and matters has been greatly expanded. While this broadened authority has been of tremendous help to the field offices in curtailing the delay formerly attendant upon settlement, it has also added to the office workload. It is estimated that about one-third of the amount involved in pending civil cases (excluding Indian claims, tax claims, and antitrust cases) represents claims against the Government. In approximately one-third of these cases, interest will be assessed directly or will be an element in the settlement, and such interest will average about 4 percent. While U.S. attorneys have been extremely successful in defeating or reducing inflated claims against the Government so that recoveries generally average only 10 percent of the amount claimed, nevertheless the interest on even this small percentage represents a very considerable item of cost to the United States. It is the inexorable running of interest which makes it critically important that such litigation be disposed of as quickly as possible. Additional personnel would permit more timely and complete consideration to be given to each individual case, and would thus enable the U.S. attorneys to reduce the time required for disposing of such cases, with a consequent reduction in the amount of interest entailed. It will also help to boost the rate of recovery of moneys due the Government in cases where the United States is plaintiff. To cope effectively with the ever-increasing volume of new business in all categories, it is vital that the U.S. attorneys offices increase the levels of staffing and appropriations which have been furnished them up to this time. The operations of the U.S. attorneys offices have a potent effect on the caliber of law enforcement throughout the districts they serve, consequently, it is essential that they be given the personnel and the necessary tools to carry out their responsibilities and continue the high standard which has been established in the field of enforcement of the Federal criminal statutes. Moreover, the Government's expansion in the areas of military procurement, social welfare, agricultural support programs, and related matters makes it a party to an ever-larger proportion of civil litigation each year and increases its potential liability to claims. This mass of litigation cannot be effectively processed to disposition without sufficient funds to do the job assigned, and for the most part, items of expense such as travel, printing of briefs and records, also reporting services are not administratively controllable expenses.

*Detailed explanation of increase*

| | New positions | Statutory employee benefits | Other | Total |
|---|---|---|---|---|
| 11 Personnel compensation | | | | $1,246,000 |
| 157 additional positions; 94 assistant attorneys at $6,500, and 63 clerical at GS-5, $4,345, as authorized under Public Law 87-36 | $884,735 | | | |
| Salary adjustments, assistant U.S. attorneys (see general justification) | | | $300,000 | |
| Ramspeck promotions, mandatory | | $61,553 | | |
| Lapse adjustment | | | (−)288 | |
| Total | 884,735 | 61,553 | 299,712 | |
| 12 Personnel benefits | | | | 65,900 |
| Cost of retirement contributions for 157 additional positions as authorized under Public Law 87-36 | 41,000 | | | |
| Cost of health insurance for 157 additional positions as authorized under Public Law 87-36 | 6,600 | | | |
| Cost of life insurance for 157 additional positions as authorized under Public Law 87-36 | 3,300 | | | |
| Mandatory retirement fund increase for the existing staff | | | 15,000 | |
| Total | 50,900 | | 15,000 | |
| 21 Travel and transportation of persons | | | | 33,100 |
| To provide travel for 157 positions ($211 each) as authorized under Public Law 87-36 | 33,100 | | | |
| Total | 33,100 | | | |
| 23 Rents, communications, and utilities | | | | 157,500 |
| Rental of space; to provide space for 157 additional positions ($750 each) as authorized under Public Law 87-36 | 117,800 | | | |
| Communication services; to provide communication service for 157 additional positions ($253 each) as authorized under Public Law 87-36 | 39,700 | | | |
| Total | 157,500 | | | |
| 24 Printing and reproduction | | | | 54,100 |
| Printing of briefs and records; to provide increases for 157 additional positions ($217 each) as authorized under Public Law 87-36 | 34,100 | | | |
| To provide funds for a normal increase in volume of work | | | 20,000 | |
| Total | 34,100 | | 20,000 | |
| 25 Other contractual services | | | | 89,200 |
| Reporting services; to provide increases for 157 additional positions ($388 each) as authorized under Public Law 87-36 | 60,900 | | | |
| To provide funds for a normal increase in volume of work | | | 28,300 | |
| Total | 60,900 | | 28,300 | |
| 26 Supplies and materials | | | | 7,900 |
| Supplies, etc., for 157 additional positions ($50 each) as authorized under Public Law 87-36 | 7,900 | | | |

*Detailed explanation of increase*—Continued

| | 1962 estimate | | 1963 estimate | | New positions | Statutory employee benefits | Other | Total |
|---|---|---|---|---|---|---|---|---|
| | Number | Amount | Number | Amount | | | | |
| 31 Equipment | | | | | | | | $72,900 |
| Adding machines | 10 | $3,540 | 10 | $3,540 | | | | |
| Dictating machines | 8 | 2,800 | 16 | [1] 5,600 | | | $2,800 | |
| Transcribers | 4 | 1,400 | 8 | [1] 2,800 | | | 1,400 | |
| Electric typewriters | 100 | 40,000 | 100 | 40,000 | | | | |
| Photocopying machines | 25 | 8,125 | 25 | 8,125 | | | | |
| To provide furniture and equipment for 94 assistant attorneys at $375 each | | | | 35,300 | $35,300 | | | |
| To provide furniture and equipment for 63 clerical assistants at $625 each | | | | 39,400 | 39,400 | | | |
| Furniture (Post Office-controlled buildings) | | 24,000 | | 24,000 | | | | |
| Furniture (GSA-controlled buildings) | | 32,400 | | 32,400 | | | | |
| Furniture and equipment (for new Federal buildings to be completed during 1963 fiscal year) | | 72,500 | | 38,800 | | | −33,700 | |
| Library equipment: | | | | | | | | |
| Accessions | | 17,500 | | [2] 25,000 | | | 7,500 | |
| Continuations | | 147,500 | | [2] 165,000 | | | 17,500 | |
| Miscellaneous items | | 7,735 | | 10,435 | | | 2,700 | |
| Total | | 357,500 | | 430,400 | 74,700 | | −1,800 | |
| Total increase, 1963 | | | | | | | | 1,726,600 |

[1] Reflects normal requirements.

[2] Reflects estimated requirements during fiscal 1963.

83356—62——38

*U.S. attorneys—Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Cases or matters: | | | | | |
| Pending beginning of year | [1] 26,171 | [1] 25,971 | 26,971 | 29,059 | 31,059 |
| Received | 55,364 | 54,999 | 54,668 | 59,000 | 68,600 |
| Terminated | 55,436 | 53,919 | 52,580 | 57,000 | 67,000 |
| Pending end of year | [1] 26,099 | [1] 26,971 | 29,059 | 31,059 | 32,659 |
| Number of assistant U.S. attorneys | 589 | 625 | 565 | 600 | 675 |
| Caseload per assistant U.S. attorney | 138 | 130 | 144 | 147 | 148 |
| Cases terminated per assistant U.S. attorney | 94 | 86 | 93 | 95 | 99 |
| Matters: | | | | | |
| Pending beginning of year | 25,110 | 22,832 | 21,070 | 23,186 | 25,000 |
| Received | 138,541 | 139,315 | 141,082 | 145,000 | 147,000 |
| Terminated | 85,821 | 86,656 | 84,975 | 87,000 | 89,000 |
| Pending end of year | 22,832 | 21,070 | 23,186 | 25,000 | 27,000 |
| Civil cases filed | 24,036 | 24,382 | 23,877 | 25,500 | 30,100 |
| Civil cases terminated | 24,507 | 23,457 | 22,271 | 24,500 | 29,500 |
| Criminal cases filed | 31,328 | 30,617 | 30,791 | 33,500 | 38,500 |
| Criminal cases terminated | 30,929 | 30,462 | 30,309 | 32,500 | 37,500 |
| Criminal complaints filed | 106,915 | 106,994 | 108,194 | 112,000 | 116,000 |
| Proceedings before grand jury | 15,397 | 14,646 | 15,100 | 15,850 | 16,600 |
| Civil matters received, not on court docket | 31,626 | 32,321 | 32,888 | 33,500 | 36,100 |

[1] Adjusted to reflect changes in statistics previously reported.

*U.S. attorneys financial summary*

| Fiscal year | Collected in cases | | | Other civil judgments | Total | Collections without actual suit or prosecution | |
|---|---|---|---|---|---|---|---|
| | Fines | Forfeitures | Penalties | | | Criminal | Civil |
| 1959 | 4,364,198 | 250,877 | 192,873 | 15,263,817 | 20,071,765 | 532,050 | 14,554,127 |
| 1960 | 5,147,418 | 321,838 | 211,400 | 10,292,649 | 15,973,305 | 242,624 | 16,748,417 |
| 1961 | 4,973,177 | 300,961 | 194,856 | 8,883,552 | 14,352,546 | 153,790 | 20,331,384 |
| 1962 [1] | 5,000,000 | 301,000 | 195,000 | 9,000,000 | 14,496,000 | 155,000 | 20,350,000 |
| 1963 [1] | 6,000,000 | 360,000 | 240,000 | 10,800,000 | 17,400,000 | 280,000 | 24,425,000 |

[1] Estimated.

*Criminal trials in U.S. district courts*

| Fiscal year | Criminal court trials | Criminal jury trials | Total trials |
|---|---|---|---|
| 1959 | 1,166 | 1,896 | 3,062 |
| 1960 | 1,124 | 2,086 | 3,210 |
| 1961 | 962 | 2,117 | 3,079 |
| 1962 (estimated) | 1,182 | 2,557 | 3,739 |
| 1963 (estimated) | 1,277 | 2,747 | 4,024 |

Mr. ROONEY. Taking the U.S. attorneys item alone, the amount requested in the coming fiscal year for the U.S. attorneys and their staffs and other expenses, is $16,240,000, which would be an increase of $1,726,600.

It also appears your request would entail the addition of 157 positions to the payroll.

Now proceed, if you will, please.

Mr. ANDRETTA. Yes, sir.

INCREASES REQUESTED FOR 1963

The increase for the U.S. attorneys' offices breaks itself down into three main categories; one, additional staff to service the increase in

the Federal judiciary of, namely, the addition of 73 new judges. The other is a promotion plan which we would like to put into effect in lieu of within-grade raises for assistant U.S. attorneys, which we estimate would cost $300,000; and then the rest of the increase has to do with higher costs of doing business and the maintenance of the present existing staff in the U.S. attorneys' offices.

ADDITIONAL STAFF REQUESTED

As for the additional staff to service the new judges, we are asking for 94 assistant U.S. attorneys and 63 clerks.

This works out on a formula basis of 1½ assistants per new judge and one clerk per new judge.

We are not asking any assistants or clerks for the circuit judges. This is for the district judges; namely, 63 new ones.

That breaks down, at a cost of $6,500 each for 94 assistant U.S. attorneys with a total of $611,000; 63 clerks at $4,345 each, for $273,735; employee benefits for the new personnel, $50,900; travel, $33,100; rent, $750, for each new position, $117,800; communications, $39,700, which is figured at $253 for each person; printing, $34,100, which figures out at $217 per each person; reporting and other services, $60,900, which comes to $388 for each person; supplies and materials at $50 for each person, $7,900; equipment, $74,700.

The estimate covers 1,792 positions less a lapse of 53.7 positions. In other words, to carry that number of positions, it is essential we pick up lapses of $387,402. This provides for an average employment of 1,738 jobs.

As of December 31, 1961, in addition to the 91 U.S. attorneys, we had on the rolls 613 assistants, 887 other positions—that is, nonlegal positions—for a total of 1,591 persons as against an authorized force of 1,635.

You may be interested to know, Mr. Chairman, that in 1932 we had 544 lawyers in the U.S. attorneys' offices. Now we have 704, including the U.S. attorneys which means a gain of 150 lawyers in 30 years, which is not too bad a showing when you consider the increase in Government and the Federal Judiciary in that time.

SALARY ADJUSTMENTS

Another increase that I mentioned covers a request for $300,000 for salary adjustments. We have never had any money for promotions for assistant U.S. attorneys and I remember we came to the Congress at least twice, I think, when they passed a regular pay raise for classified employees to get money in order to provide an equivalent raise for assistant U.S. attorneys.

Not being under the Classification Act, we do not get money for within-grade raises for them, and the only within-grade raise money we do get is for the clerical staff, i.e., the nonlegal staff. Therefore, what we would like to do now is to have some kind of a promotion policy to provide some encouragement for these fellows to stay with the Department and to give more time to the operations of the U.S. attorney offices, rather than to come in for a short time, get some experience and then leave. We are asking for $300,000 to raise them.

Mr. ROONEY. Do you have legal authority to do this?

Mr. ANDRETTA. To make this raise?

Mr. ROONEY. Yes.

Mr. ANDRETTA. Yes, sir. We do, because the Attorney General is empowered by law to fix their compensation at any amount he wants within the limits in the law up to $15,000 for assistants.

Mr. ROONEY. How much of the $300,000 to which you make reference would be nonrecurring?

Mr. ANDRETTA. None of it.

We would hope to get $300,000 a year like we get money for within-grade raises, in order to carry forward this promotion plan.

Mr. ROONEY. You mean this would be the start of a $300,000 a year succession of increases?

Mr. ANDRETTA. Not increases; no. It would be $300,000 each year; in other words, this item would be in the base and it would continue that way with $300,000 a year for these promotions.

Mr. ROONEY. I asked you the question, whether or not it was a nonrecurring figure and whether you would not have it in the base next year.

Mr. ANDRETTA. We would add it to the base as an increased amount; in other words we would like a sum of $300,000 for promotions each year in lieu of within grades. We would have to ask for the money for the promotion plan very similar to what the FBI does in its promotion plan, Mr. Chairman.

Mr. ROONEY. Will you at this point in the record cite the law with regard to the Attorney General having the power to set these amounts?

Mr. ANDRETTA. It is title 28, section 508.

Actually when Mr. Brownell stopped the private practice of law and we converted assistants to full-time jobs, we came to the Congress and got that amendment to the law, you remember, creating a wider salary range for U.S. attorneys and assistants. Actually because of the limitation of funds we never did get enough money to put the full program into effect. We have never been able to pay these fellows salaries commensurate with what they ought to be getting especially when they had to give up private practice. The result has been that it has been very difficult to recruit for this type of service, other than on a quick in-and-out basis.

In other words, they come in, make a reputation, get the experience and off they go and we have to start over again with somebody else. There is no inducement really in the initial salaries paid. We do not have the funds to pay initial salaries competitive with what they are paying in localities and in State governments, let alone what they make in private practice.

We had a study made on the going rate of pay in most all of the districts in the country and it is a very enlightening tabulation which shows we are lagging behind in the matter of pay for lawyers.

Mr. BOW. Mr. Chairman, would you yield at this point for just one question?

Mr. ROONEY. Yes; surely.

Mr. BOW. Does your tabulation show the turnover by district?

Mr. ANDRETTA. The tabulation I am talking about now, Mr. Bow, has to do with what they pay in the State and local agencies.

Mr. BOW. And what your district attorneys are being paid?

Mr. ANDRETTA. Yes. I have a statement on what they are being paid.

Mr. BOW. Do you show that by district, that turnover?

Mr. ANDRETTA. No; but we can get that.

Mr. BOW. I think that would be an important thing to show us.

Mr. ANDRETTA. I have some general turnover figures.

Mr. BOW. I would like to see it by district with salary rates so that we can determine whether or not the salary has much to do with this.

Mr. ANDRETTA. Being realistic, the fact remains that these are political appointments, too, so that there is some element of turnover from that.

Mr. BOW. Yes; but I would like to see, over a period of time, your turnover per district and the salaries per district.

Mr. ANDRETTA. Yes, sir. We can get that for you.

Mr. ROONEY. Would you please send that on to Mr. Bow personally?

SALARIES OF U.S. ATTORNEYS COMPARED WITH OTHER LEGAL OFFICES

Mr. ANDRETTA. We have examples in California and other places where assistants are leaving us and they are getting $4,000 and $5,000 more, not in private practice but from a State government or local government.

Mr. ROONEY. There is nothing new about that. That is the way it has been all my lifetime.

Mr. ANDRETTA Yes; but now we have 600 assistants getting less than $12,000. I had a rundown made on just what the salary brackets are and, for example, we have a range of from four getting $5,500 to six getting $12,000; in that range, there is a large variation. The two largest groups are 63 getting $6,500 a year and 79 getting $7,500 a year.

The average salary of the lawyers in the Department of Justice comes to about $11,000 a year. The average salary in the U.S. attorneys' offices is $8,600 a year. Counting the U.S. attorneys' salaries, it is $9,000-and-something a year. There is a difference between the lawyers at the seat of Government, who are doing much better than the assistant U.S. attorneys. We have 24 of them getting $6,000 a year. How can anybody be an assistant U.S. attorney with any kind of experience making a real contribution and get $6,000 a year, which is less than some clerical salaries?

The assistants' average pay is $8,630 a year and the 973 lawyers in the Department in Washington, they average $11,091 a year, so you can see that there is a $2,400 difference there, almost, in average pay as between them and the assistants.

Mr. CEDERBERG. Would the chairman yield?

Mr. ROONEY. Yes.

Mr. CEDERBERG. Is that not to be expected, however? The fellows working for you as attorneys in the Department of Justice usually plan to make this a career?

Mr. ANDRETTA. Yes.

Mr. CEDERBERG. Fellows working as assistant U.S. attorneys in my area seem to take the job for 2 or 3 years, so that when they go back to private practice, they can hang that shingle up on the wall saying they have been an assistant U.S. attorney. I do not think you can compare the two.

Mr. ANDRETTA. That is correct, but we have to compete in the market for even that type of job with the State and local agencies.

Mr. ROONEY. When you say you cannot compete at $6,500 a year——

Mr. ANDRETTA. No.

Mr. ROONEY. You are asking for how many more at $6,500 a year?

Mr. ANDRETTA. That is the entrance salary.

Mr. ROONEY. How many more?

Mr. ANDRETTA. Ninety-three more.

Mr. ROONEY. This is an illogical argument.

Mr. ANDRETTA. No.

Mr. ROONEY. It reminds us of your scenario writer who, at page 22–6, says:

> * * * In many districts the U.S. attorneys and their assistants have been ready, willing, and able to try a large number of cases, but have been unable to do so because of the shortage of judges and attendant curtailment of court time. * * *

I think that is the best argument you could supply against you.

Mr. ANDRETTA. What for?

Mr. ROONEY. Do you not follow me?

Mr. ANDRETTA. Yes, I follow you, but getting back to Michigan for Mr. Cederberg, the State agencies in Michigan, for 5 years of experience, were paying from $9,000 to $12,500, and with no experience at all they start them at $6,500, which is what we are trying to get in these new positions.

The local agencies in Michigan pay from $6,000 to $13,000, and $6,000 to $9,800 in the western district, and in the eastern district, $9,000 to $13,000 for persons with 5 years or more experience.

For no experience they pay from $5,200 to $8,500 a year and $5,100 to $6,200 in the western district.

Mr. CEDERBERG. Of course, you are taking in many different types of jobs, too, legal jobs with States, and I assume you have the city attorneys involved?

Mr. ANDRETTA. That is right, city attorneys, prosecutors, and State attorneys general.

Mr. CEDERBERG. Let us take my own home county. We do not pay the prosecuting attorney as much money as the Federal Government pays the deputy or assistant district attorney.

On the other hand, he does have a right to practice some private law, I grant you, but not too much.

The point I was trying to make is that the comparison between your Washington career staff attorneys and those of the deputy, or assistant district attorneys, is not strictly comparable.

Mr. ANDRETTA. I think it is, however, when you actually consider what these fellows are called on to do. Here in Washington they are supervisory attorneys and they have an expertise in one area, but the fellow in the U.S. attorney's office has to handle everything from soup to nuts. He has to be an expert in the whole field and gamut of the Federal law.

Mr. CEDERBERG. Are you sure about that? I understand that the district attorneys are having to come to Washington for more advice. That is what we got from the Criminal Division which said they had to get all of their advice from Washington.

Mr. ANDRETTA. Not all of it. They come in here to get expertise or advice in certain lines. For example, we try to develop pleadings

that are sound and do not have any holes in them. They get advice on a particular type of case, for example, where they have never had one of that kind, and the office here in Washington knows about that, because there was a similar one in another district somewhere; we give them the benefit of help such as that.

On the run-of-the-mill and average everyday, in-and-out stuff, these fellows are on their own. Sure, they look to Washington for advice and guidance but——

Mr. CEDERBERG. That is why you pay them more in Washington?

Mr. ANDRETTA. Exactly. These fellows are here and they are career men that have been here a long time. We do not think that a fellow who comes on as an assistant and agrees to stay either 3 or 4 years as assistant U.S. attorney, should have no incentive. He comes in at that salary and is stuck there. At least he ought to be able to get within-grade raises like any other Government employee. We do not even give him that.

Mr. CEDERBERG. You said the Attorney General has complete authority within the law, within certain range limits, to increase that salary?

Mr. ANDRETTA. Fine; if he has the money. That is the crux of it, and that is why we are asking for money. If we get the money, there is no problem about being able to do it. All we are asking is that the assistant U.S. attorneys have some incentive—a carrot in front of the horse's nose—to give them a little incentive to move ahead so that those who do a good job do get some recognition.

The only way we have been able to make promotions or give raises in the past has been either where a fellow left getting higher pay and moved another up, or, if the U.S. attorney comes to us and says, "Look, I have to raise these fellows to keep them, or reward them for services they perform," and we say, "Don't fill a job until you pick up enough lapse money, so the operation in your office does not cost any more." Only then are we able to give the fellows a pay raise, but that is a heck of a way to do it.

When you have a full force you do not create any more savings through lapses so you have to say "No," until you save the money some way.

Mr. CEDERBERG. What happens if we get a salary pay schedule such as proposed for Federal workers that is going to be handled by the legislative committees in the House and Senate? How will that affect you?

Mr. ANDRETTA. In no way except that it will raise the whole level if we come to the Congress and——

Mr. CEDERBERG. This would be in addition to any general raise?

Mr. ANDRETTA. Right; but that is the same way as with the within-grade raises. You are up against the same proposition with periodic raises.

Mr. CEDERBERG. That is all.

Mr. ANDRETTA. Would you care to have this statement, Mr. Chairman, showing the salaries in other jurisdictions by district?

Mr. ROONEY. Please continue.

WORKLOAD

Mr. ANDRETTA. Mr. Chairman, you might like to have put in the record at this point a statement of the first 6 months of fiscal year 1962

as against the first 6 months of fiscal year 1961 on the workload of the U.S. attorneys offices. You will notice there is quite an improvement there in the last 6 months of the calendar year preceding. That is, the first 6 months of this fiscal year. That is an indication that the minute you get your staffs up to strength, you begin to show some production and some work output.

Mr. ROONEY. There is quite a dropoff in the number of criminal cases, and in civil cases, too?

Mr. ANDRETTA. But you do not develop cases on these office matters that soon. That is, they grow out of matters filed earlier in the year.

Mr. ROONEY. We shall insert this chart at this point in the record.

(The chart follows:)

WORK OF U.S. ATTORNEYS

*1st 6 months fiscal year 1961 compared with 1st 6 months fiscal year 1962*

| | 1st 6 months, fiscal year 1961 | 1st 6 months, fiscal year 1962 | Increase or decrease | |
|---|---|---|---|---|
| | | | Number | Percent |
| Criminal cases filed | 14,820 | 14,842 | +22 | +0.15 |
| U.S. civil cases filed [1] | 11,696 | 12,026 | +330 | +2.82 |
| Total, U.S. cases filed [1] | 26,516 | 26,868 | +352 | +1.33 |
| Criminal cases terminated | 14,026 | 13,801 | −225 | −1.60 |
| U.S. civil cases terminated [1] | 10,615 | 10,275 | −340 | −3.20 |
| Total, U.S. cases terminated [1] | 24,641 | 24,076 | −565 | −2.29 |
| Criminal cases pending | 8,416 | 9,377 | +961 | +11.42 |
| U.S. civil cases pending [2] | 20,346 | 22,350 | +2,004 | +9.85 |
| Total, U.S. cases pending [2] | 28,762 | 31,727 | +2,965 | +10.31 |
| Criminal trials | 1,340 | 1,370 | +30 | +2.24 |
| Civil trials | 690 | 761 | +71 | +10.29 |
| Total, U.S. trials | 2,030 | 2,131 | +101 | +4.98 |
| Criminal complaints received | 50,927 | 54,489 | +3,562 | +6.99 |
| Civil matters received | 15,960 | 16,810 | +850 | +5.33 |
| Proceedings before grand jury | 7,416 | 7,494 | +78 | +1.05 |
| Collections after suit | $6,907,281.72 | $12,085,118.15 | +$5,177,836.43 | +74.96 |
| Collections without suit or prosecution | 8,848,931.34 | [3] 13,718,304.80 | +4,869,373.46 | +55.03 |
| Total, collections | 15,756,213.06 | 25,803,422.95 | +10,047,209.89 | +63.77 |

[1] Excludes land condemnation cases filed in December 1961 since reports have not been received from Lands Division, normally an average of 62 cases of this type were filed in each of the 1st 5 months and an average of 60 cases per month were closed.

[2] 2,929 land condemnation cases pending as of Nov. 30, 1961, were used in lieu of Dec. 31, 1961, figures.

[3] Includes $5,171,829 reported by U.S. attorney's office in southern California for December 1961.

Mr. ROONEY. This chart shows a substantial dropoff in cases terminated; is that right?

Mr. ANDRETTA. Yes, this shows what a depleted staff will do.

Mr. ROONEY. On criminal trials, the difference between the first 6 months of 1962 and the first 6 months of 1961 is negligible.

Mr. ANDRETTA. Again, in that first 6 months, you have the court slack season; July, August, and September.

Mr. ROONEY. And you have the same thing applied to the year before, to which you are making the comparison?

Mr. ANDRETTA. That is right, but I told you about the year before, the fact that we had a depleted staff and they were all leaving the U.S. attorneys' offices.

Mr. ROONEY. Proceed, if you will.

NONSALARY INCREASES REQUESTED

Mr. ANDRETTA. We are also asking for an increase of $20,000 in printing, an increase in other services, reporting, and so forth, $28,300; equipment and higher cost of law books and additional office machines, and so forth, $31,900.

Mr. ROONEY. Does the $28,300 apply to reporting services?

Mr. ANDRETTA. Mostly reporting, yes, and litigation expenses. That is the cost of taking depositions, reporting, and so forth, and that is to bring us up to pretty much the current expenditure for these litigation expenses.

As you know, Mr. Chairman, litigation expenses are uncontrollable items of expenditure in the U.S. attorneys' offices. We have to meet these expenses as they arise in connection with the cases and the litigation in the various courts and the districts.

In the justifications you put in the record, there is a breakdown on the equipment items. Actually, that is a net reduction because there is a nonrecurring item of furniture we purchased for new Federal buildings which item was in the 1962 estimate, and we are not asking for that in 1963.

Mr. ROONEY. Do you have a statement similar to the one at page 326 of last year providing general information by district on U.S. attorneys in fiscal year 1961?

Mr. ANDRETTA. Yes, sir.

Mr. Chairman, I would like to mention in connection with these litigation expenses or to put in the record a statement of our obligations and expenditures for the first 6 months of this fiscal year, as compared with the same time last fiscal year, which shows the area of increase in certain objects of expenditure and decreases.

OBLIGATIONS AND ALLOTMENTS

Mr. ROONEY. We shall insert this document headed "Obligations and Allotments" at this point in the record.

(The document follows:)

*Obligations and allotments—Attorneys and marshals at Dec. 31, 1960 and 1961*

| | Obligations | | | | Allotments | | | |
|---|---|---|---|---|---|---|---|---|
| | Fiscal year 1961 | Fiscal year 1962 | Increase (+) or decrease (−) | Percent | Fiscal year 1961 | Fiscal year 1962 | Increase (+) or decrease (−) | Percent |
| ATTORNEYS | | | | | | | | |
| Personnel compensation: | | | | | | | | |
| Permanent | $5,607,222 | $5,468,359 | −$138,863 | −2.5 | | | | |
| Temporary | 29,188 | 67,908 | +38,720 | +132.7 | | | | |
| Commissioners (25–B's) | 125,465 | 85,465 | −40,000 | −31.9 | | | | |
| Personnel benefits | 312,100 | 309,000 | −3,100 | −1.0 | | | | |
| Travel | 148,822 | 206,240 | +57,418 | +38.6 | | | | |
| Freight, express, etc | 2,141 | 4,241 | +2,100 | +98.1 | | | | |
| Rent, communications, etc | 185,610 | 210,347 | +24,737 | +13.3 | | | | |
| Printing and reproduction | 189,428 | 163,176 | −26,252 | −13.9 | | | | |
| Other services | 286,110 | 321,610 | +35,500 | +12.4 | | | | |
| Supplies and materials | 43,732 | 51,948 | +8,216 | +18.8 | | | | |
| Equipment | 176,790 | 210,816 | +34,026 | +19.2 | | | | |
| Total | 7,106,608 | 7,099,110 | −7,498 | −.1 | $7,290,500 | $7,221,900 | −$68,600 | −0.9 |
| MARSHALS | | | | | | | | |
| Personnel compensation: | | | | | | | | |
| Permanent | 3,464,131 | 3,469,325 | +5,194 | +.1 | | | | |
| Temporary | 1,764 | 8,483 | +6,719 | +380.9 | | | | |
| Guard hire | 113,520 | 149,805 | +36,285 | +32.0 | | | | |
| Temporary deputy in lieu of bailiffs | 26,197 | 23,902 | −2,295 | −8.8 | | | | |
| Personnel benefits | 250,900 | 246,750 | −4,150 | −1.7 | | | | |
| Travel | 879,931 | 991,211 | +111,280 | +12.6 | | | | |
| Freight, express, etc | 1,640 | 2,450 | +810 | +49.4 | | | | |
| Rent, communications, etc | 84,308 | 99,384 | +15,076 | +17.9 | | | | |
| Printing and reproduction | 5,546 | 2,886 | −2,660 | −48.0 | | | | |
| Other services | 52,569 | 51,097 | −1,472 | −2.8 | | | | |
| Supplies and materials | 28,708 | 21,195 | −7,513 | −26.2 | | | | |
| Equipment | 35,364 | 46,688 | +11,324 | +32.0 | | | | |
| Total | 4,944,578 | 5,113,176 | +168,598 | +3.4 | 5,328,000 | 5,235,800 | −92,200 | −1.7 |

Mr. ROONEY. It occurs to me that when one compares some of the figures I have looked at in the workload chart handed us across the table a moment ago, and the chart which was published in last year's hearings, beginning at page 326, there is practically no increase in work at all; is that a fair statement, and where there is any, it is negligible?

Mr. ANDRETTA. There was an increase in office matters, as I said; those matters come in and they have to be considered and handled and do not develop into cases until later in the fiscal year.

ADDITIONAL POSITIONS

Mr. ROONEY. Well, if we were to go along on some of this very substantial request for 157 additional positions, what can we do with the request for beefing up the Criminal Division and what can we do with regard to the request for the Tax Division? You want to build up both here in Washington?

Further, you have a plan to decentralize by trying out an experiment of locating attorneys.

Where are you going to locate them?

Mr. ANDRETTA. In the Fort Worth area.

Mr. ROONEY. In the Fort Worth, Tex., area?

Mr. ANDRETTA. That is right. Two lawyers and up to six later.

Mr. ROONEY. Why do you want to concentrate people at that level?

Mr. ANDRETTA. What do you mean, "at that level"?

Mr. ROONEY. That is practically at the level of the U.S. attorneys?

Mr. ANDRETTA. That is out in the field, yes, but they do not duplicate the U.S. attorneys' work, nor do they take away work from the U.S. attorneys.

The Tax Division work, as you know, such as tax refund suits, are handled by the Tax Division exclusively. They are handled out of Washington and the whole idea is to have these lawyers out in a collector's region to save travel expense.

Mr. ROONEY. Do not the U.S. attorneys' offices handle tax cases?

Mr. ANDRETTA. Some—they only handle some criminal tax cases and lien cases.

Mr. ROONEY. The files are then sent back to the U.S. attorneys for indictment or trial?

Mr. ANDRETTA. On some criminal cases, yes, but we are talking about the refund cases.

Mr. ROONEY. If it is a civil case, it is also turned back to the U.S. attorney; is that right?

Mr. GEOGHEGAN. No, sir; that is, except for New York, San Francisco, and Los Angeles. The U.S. attorneys' offices do not handle any significant amount of civil tax cases.

Mr. ANDRETTA. Some U.S. attorneys handle some tax lien cases, but they are not significant for the Tax Division, like those refund cases are.

The big volume and bulk of work in the Tax Division, besides these national and important criminal cases that they handle, are the tax refund cases. They handle those exclusively.

The impact of their recent increase in staff has been directed to that civil litigation and that is where they show the big increase. As for the Criminal Division, the Organized Crime and Racketeering Sec-

tion, which is where the bulk of that increase has been, again that is a central operation which is, sure, working with the U.S. attorneys and using them where possible, but it is a centrally controlled and a nationwide operation, really.

The U.S. attorneys in some of the largest districts are going to have units of the Organized Crime Section in their offices, but that is other than this basic increase which goes with the number of new judges.

RATIO OF ASSISTANTS TO JUDGES

In the past, Mr. Chairman, we figured the basic organization of the U.S. attorney's office to service a single Federal judge would require two assistants and one clerk. In one-judge districts the average personnel in the U.S. attorney's office ranges from 10 to 12 persons in some of the smaller districts. When you multiply the number of judges in the district, of course you do not go up in the same ratio, because the whole impact is not on the U.S. Government alone, but a part of it sloughs off onto private litigation.

With that in mind and with what we think will be required of the Department of Justice, we have come up with a ratio of 2 to 1. The Bureau of the Budget, in evaluating our estimates, came up with 1½ per judge. You might ask, "How can you put a half of an assistant in a district?" You cannot. But in the larger metropolitan districts where they have put in a number of new judges, we would have to go better than the 1½ and perhaps put two assistants per judge or, say, if there were three new judges, we would put five assistants or four assistants, depending on the need and the justification for them in that particular district. That averages out 94 assistant positions for the 63 judges.

Mr. ROONEY. Have you taken away the circuit court judges?

Mr. ANDRETTA. No.

Mr. ROONEY. I thought the total was 73 additional judges.

Mr. ANDRETTA. It is.

Mr. ROONEY. How many in circuit courts?

Mr. ANDRETTA. Ten. We have not done that with the marshals, either, have we, Mr. Palmer? We have a deputy for each circuit. No, we have not. We are applying the formula only to the district judges, 63 of them.

Mr. ROONEY. If I understand this correctly, you want 157 people because you have added 63 judges.

Mr. ANDRETTA. That is correct.

Mr. ROONEY. How do you fit that into the statement that I read a while ago?

**In many districts the U.S. attorneys and their assistants have been ready, willing, and able to try a large number of cases, but they have been unable to do so because of the shortages of judges.**

Mr. ANDRETTA. I'm not responsible for that one.

Mr. ROONEY. In other words, you had enough people ready to go and you could not go because you did not have enough judges. Now that you have the judges and should be able to go with the people you have, you seek to have 157 people on top of that. This sounds illogical.

Mr. GEOGHEGAN. I might say something on this particular subject.

Mr. ROONEY. Now we will get straightened out.

Mr. GEOGHEGAN. I was not the writer of the justification, but I think that the writer had in mind that particular remark is the fact that there are so many cases in a certain few courts——

Mr. ROONEY. Doesn't anybody ever go over these justifications before you present them?

Mr. CEDERBERG. May I ask a question?

Mr. ROONEY. It is like the question you picked up the other day on the Deputy Attorney General.

Mr. ANDRETTA. That was my blooper. I should have caught that.

Mr. ROONEY. Yes.

Mr. CEDERBERG. Who is the writer?

Mr. MARSHALL. Mr. Andretta?

Mr. ANDRETTA. No. I have a slight authorship in this, but not all of it.

Mr. ROONEY. That is the first admission I have had over the years that anybody ever did have anything to do with writing the justifications. You usually never find out who does it.

Mr. CEDERBERG. The witness just said he thought the writer had such a thing in mind when he wrote it. Who is the writer?

Mr. GEOGHEGAN. The writer is someone in the executive office of the U.S. attorneys.

Mr. MODLIN. An attorney in the executive office of the U.S. attorneys, has substantial responsibility for preparing the justifications, in cooperation with the Administrative Division.

(Off the record.)

Mr. GEOGHEGAN. What I was going to say is that this situation has occurred. I think what was in mind here was the fact that with new judges they will not only be able to hear the cases which were referred to at this particular point in the justification, but many more cases, not just these that have been pending. For example, we have so many more land condemnation proceedings pending during the coming year. In fiscal 1963, it is estimated the land acquisitions will exceed any year except 1944, which was a war year. We have the increased work which is being brought about by the——

Mr. ROONEY. Most of those cases will never get into court, will they?

Mr. GEOGHEGAN. I cannot cite the exact statistics as to the number which will get into court, but a substantial number of them certainly will. After all, if we are going to increase the number of land acquisitions, I think it is bound to follow that the number of actual trials is going to increase proportionately or nearly in proportion to the increase in the total number of acquisitions.

Mr. ROONEY. There was not any request this year for increase in personnel in the Lands Division, was there?

Mr. ANDRETTA. No, sir.

Mr. ROONEY. Then what you are saying is contrary to that.

Mr. ANDRETTA. That is because Lands cases are handled in the U.S. attorneys' offices.

Mr. GEOGHEGAN. They do this work primarily, except in very big cases. The bulk of the land condemnation work is done in the offices of the U.S. attorneys. They will feel the impact more than the Lands Division attorneys here in Washington.

The cases to which reference was undoubtedly made in this instance are the protracted litigation cases where there is a tendency on the part of the courts to refrain from trying those cases if they have a significant backlog of other cases—the type of case that may take 2 or 3 months to try in a district which has only two or three judges actually hearing cases. I think it is that sort of situation that the writer was referring to. By the same token, the protracted case is the type which can tie up the time of one U.S. attorney for an extended period of time and make him utterly useless to the office, other than in the one case he is working on.

These statistics with respect to caseload have to be interpreted, and numbers alone do not tell the entire story. I think the type of litigation involved is more significant than the actual quantity of cases.

GENERAL INFORMATION BY DISTRICT, U.S. ATTORNEYS

Mr. ROONEY. We shall at this point insert in the record the statement with regard to general information by district, U.S. attorneys, fiscal year 1961.

(The statement referred to follows:)

*General information by district, U.S. attorneys, fiscal year 1961*

| Judicial districts | Population, 1960 census | Workload | | | | | | | | Number of places of holding court | Number of district judges | | Number of assistant U.S. attorneys authorized | Average time elapsed between filing date and termination of case | | Travel cost | Total cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Criminal | | | | Civil | | | | | | | | | | | |
| | | Pending, July 1, 1960 | Filed | Terminated | Pending, June 30, 1961 | Pending, July 1, 1960 | Filed | Terminated | Pending, June 30, 1961 | | Active | Retired | | | | | |
| Alabama northern | 1,856,672 | 74 | 396 | 356 | 114 | 148 | 284 | 290 | 142 | 8 | 2 | ------- | 5 | 9 | 10 | $1,418.46 | $103,164.90 |
| Alabama middle | 774,655 | 7 | 181 | 181 | 7 | 39 | 87 | 94 | 32 | 3 | 1 | ------- | 3 | 2 | 5 | 1,143.55 | 63,051.09 |
| Alabama southern | 635,413 | 19 | 142 | 138 | 23 | 87 | 107 | 101 | 93 | 2 | 1 | ------- | 2 | 4 | 12 | 209.47 | 56,832.12 |
| Alaska | 226,167 | 53 | 153 | 149 | 57 | 126 | 68 | 85 | 109 | 5 | 1 | ------- | 5 | 15 | 36 | 3,954.10 | 94,418.46 |
| Arizona | 1,302,161 | 106 | 724 | 728 | 102 | 199 | 272 | 183 | 288 | 4 | 2 | ------- | 5 | 4 | 16 | 3,606.15 | 102,984.21 |
| Arkansas eastern | 1,102,639 | 32 | 231 | 195 | 68 | 174 | 171 | 164 | 181 | 5 | 2 | 2 | 5 | 5 | 16 | 1,142.87 | 103,253.93 |
| Arkansas western | 683,633 | 34 | 159 | 179 | 14 | 53 | 97 | 79 | 71 | 6 | 1 | ------- | 2 | 6 | 9 | 2,087.44 | 68,006.19 |
| California northern | 5,586,518 | 233 | 975 | 973 | 235 | 686 | 513 | 516 | 683 | 3 | 7 | 1 | 21 | 4 | 26 | 5,901.94 | 375,279.33 |
| California southern | 10,130,686 | 486 | 2,154 | 2,186 | 454 | 919 | 1,023 | 1,160 | 782 | 3 | 9 | 1 | 49 | 3 | 15 | 16,659.80 | 931,840.71 |
| Colorado | 1,753,947 | 70 | 286 | 265 | 91 | 171 | 180 | 185 | 166 | 6 | 2 | ------- | 6 | 6 | 15 | 526.86 | 129,737.04 |
| Connecticut | 2,535,234 | 81 | 278 | 282 | 77 | 387 | 352 | 262 | 477 | 4 | 2 | ------- | 4 | 4 | 27 | 1,403.78 | 82,198.55 |
| Delaware | 446,292 | 10 | 99 | 76 | 33 | 77 | 37 | 35 | 79 | 1 | 3 | 2 | 1 | 9 | 15 | 99.21 | 40,660.46 |
| District of Columbia | 763,956 | 546 | 1,231 | 1,274 | 503 | 292 | 765 | 744 | 313 | 1 | 13 | 3 | 49 | 5 | 6 | 1,306.50 | 808,847.72 |
| Florida northern | 661,124 | 40 | 234 | 208 | 66 | 74 | 116 | 98 | 92 | 6 | 2 | 1 | 3 | 12 | 9 | 4,546.50 | 71,139.99 |
| Florida southern | 4,290,436 | 689 | 1,016 | 1,132 | 573 | 652 | 1,025 | 738 | 939 | 10 | 4 | 2 | 12 | 11 | 15 | 10,752.18 | 277,740.00 |
| Georgia northern | 1,819,920 | 121 | 596 | 579 | 138 | 192 | 251 | 283 | 160 | 4 | 2 | ------- | 5 | 6 | 16 | 3,811.93 | 140,094.36 |
| Georgia, middle | 1,281,705 | 21 | 300 | 284 | 37 | 93 | 161 | 127 | 127 | 7 | 2 | ------- | 4 | 4 | 10 | 5,184.98 | 109,712.89 |
| Georgia, southern | 841,491 | 122 | 361 | 356 | 127 | 101 | 101 | 96 | 106 | 6 | 1 | ------- | 4 | 7 | 17 | 3,164.00 | 103,105.18 |
| Hawaii | 632,772 | 23 | 103 | 104 | 22 | 42 | 40 | 41 | 41 | 1 | 1 | ------- | 3 | 4 | 12 | 336.61 | 69,040.67 |
| Idaho | 667,191 | 19 | 166 | 158 | 27 | 55 | 112 | 92 | 75 | 4 | 2 | 1 | 2 | 5 | 15 | 4,299.47 | 64,115.32 |
| Illinois, northern | 6,877,685 | 211 | 654 | 654 | 211 | 687 | 1,048 | 889 | 846 | 2 | 6 | 1 | 33 | 7 | 14 | 1,430.37 | 525,173.75 |
| Illinois, eastern | 1,405,428 | 28 | 160 | 172 | 16 | 125 | 115 | 137 | 103 | 4 | 2 | 1 | 3 | 4 | 16 | 2,229.20 | 68,542.25 |
| Illinois, southern | 1,798,045 | 34 | 151 | 127 | 58 | 102 | 213 | 184 | 131 | 5 | 2 | ------- | 3 | 9 | 43 | 892.77 | 66,844.93 |
| Indiana, northern | 1,959,615 | 64 | 187 | 197 | 54 | 140 | 191 | 195 | 136 | 4 | 2 | ------- | 4 | 20 | 14 | 3,144.20 | 84,158.10 |
| Indiana, southern | 2,702,883 | 30 | 263 | 234 | 59 | 152 | 312 | 284 | 180 | 4 | 2 | ------- | 4 | 5 | 9 | 1,581.40 | 98,760.71 |
| Iowa, northern | 1,371,413 | 19 | 74 | 85 | 8 | 69 | 87 | 113 | 43 | 6 | 1 | ------- | 2 | 4 | 21 | 2,863.46 | 64,481.75 |
| Iowa, southern | 1,386,124 | 12 | 160 | 166 | 6 | 72 | 142 | 118 | 96 | 6 | 1 | 1 | 2 | 9 | ------- | 1,893.15 | 47,981.65 |
| Kansas | 2,178,611 | 102 | 357 | 326 | 133 | 376 | 744 | 671 | 449 | 8 | 2 | ------- | 6 | 5 | 6 | 4,611.76 | 126,540.64 |
| Kentucky, eastern | 1,682,501 | 84 | 532 | 514 | 102 | 181 | 178 | 193 | 166 | 8 | 2 | ------- | 4 | 3 | 16 | 5,485.21 | 96,303.23 |
| Kentucky, western | 1,355,655 | 16 | 358 | 349 | 25 | 159 | 188 | 171 | 176 | 4 | 2 | 1 | 4 | 2 | 13 | 5,479.18 | 93,703.22 |
| Louisiana, eastern | 1,719,714 | 123 | 441 | 448 | 116 | 196 | 173 | 140 | 229 | 2 | 2 | ------- | 6 | 9 | 31 | 522.55 | 139,066.51 |
| Louisiana, western | 1,537,308 | 38 | 367 | 331 | 74 | 89 | 198 | 158 | 129 | 6 | 2 | ------- | 4 | 5 | 22 | 3,476.50 | 93,932.12 |
| Maine | 969,265 | 16 | 121 | 109 | 28 | 56 | 69 | 65 | 60 | 2 | 1 | ------- | 2 | 8 | 16 | 3,200.70 | 61,172.24 |
| Maryland | 3,100,689 | 136 | 337 | 312 | 161 | 254 | 348 | 327 | 275 | 3 | 2 | 1 | 7 | 7 | 8 | 1,015.54 | 153,640.58 |
| Massachusetts | 5,148,578 | 142 | 304 | 274 | 172 | 651 | 595 | 598 | 648 | 4 | 5 | 1 | 15 | 11 | 11 | 498.42 | 284,048.68 |
| Michigan eastern | 5,540,674 | 193 | 625 | 587 | 231 | 345 | 516 | 525 | 336 | 4 | 5 | 2 | 14 | 7 | 15 | 1,713.38 | 230,906.12 |

*General information by district, U.S. attorneys, fiscal year 1961*—Continued

| Judicial districts | Population, 1960 census | Workload | | | | | | | | Number of places of holding court | Number of district judges | | Number of assistant U.S. attorneys authorized | Average time elapsed between filing date and termination of case | | Travel cost | Total cost |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Criminal | | | | Civil | | | | | | | | | | | |
| | | Pending, July 1, 1960 | Filed | Terminated | Pending, June 30, 1961 | Pending, July 1, 1960 | Filed | Terminated | Pending, June 30, 1961 | | Active | Retired | | | | | |
| Michigan western | 2,282,520 | 35 | 132 | 144 | 23 | 101 | 94 | 94 | 101 | 5 | 2 | ------- | 2 | 5 | 20 | $1,134.43 | $52,072.42 |
| Minnesota | 3,413,864 | 50 | 247 | 256 | 41 | 256 | 455 | 426 | 285 | 6 | 3 | 1 | 6 | 6 | 15 | 1,772.95 | 132,218.73 |
| Mississippi northern | 849,765 | 19 | 159 | 155 | 23 | 34 | 84 | 68 | 50 | 4 | 1 | 1 | 3 | 8 | 5 | 2,335.20 | 70,427.09 |
| Mississippi southern | 1,328,376 | 49 | 255 | 264 | 40 | 114 | 200 | 186 | 128 | 5 | 1 | ------- | 3 | 2 | 17 | 5,682.90 | 83,426.40 |
| Missouri eastern | 2,274,389 | 83 | 377 | 382 | 78 | 125 | 227 | 232 | 120 | 3 | 4 | ------- | 8 | 6 | 19 | 1,032.10 | 140,982.70 |
| Missouri western | 2,045,424 | 58 | 407 | 424 | 41 | 208 | 248 | 247 | 209 | 6 | 2 | 1 | 7 | 5 | 7 | 1,624.47 | 137,040.46 |
| Montana | 674,767 | 17 | 113 | 119 | 11 | 89 | 132 | 117 | 104 | 11 | 2 | 1 | 4 | 9 | 18 | 5,481.70 | 79,258.02 |
| Nebraska | 1,411,330 | 16 | 122 | 119 | 19 | 155 | 137 | 149 | 143 | 3 | 2 | 1 | 5 | 7 | 17 | 1,087.97 | 98,552.98 |
| Nevada | 285,278 | 26 | 197 | 159 | 64 | 76 | 54 | 52 | 78 | 4 | 1 | 1 | 2 | 7 | 1 | 5,822.58 | 66,201.25 |
| New Hampshire | 606,921 | 15 | 58 | 58 | 15 | 58 | 35 | 30 | 63 | 2 | 1 | ------- | 2 | 5 | 8 | 1,760.10 | 57,707.52 |
| New Jersey | 6,066,782 | 184 | 472 | 422 | 234 | 536 | 787 | 744 | 579 | 3 | 6 | ------- | 18 | 9 | 21 | 998.02 | 330,001.87 |
| New Mexico | 951,023 | 19 | 355 | 358 | 16 | 107 | 178 | 168 | 117 | 6 | 2 | ------- | 3 | 2 | 24 | 938.41 | 88,762.14 |
| New York northern | 2,725,454 | 40 | 248 | 211 | 77 | 343 | 363 | 364 | 342 | 6 | 2 | ------- | 6 | 9 | 45 | 4,603.93 | 125,730.33 |
| New York eastern | 6,625,843 | 168 | 437 | 377 | 228 | 1,116 | 1,099 | 1,100 | 1,115 | 1 | 6 | 2 | 29 | 10 | 27 | 488.25 | 463,490.47 |
| New York southern | 4,703,024 | 603 | 1,237 | 1,263 | 577 | 940 | 911 | 938 | 913 | 1 | 18 | 5 | 58 | 10 | 26 | 2,281.79 | 1,035,925.91 |
| New York western | 2,727,983 | 72 | 237 | 224 | 85 | 299 | 370 | 357 | 312 | 5 | 2 | ------- | 6 | 9 | 34 | 2,029.51 | 120,634.77 |
| North Carolina eastern | 1,791,880 | 347 | 389 | 467 | 269 | 225 | 121 | 114 | 232 | 7 | 1 | ------- | 5 | 15 | 15 | 4,215.75 | 111,566.18 |
| North Carolina middle | 1,514,918 | 63 | 474 | 461 | 76 | 37 | 113 | 94 | 56 | 6 | 1 | 1 | 4 | 2 | 7 | 3,037.63 | 67,457.83 |
| North Carolina western | 1,249,357 | 68 | 393 | 369 | 92 | 44 | 135 | 122 | 57 | 5 | 1 | ------- | 2 | 19 | 6 | 1,609.50 | 58,513.89 |
| North Dakota | 632,446 | 17 | 82 | 86 | 13 | 55 | 110 | 101 | 64 | 4 | 2 | ------- | 3 | 7 | 8 | 8,526.59 | 74,872.57 |
| Ohio northern | 5,441,436 | 54 | 444 | 437 | 61 | 789 | 868 | 766 | 891 | 5 | 5 | 1 | 7 | 3 | 20 | 755.05 | 140,001.08 |
| Ohio southern | 4,264,961 | 61 | 520 | 549 | 32 | 315 | 482 | 412 | 385 | 4 | 3 | ------- | 6 | 3 | 17 | 2,301.03 | 127,443.31 |
| Oklahoma northern | 581,542 | 18 | 154 | 147 | 25 | 206 | 164 | 139 | 231 | 5 | 1 | ------- | 5 | 1 | 13 | 235.00 | 98,685.99 |
| Oklahoma eastern | 515,711 | 26 | 135 | 129 | 32 | 94 | 145 | 84 | 155 | 10 | 1 | ------- | 3 | 4 | 7 | 743.45 | 70,093.33 |
| Oklahoma western | 1,231,031 | 37 | 191 | 191 | 37 | 149 | 244 | 197 | 196 | 8 | 2 | ------- | 5 | 5 | 16 | 1,020.90 | 109,437.08 |
| Oregon | 1,768,687 | 43 | 213 | 198 | 58 | 279 | 276 | 185 | 370 | 5 | 3 | ------- | 7 | 4 | 24 | 1,805.97 | 132,694.48 |
| Pennsylvania eastern | 4,747,271 | 188 | 376 | 341 | 153 | 441 | 426 | 402 | 465 | 2 | 8 | 2 | 11 | 8 | 35 | 291.56 | 236,426.27 |
| Pennsylvania middle | 2,285,850 | 67 | 204 | 173 | 98 | 117 | 131 | 143 | 105 | 5 | 2 | ------- | 3 | 22 | 29 | 3,759.20 | 86,766.54 |
| Pennsylvania western | 4,286,245 | 132 | 329 | 349 | 112 | 145 | 311 | 284 | 172 | 2 | 6 | ------- | 8 | 6 | 19 | 1,150.50 | 178,126.90 |
| Puerto Rico | 2,349,544 | 79 | 127 | 153 | 53 | 46 | 74 | 54 | 66 | 3 | 1 | ------- | 2 | 11 | 13 | 133.55 | 64,690.77 |
| Rhode Island | 859,488 | 17 | 44 | 36 | 25 | 56 | 65 | 67 | 54 | 1 | 1 | ------- | 2 | 12 | 15 | 6.40 | 59,126.71 |
| South Carolina eastern | 1,414,637 | 111 | 406 | 382 | 135 | 217 | 217 | 200 | 234 | 5 | 2 | 1 | 5 | 5 | 16 | 5,116.75 | 124,057.98 |
| South Carolina western | 967,957 | 27 | 198 | 177 | 48 | 111 | 134 | 113 | 132 | 5 | 1 | ------- | 3 | 3 | 20 | 3,502.22 | 79,619.73 |
| South Dakota | 680,514 | 12 | 74 | 68 | 18 | 84 | 83 | 63 | 104 | 4 | 2 | ------- | 4 | 6 | 9 | 10,008.40 | 92,451.74 |
| Tennessee eastern | 1,477,454 | 159 | 452 | 464 | 147 | 107 | 134 | 122 | 119 | 4 | 1 | 1 | 3 | 5 | 12 | 3,450.76 | 81,025.74 |
| Tennessee middle | 1,001,304 | 116 | 267 | 294 | 89 | 195 | 95 | 74 | 216 | 3 | 1 | ------- | 4 | 9 | 27 | 2,285.94 | 90,436.54 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Tennessee western | 1,088,331 | 27 | 235 | 208 | 54 | 40 | 116 | 115 | 41 | 3 | 1 | ------- | 3 | 3 | 7 | 1,010.60 | 78,629.87 |
| Texas northern | 3,138,775 | 67 | 470 | 429 | 108 | 292 | 414 | 377 | 329 | 7 | 3 | 1 | 10 | 8 | 16 | 11,251.10 | 225,397.82 |
| Texas eastern | 1,341,745 | 19 | 197 | 179 | 37 | 219 | 180 | 187 | 212 | 6 | 2 | ------- | 7 | 2 | 13 | 4,636.82 | 143,039.44 |
| Texas southern | 2,576,116 | 120 | 866 | 801 | 185 | 299 | 344 | 294 | 349 | 6 | 4 | 1 | 16 | 6 | 25 | 9,151.96 | 278,291.36 |
| Texas western | 2,523,041 | 130 | 1,272 | 1,264 | 138 | 288 | 195 | 212 | 271 | 6 | 2 | ------- | 9 | 8 | 18 | 10,405.50 | 196,912.77 |
| Utah | 890,627 | 8 | 154 | 142 | 20 | 36 | 139 | 126 | 49 | 2 | 2 | ------- | 4 | 2 | 9 | 992.14 | 92,986.17 |
| Vermont | 389,881 | 19 | 36 | 31 | 24 | 78 | 60 | 65 | 73 | 4 | 1 | ------- | 1 | 9 | 16 | 2,380.50 | 42,520.94 |
| Virginia eastern | 2,496,387 | 112 | 495 | 508 | 99 | 317 | 367 | 369 | 315 | 4 | 3 | 1 | 7 | 4 | 18 | 8,259.18 | 176,990.47 |
| Virginia western | 1,470,562 | 20 | 195 | 206 | 9 | 101 | 120 | 151 | 70 | 7 | 1 | 2 | 3 | 2 | 11 | 3,657.70 | 61,499.59 |
| Washington eastern | 813,857 | 27 | 153 | 169 | 11 | 160 | 154 | 142 | 172 | 3 | 1 | 1 | 4 | 6 | 17 | 2,299.22 | 96,392.23 |
| Washington western | 2,039,357 | 56 | 219 | 199 | 76 | 230 | 397 | 392 | 235 | 3 | 2 | 1 | 9 | 4 | 14 | 1,869.63 | 166,435.55 |
| West Virginia north | 775,702 | 15 | 80 | 83 | 12 | 36 | 50 | 50 | 36 | 6 | 2 | ------- | 2 | 2 | 17 | 2,071.43 | 58,615.25 |
| West Virginia south | 1,084,719 | 46 | 291 | 272 | 65 | 90 | 78 | 49 | 119 | 5 | 1 | ------- | 3 | 3 | 9 | 2,172.40 | 74,803.90 |
| Wisconsin eastern | 2,467,394 | 47 | 190 | 205 | 32 | 245 | 286 | [1]62 | 369 | 3 | 2 | ------- | 4 | 5 | 24 | 615.88 | 85,674.24 |
| Wisconsin western | 1,484,383 | 2 | 122 | 104 | 20 | 66 | 80 | 75 | 71 | 5 | 1 | ------- | 2 | 8 | 14 | 945.69 | 47,122.30 |
| Wyoming | 330,066 | 17 | 118 | 123 | 12 | 40 | 53 | 64 | 29 | 5 | 1 | ------- | 1 | 4 | 18 | 708.90 | 42,404.83 |
| Canal Zone | 42,122 | 24 | 174 | 173 | 25 | ------- | 12 | 6 | 6 | 2 | 1 | ------- | 1 | 1 | ------- | 43.50 | 47,469.08 |
| Guam | 67,044 | 8 | 21 | 28 | 1 | 36 | 24 | 45 | 15 | 1 | ------- | ------- | 1 | 5 | 20 | 229.92 | 45,779.12 |
| Virgin Islands | 32,099 | 13 | 102 | 91 | 24 | 71 | 227 | 241 | 57 | 3 | 1 | ------- | 1 | 2 | 1 | 1,165.50 | 47,257.08 |
| Total | 181,813,984 | [1]7,837 | [2][3]30,791 | [4][5]30,309 | [6]8,319 | 19,134 | 23,877 | 22,271 | 20,740 | 406 | 230 | 47 | [7]645 | [8]6 | [8]15 | 268,571.62 | 13,204,629.33 |

[1] July 1, 1960, pending figures adjusted to reflect corrections reported by U.S. attorneys' offices.

[2] Includes 1,439 cases and 1,517 defendants initiated by transfer under rule 20.

[3] Does not include 9,584 cases and 10,718 defendants filed in municipal court branch o the District of Columbia.

[4] Includes 1,656 cases and 1,868 defendants disposed of by transfer under rule 20.

[5] Does not include 8,609 cases and 9,645 defendants terminated in municipal court branch of the District of Columbia.

[6] Does not include 2,434 cases and 2,606 defendants pending in municipal court branch of the District of Columbia.

[7] Includes 5 positions on a reimbursable basis—California southern, 3; Illinois northern, 1; and Utah, 1.

[8] Average.

Mr. ANDRETTA. Mr. Chairman, I made a note here yesterday that Mr. Hoover in his testimony referred to 3,100 new cases under the new crime laws already, and we anticipate we will get 10,000 new cases this fiscal year under the new crime laws. The bulk of those will fall on the U.S. attorneys' offices, that is, the actual handling of these cases. That is indicative of some of the prospective increased work that we are going to get.

Mr. ROONEY. Mr. Marshall?

ROVING ATTORNEYS

Mr. MARSHALL. Mr. Andretta, when the Criminal Division were before us, they made a point of the fact that they would supply a group of roving attorneys who would assist the district attorneys' offices in prosecuting some of these cases. Where in this budget will I find a reduction in the cost of assistant U.S. attorneys in order to offset the amount of money that we are spending for this roving group of attorneys under the Criminal Division?

Mr. ANDRETTA. You will not find it anywhere, Mr. Marshall.

Mr. MARSHALL. I could not find it anywhere.

Mr. GEOGHEGAN. I think, if I may say something again at this point, that involves an understanding of how the Department operates, particularly the Criminal Division itself. A particular criminal case can involve and, in fact, the majority of them do involve, the time, at least in part, of lawyers both in the U.S. attorney's office and here in Washington. Many of the cases which are tried by the U.S. attorneys in the field have nevertheless felt the experience and the attention of the Department attorneys back here in Washington. They advise constantly with respect to pretrial memorandums, as to trial briefs, and all the matters which go into the preparation of a lawsuit or the defense of a lawsuit. You can have the combined participation and in almost every instance you do have. The impact of the additional caseload in the criminal field will be felt both at the local level in the U.S. attorneys' offices and back here in Washington.

Mr. MARSHALL. Thank you.

VARIANCE IN CASE OUTPUT OF DISTRICT OFFICES

In connection with your general information on U.S. attorneys by district, I am having a little trouble understanding some of the figures in the chart. I note that in one State where there are two judicial districts, north and south, each has three assistant district attorneys. The north district had terminated 155 criminal cases and 68 civil cases. The south district had terminated 264 criminal cases and 186 civil cases. How does it happen that in the same State you have such a wide variance in the number of cases that are handled by assistant district attorneys?

Mr. GEOGHEGAN. There could be any number of reasons that might occur. That again points up the fact that you have to be able to interpret these statistics by having some knowledge of the type of cases involved. For example, some of our districts in North Carolina have a very high caseload. Most of them are liquor cases. They do not require much time to handle or dispose of them.

Some of the cases in the one district to which reference is made may have been protracted and required a great deal more time to try. It can also be due to the difference in quality of the men performing the work in the various offices. That may well be the answer in this particular instance. I do not think we could give you an answer to that now without making a thorough study of the type of cases and the quality of the personnel who are handling them.

Mr. ANDRETTA. Mr. Marshall, I might tell you that we have had considerable difficulty over the years in evaluating statistics in the U.S. attorneys' offices. We have had experts in and we have gone over the thing and have tried to develop a formula. We even tried the unit weighted total evaluation at one time. In other words, we gave a weighted total to a trial, a weighted total to the number of days in court, a weighted total to the character of the case, a certain weighted total for office matters, a certain total for cases filed. When we got all through, we came up with the same ranking on these districts as we do on a strictly numerical case basis. It is very difficult to evaluate the workloads.

For example, if you took the actual number of cases, two of the Texas districts once led the country. We knew that was not possible. What was it? It was at the time of that invasion of wetbacks. Every one of those cases where a fellow stood up and said, "I am guilty of crossing the border," was a case, and it counted numerically, and there it was. You can count an antitrust case as one, for example, and it may take 7 or 8 years and it may take a year to try it, but there is a count of one. So, it is extremely difficult when you are just dealing in numbers to get an evaluation of the work.

We live with these districts and these offices every day. We know what is going on in them. We send examiners in to them. We are in daily touch with the heads of the districts. We know their problems and what they are up against in the way of work and the demands on the office. The character of the work varies from district to district.

As Mr. Goeghegan said, you have one district where you have nothing but liquor violations, and another one where you have nothing but immigration violations. In the metropolitan districts, for example, the leading district numerically in the country today is California. It ranks No. 1 not only in——

Mr. LIPSCOMB. Southern district?

Mr. ANDRETTA. Southern district; yes.

Mr. LIPSCOMB. Where is that located?

Mr. ANDRETTA. In Los Angeles.

Mr. LIPSCOMB. You could have said from the outset, "Los Angeles, southern district."

Mr. ANDRETTA. There again, numerically speaking, that is the top district in the country. The southern district of New York does not come up to it numerically, and yet it has tremendously complex and involved and important cases. We have to evaluate the business of the office on that basis. I think one indication is the way the FBI has distributed its agents in the different districts. That is an indication of how busy they are and the complexity and the kind of work they are engaged in. The number of judges is another indication of the amount of work and the character of the work in the districts.

Mr. MARSHALL. I notice one State where 4 assistant attorney generals terminated only 68 criminal cases and 63 civil cases in the year. That is one of the lowest in your tabulation. What might be so complicated in those cases?

Mr. ANDRETTA. The district of South Dakota, for example, at that time ranked second in the country in the number of lands cases and condemnation cases, cases which involved a lot of paperwork and are very time consuming. Yet it would not show up in your statistics on the ordinary civil and criminal cases, you see.

Mr. MARSHALL. In my particular case as a member of this committee, I would have to dig a lot deeper into the figures on this sheet in order to arrive at any conclusion.

Mr. ANDRETTA. We have other figures that might be a lot more enlightening to you from the standpoint of workload than this workload which is just pinned down to the number of cases as such.

Mr. MARSHALL. Thank you. That is all, Mr. Chairman.

Mr. ROONEY. Mr. Bow?

TRAVEL EXPENSES IN SOUTHERN DISTRICT OF CALIFORNIA

Mr. Bow. Mr. Andretta, going back to the southern district of California, how do you get $16,000 for travel there?

Mr. ANDRETTA. They have a large office in San Diego, besides the Los Angeles office. They go to Fresno and I think one other place. They are holding court continuously.

Mr. Bow. Do you not have any assistant district attorneys down in San Diego?

Mr. ANDRETTA. Yes, we do. Let me say that they have to go to the court of appeals very often, which means that they have to travel up to San Francisco sometimes. That is quite a jaunt. We have to pay per diem. Also, for example, we have sent one or two of their assistants from California to China on cases that were mentioned——

Mr. ROONEY. Hong Kong fraud cases?

Mr. ANDRETTA. Yes, they have gone to Hong Kong. They had to go over there on two or three investigations.

Mr. Bow. I thought San Francisco was on this list.

Mr. ANDRETTA. They go to Sacramento. There is one other place they are holding court.

Mr. Bow. There are three places they hold court in the northern district and three in the southern.

Mr. ANDRETTA. That is right.

Mr. Bow. The difference in the cost there is just about $11,000 in travel expense.

Mr. ANDRETTA. Exactly right.

Mr. Bow. That is a little hard to understand.

Mr. ANDRETTA. It is very hard on the face of it. We have gone back and had them explain the figures. We have the same thing in the marshal's office, i.e., this difference between the northern and southern districts. The amount of travel is heavy. One thing is that the southern part of California is more involved with people coming there from other parts of the country, which involves attorneys having to travel out of there to other parts of the country to take depositions. The same with the marshal on removals from that area, they

have to go all over the country, back and forth. Then of course they have to move prisoners from there to the prison up at McNeil Island also to Terminal Island and Lompoc.

Mr. GEOGHEGAN. There is also the fact that southern California has 49 men on the staff as opposed to 21. The difference in travel cost per man is not nearly so great between the two districts as the total cost for travel.

Mr. BOW. That is all.

Mr. ROONEY. Mr. Lipscomb?

VARIANCE IN CASE OUTPUT IN DISTRICT OFFICES

Mr. LIPSCOMB. Referring back to the California southern district, it appears from the list you have given us that they have a very good record as to cases filed and terminated and also as to the overall cost of the operation, compared with others on this sheet.

Mr. ROONEY. Is that the southern district of California?

Mr. LIPSCOMB. Yes, headquarters located in Los Angeles.

Mr. ANDRETTA. Yes; it is a very good operation.

Mr. LIPSCOMB. If you have trouble with this analysis, why do you not make it up differently so we can see how it works? For instance, big differences show up on this analysis between cases pending, filed, terminated, and then pending at the end of the year. If we are to base our judgment on statistics of this sort, is it not possible to give us something more meaningful?

Mr. ANDRETTA. I could give you another statement which has more complete figures by each district.

Mr. MODLIN. This is a 5-month booklet.

Mr. ANDRETTA. This book has it by each district. It gives you a great deal more information about what goes on in the district than you get in a simple caseload chart like this.

Mr. LIPSCOMB. Here is one court which has nine more judges than the southern district of California, and they have nine more district attorneys than the southern district of California. Their costs are over $100,000 more.

Mr. ANDRETTA. Which is that?

Mr. LIPSCOMB. The southern district of New York.

Mr. ANDRETTA. Yes.

Mr. LIPSCOMB. On travel, for instance. The southern California district pays $16,000 in travel and they pay a little over $2,000. Yet the southern California district operates at $100,000 less expense.

Mr. ANDRETTA. New York, you notice, has a great many more assistants, for one thing.

Mr. LIPSCOMB. Their caseload is not so high.

Mr. ANDRETTA. That comes back to what I mentioned before, that on actual numbers California is ahead, but when it comes to the character of the case and the type of case and the complexity of the cases, New York, southern, is the No. 1 district in the country.

Take a look at the number of judges, for example, that they have in New York.

Mr. LIPSCOMB. That is what I said. There is a difference of nine judges.

Mr. ANDRETTA. The number of judges is indicative of the amount of work in the Federal courts in that area and their complexity.

Mr. ROONEY. I do not think there is any question but that the two busiest districts are the southern district of New York and the District of Columbia; is there?

Mr. ANDRETTA. That is exactly right.

Mr. ROONEY. I thought that was always understood.

Mr. ANDRETTA. Of course, the District of Columbia is extremely busy because you have dual jurisdiction.

Mr. ROONEY. Comparing the 1959 figures with the figures on this chart, there is quite a fall off in civil cases in the southern district of California. Do you want to make anything out of this?

Mr. LIPSCOMB. No. I was not even going to mention the name of the district.

ALLOCATION OF NEW ASSISTANT U.S. ATTORNEYS

You are asking for additional U.S. attorneys.

Mr. ANDRETTA. Exactly.

Mr. LIPSCOMB. How are these going to be allocated?

Mr. ANDRETTA. We have a tentative allocation. Mr. Chairman, you remember when we had the last increase in the number of judges, you asked me to put a statement in the record, which I did, and then, of course, the deluge came. Every U.S. attorney who saw he was earmarked for help insisted on it. Conditions change.

Mr. ROONEY. I do not believe that sort of thing.

Mr. ANDRETTA. We have a tentative allocation of where these positions would go.

Mr. ROONEY. We might take a look at it off the record.

Mr. ANDRETTA. You may keep it, but do not put it in the record. The asterisks show where the new judges have already gone into operation.

OVERTIME

Mr. LIPSCOMB. How about overtime pay for U.S. attorneys? Does this exist?

Mr. ANDRETTA. We do not pay overtime. We have a rule that we do not pay any of our attorneys overtime. We think it is part of their job. These fellows are pretty dedicated and they work nights, Saturdays, and Sunday without extra pay. That is another reason we wanted this pay raise money as some inducement to these fellows who are knocking themselves out.

Mr. LIPSCOMB. Has there ever been an analysis made, for instance, of the amount of overtime the U.S. attorneys in the southern district of California put in?

Mr. ANDRETTA. We had that figure.

Mr. MODLIN. Last year or the year before, I think.

Mr. LIPSCOMB. Was such an analysis made in all the districts?

Mr. ANDRETTA. We could do it, all right.

Mr. LIPSCOMB. I am not asking that it be done, but I was wondering if it had been done.

Mr. ANDRETTA. We have never asked for it because we do not pay for it and we thought it would be cruel and inhuman punishment to ask them to account for their overtime and then not pay them anything for it.

Mr. LIPSCOMB. May I ask a question about this off the record.

(Off the record.)

Mr. LIPSCOMB. Thank you, Mr. Chairman.

Mr. ROONEY. Mr. Cederberg?

Mr. CEDERBERG. Have you any districts where the district attorneys are not overworked, where they just go along with the normal workload?

Mr. ANDRETTA. Yes, I probably could name one or two, if you want me to tell you off the record.

Mr. CEDERBERG. Yes, I would like to know them.

(Off the record.)

Mr. CEDERBERG. That is all I have.

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THURSDAY, JANUARY 25, 1962.

## U.S. MARSHALS

### WITNESSES

**C. W. PALMER, HEAD, EXECUTIVE OFFICE OF U.S. MARSHALS**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**

Mr. ROONEY. If there are no further questions, we shall proceed to the item for the U.S. marshals. The particulars with regard thereto are to be found under table 23 in the justification book. We shall insert at this point in the record pages 23–1 through 23–13 of these justifications.

(The pages referred to follow:)

*U.S. marshals*

| | |
|---|---|
| Appropriation, 1962 | $10,572,000 |
| Estimate, 1963 | 11,472,000 |
| Increase | 900,000 |

AMOUNT REQUESTED

It is estimated that $11,472,000 will be required to meet the needs of the U.S. marshals' offices for the 1963 fiscal year. This exceeds the amount required for 1962 by $900,000, of which $575,900 is for personnel compensation and $324,100 for related costs.

Additional personnel are needed to implement the recent judgeship bill, Public Law 87–36, and to meet greater demands by the courts for additional manpower to handle anticipated contingencies and to protect and safeguard the lives of Government witnesses and their families. This estimate includes $650,151 for the judgeship bill, Public Law 87–36.

GENERAL STATEMENT

The activities of the U.S. marshals cover a wide area of operations. They are responsible for serving criminal and civil process; executing orders of the court; arresting, guarding, and transporting prisoners; seizing, guarding, and selling real and personal property; performing disbursing functions for the Department of Justice and the Federal judiciary; serving process and executing writs for private as well as Federal interests; and serving process issued by congressional committees.

Seventy-three additional positions are being requested to meet the needs incident to the establishment of additional judgeships under the recent Public Law 87–36. Fifteen positions are requested to provide a working group of specially trained deputies to take care of emergencies requiring the assignment of trained

personnel from other districts to augment the regular force in handling civil rights problems, organized crime prosecutions involving multiple defendants, protecting the lives of Government witnesses who would not otherwise testify, and to safeguard the immediate members of the witnesses' families.

Notwithstanding the numerous personnel changes which have occurred during this past year, court and other activities have remained at a high level and will increase at a rapid pace in the future. The additional judgeships will automatically result in more work in all categories for the marshals. Greater demands will be made on the marshals' service resulting from more vigorous efforts in prosecuting and combating organized crime, racketeering, narcotic violations, and other criminal violations. The anticipated increase in activities by other Federal investigative agencies will simultaneously increase the marshals' duties in executing search and arrest warrants, arraigning, guarding, and transporting prisoners, and guarding them during trials.

Substantial amounts of overtime must be worked by the members of the marshals' offices, which makes it impossible to restrict work to a regularly scheduled tour of duty of 8 hours. In many cases writs and process must be executed at night and on weekends because the persons to be served cannot be located during the regular hours of duty. They are continuing to encounter difficulties in serving process because of the trend of population movement to suburban areas, requiring longer distances of travel to effect service or make endeavors to serve. Many prisoner transportation trips must be made on weekends because deputy manpower is required in the district during the week for court sessions requiring prisoners to be brought before the court and guarded and to perform other essential duties.

The Executive Office for U.S. Marshals plans to continue the regional and personal conferences with the new U.S. marshals to promote efficient management and business administration. Regional conferences are held annually for the purpose of discussing and improving the operating procedures and practices on a district and interdistrict basis. The past conferences have resulted in improving the management and conduct of business and service to the public. Expenses are minimized by combining prisoner transportation with trips to these conferences.

Greater emphasis will be placed on the cooperative prisoner transportation program to eliminate unnecessary duplicate travel. To achieve this objective, certain offices have been designated as receiving, exchanging, and expediting centers to receive prisoners for combination with others for ultimate delivery to destinations. Certain prisoners must, of course, be transported to destinations immediately which may not provide the opportunity to effect a consolidation of travel. Nonetheless, this program is necessary to keep to a minimum travel expenses which are constantly increasing.

There was an increase in special emergency assignments this past year which placed added burdens on manpower and increased operating expenses. One hundred and fifteen deputies and a representative of the Executive Office for U.S. Marshals were on special assignment at New Orleans; 25 deputies and 1 representative from this office were sent to Athens, Ga.; 119 regular deputies were on assignment at Montgomery, Ala.; and 28 regular deputies were assigned special duty, assisting the U.S. Marshal's office, southern district of California, in maintaining custody and control of defendants in the prosecution of the *Carbo* case, and in guarding a witness and the members of his immediate family.

The Executive Office for U.S. Marshals is continuing its program of training courses for chief and field deputy marshals. These classes are conducted by Department personnel.

The courses cover such subjects as the laws applicable to arrests, searches, and seizures, and the service of process and Federal court orders; duties and responsibilities of deputies to the U.S. courts and to the public; and the transportation of all classes and types of prisoners. Special classes of chief deputies were held to discuss management and supervision practices and procedures and cooperating with other districts in emergencies. The deputies participated in physical training, defensive judo, firing practices, and formations to control unruly crowds. The lectures and demonstrations covered proper arrest procedures, searching prisoners, proper use of handcuffs, and other security devices, and guarding prisoners.

During fiscal year 1961, regular training classes were conducted—4 at Donaldson Air Force Base, Greenville, S.C., and 2 at the National Training School for Boys, the Park Police Range, and the U.S. Marshal's Office, Washington D.C.; 275 chief and field deputies attended.

Future general and specialized training courses will be held on a regional basis for approximately one-half of the eligible deputies participating biannually so that they will attend classes on alternate years. Arrangements will be made to conduct this training at suitable Government installations.

Travel expenses to attend these training courses will be held to a minimum by having deputies transport prisoners to and from schools and transporting deputies from adjacent areas. Last year 311 prisoners were transported in conjunction with travel to and from school; 100 deputies traveled with other deputies, thereby reducing mileage costs. Travel expenses for training totaled $56,786, of which $19,338 represents the cost of prisoner transportation, leaving $37,448 as the cost of attendance at training classes.

*Detailed explanation of increase*

| | New positions | Statutory employee benefits | Other | Total |
|---|---|---|---|---|
| 11 Personnel compensation | | | | $575,900 |
| 73 additional positions, 63 field deputies (GS-6, $4,830) and 10 clerical assistants (GS-4, $4,040) to serve new judges authorized by Public Law 87-36 | $344,690 | | | |
| 15 additional positions, field deputies (GS-6, $4,830) to provide additional manpower in certain areas to meet emergencies | 72,450 | | | |
| Temporary deputies in lieu of bailiffs (increase in limitation will provide assistance to the additional judges authorized by Public Law 87-36) | 25,000 | | | |
| Ramspeck promotions, mandatory | | $102,349 | | |
| Premium compensation: | | | | |
| Estimated cost of overtime for 63 additional field deputy positions (at $475 each) | 29,900 | | | |
| Estimated cost of overtime for 15 additional field deputy positions for emergencies (at $475 each) | 7,100 | | | |
| Guard hire, traveling guards: | | | | |
| Estimated increase for 63 field deputy positions ($308 each) | 19,400 | | | |
| Estimated increase for 15 field deputy positions ($308 each) requested for emergencies | 4,600 | | | |
| Lapse adjustment | −29,589 | | | |
| Total | 473,551 | 102,349 | | |
| 12 Personnel benefits | | | | 45,300 |
| Retirement contributions: | | | | |
| Cost for 73 positions (for new judges) | 20,000 | | | |
| Cost for 15 positions for emergencies | 3,200 | | | |
| Health insurance: | | | | |
| Cost for 73 positions for new judges ($60 each) | 4,400 | | | |
| Cost for 15 positions for emergencies ($60 each) | 900 | | | |
| Life insurance: | | | | |
| Cost for 73 positions ($20 each) for new judges | 1,500 | | | |
| Cost for 15 positions ($20 each) for emergencies | 300 | | | |
| Mandatory retirement fund increase for the existing staff | | 15,000 | | |
| Total | 30,300 | 15,000 | | |
| 21 Travel and transportation of things | | | | 157,300 |
| To provide travel for 73 additional positions ($1,785 each) for new judges | 130,500 | | | |
| To provide travel for 15 additional positions ($1,785 each) for emergencies | 26,800 | | | |
| Total | 157,300 | | | |

*Detailed explanation of increase*—Continued

| | | New positions | Statutory employee benefits | Other | Total |
|---|---|---|---|---|---|
| 23 | Rents, communications, and utilities | | | | $92,500 |
| | Rental of space: | | | | |
| | To provide space for 73 additional positions ($750 each) for new judges | $54,800 | | | |
| | To provide space for 15 additional positions ($750 each) for emergencies | 11,400 | | | |
| | Communications services: | | | | |
| | To provide telephone service for 73 additional positions ($185 each) for new judges | 13,500 | | | |
| | To provide communications services for 15 additional positions ($185 each) for emergencies | 2,800 | | | |
| | To provide funds for normal increase in volume of work | | | $10,000 | |
| | Total | 82,500 | | 10,000 | |
| 25 | Other services | | | | 20,600 |
| | To provide increases for 73 additional positions ($100 each) for new judges | 7,300 | | | |
| | To provide increases for 15 additional positions ($100 each) requested for emergencies | 1,500 | | | |
| | To provide normal increases of a miscellaneous category such as storage, repairs to equipment, etc | | | 11,800 | |
| | Total | 8,800 | | 11,800 | |
| 26 | Supplies and materials | | | | 4,400 |
| | Supplies, etc., for 73 additional positions ($50 each) for new judges | 3,650 | | | |
| | Supplies, etc., for 15 additional positions ($50 each) requested for emergencies | 750 | | | |
| | Total | 4,400 | | | |

| | | 1962 estimate | | 1963 estimate | | New positions | Statutory employee benefits | Other | Total |
|---|---|---|---|---|---|---|---|---|---|
| | | Number | Amount | Number | Amount | | | | |
| 31 | Equipment | | | | | | | | $4,000 |
| | Revolvers | 100 | $5,000 | 100 | $5,000 | | | | |
| | Handcuffs | 100 | 975 | 100 | 975 | | | | |
| | Leg irons (pairs) | 50 | 738 | 50 | 738 | | | | |
| | Adding machines | 25 | 8,850 | 25 | 8,850 | | | | |
| | Passenger-carrying bus for the District of Columbia | | 17,500 | | | | | −17,500 | |
| | To provide furnit re and equipment for 63 field deputy positions ($300 each) for new judges | | | | 18,900 | $18,900 | | | |
| | To provide furniture and equipment for 10 clerical positions ($625 each) for new judges | | | | 6,200 | 6,200 | | | |
| | To provide furniture and equipment for 15 field deputy positions ($300 each) in certain areas to meet emergencies | | | | 4,500 | 4,500 | | | |
| | Electric typewriters | 75 | 30,000 | 75 | 30,000 | | | | |
| | Furniture (GSA-controlled buildings) | | 21,600 | | 21,600 | | | | |
| | Furniture (Post Office-controlled buildings) | | 16,000 | | 16,000 | | | | |
| | Furniture and equipment (for new Federal buildings completed during 1963 fiscal year) | | 23,100 | | 17,200 | | | −5,900 | |
| | Miscellaneous items | | 6,337 | | 4,137 | | | −2,200 | |
| | Total | | 130,100 | | 134,100 | 29,600 | | −25,600 | |
| | Total increase, 1963 | | | | | | | | 900,000 |

*U.S. marshals—Workload*

| | Actual | | | Estimated | |
|---|---|---|---|---|---|
| | 1959 | 1960 | 1961 | 1962 | 1963 |
| Service in process: | | | | | |
| Process served | 652,402 | 655,885 | 675,124 | 680,000 | 690,000 |
| Process endeavors | 170,034 | 169,192 | 158,373 | 165,000 | 175,000 |
| Total | 822,436 | 825,077 | 833,497 | 845,000 | 865,000 |
| Cases filed: | | | | | |
| Criminal | 31,328 | 30,617 | 30,791 | 33,500 | 38,500 |
| Civil, United States and private | 57,800 | 59,284 | 58,293 | 60,000 | 65,000 |
| Total | 89,128 | 89,901 | 89,084 | 93,500 | 103,500 |
| Defendants arrested by marshal | 19,773 | 18,860 | 17,505 | 18,000 | 19,000 |
| Prisoner handling | 184,157 | 175,940 | 174,487 | 180,000 | 185,000 |
| Hours in court | 162,675 | 171,005 | 169,062 | 175,000 | 185,000 |
| Earnings | $662,604 | $763,358 | $655,692.29 | $700,000 | $750,000 |

Mr. ROONEY. The request is in the amount $11,472,000, which would be an increase of $900,000 over the amount appropriated to date in the current fiscal year. The increases are set forth at pages 23–7 through 23–12. The request would entail the addition of 88 permanent positions to the payroll.

What have you to say about this, Mr. Palmer? Before you proceed, I was sorry to learn that within a short time after Mr. Matchett was before this committee last year, he passed away.

Mr. PALMER. Yes. It was a great loss, as a matter of fact.

Mr. ROONEY. I know that it was.

GENERAL STATEMENT

Mr. PALMER. Mr. Chairman and gentlemen; for several years we have not asked for any increase to provide increased personnel for the marshals' service. In fact, we have less personnel right now than we had some years ago. We have taken up the slack, of course, by premium overtime under the overtime laws, and by improving the management of the offices, by improving the preemployment standards of the recruits to the deputy staff, and by eliminating those who are disabled and can retire under the Retirement Act.

The time has now come we have to ask for a rather sizable increase. This is for two major reasons. One, of course, is the fact, which has been pointed out here in connection with other items, that there has been an increase in the number of judgeships, 63 new district judges and 10 new circuit judges.

One item in that connection, which has not been mentioned in my hearing at least, is the fact that last year 20 new judges were appointed to replace retired judges. In addition to the 54 of the 73 new judges appointed, there were also appointed 20 people to take the places of retired judges. I mentioned "retired judges" because, as you gentlemen know, the law now provides that retired judges become senior judges and they continue active, many of them almost as active as they had been in the past. Each one of them, of course, has the right to call on us for assistance in their courtrooms, and so forth. So, the figure from the standpoint of additional judicial manpower is not limited

to the 63, as has been mentioned, but should include the 20 additional appointments that have been made during the past year vice judges who retire but continue active.

In that connection, we have had increased demands from all of our offices for assistance of one sort or another. We have a few vacancies. We have been working as fast as we can to get them filled up.

We also have had to appoint and Mr. Andretta has had to approve the employment of temporary deputies in lieu of bailiffs under the special fund which has been set up for that purpose. That has tided us over, but it cannot continue, of course.

We have asked for 63 new field deputies to take up the added burden which is created by the 63 new judges, 54 of whom have already been appointed, and the 20 who have taken the place of the retired judges, who also continue to serve in most cases.

The amount involved for these 63 field deputies is $344,690.

In addition to that, the other major reason I referred to as the reason we have asked for this additional money for additional personnel is the fact that under the organized crime program we are more and more being called upon to serve in the matter of protecting witnesses who would not otherwise testify in these cases, to protect their families, of course to protect the judges, and in some cases after court hours as well, and to protect the records. In some cases we have had to put a 24-hour guard on the records in certain cases. There are other similar items that are incidental to that.

In this connection, we have not asked for additional men for particular districts. We are asking for 15 additional deputies who will be assigned by areas. We have in mind at present to assign five of them to the District of Columbia, five to Chicago, and five to Los Angeles. They will not only be able to serve in those immediate districts, but can be sent within that general area wherever this sort of extra service is needed which the local marshals in some of the smaller offices cannot possibly take care of with their staffs. We have done much of that to meet special problems in the last year. We have assigned people from one district where a man can be spared temporarily, to another district where it is absolutely essential that further help be made available. This request is merely to give us a little bit of leeway in the matter of personnel so we can meet these extraordinary problems.

The amount for these 15 deputies is $72,450.

In addition to that, as I have already indicated, is the employment of temporary deputies in lieu of bailiffs. We have made good use of that fund to take care of the problems that arise pending the filling of vacancies. By the way, it seems to take an awful long time to fill these jobs of deputies. The investigations take longer. It takes longer to find a man who is qualified and willing to serve in this sort of law enforcement job. There are plenty of people who want the job, but there are not plenty of people who want the job and are qualified in every respect to fill it. The matter of recruitment, investigation, and hiring of the deputies takes longer than any other category, I think Mr. Andretta will agree, in the Department of Justice. It is for that reason that we want to increase the temporary bailiff fund, which is now $50,000. We want to increase that by $25,000.

The Ramspeck promotions, $102,349, of course, are mandatory.

Going to the next item, "Premium compensation," the estimated cost of overtime for 63 additional deputies, figured on the basis of $475 each, comes to $29,900. That, of course, is an estimate based upon the present cost per man of the premium compensation.

The same is true of the estimated cost of overtime for the 15 additional deputies, which amounts to $7,100.

I might say the cost for premium compensation and overtime last year, fiscal 1961, was $382,000.

The next item is "Guard hire," and we have asked for enough money to provide for an estimated increase of guard hire to match the 63 field deputies and the 15 additional field deputies.

Mr. ROONEY. You might explain for the record what "Guard hire" is.

Mr. PALMER. In traveling with prisoners, of course, a deputy marshal is in charge of each prisoner trip. Under our regulations, we try to have each deputy marshal, in traveling, make a full load of three prisoners. Each deputy marshal, in traveling, has the right to employ a guard and should, as a matter of fact, employ a guard who travels with him, assisting in the transportation of the prisoners. They try to get, in many cases, police officers on their off time, people of that sort who are qualified for this sort of duty. They do not get any fee except their travel, which is $12 per day. Under the new fee, it is increased from $12 to $16.

That is $4,600 for the 15 field deputies and $19,400 for the 63 field deputies, minus a lapse figure of $29,589, which makes a total of $473,551, plus the mandatory Ramspeck figure of $102,349, which adds up to the total of $575,900.

That is for the additional personnel.

Mr. Chairman, I do not know whether I should go into the personnel benefit items or not. They are built-in personnel benefits.

Mr. BOW. They are automatic, are they not?

Mr. PALMER. They are automatic. I think they could be passed over.

There is the item of personnel benefits such as life insurance, and so forth.

RENT, COMMUNICATIONS, AND UTILITIES

Mr. ROONEY. Do not pass over, on page 23–9, this item of $54,800 to provide space for 73 additional positions at $750 each. Please do not pass over that. Tell us about it.

Mr. ANDRETTA. That is the rent item.

Mr. PALMER. Rent, communications, and utilities.

Mr. ANDRETTA. That is the basic formula for additional personnel in the field now. We are running into a problem of space because of the new judges. GSA is trying to put us out of some of the Federal buildings and take some of our space to make chambers for the new judges. The result is that at times we may have to displace other governmental agencies. They will give us their space provided we pay the rent for them in other outside space.

Mr. ROONEY. So when you add one additional deputy in, say, the southern district of Illinois, you do not have space there to just get a place for that fellow to hang his hat?

Mr. ANDRETTA. We could in some places, of course.

Mr. ROONEY. You could buy a costumer and hang his hat in one of the courtrooms instead of paying rent.

Mr. ANDRETTA. Yes. But, again, there may be a place where we have to move the whole marshal's office out and provide rent.

Mr. ROONEY. That has nothing to do with this.

Mr. ANDRETTA. Yes.

Mr. ROONEY. Oh, no.

Mr. ANDRETTA. Sure, displacement.

Mr. ROONEY. Oh, no. Will you retreat on this one?

Mr. ANDRETTA. When you talk about the new judges pushing us out of the building, you mean?

Mr. PALMER. I understand this money is for GSA, really.

Mr. ROONEY. Oh, no. You do not understand it correctly, Mr. Palmer. This is a gimmick.

Now, tell us about the $11,400. That is the same thing. So when I mentioned the figure of $54,800, I should have said $66,200, which makes it much more interesting.

Mr. PALMER. One goes along with the 73 positions; that is, the 63 deputies and the clerks.

ACCURACY OF WORKLOAD ESTIMATES

Mr. ROONEY. With this request we have a workload chart at page 23–13 and, according to this, your work is not increasing. It has been decreasing since fiscal 1961.

Mr. PALMER. Yes. As Mr. Andretta has already explained in connection with the U.S. attorneys——

Mr. ROONEY. Mr. Andretta will always give you the good news for his side first, but there is quite a difference here. Earnings in 1961 were $655,692.29, compared with $763,358 in 1960. There were fewer prisoners handled in 1961 as compared with 1959 and 1960 fiscal years, and a considerable number less defendants arrested by marshals in 1961 as compared with 1959 and 1960.

Mr. PALMER. It follows the other figure.

Mr. ANDRETTA. It is like the fire department. You have to have a marshal's office whether or not they have any business. They have to be there ready to serve the public.

They service private litigants. Lawyers come in with papers and they pay the fees for service. The fees go into the Treasury as earnings and the marshals make service at our expense. We have to have money to provide their services that way.

Mr. ROONEY. You estimated 173,000 for process endeavors in 1961. It turns out they came to but 158,373.

Mr. PALMER. That is right.

Mr. ROONEY. When you were here last year it was on that basis you obtained the amount of appropriations you did, and you figured you would have 20,000 defendants arrested in 1961. It now turns out you arrested only 17,503. Is that right?

Mr. PALMER. That is right.

Mr. ROONEY. When you were here last year you told us you expected in 1961 to handle 185,000 prisoners. It turns out now that in 1961 you handled but 174,487. Is that correct?

Mr. PALMER. That is right.

Mr. ROONEY. So your estimates on fires are not so good.

Mr. PALMER. Let me refer back to the process service. You will notice that number increased in almost the same relationship over 1960 as the process endeavors fell down. I think that comes about by virtue of increased efficiency.

In other words, the figure on process endeavors we should try to reduce all the time.

Mr. ROONEY. Are not the figures with regard to number of defendants arrested and prisoners handled the two most important items in this workload?

Mr. PALMER. That is right.

Mr. ROONEY. And they are both down below the estimate of last year?

Mr. PALMER. That is right.

Mr. ROONEY. That is the meat of it.

Mr. PALMER. That is right.

INSTALLATION OF EQUIPMENT IN PRIVATELY OWNED VEHICLES

Mr. ROONEY. What about the suggested new language at page 107 of the committee print?

Not to exceed $12,500 shall be available for the cost of installing Government-owned police-type equipment in deputy marshals' privately owned automobiles for use in law enforcement work.

Mr. PALMER. That is to enable deputy——

Mr. ROONEY. I understand what it is for. Where is your authority for it?

Mr. PALMER. We are asking for that authority.

Mr. ROONEY. You are before an appropriations committee and not before the legislative committee, Mr. Palmer. Is this in the appropriation bill?

Mr. ANDRETTA. It is.

Mr. ROONEY. Will it be of advantage to the taxpayer?

Mr. ANDRETTA. They will have better police enforcement and better service out of the marshals' offices.

Mr. ROONEY. Will it save any taxpayer any money?

Mr. ANDRETTA. It will not save him any money.

Mr. PALMER. There is not a direct saving.

Mr. ROONEY. Do you think this is subject to a point of order?

Mr. ANDRETTA. I do.

Mr. ROONEY. I do, too.

Mr. MARSHALL. I have no questions.

Mr. BOW. Did I understand you to say you wanted some of these additional deputy marshals because of the workload being carried by senior judges, the retired judges?

Mr. PALMER. No. We have not asked for that. The only point I wanted to make was that that had not been mentioned when they pointed out the increasing workload because of the increased judges.

Mr. BOW. What particular districts do you have in mind where the workload is heavy?

Mr. PALMER. I haven't that here.

Mr. ANDRETTA. Instead of adding 63 judges we have added 83. You have really created new judgeships by a judge retiring and appointing somebody in his place. Now you have them both.

Mr. Bow. That is not a heavy workload?

Mr. ANDRETTA. No. Not from retired judges.

Mr. PALMER. It was not mentioned heretofore.

Mr. ANDRETTA. It is indicative of the increase.

Mr. Bow. Actually you have retired judges doing nothing in some instances and still carrying employees on the roll.

Mr. ANDRETTA. Yes; and making demands on us for service.

CRIERS FOR RETIRED JUDGES

Mr. Bow. And the criers you are talking about, retired judges have criers being paid $65,000 total.

Mr. ANDRETTA. When they come to court they say, "I want a couple deputies in the courtroom," and we have to dig them up. We get demands on us all the time from the judges wanting deputies in the courtroom. That is why we have to resort so frequently to the temporary deputies in lieu of bailiffs.

For many years we had an appropriation of around $365,000 for bailiffs. Senator Ball was chairman of the Senate committee that knocked out the bailiffs appropriation.

Then in lieu of that——

Mr. ROONEY. Was it the criers?

Mr. ANDRETTA. No, bailiffs.

Mr. ROONEY. Who used to get the theater tickets for the judges?

Mr. ANDRETTA. The criers. You recall one judge came before the committee and made an impassioned plea to the committee not to take his crier away because he depended on him for general errands.

Mr. Bow. $65,000 a year is being paid for criers for retired judges?

Mr. ANDRETTA. That is right.

Mr. LIPSCOMB. I have no questions.

TEMPORARY DEPUTY MARSHALS

Mr. ROONEY. I happened to fail to inquire into an interesting item here where you seek to raise from $50,000 to $75,000 the amount to be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate not to exceed $12 a day.

Is this increase based on these new judges?

Mr. ANDRETTA. Partially.

Mr. ROONEY. What else would you add into that? There is a 50-percent increase in this.

Mr. ANDRETTA. Yes, but I would add the fact that we are being called on more and more because of locked up juries, mixed juries, and because of either the absence or disability of deputies or the fact we have vacancies which have not been filled. Upon any depletion in the marshal's staff he immediately requests a temporary deputy to service the courts and the juries.

I have had letters from some judges requesting more temporary deputies to service the courts.

If, for example, we have an emergency such as we did last year in Montgomery, or in Jackson, Miss., and we pull deputy marshals from all over the country and send them down there, that means many districts are depleted from the standpoint of having deputies available to service the courts.

UNOBLIGATED BALANCE

Mr. ROONEY. What would be the situation with regard to the unexpended or unobligated balance as of June 30, 1962?

Mr. ANDRETTA. Last year?

Mr. ROONEY. This coming year.

Mr. ANDRETTA. For temporary deputies?

Mr. ROONEY. On salaries and expenses, U.S. attorneys and marshals.

Mr. ANDRETTA. I can give you the figures for 6 months' expenditures.

Mr. ROONEY. What was the situation as of a year ago, June 30, 1961?

Mr. ANDRETTA. $491,000 was left over in the total appropriation.

Mr. ROONEY. That you could not use?

Mr. ANDRETTA. That is right.

Mr. ROONEY. What do you estimate you will not be able to use as of June 30 of 1962?

Mr. ANDRETTA. We will be short. Last year it was because we put a freeze on recruitment and employment and we did not fill jobs during the transition.

Mr. ROONEY. I must call your attention to page 23–7 of these justifications where it has been brought to our attention that with regard to this very item we find the following under new positions requested. $25,000, that is the language to which we are referring:

for temporary deputies in lieu of bailiffs. Increase in limitation will provide assistance to the additional judges authorized by Public Law 87–36.

Mr. ANDRETTA. That is right.

Mr. ROONEY. That is apparently the sole reason that it was offered.

Mr. ANDRETTA. When you asked me that at the beginning I said, yes, a good part of it.

Mr. ROONEY. You have a 50-percent increase here.

Mr. ANDRETTA. That is principally the factor of the increase, as I said before. There are these other dislocations which enter into the picture, in order to service them.

Mr. PALMER. It is usually because of delay in filling vacancies.

Mr. ROONEY. Thank you very much, gentlemen.

## FEES AND EXPENSES OF WITNESSES

### WITNESS

### S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: | | | |
| | Fees, fact witnesses | 313 | 320 | 335 |
| | Fees, mental examinations | 133 | 135 | 140 |
| | Fees, expert witnesses | 219 | 235 | 275 |
| | Total personnel compensation | 665 | 690 | 750 |
| 21 | Travel and transportation of persons | 1,139 | 1,145 | 1,150 |
| | Total obligations | 1,804 | 1,835 | 1,900 |

Mr. ROONEY. If there are no further questions we shall move to "Fees and expenses of witnesses." That is to be found at page 111 of the committee print.

The details with regard thereto are under tab 24 of the justification book.

We shall insert at this point in the record pages 24–1 through 24–4 of the justifications.

(The pages referred to follow:)

*Analysis of estimate*

| | |
|---|---|
| Appropriation, 1962 | $1,835,000 |
| Estimate, 1963 | 1,900,000 |
| Increase | 65,000 |

PROGRAM AND PERFORMANCE

Fees and expenses are paid to witnesses who appear on behalf of the Government in all cases to which the United States is a party.

1. *Fact witnesses.*—These witnesses testify as to events or facts about which they have personal knowledge. The fees of physicians and psychiatrists for examining accused persons preparatory to testifying in court are also paid from this fund.

2. *Expert witnesses.*—The testimony of these witnesses entails the use of special training or information.

AMOUNT REQUESTED

Actual payments of fees and expenses of witnesses in fiscal year 1961 totaled $1,803,945 or about 1¾ percent greater than similar expenditures for 1960. It is expected that the rising trend in witness payments over the past several years will continue in 1962 and that costs in 1963 will go even higher as more judges are added to the judiciary. It is estimated that a total of $1,900,000 will be needed in 1963.

GENERAL STATEMENT

Payments of fees and expenses of fact witnesses are made in accordance with statutory provisions. Compensation and expenses of special witnesses and informants are paid only upon specific authorizations of the Attorney General.

These requirements fluctuate from year to year and are difficult to compute with any degree of certainty. In view of the trends in evidence and the expanding judiciary it is our best judgment that a total of $1,900,000 will be needed to cover the attendance of witnesses and the services of expert witnesses during fiscal year 1963.

The annual requirements during the past 5 years are shown in the following table:

| Fiscal year | Total paid | Percentage of change |
|---|---|---|
| 1957 | $1,705,297 | |
| 1958 | 1,617,315 | −5.16 |
| 1959 | 1,727,683 | +6.82 |
| 1960 | 1,772,868 | +2.61 |
| 1961 | 1,803,945 | +1.75 |

INCREASES REQUESTED FOR 1963

Mr. ROONEY. The request is in the amount of $1.9 million, which would be an increase of $65,000. Is that correct?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. These fees and expenses necessarily have to be paid, do they not?

Mr. ANDRETTA. Yes, sir.

Mr. ROONEY. There is no way of getting away from them. This, accordingly, is a guesstimate, is it?

Mr. ANDRETTA. Yes, sir; it is.

Mr. ROONEY. Included in this do you have psychiatric fees?

Mr. ANDRETTA. They are included in the expert witness fees; yes, sir.

We are asking for $40,000 increase in expert witness fees and $5,000 increase in mental examination fees.

Mr. ROONEY. Is this broken down?

Mr. ANDRETTA. In the green sheets but not in the regular justifications.

Mr. ROONEY. If I understand this correctly, you are asking for $335,000 for fees for fact witnesses, $140,000 for fees and mental examinations, $275,000 for fees of expert witnesses.

Mr. ANDRETTA. That is right.

Mr. ROONEY. Of course, these fees are set by the court in most cases, are they?

Mr. ANDRETTA. In most cases; yes, sir.

PSYCHIATRIC FEES

Mr. ROONEY. And in the case of mental examinations they are set by the court, are they?

Mr. ANDRETTA. Yes; usually.

Mr. ROONEY. At this time about a year ago you were frank in making some very sensible statements with regard to abuses in the payment of psychiatric fees by some of the courts.

Mr. ANDRETTA. Here is an article in which you might be interested.

Mr. ROONEY. Has there been any significant change with regard to the attitude of the courts in fixing psychiatric fees?

Mr. ANDRETTA. I would say this, Mr. Chairman: During this fiscal year, in looking over the requests for authorization for mental examinations and the employment of psychiatrists and other medical personnel, that the fees have been within the range of what we thought were reasonable fees, and I have not found any so far this year which we would say were extravagant or high.

Mr. ROONEY. Or "outrageous" I believe was the word you used last year?

Mr. ANDRETTA. Fortunately we have not had that experience this year.

Mr. ROONEY. This publication entitled "Medical Economics" refers to your having used the word "outrageous." You stated that a Texas psychiatrist charged $350 plus car allowance for a few minutes' time in court to suggest whether the defendant in a Government case was sane enough to stand trial.

It states—

> While the Justice Department complains that it is spending too much on psychiatrists, other Government offices feel they are not spending enough. Edward R. Morrow has appealed to Congress for $172,711 to keep "screwballs" out of his U.S. Information Agency by means of psychiatric examinations.

I guess the statement is accurate but they didn't get the money.

What is the situation with regard to the expenditure of moneys for fees and expenses of witnesses as of December 31, 1961?

Mr. BROWN. For the first 6 months of this fiscal year we spent $87,844 as compared with $776,118 for the same period last year, which is almost a 13-percent increase.

Mr. ROONEY. As I already said, this is an expert guess, is it?

Mr. ANDRETTA. That is right.

Mr. ROONEY. There is no way of controlling this item?

Mr. ANDRETTA. Yes.

Mr. ROONEY. Thank you very much.

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THURSDAY, JANUARY 25, 1962.

## FEDERAL PRISON SYSTEM

### WITNESSES

**J. V. BENNETT, DIRECTOR**
**FRED T. WILKINSON, ASSISTANT DIRECTOR**
**P. G. SMITH, ASSOCIATE COMMISSIONER, FPI**
**J. M. SUGARMAN, BUDGET OFFICER**
**S. A. ANDRETTA, ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL**
**E. R. BUTTS, CHIEF, BUDGET AND ACCOUNTS OFFICE**
**J. C. BROWN, ASSISTANT CHIEF, BUDGET AND ACCOUNTS OFFICE**

Mr. ROONEY. The committee will please come to order.

This morning we shall consider the next item in the Department of Justice budget which is for the Federal Prison System.

The first item appears at page 128 of the committee print and is entitled "Salaries and expenses, Bureau of Prisons."

The justifications with regard thereto are to be found under tab 27 of the justifications book. We shall insert at this point in the record pages 27–1 and 27–2 of the justifications.

(The pages follow:)

*Summary of requirements*

[In thousands]

| | | |
|---|---|---|
| All appropriations, 1962: | | |
| Salaries and expenses, Bureau of Prisons | $46,614 | |
| Buildings and facilities, Federal prison system | 2,050 | |
| Support of U.S. prisoners, Federal prison system | 3,200 | |
| | | $51,864 |
| Estimate, 1963 | | 57,200 |
| Increase, 1963 over 1962 | | 5,336 |

| | Requirements | | Increase |
|---|---|---|---|
| | 1962 | 1963 | |
| Salaries and expenses, Bureau of Prisons | $46,614 | $49,455 | $2,841 |
| Buildings and facilities, Federal prison system | 2,050 | 3,945 | 1,895 |
| Support of U.S. prisoners | 3,200 | 3,800 | 600 |
| Total | 51,864 | 57,200 | 5,336 |

DIGEST

1963 ESTIMATES

The Bureau of Prisons was created by the act of May 13, 1930. The Director of the Bureau of Prisons is responsible for the maintenance and operation of all Federal penal and correctional institutions, the construction of new prisons and facilities, and for the management and confinement of all Federal prisoners.

Funds are requested for the activities of the Federal prison system under three separate appropriations:

*Salaries and expenses, Bureau of Prisons, $49,455,000*

The funds in this appropriation are needed to operate the institutions of the Federal prison system. The requested net increase totals $2,841,000 and is for a greater workload and staffing due to higher prisoner population, opening of two new camps, maintenance of average employment, and a 2-cent "care" increase.

*Buildings and facilities, Federal prison system, $3,945,000*

The amount requested under this appropriation will provide funds for preliminary work on a psychiatric institution, construction of an open youth unit, advance planning of a replacement for the National Training School, construction of additions to the physical plant at El Reno and Texarkana, and repairs and improvement at various institutions.

*Support of U.S. prisoners, Federal prison system, $3,800,000*

This amount is required for the care of prisoners, boarded in non-Federal institutions, who are awaiting trial or serving short sentences.

Mr. ROONEY. There are three items for the Federal prisons system, the first of which is "Salaries and expenses, Bureau of Prisons," to which I previously referred.

The second is for "Buildings and facilities" at page 134 of the committee print and the third is for "Support of U.S. prisoners," which is to be found at page 137 of the committee print.

The total request for all three appropriation items for the Federal prison system is in the amount $57,200,000 which would be an increase of $5,336,500 over the appropriations to date in the current fiscal year.

We are pleased to have with us this morning the distinguished Director of the Federal prison system, Hon. James V. Bennett, who is one of the great public servants in the Federal Government.

I understand that, as of February 1, Jim Bennett will have completed 25 years as the Director of the Federal prison system; is that so, Mr. Bennett?

Mr. BENNETT. Yes, Mr. Chairman.

Mr. ROONEY. We congratulate you upon such an achievement. You have had a fine record over all of those 25 years.

## GENERAL STATEMENT

Mr. BENNETT. Thank you very much, indeed, Mr. Chairman. I appreciate your words.

It has been an interesting 25 years and I feel very fortunate to have been able to serve in the Federal service during that time. I have not gotten rich but I have had a lot of rewarding satisfactions and one of the things, or one of the satisfying things, is that the Federal prison service, I think, has progressed all during that time. It has been due, not a little bit, to the sympathetic understanding and consideration of this committee during that time.

I have had the great pleasure of meeting with all of the various chairmen—Congressman Rabaut, Congressman Stefan, Congressman

Clevenger—and the present chairman, all of whom have been very understanding and very much interested in the human problems with which I deal. It is these human problems that affect me most of all. Unfortunately it is the disadvantaged or the troubled who make up the largest group of those who get into one of our institutions. One of the things apropos of that, that this committee did last year, and which I think is a very great contribution to helping people in trouble, was to allow us some money to establish some so-called half-way houses for young delinquents, youthful offenders, who for the most part have been boys and girls who have run away from some situation which, to them, was intolerable and perhaps used an automobile to cross a State line and then were picked up by the Federal agencies, following which, having served a little while in one of our institutions, have heretofore gone out again unaided into the world.

Large numbers of them are friendless, homeless, bewildered, and disturbed and with these half-way houses, one of which is in Los Angeles—I cannot remember the name of the street, Congressman, but we took over a house there on one of the main downtown streets—we have fixed it up with our own help. We have had 25 to 30 boys there receiving guidance in their efforts to become law-abiding citizens.

We have another one in Chicago and another one in Brooklyn. They have turned out very well indeed and we have been able to save youngsters, find them jobs, counsel them, and help them so that they have done very well.

Mr. ROONEY. I might say at this point that last November I had the opportunity to visit Alcatraz with Director Bennett and Deputy Attorney General White and it was amazing to see how all of the inmates of Alcatraz knew Mr. Bennett practically on a first-name basis.

How he does it with all of these people in all of the institutions under his charge, I do not know.

Mr. BENNETT. I neglected, Mr. Chairman, to bring you that book by the inmate named "Blackie" Audett. He wrote a book entitled "The Rap Sheet" and the Congressman was there when he served us lunch and he promised to autograph a copy and send it up here. I will bring it up soon.

Mr. ROONEY. What is the name of that Japanese war criminal?

Mr. BENNETT. Kawakita.

Mr. Chairman, generally speaking, the Prison Service has had a pretty good year. We have had our troubles and our difficulties and we have had lots of things to do. One of the things that has added to our burden is that, for the 12th consecutive year, our prison population has increased. This fiscal year it is 1,000 more than it was a year previously and we estimate that for next year it will reach 25,000 men. We have developed our estimates with that in mind and we project an increase in our average population of about 800. That involves a number of problems and already our institutions, as you know, have been overcrowded. They have reached the point in several of them where they simply have no room for further crowding, so this item, as we go along, you will notice, will contain some additional capital expenditures for additional buildings.

INCREASES REQUESTED FOR 1963

As the chairman has pointed out, the amount we request for all appropriations this year is $57,200,000, or $5,336,500 more than we were authorized for the same period last year. This breaks down into a major request for salaries and operating expenses, which is our principal item of $49,455,000. This represents an increase of $2,841,500 or about 5 percent and of this increase, $2,841,500, we are requesting an increase of $175,000 to take care of the increased costs of our food, clothing, and so-called Care items.

The committee will remember that we break our estimates down as to how much it costs per man per day to feed, clothe, and provide medicines and so forth for the prisoners. This year that figure is 80 cents per man per day and because of increases in food prices and other items of maintenance, we are requesting an increase of 2 cents per man per day. That adds up for 25,000 prisoners to a total of $175,000.

We are also requesting an increase in our correctional officer strength to take care of these anticipated increases in our prisoners. We are asking for 62 additional correctional officers, or guards, as some people call them. Over the years, the size of our custodial staff has fallen below the growth in the prisoner population. Let me illustrate that by saying that the number of custodial positions, between 1960 and 1962 increased by 1.4 percent, whereas the prison population went up 7.3 percent. That is why we are asking for this additional number of correctional officers.

We also are asking for an increase in the number of our casework positions. Those are the men who handle the individual cases of the prisoners. They get up their classification sheet. They interview the prisoner. They handle any requests he may have for correspondence. They prepare reports for the courts and do other work which relates to the handling of the individual prisoner's problems. We are asking for 12, which amounts to $91,000.

Over the years, as this committee knows, we have been trying to help prevent the distribution, I guess you would call it, of confidential information among the prisoners. We receive at the time the prisoner comes to us a report from the court and a presentence summary made by the probation officer. That information has been used to help us with our casework and in making our reports. The clerical work connected with the handling of those reports has heretofore been done by prisoners and is still, and will, to a degree, under this estimate, continue to be done by prisoners, but we are hoping that as time goes on to take that work out of the hands of prisoners, because of its confidential nature, and have it handled by civilian employees.

In a further effort to reach this desirable situation, we are asking for 32 clerk-stenographers to perform similar confidential work elsewhere in the institutions. This will come to $139,000.

CASES REFERRED BY COURTS FOR STUDY

I might perhaps say at this point that another reason why we need these people is that the courts are continuing to use in an increasing percentage of cases the indeterminate sentence procedure, and a procedure whereby cases are committed to us for diagnosis, observation,

and report back to the court. That comes about when the court has some reason to believe that the bizzare nature of the crime, or the characteristics of the offender, are such that there may be some consideration they want to take into account in pronouncing sentence.

There are two types of cases we receive quite frequently. One is the sex deviate. The court is anxious to know to what extent he is dangerous in that respect and they also may want to find out whether or not there is some abnormal characteristic, something about him, that would convince them that instead of giving him a straight sentence of 2 years for forging a check, let us say, that they may want to give him an extended term so as to keep him out of circulation, or vice versa.

If you have a minute, I would like to tell you about a case that is rather interesting of that kind.

In Baltimore, there was a fellow who was a much-decorated paratrooper and got into an altercation with his neighbor next door over a dog. He thought his neighbor abused the dog and so he began to befriend and feed the dog. Well, that caused a fight between him and his neighbor and a third neighbor, so they beat up this fellow, kicked out his teeth, sent him to the hospital for about 2 weeks, and apparently while he was in the hospital he mulled over how he would try to get even with these fellows when he came out.

So, when he came out, he went around to see the police and they would not do anything about it. They said that this was a family argument. Then he went around to a magistrate and they would not do anything about it, so he decided to do something about it himself.

The first thing he did was to call up the Alcoholics Anonymous group and tell them that his next door neighbor was in need of treatment, so they sent around a task force to look after him. Then he began ordering things through the mails and having them sent to his neighbor.

He ordered a big fruit cake from Fort Worth sent to a lady down the street, and signed this man's name to it and then she, in turn, called up this man's wife and thanked him for his generosity, saying what a fine person he was.

Then he began ordering other things, but the crowning blow was that he had carried on some correspondence with a lady whose name he had gotten out of one of those Lonely Hearts Clubs, and in the name of this fellow next door, he invited her to come and call on him at his home. Sure enough, she showed up in all her finery, apparently, and, of course, she was met at the door at the right time by the man's wife. There you have it.

Judge Thomsen, who is a very understanding man and a very fine judge, sent him to me and asked if there was anything the matter with this fellow. He asked, "Is he crazy, or what do you think we should do about him?"

I still have him. I do not know whether to recommend probation for him or whether we should do something else for him, but that is an unusual, though not isolated example, of the kind of cases sent us for observation and recommendation.

The reports on such people will be typed by the paid people requested instead of inmates and thus we hope to keep them confidential.

OTHER INCREASES REQUESTED

We have another item in here, Mr. Chairman, of $178,000 to take care of the grade increases that come about through the action of the civil service regulations. Our salary schedules cover approximately, in round numbers, about 5,000 employees. We have not been able to absorb the amount required for regular increases although I might say at this point that we have absorbed, in our appropriation, other additional and unbudgeted expenses relating to recent increases in travel costs and utility costs. This $178,000 is requested to meet the costs of these within-grade increases.

There is also an item of $176,000 in here to cover the costs of blue-collar wage board increases.

There is one other item relating to salaries of our custodial officers and that is an additional sum of $350,000 to enable us to conform to a ruling of the Civil Service Commission placing our correctional officers in GS–7 after the 1-year probationary period.

The other item in our regular appropriation, Mr. Chairman, is to enable us to step-up a little our maintenance and repair appropriation. As you know, we have some $200 million worth of buildings and we have had difficulties in keeping abreast of the increasing cost of materials, repairing roofs, and fixing pipes, and all of the hundred and one things that go into building maintenance.

One of the reasons we have not been able to keep up with them is because we do not have a sufficient number of foremen to supervise the prisoners in the work that they do. Therefore, we are asking for your consideration of an additional number of 29 mechanical positions, a total of $447,000.

There is another item in that same category which we will also take up under——

Mr. ROONEY. That is not all for positions, $447,000? According to your justifications, $253,000 is the proper amount, and $194,000 of the $447,000 is to finance maintenance, supplies, and materials?

Mr. BENNETT. Yes, sir. Thank you, Mr. Chairman.

That is correct.

GROWTH IN PRISON POPULATION

One other item causing difficulty is a continuing growth of our prison population; among the cases that are increasing in number are what we call minimum custody cases, liquor law violations, minor check forgers, and persons of that kind which we try to keep in prison camps. We have more than 3,000 men in prison work camps, on roads in national forests, and on Air Force reservations.

CAMP AT EGLIN AIR FORCE BASE, FLA.

Our population increase is continuing, particularly in the southeastern section of the country, and we have made tentative explorations with the Air Force to establish a camp at Eglin Air Force Base in Florida.

In order to implement that project, we need $334,000 to purchase an initial supply of beds and equipment, blankets, food items and so on, needed for this camp of about 250 men. These men will be engaged on this very large reservation in digging drainage ditches,

repairing fences, and generally up-grading the Air Force reservation. They contribute in the form of their labor to a public asset considerably more, the testimony is, than it costs to board them there.

Among the things these camp men will do at Eglin Air Force Base is to preserve the timber and add to the value of the timber on that reservation.

Mr. ROONEY. What is the status of the connection with Eglin Air Force Base as of the moment?

Mr. BENNETT. It is a tentative agreement or understanding that they will set aside some buildings for us and that if the funds become available for activating the project, we will start it on July 1, or whenever this money becomes available. We are most enthusiastic about it.

The Air Force people, of course, do not want to use enlisted or private labor for this purpose, and it meets with no objections, incidentally, on the part of the local people. They are very enthusiastic about this, also.

Mr. ROONEY. Eglin is not a deactivated Air Force Base?

Mr. BENNETT. No, sir; it is a very active and important Air Force base.

Mr. ROONEY. Do they have Air Force prisoners there?

Mr. BENNETT. Perhaps a few, but only a handful.

Mr. SIKES. Off the record, Mr. Chairman.

Mr. ROONEY. Very well.

Discussion off the record.)

Mr. SIKES. Mr. Chairman, I feel a very useful purpose could be served by the proposal to utilize this existing facility for minimum term offenders. There is within the Eglin Reservation approximately one-half million acres of land belonging to the Government and there is a very fine stand of timber there which is a resource belonging to the American people. There is a great need for improvement of timber stands, a need for additional reforestation, a need for improvement of roads, trails, bridges, and the other improvements for which a need would naturally accumulate in a reservation of such size.

I feel that the prisoners who are sent to this base could perform a most useful service and that they would be gaining valuable rehabilitation for themselves.

Mr. Bennett, I feel that you could probably move into this area at less cost than any other, or at as little cost to the Government, as you could by going anywhere else; is that your feeling?

Mr. BENNETT. Yes, sir; I think that is correct.

Mr. SIKES. As I understand it, these are what might be considered minimum term offenders. That is not, perhaps, the proper designation, but they are generally people whose offenses have been minor ones and they are not what could be termed dangerous security risks, so that little inherent danger would be associated to the population in the area from these people being there.

Mr. BENNETT. Yes, Mr. Sikes.

We have very few escapes from these camps and we put no one in them who is in any way, by his record, likely to indicate he might be dangerous.

We would not put a sex offender there or a drug case. We maintain a camp similar to this at Maxwell Field in Alabama.

Mr. SIKES. It has operated quite successfully, I understand.

Mr. BENNETT. There is another one at Donaldson Air Force Base. Take last year, Congressman, we had an average of about 300 men at Montgomery and we had two walkaways during that period. You see, there is so much incentive for them to stay in the institution and make good that they will not hazard the possibility of a recapture after escape.

Mr. SIKES. I understand you propose to use one of the separate auxiliary fields where there are existing facilities in good, usable condition, but that this separate auxiliary field is some miles distant from any local community.

CAMP AT MARION, ILL.

Mr. Chairman and gentlemen of the committee, we are asking for $250,000 to activate another camp at the site of our maximum custody institution at Marion, Ill., and to open that camp in February 1963 when the new maximum custody institution will be completed by the contractors. We want to use inmate labor to complete finishing work about the institution. They will do the painting, lay the floor tile, take care of the parking areas, put up fences, and so on. They will be the shakedown crew. The opening of this camp will enable us to get started at a minimum activation cost and that is $250,000 for this other camp.

These are the instances that take up part of this increased population we anticipate.

Mr. Chairman, generally speaking, that completes my justification for the increases in our "Salaries and expenses" appropriation.

STATEMENT OF POPULATION INCREASES

I have for the record a statement of our population increases and a breakdown of that population by institutions, which I will be happy to file for the record.

(The matter referred to follows:)

*Statement of population increases*

| Year | Average population | Increase |
|---|---|---|
| 1957 | 20,112 | |
| 1958 | 20,638 | 526 |
| 1959 | 21,669 | 1,031 |
| 1960 | 22,423 | 754 |
| 1961 | 23,378 | 955 |
| 1962 (estimated) | 24,222 | 844 |
| 1963 (estimated) | 25,000 | 778 |

PURCHASE OF WATER RIGHTS, DENVER, COLO.

Mr. BENNETT. There is one language change, Mr. Chairman, that we hope the committee will consider and that is to enable us to use our appropriations to purchase some water rights at our institution outside of Denver, Colo. That is one of these areas where you have to purchase water rights and in order to extend——

Mr. ROONEY. In what item does the money for this appear? Is that in "Salaries and expenses"?

Mr. BENNETT. Yes, sir.

Mr. ROONEY. Where?

Mr. BENNETT. The $25,000 is not set out seperately. We need merely the language to enable us to use our appropriations for that purpose.

Mr. ROONEY. Do you have authority to offer the language?

Mr. BENNETT. I do not know.

Mr. ROONEY. What is the advantage, if any, of spending $25,000 for these water rights?

Mr. BENNETT. That will enable us to increase our farming operation and thus cut down on our food costs. We anticipate that for $25,000 we shall be able to buy all of the rights we need to irrigate this dry land we now have.

Mr. ROONEY. Where did you say this was?

Mr. BENNETT. This is at our institution outside of Denver—Englewood, Colo.

Mr. ROONEY. You refer in the committee print to water rights as authorized by section 7 of the act of July 28, 1955 (U.S.C. 341f). What does that section provide?

Mr. BENNETT. I am sorry, Mr. Chairman. I would have to check it. That was written by the Budget Bureau, was it not?

Mr. ROONEY. No. That was previously carried in the bill. We added before that the words "and water rights."

Mr. SUGARMAN. The general section to which you are referring, Mr. Rooney, authorizes the Bureau to purchase land adjacent to an institution for the protection of the security of the institution. When we considered the matter of the purchase of water rights, there was a question in the minds of the Budget Bureau as to whether "lands" could be interpreted to include water rights.

Mr. ROONEY. You feel, do you, that a point of order made against this would cost the taxpayer money?

Mr. BENNETT. I should think so, surely; yes, sir. If we can farm this land, we can cut down——

Mr. ANDRETTA. Do you want me to read section 341f?

Mr. ROONEY. Does it refer to water rights?

Mr. ANDRETTA. No. It reads:

When authorized in an appropriation or other law, the Attorney General may acquire land adjacent to any Federal penal or correctional institution if, in his opinion, the additional land is essential to the protection of the health or safety of the inmates of the institution.

Mr. ROONEY. What you are pointing out is that this section does not refer to water rights, and this would be legislation.

Mr. ANDRETTA. Yes.

Mr. ROONEY. I am trying to make a case that a point of order would be foolhardy and would result in additional cost to the taxpayer.

Mr. BENNETT. That is correct, Mr. Chairman.

Mr. ROONEY. Can you estimate what the saving would be?

Mr. BENNETT. I do not know what the farm is producing now. I have forgotten how many acres there are, but offhand I am sure on an annual basis this additional crop would be worth at least $1,500 a year.

Mr. ROONEY. Would this be a recurring item?

Mr. BENNETT. No. We just purchase them once.

Mr. ROONEY. Very well.

It has been suggested that the words "and water rights" should follow the citation rather than at the point previous to "as authorized" because it would appear from that that water rights are authorized and that would not be exactly cricket, would it?

Mr. BENNETT. No. I will have the lawyers look it over if you wish. Let me say, incidentally, that this farm is now producing products of a value of about $43,000 a year. That represents the savings that we have there now. We think that we can step the value of those products up considerably through the acquisition of these water rights.

(Note: The following was subsequently furnished for the record:)

REVISED LANGUAGE

The Department recommends the following language in connection with the acquisition of water rights.

"and acquisition of land as authorized by section 7 of the act of July 28, 1950 (5 U.S.C. 341f) [;] *and water rights;*".

## SALARIES AND EXPENSES, BUREAU OF PRISONS

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| | BUREAU OF PRISONS | | | |
| 11 | Personnel compensation: | | | |
| | Permanent positions | 27,816 | 28,935 | 30,564 |
| | Positions other than permanent | 254 | 281 | 281 |
| | Other personnel compensation | 1,357 | 1,258 | 1,294 |
| | Total personnel compensation | 29,427 | 30,474 | 32,139 |
| 12 | Personnel benefits | 2,252 | 2,309 | 2,454 |
| 21 | Travel and transportation of persons | 480 | 460 | 492 |
| 22 | Transportation of things | 352 | 250 | 291 |
| 23 | Rent, communications, and utilities | 1,122 | 1,210 | 1,240 |
| 24 | Printing and reproduction | 41 | 40 | 40 |
| 25 | Other services | 344 | 284 | 309 |
| 26 | Supplies and materials | 8,310 | 8,872 | 9,463 |
| 31 | Equipment | 717 | 499 | 569 |
| 32 | Lands and structures | | | 50 |
| 41 | Grants, subsidies, and contributions | 161 | 200 | 250 |
| 42 | Insurance claims and indemnities | 1 | | |
| | Subtotal | 43,207 | 44,598 | 47,297 |
| | Deduct quarters and subsistence charges | 424 | 425 | 425 |
| | Total costs, Bureau of Prisons | 42,783 | 44,173 | 46,872 |
| | ALLOCATION TO PUBLIC HEALTH SERVICE | | | |
| 11 | Personnel compensation: | | | |
| | Permanent positions | 2,141 | 2,213 | 2,273 |
| | Positions other than permanent | 14 | 6 | 6 |
| | Other personnel compensation | 39 | 34 | 37 |
| | Total personnel compensation | 2,194 | 2,253 | 2,316 |
| 12 | Personnel benefits | 87 | 90 | 99 |
| 21 | Travel and transportation of persons | 17 | 20 | 20 |
| 22 | Transportation of things | 37 | 40 | 40 |
| 41 | Grants, subsidies, and contributions | 1 | 15 | 15 |
| | Total costs, Public Health Service | 2,336 | 2,418 | 2,490 |
| | Total costs | 45,119 | 46,591 | 49,362 |
| | Change in selected resources | 73 | 23 | 93 |
| | Total obligations | 45,192 | 46,614 | 49,455 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| BUREAU OF PRISONS | | | |
| Total number of permanent positions | 4,690 | 4,812 | 5,011 |
| Full-time equivalent of other positions | 42 | 46 | 46 |
| Average number of all employees | 4,603 | 4,741 | 4,941 |
| Number of employees at end of year | 4,734 | 4,856 | 5,055 |
| Average GS grade | 7.2 | 7.2 | 7.5 |
| Average GS salary | $6,042 | $6,107 | $6,170 |
| Average salary of ungraded positions | $7,098 | $7,183 | $7,291 |
| ALLOCATION TO PUBLIC HEALTH SERVICE | | | |
| Total number of permanent positions | 269 | 272 | 286 |
| Full-time equivalent of other positions | 2 | 1 | 1 |
| Average number of all employees | 270 | 271 | 283 |
| Number of employees at end of year | 274 | 272 | 286 |
| Average GS grade | 8.4 | 8.7 | 8.6 |
| Average GS salary | $6,570 | $6,870 | $6,654 |
| Average salary, grades established by act of July 1, 1944 (42 U.S.C. 207) | $10,272 | $10,566 | $10,566 |

Mr. ROONEY. The justifications with regard to this first item of salaries and expenses are to be found under tab 28 of the justifications. We shall insert at this point in the record pages 28–1 through 28–16 of these justifications.

(The pages referred to follow:)

FEDERAL PRISON SYSTEM

*Salaries and expenses, Bureau of Prisons*

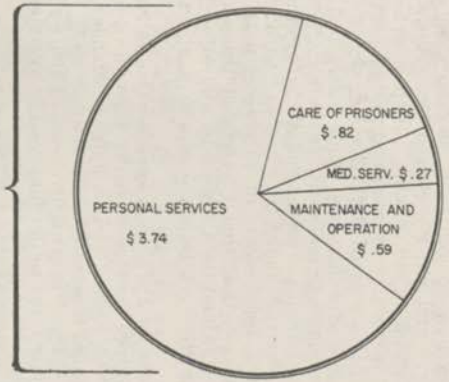
[In thousands]

| | |
|---|---|
| Appropriation, 1962 | $46,614 |
| Estimate, 1963 | 49,455 |
| Increase, 1963 over 1962 | 2,841 |

# FEDERAL PRISON SYSTEM

## Estimated Obligations Fiscal Year 1963

**Cost per Man per Day $5.42**




| PERSONAL SERVICES | | CARE OF PRISONERS | | MAINTENANCE AND OPERATION | | MEDICAL SERVICES | |
|---|---|---|---|---|---|---|---|
| Regular Salaries | $30,139,000 | Food | $4,437,000 | Administrative | $1,014,000 | Allocation to P.H.S. | $2,490,000 |
| Night Differential | 524,000 | Clothing | 942,000 | Utilities | 2,222,000 | | |
| Part Time and Fees | 281,000 | Recreation, Education, Welfare | 359,000 | Vehicle Operations | 386,000 | | |
| Holiday Pay | 451,000 | Inmate Allowances | 340,000 | Bldgs., Grounds, Facilities | 1,207,000 | | |
| Overtime Pay | 319,000 | Medical Attention | 347,000 | SUBTOTAL | 4,829,000 | ESTIMATED | |
| Benefits | 2,454,000 | Releases and Transfers | 797,000 | Equipment | 485,000 | AVERAGE POPULATION: | 25,000 |
| TOTAL | $34,168,000 | Custody | 261,000 | TOTAL | $5,314,000 | TOTAL OBLIGATION: | $49,455,000 |
| | | TOTAL | $7,483,000 | | | | |

Note: In accordance with change in object schedules, obligations for Personnel Benefits are shown under Personal Services.

Line 4, delete: "twenty"; insert: "twenty-six (of which twenty shall be"; insert ")" after "only".

The purpose of this change is to provide for the purchase of 20 new passenger vehicles as replacements in the existing fleet and 6 additions to the fleet for use at a southeastern Air Force base camp, the U.S. Penitentiary, Marion, Ill., by the Bureau jail inspector, and at the U.S. penitentiaries at Leavenworth, Kans., and Terre Haute, Ind.

Line 11, after the word "land", add: "and water rights".

The purpose of this change is to allow the Bureau of Prisons to expend appropriated funds for water rights. These rights are needed at the Englewood institution to irrigate land for farming and to irrigate institutional grounds.

*I. New developments*

*Population.*—The 1961 average population was 23,378. This is an increase of 774 over the prior fiscal year and the 12th consecutive annual increase. The peak population during the year was 24,285. This was 817 higher than during any prior year.

Among the 15,923 prisoners received in fiscal year 1961, were 1,307 sentenced under the Youth Corrections Act, 801 sentenced under the Federal Juvenile Delinquency Act, and 1,539 violators of parole and mandatory release.

The trends of prior years on new commitments showed some change. The number of mentally ill prisoners and other serious offenders continued to increase. Increases were substantial in auto theft (10 percent), and larceny (9 percent). A decline of 11 percent was recorded in liquor law violators. Narcotics and immigration violations showed slight declines.

The average time served by prisoners increased from 17.4 to 18.6 months.

*Program.*—Federal judges are making greater use of their authority to commit individuals for diagnosis and sentence recommendations by the Bureau of Prisons. Two hundred were received under title 18, section 4208 during the last 6 months of fiscal year 1961, an increase of 40 percent over last year.

The Bureau carried considerable additional responsibilities in connection with preparing the agenda, background data, manuals, and other materials for judicial sentencing institutes in the first, third, fourth, fifth, sixth, seventh and eighth circuits.

A major innovation in Bureau of Prisons programs—the halfway house, or more formally, prerelease guidance center—is being introduced in fiscal year 1962. Initial locations are at New York, Chicago, and Los Angeles. The centers will be limited to persons sentenced under the Federal Juvenile Delinquency and Youth Corrections Acts. The centers will concentrate on finding suitable employment for releasees and on helping them to develop good habits and associations in the community.

Other programs being strengthened as a part of the effort to reduce juvenile and youth delinquency are correctional education at Englewood and intensive counseling at the National Training School. The Bureau staff will undertake to develop various training materials for personnel in both Federal and non-Federal youth institutions.

Major emphasis has been placed upon reorganizing our food services during the past year. This has included installation of more modern cafeteria service, the abandonment of tables facing all in one direction and the substitution of conventional four-man tables, the discontinuance of rigid marching of men to and from the dining area and the inauguration of a continuous system of feeding whereby inmates obtain their food during prescribed hours and leave after they have finished eating. As a result, tensions among racial groups have been lessened, food service costs reduced, and generally improved institutional atmosphere has been achieved.

Plans are being made to close the Federal prison camp at Elmendorf Air Force Base, Alaska, in February 1962. This camp has been operated during the past year primarily for the benefit of, and at the expense of the State of Alaska. The Federal prisoner population in Alaska now averages less than 15.

Demands on the Bureau for assistance to local jail officials, State authorities, and foreign nations reached a new peak.

Two more institution hospitals won approval by the Joint Commission on Accreditation of Hospitals bringing the total to 15.

The Bureau began a program of intensive development for persons at executive levels with conferences of associate wardens. Great emphasis is also being put on personnel development at the institutions.

The General Services Administration continued studies of Bureau and institution records systems aimed at simplifying and reducing paperwork.

*Achievement with economy.*—Federal Prison Industries earned a net profit of $4,907,853 on sales of $34,974,238.

Despite increasing population and a larger proportion of difficult and dangerous prisoners there were no major escapes, riots or serious disturbances.

Personnel costs are relatively lower than heretofore as the ratio of number of inmates to officers has been increased.

Paid overtime was held to an absolute minimum, but heavy workloads forced many staff members to work substantial amounts of uncompensated overtime.

Increased travel costs occasioned by higher per diem rates are being absorbed in 1962. Extreme diligence is being exercised in reviewing the need for travel and in effecting economies by having each traveler perform services for several offices.

Extensive studies of certain marginal farm operations are leading to the elimination of some in favor of more productive activities.

New highs were achieved in the utilization of surplus property although sources of supply in such items as clothing are rapidly diminishing.

All major construction projects, including the new maximum security prison, were placed under contract or started by the assignment of inmate labor.

The economy of using inmate labor and surplus materials was evidenced at Terminal Island where staff apartments were constructed at a cost of only $7 per square foot. This compares with an estimated commercial cost of $11.70.

II. *Salaries and expenses—table of increases*

| | Additional positions | Increase (in thousands) |
|---|---|---|
| 1. Population increase of 1,000 to a total of 25,000 | | 299 |
| 2. Increase in care costs of 2 to 82 cents | | 175 |
| 3. Opening of Southeastern Air Force base camp | 29 | 334 |
| 4. Opening of camp at Marion Institution | 35 | 250 |
| 5. Providing clerk-stenographers to handle inmate records | 32 | 139 |
| 6. Extension of casework supervisor postions to additional institutions | 12 | 91 |
| 7. Improvement of institution maintenance | 29 | 447 |
| 8. Strengthen custodial coverage | 62 | 330 |
| 9. Wage board salary increase | | 176 |
| 10. Maintenance of average employment | | 178 |
| 11. Classification revision and equalization program | | 350 |
| 12. Public Health Service allocation | 14 | 72 |
| Total | 213 | 2,841 |

*One thousand increase in population, $299,000*

The average inmate population is estimated to increase from the budgeted figure of 24,000 to a total of 25,000. (NOTE.—A supplemental estimate is forecast for fiscal year 1962 to raise the population estimate by 200.) The increase is forecast on the basis of increases in the number of persons admitted to our institutions, and a shifting in the proportions of the population toward those segments with longer sentences (e.g., narcotics). Higher admissions reflect increases both in commitments and violators of parole and conditional release.

*Care increase of 2 cents, $175,000*

An increase of 2 cents to a total of 82 cents is requested for fiscal year 1963. This is necessitated by increases in cost of food, clothing, transportation, and other items included in our costs for inmate care. For example, the cost of food alone has increased nearly 1 cent from 1960 to 1961. This, together with other increases in both the unit costs and volume of medicines, teaching materials, and miscellaneous janitorial supplies have forced a reduction in the amounts heretofore spent for discharge allowances and officers clothing. The Bureau has long sought to provide discharge allowances, "gate money," of $30 to those prisoners who have no personal funds when released. Yet during 1961 we were able to provide an average of only $20.75 to this class of prisoners. There is no doubt that lack of release funds contributes to the early downfall of some otherwise hopeful cases. Supplies of officers clothing have, in several cases, been reduced to the point where wornout clothing cannot be replaced. To

provide an adequate level of gratuities and restore inventories in all categories to proper levels will require a care increase of 2 cents.

*Establishment of a prison camp at a southeastern Air Force base, $334,000*

As a part of efforts to relieve overcrowding in existing institutions, it is proposed to establish an additional camp in the Southeastern United States. Institutions for lesser custody inmates in that area had more than 300 prisoners over their rated capacities in June of 1961.

The Air Force has advised the Bureau that space would be available for this purpose. Among the places being considered for the camp is Eglin Air Force Base near Pensacola, Fla. This camp would accommodate approximate 250 prisoners in existing Air Force buildings. The availability of these buildings, of course, offers a substantial savings over the costs of constructing a new facility. The prisoners would perform conservation and maintenance work on the base which cannot be performed with available Air Force funds or personnel.

Air Force camps are currently operated at three bases. They have proved to be an extremely economical way to confine those prisoners who are not custodial risks. At Montgomery, Ala., for example, the average daily expenditure per inmate in fiscal year 1961 was $2.77 as compared to the servicewide average of $5.27.

To establish such a camp, the complement to include 29 positions, $334,000 is requested. The Air Force will provide supervision for inmates assigned to work details. Nonrecurring activation costs included in the total request are estimated at $135,000, including the transfer of officer personnel, establishment of working inventories, purchase of a minor amount of equipment, and minor remodeling of existing facilities.

*Opening of camp at Marion Institution, $250,000*

The general contractor on the Marion Institution should complete his work by February 15, 1963. In the interests of economy, a good deal of finish work such as painting, laying of floor tile, and installation of equipment was excluded from the general contract. It is planned to accomplish this work with inmate labor. A camp-type operation will be established at Marion consisting primarily of older, minimum security, semiskilled inmates. Supervision will be provided primarily by the mechanical service with a small group of custodial officers and other types of staff. The camp staff will form the nucleus of the permanent staff so as to permit simultaneous planning for full-scale operation. Camp costs are estimated as follows:

| | |
|---|---|
| Salary costs: 35 employees, full-year basis | $244,000.00 |
| Allowance for premium pay and fringe benefits | 24,000.00 |
| | 268,000.00 |
| Factor for part-year operation | .37 |
| Net cost of personnel | 99,000.00 |
| Personnel transfer costs, 35 at $800 | 28,000.00 |
| | 127,000.00 |
| Other costs: | |
| Operating expenses | 30,000.00 |
| Initial inventories | 93,000.00 |
| Total | 250.000.00 |

*Thirty-two clerk-stenographers (records office), GS–4, $139,000*

These positions would be used to handle the typing, processing, and filing of records on inmates. These records include information on the inmate's connections with other criminals, psychiatric problems, family relationships, and other personal matters. Much of the material is a part of the presentence investigation made by the courts; investigations which are so confidential that they ordinarily are not even available to the inmate's defense counsel. With present staffing, however, inmates handle other inmates' records constantly.

Experience at the Atlanta Penitentiary indicates that three to five additional civilian employees are required to do the work on records which is now done by inmates. The 32 requested positions will meet the need at all penitentiaries, the larger reformatories, and the medical center.

*Extension of casework supervisor positions to additional institutions, $91,000*

Twelve additional GS–10 positions are requested for casework supervisors. These positions have proved to be highly successful in improving the caliber of casework at the limited number of institutions where they are presently authorized. The incumbents handle a number of the more difficult cases where special counseling skills or community contacts are required. In addition, they provide direction, review, and consultation to the journeyman caseworker. It is proposed to establish these positions at all institutions having more than 500 average population.

*Improvement of institution maintenance, $447,000*

Maintenance and repairs to Bureau institutions are financed partly in this appropriation and partly in the "Buildings and facilities" appropriation. Items financed by this appropriation include the salaries of the mechanical staff used in ordinary operations (such as powerplant engineers, electricians, plumbers, carpenters, etc.) and the costs of materials used in repairs or maintenance projects which involve an expenditure of less than $1,000. The "Buildings and facilities" appropriation provides for the salaries of mechanical staff who are supervising major repair or improvement projects and for the costs of materials used in those projects.

For several years, the amounts provided under both headings were not sufficient to keep maintenance and repairs on a current basis. Despite recent increases under the "Buildings and facilities" appropriation we are falling even further behind in the struggle to keep the physical plant in safe condition and proper repair. Deterioration of electrical and heating equipment is rapidly reaching crisis proportions in several institutions. Often postponed roof replacements, tuck pointing, concrete repairs, and plaster refinishing are turning into major, and more expensive, projects when they are actually carried out.

It is proposed to—

(*a*) Add 29 mechanical positions at a cost of $253,000.

(*b*) Provide $194,000 to finance the purchase of maintenance supplies and materials.

The table below shows existing and proposed positions in the mechanical service:

| | Existing | Proposed | Total |
|---|---|---|---|
| Chiefs, mechanical services and general foremen | 38 | | 38 |
| General mechanics | 55 | 8 | 63 |
| Steamfitters, plumbers, and sheet-metal workers | 54 | 10 | 64 |
| Electricians, refrigeration and communications men | 51 | 2 | 53 |
| Painters | 31 | | 31 |
| Machinists | 17 | | 17 |
| Draftsman-clerks | | 1 | 1 |
| Masons-plasterers | 9 | 2 | 11 |
| Powerplant engineers | 164 | 6 | 170 |
| Other | 133 | | 133 |
| Total | 552 | 29 | 581 |

The 29 new positions will be distributed among 17 major institutions. They will be assigned primarily to deferred institutional repair and maintenance projects. As is true of all mechanical service personnel they will assist in vocational training on the job, thus increasing the numbers of inmates who can learn a skill while in prison.

It is expected that the requested additional staff will use materials and supplies at a considerably faster rate than the present staff since the former will be concentrating on rehabilitation and repair projects. Furthermore, the existing staff has oftem been handicapped in its work by a shortage of funds to purchase supplies and materials. To provide these supplies and materials $194,000 is requested.

*62 correctional officer positions (GS–6), $330,000*

An increase of 62 correctional officer positions is required. These positions will be distributed among institutions which are (*a*) unable to provide supervision in certain living quarters or able to provide only superficial coverage or (*b*) placing too many inmates under the supervision of a single work detail officer.

Both of these situations present threats to the security of the institutions and are conducive to escapes, assaults, and other incidents. The total staff of correctional officers has failed to keep up with the growth in population in recent years. The request will permit a further increase of 2 percent as compared to an anticipated population increase of 4 percent.

*Wage board salary increase, $176,000*

During fiscal year 1961 a total of 725 employees received salary increases as a result of new community wage surveys. The requested appropriation ($176,000) covers the cost of these increases including additional retirement and insurance contributions. This same amount of funds will also be requested as a supplemental to the fiscal year 1962 appropriation.

*Maintenance of average employment, $178,000*

Custodial security and the safety of plant operations require the Bureau to fill most of its vacancies immediately. Therefore the lapse rate must be held to approximately 2 percent. The $178,000 requested will be applied to help finance those within grade increases which are not fully financed by turnover savings. The amount requested, about $37 per employee, is less than one-third of the average increase granted to each employee during the year.

*Classification revisions and equalization program for correctional officers, $350,000*

The entrance grade for correctional officers is established at GS–6 by Civil Service Commission standards. The Commission has now ruled that persons who have completed their probationary training, a period of 1 year, as correctional officers, should be promoted to senior correctional officer, GS–7. This will involve approximately 1,248 employees at a cost of $318,000 for salaries and $32,000 for related benefits.

These changes in grade allocations will do a great deal to equalize opportunities and salary rates in the prison service with those in the larger State systems and in other Federal organizations which require similar qualifications and experience. Further revisions will be necessary, in the future, to revise the classification of supervisory officers and to establish a limited number of special correctional officer positions for individuals performing unusually difficult assignments. Financing of the latter changes must await approval of new Civil Service Commission standards.

*Public Health Service allocation, $72,000*

Authority is requested to establish 14 additional positions within the complement of Public Health Service personnel providing medical and dental services at Bureau of Prisons institutions. The additional positions include—

*Two medical and technical assistants, GS–10*

These MTA's will be the only medical personnel assigned to the two new proposed camps at a southeastern Air Force base camp and Marion, Ill.

*Four psychologists, GS–12*

The increasing availability of qualified psychologists will permit us to provide psychological services at Terre Haute, Danbury, Milan, and Seagoville where they have never previously been available. This will enable these institutions to improve their diagnostic work and increase their ability to control the behavior of the very difficult individual. It should also permit these institutions to provide diagnostic services to the courts under section 4208(b) of title 18 which permits a judge to commit an individual for diagnosis and sentence recommendation. At the present time inmates must often be transported a considerable distance to an institution where diagnostic services are available.

*Eight clerk-stenographers, GS–4*

The nature of medical and psychiatric information recorded on inmate records makes it essential that other inmates not be permitted to handle the records. At the present time many doctors and psychologists are doing their own typing with consequent losses in the time which is available to them for professional work. The clerk-stenographers will be assigned to those major institutions where the volume of medical work is heaviest.

Mr. ROONEY. The request for Salaries and expenses is in the amount $49,455,000, which would be an increase of $2,841,500 over the amount appropriated in the current fiscal year.

PUBLIC HEALTH SERVICE ALLOCATION

There is one item in this list, Mr. Bennett, to which you did not make reference, as I recall, and that is this Public Health Service allocation, the addition of 14 people to the payroll at a cost of $72,000. What is the alleged justification for this?

Mr. BENNETT. Those are for two medical technical assistants to take care of the health problems of the inmates that we will have in our camp at this southeastern Air Force base. May I make that clear? The hospital service, the serious operations, and so on, are performed for us by the Air Force physicians, but the day-to-day colds, cuts, and minor matters are taken care of by us by means of a male nurse. One of those men will go to this camp, and another one at Marion, Ill.

Mr. ROONEY. One at each?

Mr. BENNETT. One at each; yes, sir.

Mr. ROONEY. What do you have allocated in here for these two GS–10 male nurses, as you call them?

Mr. BENNETT. You mean how much money?

Mr. ROONEY. Yes.

Mr. SUGARMAN. The figure would be about $15,000, sir.

Mr. BENNETT. $15,000.

Mr. ROONEY. What about the four psychologists?

Mr. BENNETT. These psychologists will enable us——

Mr. ROONEY. How much do you have budgeted for them?

Mr. BENNETT. That would be about $40,000.

These will perform psychological services in the testing of our inmates, and in the preparation of these reports we need for the judges, at our institutions at Terre Haute, Danbury, Milan, Mich., and our institution at Seagoville outside of the city of Dallas.

In addition to that, we are asking for eight clerk-stenographers to enable us to type and maintain confidential medical and psychiatric records of the men in our institutions. This is another instance where at the present time the typing of these reports is done by other inmates and, of course, they pass out information, which is sometimes detrimental to the well-being of others.

Mr. ROONEY. The previous money figures you gave us cannot possibly be correct, because you have, out of the $72,000, but $17,000 left, and you cannot get eight GS–4's for $17,000, can you?

Mr. BENNETT. Let me correct that later on in the record, Mr. Chairman, with the exact amount.

Mr. ROONEY. Please insert at this point in the record the exact amounts, moneywise, with regard to the requested employment of 14 additional personnel in the Public Health Service.

(The information requested follows:)

*Recapitulation of Public Health Service increase*

| | |
|---|---|
| 2 medical technical assistants at $6,995 | $13,990 |
| 4 psychologists at $8,955 | 35,820 |
| 8 clerk-stenographers at $4,040 | 32,320 |
| Subtotal | 82,130 |
| Personnel benefits (6.8 percent) | 5,585 |
| Total | 87,715 |
| Less lapse | 15,715 |
| Grand total | 72,000 |

ADDITIONAL COSTS OF NEW INSTITUTION, MARION, ILL.

Mr. ROONEY. When you proposed the erection of a new maximum custody institution at Marion, Ill., and you submitted justifications for a $10 million institution, did you at that time contemplate this item which is now before us in the amount $250,000?

Mr. BENNETT. I do not know that we contemplated that we would open the institution in this way, Mr. Chairman.

Mr. ROONEY. We thought the entire institution—as a matter of fact, we were assured by you that the entire institution would cost $10 million. We are now up by a quarter of a million dollars beyond that if we approve this item.

Mr. BENNETT. That is true. The cost of the institution exceeded our estimates, largely because just previous to the letting of the contract they extended the labor rates that prevailed in the Chicago area to southern Illinois. That threw our estimates awry. Of this $250,000, part, of course, is for ordinary maintenance and upkeep of the prisoners. Yes, building costs increased down there in the interim beyond our calculations, and they are continuing to increase. It is very difficult for us now to calculate accurately how much a building is going to cost 18 months in advance or 2 years from now as is frequently requested. We try to be conservative about it and make our calculations as best we can, but we simply are not able to anticipate increased labor costs and increased materials costs.

Mr. ROONEY. When you submitted the request at first, for $10 million, did you include in the original plans, painting, laying floor tile, and installation of equipment?

Mr. BENNETT. I suspect we had the whole business in mind, yes, sir.

The supplies, Mr. Chairman, the cost of the materials, will not be financed out of the appropriation. This is just labor.

Mr. ROONEY. Did you contemplate the hiring of people so as to set up this force at the time the estimate of $10 million was made and when you assured us that would be the ceiling on the cost at Marion?

Mr. BENNETT. I doubt that we did. I thought and hoped we were going to be able to get the whole kit and caboodle for that money, but we just did not not do it, that is all. We just exceeded our estimates.

Mr. ROONEY. How much have you obligated so far with regard to Marion?

Mr. BENNETT. The whole business.

Mr. ROONEY. Exactly?

Mr. SUGARMAN. No, sir. We have a reserve of about $300,000 which is to complete remaining items. The amount transferred to the General Services Administration to administer the contract is $9,700,000.

POPULATION INCREASE

Mr. ROONEY. Where are the figures in these justifications with regard to population increase, other than that graph we had a while ago?

Mr. SUGARMAN. They appear on page 28–4.

Mr. ROONEY. Do you not have a chart showing over a period of years the population figures?

Mr. SUGARMAN. Yes, sir. Page 27–3.

Mr. ROONEY. I do not care so much for those graphs. I like to see a column of figures.

Mr. SUGARMAN. I will be happy to submit one.

Mr. ROONEY. What was the population as of December 31, 1961, or the latest available figure?

Mr. SUGARMAN. The January 18 figure is 23,795.

Mr. ROONEY. This is what I want [indicating document]. We shall insert this statement with regard to Federal prisoners confined as of January 18, 1962, at this point in the record.

(The statement referred to follows:)

*Federal prisoners confined, Jan. 18, 1962*

| Institution | Population | | | Increase or decrease | | Average population to date | | Institution capacity |
|---|---|---|---|---|---|---|---|---|
| | Present | Previous week | Previous year | Previous week | Previous year | Fiscal year 1961 | Fiscal year 1962 | |
| Grand total | 28,813 | 28,088 | 27,278 | −275 | 535 | (1) | (1) | ---- |
| Bureau institutions, total | 23,795 | 23,783 | 23,282 | 12 | 513 | 23,075 | 23,728 | 21,384 |
| Penitentiaries: | | | | | | | | |
| Alcatraz | 256 | 257 | 256 | −1 | ---- | 252 | 253 | 336 |
| Atlanta | 2,587 | 2,579 | 2,678 | 8 | −91 | 2,660 | 2,625 | 2,103 |
| Leavenworth | 2,524 | 2,507 | 2,375 | 17 | 149 | 2,399 | 2,518 | 1,976 |
| Lewisburg | 1,547 | 1,579 | 1,480 | −32 | 67 | 1,499 | 1,549 | 1,268 |
| McNeil Island | 1,191 | 1,187 | 1,076 | 4 | 115 | 1,015 | 1,134 | 846 |
| Terre Haute | 1,382 | 1,383 | 1,292 | −1 | 90 | 1,299 | 1,386 | 1,354 |
| Reformatories: | | | | | | | | |
| Alderson | 595 | 585 | 560 | 10 | 35 | 615 | 588 | 453 |
| Chillicothe | 1,226 | 1,227 | 1,318 | −1 | −92 | 1,280 | 1,299 | 1,451 |
| El Reno | 1,084 | 1,085 | 1,092 | −1 | −8 | 1,053 | 1,046 | 1,146 |
| Lompoc | 1,143 | 1,157 | 1,130 | −14 | 13 | 1,095 | 1,155 | 1,344 |
| Petersburg | 622 | 626 | 585 | −4 | 37 | 617 | 621 | 618 |
| Juvenile and youth institutions: | | | | | | | | |
| Ashland | 503 | 506 | 520 | −3 | −17 | 522 | 516 | 463 |
| Englewood | 454 | 453 | 475 | 1 | −21 | 456 | 435 | 488 |
| National Training School, Federal | 246 | 245 | 299 | 1 | −53 | 301 | 252 | 288 |
| National Training School, District of Columbia | 134 | 135 | 119 | −1 | 15 | 126 | 130 | |
| Natural Bridge | 81 | 83 | 82 | −2 | −1 | 75 | 79 | 75 |
| Tucson | 127 | 106 | 98 | 21 | 29 | 117 | 107 | 250 |
| Prerelease centers | 40 | 41 | ---- | −1 | 40 | ---- | [2] 21 | ---- |
| Correctional institutions: | | | | | | | | |
| Danbury | 677 | 695 | 660 | −18 | 17 | 635 | 690 | 527 |
| La Tuna | 622 | 664 | 698 | −42 | −76 | 663 | 652 | 484 |
| Milan | 680 | 667 | 637 | 13 | 43 | 665 | 655 | 563 |
| Sandstone | 502 | 481 | 505 | 21 | −3 | 459 | 496 | 479 |
| Seagoville | 578 | 592 | 534 | −14 | 44 | 529 | 570 | 417 |
| Tallahassee | 725 | 745 | 697 | −20 | 28 | 727 | 714 | 598 |
| Terminal Island (male) | 725 | 728 | 715 | −3 | 10 | 695 | 740 | 635 |
| Terminal Island (female) | 196 | 197 | 193 | −1 | 3 | 178 | 194 | 150 |
| Texarkana | 483 | 470 | 502 | 13 | −19 | 514 | 499 | 369 |
| Prison camps: | | | | | | | | |
| Allenwood | 241 | 243 | 207 | −2 | 34 | 191 | 252 | 200 |
| Florence | 220 | 205 | 203 | 15 | 17 | 182 | 215 | 279 |
| Greenville | 306 | 302 | 364 | 4 | −58 | 332 | 335 | 275 |
| McNeil Island | 246 | 246 | 209 | ---- | 37 | 224 | 250 | 198 |
| Montgomery | 294 | 278 | 264 | 16 | 30 | 271 | 271 | 276 |
| Safford | 241 | 228 | 217 | 13 | 24 | 187 | 223 | 200 |
| Detention headquarters, New York | 263 | 245 | 216 | 18 | 47 | 213 | 212 | 133 |
| Medical center: | | | | | | | | |
| Hospital | 822 | 824 | 819 | −2 | 3 | 781 | 805 | 1,142 |
| Maintenance unit | 232 | 232 | 207 | ---- | 25 | 248 | 241 | |
| USPHS hospitals, total | 822 | 840 | 873 | −18 | −51 | (1) | (1) | ---- |
| Fort Worth | 331 | 334 | 314 | −3 | 17 | 320 | 323 | ---- |
| Lexington | 436 | 451 | 514 | −15 | −78 | 502 | 476 | ---- |
| St. Elizabeths | 55 | 55 | 45 | ---- | 10 | (1) | (1) | ---- |
| Alaska jail system, total | 115 | 103 | 138 | 12 | −23 | 133 | 106 | ---- |
| Non-Federal institutions (estimated) | 3,081 | 3,362 | 2,985 | −281 | 96 | (1) | (1) | ---- |

[1] Not available.
[2] Facilities opened Sept. 11, 1961.

Mr. ROONEY. Did we not always previously have a column showing capacity?

Mr. BENNETT. Yes, but not on that chart.

Mr. ROONEY. Suppose you add another column which indicates the capacity of each of the institutions.

Mr. BENNETT. Very well.

Mr. ROONEY. According to this, you have 100 less prisoners at Atlanta as compared with a year ago.

Mr. BENNETT. That is correct.

Mr. ROONEY. As a matter of fact, in the overall number of prisoners, there are but 100 more than there were a year ago, is that right?

Mr. BENNETT. That is right. Our population fluctuates back and forth. We are talking in terms of averages.

Mr. ROONEY. Is there not something in these justifications about a supplemental for 1962 for 200 additional?

Mr. BENNETT. Is that in the regular——

Mr. SUGARMAN. That is the forecast. I believe, Congressman, the figure is 500-and-some higher as the total for the Bureau of Prisons.

Mr. ROONEY. According to this, presently you have 3,081.

Mr. SUGARMAN. That is prisoners in local jails.

Mr. BENNETT. Those are the local jails.

Mr. SMITH. The second line from the top shows the total, Mr. Chairman, if you want to look at it.

Mr. ROONEY. I see. Excuse me. I generally look for totals at the bottom. I see this total is at the top. The difference would be about 500-plus. Of course, when you are talking about a supplemental somewhere in these justifications—am I right that I did see this in here while going over these as Mr. Bennett was talking?

Mr. SUGARMAN. Yes, sir.

Mr. ROONEY. You have money to carry 24,000 prisoners.

Mr. SUGARMAN. That is right. We anticipate the average will be about 24,200.

Mr. ROONEY. What do you base that on?

Mr. BENNETT. The courts just got into session in October. We are basing that upon the anticipated big months in the early spring. That is when the large influx comes in. I hope I will not have to come up for that, Mr. Chairman.

Mr. ROONEY. What has your average been for the first 6 months?

Mr. SUGARMAN. It is shown on the chart there, Mr. Chairman.

Mr. ROONEY. In other words, it is 6 months plus 18 days, the period to which you are referring. You are still 300 below the 24,000 for whom you got the money in the 1962 budget.

Mr. BENNETT. Incidentally, Mr. Chairman, of course we do not know what will happen with these 80-odd new judges who are coming in. We do not know how fast they will catch up on the backlog.

### INCREASE IN COST OF CARE OF PRISONERS

Mr. ROONEY. The second item on page 28–7, which is the table of increases, is the amount $175,000 for increase in care costs by 2 to 82 cents per prisoner. Is Alcatraz included in this increase?

Mr. BENNETT. Yes, sir.

Mr. ROONEY. What is the care cost at Alcatraz?

Mr. BENNETT. The food, clothing, and so on, are slightly higher than at other institutions, but not very much, Mr. Chairman.

Mr. ROONEY. What is the average overall cost of a prisoner in the Federal prison system, $5-and-what?

Mr. SUGARMAN. It is $5.27.

Mr. ROONEY. What is the cost of a prisoner at Alcatraz?

Mr. SUGARMAN. A prisoner at Alcatraz during the same year was $13.81. The care cost which corresponds to the 82 cents was $1.13.

CAPACITY AT ALCATRAZ

Mr. ROONEY. At Alcatraz you presently have 252 prisoners. It was 256 when we were there, but I see they let somebody out. The capacity there is what—336?

Mr. SUGARMAN. The official capacity, including a cell block which is not really available for use there because of its condition.

Mr. ROONEY. The official capacity is how much?

Mr. SUGARMAN. It is 336.

Mr. BENNETT. We do not let many out there, do we? One out of 257.

STRENGTHENING CUSTODIAL COVERAGE

Mr. ROONEY. With regard to No. 8, $330,000 for strengthening custodial coverage——

Mr. SIKES. May I ask a question before you get into that, off the record?

(Off the record.)

Mr. ROONEY. With regard to the 62 correctional officer positions, $330,000, GS–6, where are they to be located?

Mr. BENNETT. They will be distributed throughout the service, Mr. Chairman. I do not think we have decided exactly. In each of our institutions we have an approved plan of positions. We have never been able to get our strength up to our approved schedule of positions.

Mr. ROONEY. How many approved positions do you presently have?

Mr. SUGARMAN. In custodial, 2,842.

Mr. BENNETT. That is 400 less than our approved strength.

Mr. SUGARMAN. That is the approved positions. We were able to maintain an employment of about 2,700 last year. It probably will be about the same this year.

Mr. ROONEY. You have money for how many—2,842?

Mr. SUGARMAN. The money did not cover that because of the fact that we do not always get the full amount for within-grade increases.

Mr. ROONEY. When were you ever denied money for within-grade increases?

Mr. SUGARMAN. Not by this committee, sir.

Mr. ROONEY. By anybody?

Mr. SUGARMAN. It depends, apparently, on the fiscal situation.

Mr. ROONEY. Now you are back to a really vague generality. Are you intimating Mr. Andreatta took the money away from you?

Mr. SUGARMAN. No, sir.

Mr. ANDRETTA. That is one trough we cannot get into.

Mr. BENNETT. It is not for want of trying, I can tell you that.

Mr. ROONEY. You cannot tell us at the present time the institutions to which the requested 62 correctional officers will be assigned?

Mr. BENNETT. No, but I can give it pretty close later on in the record. You see, we have these requests for additional personnel. Let me give you an illustration of it. At the time we put the 40-hour week into effect down at our women's institution at Alderson, W. Va., we had to take all of the night supervision out of the cottages, out of the places where the inmates lived, and put one officer on patrol around various buildings. We very badly need, and ought to have, an officer in each one of those dormitories to supervise them at night. That

would require eight additional officers. Probably in this estimate we may be going to assign them one additional officer.

At these camps, for example, taking the Montgomery camp, we have only 1 officer for 300 men on duty at night. He is a watchman, really. To prevent various kinds of things that go on in institutions, we would like to have a man right in the dormitory where he could supervise it.

Mr. ROONEY. That is 1 of the 62 you have justified.

ASSAULTS ON OFFICERS

Mr. BENNETT. I would justify it on the basis of these problem people down at Alderson. I can put it in in exact detail. We run our institutions with a minimum of strength. At an institution, Congressman Cederberg, like Milan, with 700 inmates, we have on duty there at night 6 officers, which is a very small contingent. Fortunately, our officers have been pretty well trained, and it is only occasionally that we have a very serious fight or altercation or assault that we are not able to control.

Mr. CEDERBERG. Have you ever had one at Milan?

Mr. BENNETT. Yes, sir, we have. We have had quite a number.

Mr. ROONEY. You had a very serious one some years back.

Mr. BENNETT. We had an officer killed right here, too. We had a very serious assault on one of our officers out at McNeil Island where the inmates attacked the officer on board the ferryboat that we have there at our 3 o'clock in the morning shift. It is amazing what that officer did to beat off those two inmates. They slugged him on the head with an iron and chased him with a fire ax. It was one of the most amazing pieces of gallantry, standing up against those inmates, that we have ever had. We try to recognize the officers for doing these things. We try also to strengthen them.

One of the things that has a great bearing on the morale of our officers is that they get worried as to whether or not they are properly supported and whether they can cope with the problems. We like to strengthen them and give them additional help as best we can. We try to put them at the vital points. Theoretically, we would like to have 400 additional custodial officers in our service, but we feel that conditions of the appropriation are such at this time that we should not ask for them.

(The following was subsequently furnished for the record:)

*Assignment of 62 correctional officers*

| Location: | Number of officers |
|---|---|
| Penitentiaries: | |
| McNeil Island, Wash | 3 |
| Terre Haute, Ind | 3 |
| Reformatories: | |
| Alderson, W. Va | 5 |
| Chillicothe, Ohio | 3 |
| Lompoc, Calif | 8 |
| Juvenile and youth institutions: | |
| Englewood, Colo | 3 |
| National Training School for Boys, Washington, D.C | 7 |
| Correctional institutions: | |
| Danbury, Conn | 3 |
| La Tuna, Tex | 3 |
| Milan, Mich | 4 |
| Seagoville, Tex | 3 |
| Tallahassee, Fla | 4 |
| Terminal Island, Calif | 4 |
| Texarkana, Tex | 5 |
| Prison camps: | |
| Greenville, S.C | 1 |
| Montgomery, Ala | 1 |
| Safford, Ariz | 2 |

ORIGINAL REQUESTS TO DEPARTMENT AND BUREAU OF BUDGET

Mr. ROONEY. By the way, how much did you ask of the Bureau of the Budget for "Salaries and expenses, Bureau of Prisons"? How much did you ask of the Attorney General, first?

Mr. SUGARMAN. The Attorney General allowed the entire amount requested.

Mr. ROONEY. He approved the three items in the amount that you requested?

Mr. SUGARMAN. Yes, sir.

Mr. ROONEY. What did the Bureau of the Budget do?

Mr. SUGARMAN. They cut the "Salaries and expenses" appropriation by approximately $170,000.

Mr. ROONEY. What did they do to the other two?

Mr. ANDRETTA. They took $27,555,000 out of "Construction."

Mr. ROONEY. They took $27 million out?

Mr. ANDRETTA. $27 million out of "Construction."

Mr. SUGARMAN. For the new hospital and the National Training School, they gave us only partial financing on those institutions. They denied $1 million increase in repairs and improvements that we had asked.

PAYMENT OF QUARTERS ALLOWABLE TO PUBLIC HEALTH PERSONNEL

Mr. ROONEY. Last year you will recall in this subcommittee's report or the report of the House Appropriations Committee, the Department of Justice was directed to see that hereafter no part of the funds appropriated be used to pay quarters allowances to Public Health personnel in excess of the actual payments charged such personnel for standard quarters furnished them by the Bureau of Prisons.

What is the situation today in this regard?

Mr. BENNETT. That has been done, Mr. Chairman.

Mr. ROONEY. Have you the figures with regard to this?

Mr. SUGARMAN. Yes, sir.

Mr. ROONEY. May we have them, please?

Mr. SUGARMAN. We have 22 officers who have had their housing allowance rescinded and are now receiving rent-free quarters. This has resulted in a net reduction in the amount that we have paid out of $22,000. These are full-year costs I am talking about. This has been offset during the first year by a need to bring some of the quarters up to standard by providing aditional furniture, rugs, and things not formerly provided to these officers.

Mr. ROONEY. What was the net saving?

Mr. SUGARMAN. For the current year it will be about $6,000.

Mr. RONNEY. Hereinafter it will be $22,000?

Mr. SUGARMAN. Yes, sir.

Mr. BENNETT. Or more.

NONRECURRING ITEMS FOR YOUTH GUIDANCE CENTERS

Mr. ROONEY. Under "Salaries and expenses" and the item concerning youth guidance centers, were there any nonrecurring items in your request last year?

Mr. BENNETT. I suspect so, Mr. Chairman. The cost of equipment, and so on, is a nonrecurring item. We are hopeful to open another one of these halfway houses in some other city during the next year.

Mr. SUGARMAN. The committee did not allow the full request last year, Mr. Bennett. As you may remember, it was reduced from $618,000 to $500,000.

Mr. ROONEY. You could not open them, could you, without these nonrecurring items?

Mr. BENNETT. That is right.

Mr. ROONEY. What are the figures in this regard?

Mr. SUGARMAN. As to the cost of the centers?

Mr. BENNETT. As to the cost of the nonrecurring items.

Mr. ROONEY. What were the amounts of these nonrecurring items?

Mr. BENNETT. I will have to check that, Mr. Chairman. They were the items for personnel transfers, putting the buildings in order, for equipment, and items of that kind.

Mr. SUGARMAN. In both New York and Chicago, Mr. Chairman——

(The following was submitted for the record:)

*List of nonrecurring expenses*

| | |
|---|---|
| 1. Personnel transfer costs, 16 at $600 | $9,600 |
| 2. Los Angeles equipment | 2,200 |
| 3. Miscellaneous supply inventories | 400 |
| Total | 12,200 |

INCLUSION OF NONRECURRING ITEMS IN BASE FIGURES

Mr. ROONEY. Did you take these nonrecurring items out of your base in setting up this year's budget?

Mr. BENNETT. I do not think so.

Mr. ROONEY. Why not?

Mr. BENNETT. I cannot answer that, other than that it did not occur to us.

Mr. SMITH. The main item involved would be a matter of transfer expense because New York and Chicago were both contract installa-

tions, and putting the installation in Los Angeles into shape was a negligible cost as far as the movement of the facility is concerned. I do not think it was over $2,000 or $3,000.

Mr. SUGARMAN. Much of that was done with our own furniture.

Mr. SMITH. And labor from Terminal Island.

Mr. ROONEY. I know, but when you come here and request money and show items which are expected to be nonrecurring, you are not then supposed to include them in your base the following year. They should be taken out of that base.

Mr. SMITH. That is true.

Mr. ROONEY. This is no way to run the Government or a bureau or anything else.

How much of the "Salaries and expenses" item in this budget now before us is nonrecurring? Can you tell us that offhand?

Mr. SUGARMAN. Yes, sir; if I can add it up as I go along.

Mr. ROONEY. All right.

Mr. SUGARMAN. There are nonrecurring expenses at the Eglin Air Force Base camp of $135,000. There are nonrecurring expenses in connection with the activation of Marion, personnel transfer costs, of $28,000, and initial inventory of $93,000. Of course, next year, as Marion becomes fully operational, we will have additional inventory costs, but they will be building on this base which we established this year. It is calculated to support a population of 200.

Mr. ROONEY. What about the rest of the items? Do you have nonrecurring costs in connection with the addition of these requested employees to the payroll?

Mr. SUGARMAN. No, sir; I would say we do not, because these are new employees and there are no costs in connection with bringing them on duty.

Mr. ROONEY. The total of these three items is $256,000, right?

Mr. BUTTS. That is right.

Mr. SUGARMAN. That is right, sir.

Mr. ROONEY. Mr. Magnuson?

### COMPARABLE CARE COSTS OF ALCATRAZ AND OTHER PRISONS

Mr. MAGNUSON. What is the reason for the approximately 25 percent higher care costs at Alcatraz than at other institutions?

Mr. BENNETT. There is some additional personnel we have there because of the nature of the population. Our water and utility costs have increased. We have to ferry all the water out there. They raised the price during the year for the towboat charges. I think that is it, other than a slight increase in the per diem care costs.

Mr. SUGARMAN. Our food costs, because we do not have a farm and because it is a relatively small operation, are about 15 cents higher than they would be at our average institution: 65 cents as against 50 cents.

Mr. ROONEY. You are going to have a farm at the maximum security institution, are you?

Mr. BENNETT. We will have one, yes.

Mr. ROONEY. You had better get together here. At Marion?

Mr. BENNETT. Yes. We have additional land there to enable us to run a farm.

Mr. MAGNUSON. The difference in food costs, then, accounts for most of the difference between Alcatraz and the average?

Mr. BENNETT. Oh, no. The big cost is personnel costs. Our personnel coverage there is considerably greater than it is at our other institutions in ratio to the number of people.

Mr. SUGARMAN. Our average personnel cost is a little under $4, and at Alcatraz it is $9.69.

Mr. ROONEY. May I interpolate, Mr. Magnuson?

In connection with the Marion institution, the new maximum security institution, what will be the comparison with regard to personnel costs with, say, Alcatraz?

Mr. BENNETT. We expect to be able to operate Marion somewhere near the same cost as Terre Haute, or about $8.

Mr. ROONEY. So, $8 as compared with the $9-plus item at Alcatraz is practically the same.

Mr. BENNETT. No. The total Alcatraz cost is $13.

Mr. ROONEY. We are talking now only of personnel costs.

Mr. BENNETT. Oh, the personnel costs.

Mr. ROONEY. By the way, I was given figures out at Alcatraz that brought the cost per day up to about $16. This $13 figure is a new one to me.

Mr. BENNETT. I do not know.

Mr. SUGARMAN. There is a figure of $14.07 ——

Mr. ROONEY. We are up a dollar.

Mr. SUGARMAN. The figure we gave you before, I believe, was $13.81. There is a figure of $14.07 which includes some accounting entries for depreciation, and so forth. The $13.81 is funds expended.

Mr. ROONEY. These are the accurate figures as of today?

Mr. SUGARMAN. For last fiscal year.

### PRISON CAMPS AT MILITARY BASES

Mr. MAGNUSON. You have prison camps at three Air Force bases at the present time?

Mr. BENNETT. No; two Air Force bases, Montgomery and Donaldson, and the one in Alaska, Elmendorf, which is closing.

Mr. MAGNUSON. You are proposing another one, probably at Eglin?

Mr. BENNETT. That is correct, sir.

Mr. MAGNUSON. What is the situation as to separation of your personnel and Air Force personnel at the bases? Is there any contact at all?

Mr. BENNETT. Oh, yes, there is contact in the sense that we take our orders and directives from the Air Force personnel as to what they want us to do. They provide some assistance to us with regard to supervision of the projects. They provide medical services or hospital services for us. They have been very generous in helping us out with our various operating problems.

Mr. MAGNUSON. The work your prisoners do is all at the direction of the Air Force?

Mr. BENNETT. That is correct, sir.

Mr. MAGNUSON. Has this worked out well?

Mr. BENNETT. Very well. It is a big help to us because it enables us to have facilities for housing the men at no cost to our appropriation. Our average per diem costs are way down. Let me give you an illustration of it. It costs $2.77 per man per day at Montgomery, Mr.

Magnuson, as compared with $13.81 at Alcatraz, and as compared to an average cost of $5.27. Yes, it is way down.

Mr. MAGNUSON. Do you have any security and escape problems?

Mr. BENNETT. Once in a while we have a runaway, but we have had no assaults, no attacks on any person on the Air Force base. Our principal security problem has been to prevent the introduction of liquor into these camps. Other than that we have had no problem of any consequence.

Mr. MAGNUSON. That is all I have.

Mr. ROONEY. Mr. Marshall?

CORRECTIONAL INSTITUTION, SANDSTONE, MINN.

Mr. MARSHALL. Again I would like to compliment you for the fine group of people you have in charge of the correctional institution at Sandstone.

Mr. BENNETT. Thank you. I am sure they will appreciate that.

Mr. MARSHALL. Last year in our hearings, in response to a question which I asked you concerning the necessity for a chapel at Sandstone, you replied:

> There is no chapel there, Mr. Marshall. The institution never has been fully completed and we are looking forward some day to bringing before this committee an estimate for a multiple facilities building which will include a visiting room, a chapel, and an expansion of our office space there.

What is the situation there now?

Mr. BENNETT. It is one of the items that we hope some day to bring before the committee, but it has not yet been approved by the Budget Bureau for our capital expenditures.

Mr. MARSHALL. The department made a request to the Budget Bureau and it was reduced in the Budget Bureau?

Mr. BENNETT. Yes, sir.

Mr. MARSHALL. How much did you request?

Mr. BENNETT. $350,000.

Mr. MARSHALL. The situation there is rather bad, is it not, in connection with the chapel and visiting facilities?

Mr. BENNETT. Yes, sir. We think they are needed. We would like to increase the population of the institution, Mr. Marshall. It is serving a very important need in that area, and we would like to be able to absorb some of our excess population at the institution, but we cannot do it, as you know, until we get this extension to the facilities.

As you know, we are making considerable progress up there in extending our industrial buildings and in extending our staff housing which you were very helpful in getting for us. The staff housing will be completed this year and it will mean a big difference in the morale and well-being of our personnel.

Mr. MARSHALL. In that connection, you built three-bedroom houses at Sandstone. I had the privilege of seeing those briefly last year. What did those three-bedroom houses cost you?

Mr. BENNETT. Those were prefabricated houses which cost us about $8,000 each from the contractor. When we added the value of our labor and our materials, and so on, to the house, it came completed to about $14,000. That is my recollection.

Mr. MARSHALL. That $14,000 also included the work of putting basements under those houses?

Mr. BENNETT. Yes, sir.

Mr. MARSHALL. And if I recall correctly those houses had an attached garage?

Mr. BENNETT. Yes, sir.

Mr. MARSHALL. Provision for an automobile?

Mr. BENNETT. That is right.

Mr. MARSHALL. If my understanding is correct it also included the landscaping and the building of roads?

Mr. BENNETT. That is right.

Mr. MARSHALL. And it includes the laying in of a water main of some considerable distance?

Mr. BENNETT. That is right, sir.

Mr. MARSHALL. That is all included in your item of $14,000?

Mr. BENNETT. That is right, sir. Incidentally we rent those houses to the personnel and the rental on one of those houses is such that it will amortize the cost of the housing, at present rates, in 18 years.

Mr. ROONEY. Off the record.

(Discussion held off the record.)

Mr. ROONEY. Can you tell us what the difference might be in cost if these houses were built by nonprison labor?

Mr. BENNETT. $22,000 to $23,000.

Mr. MARSHALL. Off the record.

(Discussion held off the record.)

USE OF SURPLUS AGRICULTURAL COMMODITIES

Mr. MARSHALL. You use surplus commodities from the Department of Agriculture, do you not?

Mr. BENNETT. Yes, sir.

Mr. MARSHALL. Do you have a breakdown of the value of those commodities?

Mr. BENNETT. I do.

Mr. MARSHALL. Would you furnish that for the record?

Mr. BENNETT. I shall be happy to, sir.

(The information requested follows:)

The following is a list of CCC food commodities used in the Prison Service during fiscal year 1961.

| | Pounds per man per day | Total pounds |
|---|---|---|
| Powdered milk | 0.097 | 861,200 |
| Cheese | .051 | 452,800 |
| Butter | .092 | 816,000 |
| Flour | .096 | 852,100 |

It is probable that consumption of all these commodities will be increased during fiscal year 1962 by placing increased emphasis upon planning menus which will utilize available surplus items.

Food Service Memorandum No. 37 authorizes additional use of all the above commodities in all institutions throughout the prison service.

Mr. MARSHALL. Would it be possible to use these surplus commodities to a greater extent?

Mr. BENNETT. Our understanding with the Department of Agriculture is that we will use these surplus commodities only to the extent

that they improve our diet. We shall continue to purchase our items as heretofore. For example, formerly we bought oleomargarine for our inmates, so instead of serving oleomargarine we now have butter.

We get flour from the Department of Agriculture. We have not cut down our average amount of flour ordered but we have enriched our diet by the use of this additional flour we receive.

Our understanding is that we would continue to purchase our normal poundage, so making this authority available to us does not in any way reduce our purchases in the open market of foodstuffs.

EXPANSION OF CONSUMPTION OF MILK IN INSTITUTIONS

Mr. MARSHALL. The President this week made a plea, since surpluses are building up in the area of milk production, for the consumers of the country to use more of this nutritious food. Might there be a possibility that your people could expand the consumption of milk in your institution?

Mr. BENNETT. Yes, indeed. Our allowance for milk now is half a quart of milk per man per day. We could, of course, particularly for the younger inmates, use more fluid milk. We now use considerable quantities of dried milk. In several of our institutions we have what is known as a mechanical cow. I suppose you are familiar with that. You put the dried milk into this machine, mix it, cool it, enrich it with butter, and out comes the milk. You have to be pretty good to tell the difference from fresh, fluid milk as you know.

Mr. MARSHALL. Would you look into this situation and see if it might be possible for more milk to be consumed in the institution?

Mr. BENNETT. Yes, sir.

Mr. MARSHALL. Thank you.

That is all I have.

Mr. BENNETT. Thank you, Mr. Marshall.

INCREASE IN WAGE RATE IN MARION, ILLINOIS

Mr. CEDERBERG. How far is it from Chicago to Marion, Ill.?

Mr. BENNETT. 250 miles.

Mr. CEDERBERG. You state the Labor Department changed the labor rate in Marion, Ill., to the rate prevailing in Chicago?

Mr. BENNETT. Yes.

Mr. CEDERBERG. And that decision of the Department of Labor cost you how much more to build the institution in Marion than you anticipated?

Mr. BENNETT. I have not reduced it to exact figures.

Mr. CEDERBERG. It cost more because of the decision making the prevailing wage in Marion, Ill., 250 miles away from Chicago, the same as the rate at Chicago?

Mr. BENNETT. They extended it to the whole State of Illinois, I understand.

Mr. CEDERBERG. For the record I want to state I think this is a ridiculous decision and it appears that because of this decision it is costing the taxpayers of the United States more money to build this correctional institution at Marion, Ill.

That is all I have, Mr. Chairman.

## Buildings and Facilities

*Object classification*

[In thousands of dollars]

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| BUILDINGS AND FACILITIES | | | |
| 11 Personnel compensation: | | | |
| Permanent positions | 216 | 286 | 309 |
| Other personnel compensation | 6 | 6 | 7 |
| Total personnel compensation | 222 | 292 | 316 |
| 12 Personnel benefits | 13 | 23 | 25 |
| 32 Lands and structures | 740 | 2,955 | 3,831 |
| Total costs | 975 | 3,270 | 4,172 |
| Unfunded adjustments to total costs: Property transferred in without charge, net | −5 | | |
| Total costs, funded, buildings and facilities | 970 | 3,270 | 4,172 |
| ALLOCATION TO GENERAL SERVICES ADMINISTRATION | | | |
| 32 Lands and structures | 1,391 | 6,000 | 2,067 |
| Total costs, funded | 2,361 | 9,270 | 6,239 |
| Change in selected resources | 8,225 | −6,253 | −2,255 |
| Total obligations | 10,586 | 3,017 | 3,984 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 46 | 46 | 50 |
| Average number of all employees | 31 | 40 | 43 |
| Number of employees at end of year | 19 | 46 | 46 |
| Average GS grade | 9.5 | 9.5 | 9.5 |
| Average GS salary | $7,531 | $7,622 | $7,750 |
| Average salary of ungraded positions | $6,991 | $7,075 | $7,183 |

Mr. Magnuson. The next item is "Buildings and facilities," found on page 134 of the committee print, under tab 29 of the jusifications.

We shall insert pages 29–1 through 29–11 in the record at this point.

(The pages referred to follow:)

*Buildings and facilities, Federal Prison System*

| | |
|---|---|
| Appropriation, 1962 | $2,050,000 |
| Estimate, 1963 | 3,945,000 |
| Increase 1963 compared with 1962 | 1,895,000 |

EXPLANATION OF LANGUAGE CHANGES

Line 4, delete: "$2,050,000"; insert: $3,945,000, of which not to exceed $1,350,000 shall be available for planning, site acquisition, and site preparation for a new psychiatric institution:"

The purpose of this change is to permit continuation of preliminary work on the construction of a psychiatric institution.

*III—Buildings and facilities*

NEW FACILITIES

| | |
|---|---|
| Construction, psychiatric hospital | $1,350,000 |
| Advance planning, replacement for National Training School | 250,000 |
| Chapel facilities, El Reno | 135,000 |
| Open youth unit | 860,000 |
| Enlargement of facilities, Texarkana | 350,000 |

OTHER

| | |
|---|---|
| Repairs and improvements | 1,000,000 |
| Total Appropriation | 3,945,000 |

*Construction, psychiatric hospital, $1,350,000*

Funds were appropriated in fiscal year 1962 for preliminary planning of a new psychiatric hospital. This hospital will provide facilities for the diagnosis and treatment of mentally ill prisoners as well as for treatment of a limited number of medical and surgical cases. At the present time, there is a very substantial backlog of cases held at regular institutions who might benefit by treatment in a mental institution. Among these there are many cases in which the courts have specifically recommended that psychiatric treatment be provided, but for which there is no space in the Springfield Medical Center. We are not able to provide psychiatric treatment in any significant degree at regular institutions.

A panel of experts in the mental health field, chaired by the Director of the National Institute of Mental Health, was organized to advise us to the kinds of facilities which should be provided in this new institution. Subsequently a hospital consultant was employed to develop a program of requirements and from that an estimate of appropriations has been developed.

The hospital will provide space for a total of 780 inmates, divided as follows:

| | |
|---|---|
| Medical, surgical, and research units | 90 |
| Psychiatric units | 540 |
| Maintenance unit | 150 |
| Total | 780 |

The total estimated cost, including the hospital facilities, utility systems, fences and towers, staff housing, fixed and movable equipment, is estimated to be $16,735,000. Of this amount we are requesting $1,350,000 for fiscal year 1963. Funds will be used as follows:

| | |
|---|---|
| Preparation of architectural drawings | [1] $350,000 |
| Site acquisition and preparation | 350,000 |
| Sewer service | 289,000 |
| Water service | 240,000 |
| Storm water sewer | 34,000 |
| Electrical service | 87,000 |
| Total | 1,350,000 |

[1] $250,000 additional is already available for architectural services.

Full construction funds will be requested in fiscal year 1964.

*Advance planning, replacement for National Training School, $250,000*

Funds are requested to plan a replacement for the National Training School. The school is located on a splendid piece of property in Northeast Washington, D.C., a piece so useful for residential and commercial purposes that it has been estimated its sale would bring the Federal Government over $6 million and the District of Columbia over $600,000 in annual tax revenues after development.

Unfortunately, the location, valuable though it may be, is not satisfactory for operation of a boys training school. It is bordered by busy city streets, major highways, and residential and commercial developments. These make it both attractive and feasible to run away from the institution.

The critical problem at the training school, however, is the condition of its physical plant. Many of the buildings are over 75 years old. The utility systems

are badly deteriorated and archaic in terms of modern requirements. For example, the water mains and fire hydrants are considered inadequate for use with modern firefighting equipment. During the past 5 years it has been necessary to make emergency repairs to a number of buildings. In making these repairs it has been found that virtually all framing, flooring, plasterwork, windows, and electrical wiring is beyond the point of repair and must be completely replaced. Under these conditions, we believe it is no longer economically sound to attempt to repair the institution.

The National Training School presently provides for about 300 Federal juveniles and 125 District of Columbia juveniles. The District is planning an expansion of its facilities at Lorton which should enable it to handle its own juveniles. We plan to construct the school somewhere in the Southeast United States from where the majority of the present National Training School population are committed.

The new National Training School will be designed to accomodate about 400 juveniles at an estimated total cost of $8,500,000. Funds are requested at this time in the amount of $250,000 to select a site and to prepare preliminary designs and architectural drawings.

*Chapel facilities, El Reno ($135,000)*

The request of $135,000 is to continue the program of improving chapel facilities by providing new facilities at El Reno, Okla. A separate chapel, which is used for religious purposes only will do a great deal to enhance the total religous program. Chaplains report that it has significant value in attracting and holding the interest of the inmates. Once the inmate begins to participate in the mass or services it is much easier for the chaplain to help the individual as a religious counselor. The chapel will seat 250. Space will also be provided for an instruction room, chaplain's offices, and necessary storage facilities.

*Open youth unit ($860,000)*

It is proposed to construct an open unit for approximately 200 youthful offenders on a separate tract of land available at Sullivan, Ind., near the Terre Haute Institution. The new unit will be administered separately from the main institution but will draw on it for laundry, hospital, warehouse, business, and other services. It will have a full program suitable for the younger offender, including education, vocational training, industrial work assignments, counseling, religious, and recreational activities. Its small size will permit the staff to work more closely and effectively with the individual inmate. The unit will be expandable to approximately 500 at some future time.

The open unit will be used for lesser custody prisoners. Consequently security features will not be necessary. Inexpensive, but reasonably durable materials will be used throughout. In its general characteristics the new unit will resemble the camp constructed at Safford, Ariz., together with the vocational and treatment center recently built at McNeil Island Penitentiary Camp. Both of the latter were constructed at a very low cost by using simple design, economical materials, and inmate labor. Costs of construction are estimated as follows:

| | |
|---|---|
| Housing units (24,000 square feet at $10) | $240,000 |
| Kitchen, dining and storehouse (12,000 square feet at $12) | 144,000 |
| Visiting and administration (3,000 square feet at $12) | 36,000 |
| Activities building (19,500 square feet at $9.25) | 180,000 |
| Powerhouse and utilities | 250,000 |
| Roads, walks, and grading | 10,000 |
| Total | 860,000 |

*Enlargement of facilities, Texarkana, Tex. ($350,000)*

The Texarkana Correctional Institution is the smallest of its type with an official population capacity of only 369. It is planned to designate Texarkana as a youth institution under the terms of the Youth Corrections Act to handle juveniles and Youth Corrections Act offenders from the southwestern area of the country. This will necessitate the provision of additional space for inmate housing and for educational, recreational, religious, and other treatment activities.

The first phase of this plan involves erection of a new dormitory to raise the population capacity to 500. This can be accomplished in an economical fashion by simply extending the main corridor and constructing a new wing at the east end

of the building. The dormitory will be designed to accommodate 132 inmates. The existing classrooms will be remodeled and enlarged to provide an adequate educational program for a youth population. Funds will be requested in a subsequent appropriation to enlarge the dining hall, construct a chapel, and make other modifications.

The costs involved in the construction based on the use of inmate labor are broken down as follows:

| | |
|---|---|
| Individual room dormitory for 132 men (16,335 square feet at $18.20) | $297,000 |
| Remodeling of classroom and auditorium space (9,450 square feet at $5.60) | 53,000 |
| Total | 350,000 |

*Repairs and improvements ($1 million)*

Tables A and B on the following pages show the backlogs of repair and improvements and major utilities rehabilitations at institutions. The $1 million requested this year is the same amount as provided in fiscal year 1961 and 1962. This level of funds will enable us to handle only the most essential repairs and improvements.

TABLE A.—*Analysis of repair and improvement backlog, August 1961*

[Dollars in thousands]

| Institution | Total | Heating and ventilating | Electric and refrigeration | Water and sewage | Inmate quarters repairs | Other institutional facilities | Roofs | Sidewalks and roads | Floors | Custodial facilities | Residences |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Alcatraz [1] | | | | | | | | | | | |
| Alderson | $448 | $6 | $25 | $1 | $9 | $395 | | $10 | | $2 | |
| Ashland | 187 | 67 | 60 | 12 | | 27 | $3 | 18 | | | |
| Atlanta | 1,986 | 4 | 50 | 1 | 140 | 1,068 | | 20 | $5 | 698 | |
| Chillicothe | 458 | 35 | 46 | 27 | 3 | 196 | 23 | 55 | | 58 | $15 |
| Danbury | 116 | 2 | | | | 35 | 60 | 10 | 2 | | 7 |
| El Reno | 360 | 14 | 1 | 5 | 45 | 230 | | 6 | | 55 | 4 |
| Englewood | 434 | 40 | 24 | 28 | | 179 | 69 | 37 | 17 | 16 | 24 |
| Florence | 61 | 16 | 2 | | 16 | 20 | | | 2 | | 5 |
| Greenville | 13 | 2 | | | | 10 | | | | | 1 |
| La Tuna | 377 | 7 | 62 | 39 | | 213 | 4 | 29 | | 20 | 3 |
| Leavenworth | 327 | 25 | | 45 | 50 | 138 | 3 | 21 | 32 | | 13 |
| Lewisburg | 527 | 16 | 72 | 27 | 27 | 144 | 21 | 55 | 5 | 153 | 7 |
| Lompoc | 120 | 24 | | 37 | | 28 | | 7 | 6 | 18 | |
| McNeil | 213 | 18 | 1 | 16 | 39 | 105 | | 1 | 22 | 4 | 7 |
| Milan | 192 | 17 | 14 | 95 | | 28 | | 8 | 4 | 26 | |
| National Training School | 147 | 6 | 2 | 16 | 26 | 63 | | 25 | 6 | 3 | |
| Natural Bridge | 12 | | | | | 9 | 3 | | | | |
| Federal Detention Headquarters | 113 | 25 | | 25 | | 13 | 50 | | | | |
| Petersburg | 149 | 2 | 25 | | 19 | 73 | 3 | 19 | | 5 | 3 |
| Sandstone | 223 | 20 | 48 | 19 | | 95 | | 15 | | 14 | 12 |
| Seagoville | 275 | 18 | 43 | 15 | | 39 | 35 | 94 | 5 | 6 | 20 |
| Springfield | 402 | 3 | 3 | 31 | | 319 | | | 36 | 10 | |
| Tallahassee | 205 | 50 | 37 | 3 | | 60 | 2 | 43 | | 10 | |
| Terminal Island | 168 | 14 | | | 28 | 34 | | 9 | | 83 | |
| Terre Haute | 153 | 4 | | | | 83 | | 4 | | 62 | |
| Texarkana | 98 | 17 | 12 | 9 | | 41 | 3 | | | 15 | 1 |
| Tucson | 22 | | | 7 | 7 | 8 | | | | | |
| Total | 7,786 | 452 | 527 | 458 | 409 | 3,653 | 279 | 486 | 142 | 1,258 | 122 |

[1] Does not include Alcatraz repair and improvement projects.

TABLE B.—*Major utilities rehabilitation requirements, September 1961, estimated costs*

| Institution | Total | Primary electric | Secondary electric | Plumbing | Refrigeration | Sewage disposal | Protective lighting | Heating |
|---|---|---|---|---|---|---|---|---|
| Alderson | $75,000 | | | | | $75,000 | | |
| Ashland | 388,000 | $170,000 | $218,000 | | | | | |
| Chillicothe | 1,977,000 | 932,000 | 875,000 | | | | $170,000 | |
| Danbury | 360,000 | 110,000 | 250,000 | | | | | |
| Englewood | 40,000 | 40,000 | | | | | | |
| El Reno | 806,000 | 425,000 | | | $75,000 | | | $306,000 |
| La Tuna | 100,000 | | 100,000 | | | | | |
| Leavenworth | 580,000 | 25,000 | 150,000 | $175,000 | | | | 230,000 |
| Milan | 325,000 | 175,000 | 150,000 | | | | | |
| McNeil | 810,000 | 400,000 | | | | 150,000 | | 260,000 |
| Petersburg | 220,000 | 170,000 | | | | 50,000 | | |
| Springfield | 1,475,000 | 750,000 | 550,000 | | 75,000 | | 100,000 | |
| Terre Haute | 60,000 | | | | | | 60,000 | |
| Total | 7,216,000 | 3,197,000 | 2,293,000 | 175,000 | 150,000 | 275,000 | 330,000 | 796,000 |

Mr. MAGNUSON. This request is for $3,945,000, an increase of $1,895,000.

What is the story on this?

Mr. BENNETT. These are construction items for new facilities to take care of our increasing number of prisoners. We have been trying to plan this expansion of our program logically and each year build a moderate amount of housing so we can keep abreast of the continually increasing population.

REPORT OF COMMITTEE ON NATIONAL PENITENTIARIES

We have a committee in the Senate known as the Subcommittee of the National Penitentiaries who have been around and visited our institutions. They have asked me to submit to them a long-range 5-year program, which I have done and which I would like to introduce in the record.

(The report referred to follows:)

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D.C., January 24, 1962.*

Senator EDWARD V. LONG,
*Chairman, Subcommittee on National Penitentiaries,*
*Senate Judiciary Committee, Washington, D.C.*

DEAR SENATOR: We are pleased to submit to you a report on construction needs of the Bureau of Prisons. This report is in response to your letter of April 21, 1961, and the recommendation made by the National Penitentiaries Subcommittee in the 1960 report. This report, as indicated in the attached letter, has been reviewed by and received the approval of the Director of the Bureau of the Budget. I am pleased to advise the committee that funds for three of the projects, including the replacement of the National Training School, proposed in the plan are included in the fiscal year 1963 budget.

The following schedule is proposed for construction of new institutions.

| Institutions | Appropriation year | Additional capacity | Estimated cost (millions) | Year of occupancy |
|---|---|---|---|---|
| Psychiatric hospital | 1962 | 800 | $15.5 | 1965 |
| Replacement, National Training School | 1963 | | 8.5 | 1965 |
| Midwestern youth (2 phases) | 1963 | 500 | 2.0 | 1967 |
| Western women's | 1964 | 500 | 7.5 | 1966 |
| Chicago detention center | 1964 | | 3.5 | 1966 |
| West coast youth | 1965 | 500 | 2.0 | 1967 |
| Southeastern youth | 1965 | 500 | 2.0 | 1967 |
| Adult correctional | 1966 | 500 | 6.5 | 1968 |
| Eastern Geriatrics and Alcohol Unit | 1966 | 200 | 2.0 | 1967 |
| Total | | 3,500 | 49.5 | |

In addition, an expansion in the capacity of three existing institutions is contemplated.

Any program of this sort would not be complete without mentioning the heavy backlog of repairs and renovation needs in existing institutions. Section B of the attached program outlines the major and most urgent needs which will cost about $13½ million over the 4-year period.

Mr. Bennett will be pleased to discuss details of the program with you or your staff.

Sincerely,

ROBERT F. KENNEDY,
*Attorney General.*

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BUREAU OF THE BUDGET,
*Washington, DC.*

HON. ROBERT F. KENNEDY,
*Attorney General,*
*Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: In our preliminary discussion of the requirements of the Department of Justice for 1963, emphasis was placed on the need to plan for the building requirements of the Bureau of Prisons on a long-range basis. The construction program developed by the Department as a result of that discussion has been received and reviewed by staff of the Bureau of the Budget.

The projection of prison population appears realistic in the light of recent trends and related projections. A continuing population increase of such size poses difficult problems of providing physical facilities for imprisonment. The proposed building program impresses me as a soundly conceived effort to cope with these problems. While action on this program each year will necessarily have to be related to whatever budget policies the President lays down, I believe it should be possible to aim toward achieving the objectives of the plan approximately as scheduled.

As you know, the 1963 budget provides funds for acquisition of site and planning for a new psychiatric institution, planning a replacement of the National Training School for Boys, and construction of a new open youth unit—all important elements of the construction program projected in the plan.

Sincerely yours,

DAVID E. BELL, *Director.*

TABLE I.—*Major utilities rehabilitation requirements for fiscal years 1963 through 1966*

| | |
|---|---|
| Springfield (priority no. 1) : | |
| Underground electric substation | $750, 000 |
| Secondary electric rehabilitation | 550, 000 |
| Protective lighting | 100, 000 |
| Refrigeration rehabilitation | 75, 000 |
| Total utilities rehabilitation | 1, 475, 000 |
| Chillicothe (priority No. 2) : | |
| Underground electric rehabilitation | 932, 000 |
| Material | 552, 000 |
| Labor | 380, 000 |
| Secondary electric rehabilitation | 875, 000 |
| Protective lighting | 170, 000 |
| Total utilities rehabilitation | 1, 977, 000 |
| Milan (priority No. 3) : | |
| Electric gear and distribution system | 175, 000 |
| Secondary electric rehabilitation | 150, 000 |
| Total utilities rehabilitation | 325, 000 |
| McNeil Island (priority No. 4) : | |
| Replace underwater cable | 225, 000 |
| Extend powerhouse, replace 3 boilers | 260, 000 |
| Switchgear in powerhouse | 175, 000 |
| Sewage treatment | 150, 000 |
| Total utilities rehabilitation | 810, 000 |
| El Reno (priority No. 5) : | |
| Underground electric rehabilitation | 425, 000 |
| Material | 250, 000 |
| Labor | 175, 000 |
| Replace 3 boilers | 306, 000 |
| Refrigeration plant | 75, 000 |
| Total utilities rehabilitation | 806, 000 |
| Leavenworth (priority No. 6) : | |
| High-voltage cable | 25, 000 |
| Secondary wiring rehabilitation | 150, 000 |
| Heating system rehabilitation | 200, 000 |
| Temperature control | 30, 000 |
| Plumbing rehabilitation | 100, 000 |
| Elevated water tank | 75, 000 |
| Total utilities rehabilitation | 580, 000 |
| Danbury (priority No. 7) : | |
| Primary electric gear | 60, 000 |
| Secondary electric rehabilitation | 250, 000 |
| Emergency generator | 50, 000 |
| Total utilities rehabilitation | 360, 000 |

TABLE I.—*Major utilities rehabilitation requirements for fiscal years 1963 through 1966*—Continued

| | |
|---|---|
| Ashland (priority No. 8): | |
| Primary underground electric | $170,000 |
| Secondary electric rehabilitation | 218,000 |
| Total utilities rehabilitation | 388,000 |
| Petersburg (priority No. 9): | |
| Protective lighting and underground electric | 170,000 |
| Sewage lines | 50,000 |
| Total utilities rehabilitation | 220,000 |
| Alderson: Sewage plant | 75,000 |
| Terre Haute: Protective lighting | 60,000 |
| Englewood: Move transformers and install underground wiring (phase II) | 40,000 |
| La Tuna: Electric rehabilitation (phase II) | 100,000 |
| Total | 7,216,000 |

TABLE II.—*Powerplant replacement required for fiscal years 1963 through 1966*

| | |
|---|---|
| 1. Springfield | $1,500,000 |
| 2. Milan | 1,200,000 |
| 3. Ashland | 1,200,000 |
| 4. Petersburg | 1,200,000 |
| Total | 5,100,000 |

TABLE III.—*Locking systems rehabilitation*

| | |
|---|---|
| 1. Leavenworth | $480,000 |
| 2. Alanta | 480,000 |
| 3. El Reno | 150,000 |
| Total | 1,110,000 |

CONSTRUCTION, PSYCHIATRIC HOSPITAL

The first item in our priority list is a new hospital for mentally ill persons charged with or convicted of offenses against the United States.

We have included in this appropriation a total of $1,350,000 to complete the planning for that institution. This institution is a badly needed one which will supplement our hospital at Springfield, Mo. The courts are committing these prisoners to us for observation and diagnosis and treatment, and to take care of prisoners of this type, originating on the east coast, we are planning this new psychiatric hospital.

Last year the committee gave us some money to begin planning and this is the money needed to complete the detailed plans for the institution. That is a total of $1,350,000.

Mr. ROONEY. Would you comment on some figures I see in the justification with regard to this? Is it not the maximum for a prison which is to accommodate how many?

Mr. BENNETT. 700.

Mr. ROONEY. Where do you come off to propose an institution for 780 inmates at a cost of $16,735,000, referring to the psychiatric institution, and a national training school for just 400 inmates at a cost of $8.5 million?

Mr. BENNETT. Let me say first of all, Mr. Chairman, there is a difference in time. We are anticipating different wage rates and different costs at these different times.

Secondly, the construction of a hospital is much more expensive than the construction of an institution such as the one at Marion or the one such as at the training school. It will have clinics, surgical facilities, wards, all of which are considerably more expensive than that of an ordinary penal institution where there are no specialized facilities of that kind, or only a very limited number of such facilities.

This psychiatric hospital is being designed under an architectural competition. We have announced there will be an architectural competition for the design of this hospital, and a number of architects have been invited to participate.

The jury will meet early in March and determine who the winning architect will be, one of the few instances where the Government has selected an architect by means of architectural competition.

Mr. ROONEY. Has the site been selected for this project?

Mr. BENNETT. No, sir.

ADVANCE PLANNING, REPLACEMENT FOR NATIONAL TRAINING SCHOOL

Mr. ROONEY. Has the site been selected for the training school?

Mr. BENNETT. No, sir, it has not yet been selected.

Mr. ROONEY. What will occur with regard to the valuable property on Bladensburg Road where the training school for boys is now located?

Mr. BENNETT. It will be returned to the surplus property list of the General Services Administration and it will be their decision as to what will become of it. It is a very valuable piece of property, worth at least $6 million, perhaps $7 million or $8 million. It is the largest piece of real estate owned by the Government now in the confines of the District of Columbia which has not otherwise been allotted for a specific future purpose.

The training school was started by Abraham Lincoln. We have tried to keep it going. It is no place for a school of that kind here in the heart of the city of Washington.

Buildings are antiquated, we have not been able to maintain them, and besides that we want to get these youngsters out of the city traffic and away from the city so that we can give them the degree of freedom which young juvenile delinquents of this kind ought to have. It is a very much needed item.

We have had this before the Congress before. Formerly the idea was that we were looking for authority to sell the property here in Washington and utilize the funds, utilize the amount received for the property, to construct a new training school.

That bill passed the Senate on two occasions but it was not approved by the House, the feeling in the House being that the better thing to do would be to put it through the regular procedures, sell the property, and have the money go into the General Treasury, and then come before this committee for the necessary appropriation. That is the route that Attorney General Kennedy has now directed we follow.

This new training school is at least 4 years away, Mr. Chairman, if we get this initial amount to begin the site selection and the initial planning.

Mr. ROONEY. What is the situation with regard to Alcatraz? Is there any money in this budget in connection with that?

Mr. BENNETT. No, sir, Mr. Chairman, there is no money in this budget for modernizing Alcatraz.

May I be permitted to talk about Alcatraz off the record for a moment?

Mr. ROONEY. Very well.

(Discussion held off the record.)

Mr. ROONEY. We shall at this point insert in the record a statement on Alcatraz submitted by Mr. Bennett and which contains the figures to which reference was made off the record.

(The information referred to follows:)

STATEMENT ON ALCATRAZ BY JAMES V. BENNETT, DIRECTOR, BUREAU OF PRISONS, DEPARTMENT OF JUSTICE

Last year we called to the attention of the Congress certain problems with the physical plant at Alcatraz. As a result, funds were authorized for engineering studies of the situation.

We selected the experienced and highly regarded engineering firm of Keller & Gannon to make the necessary surveys. They, in turn, employed the firm of John Blume & Associates to handle the structural portions. Both firms have the reputation of being among the best in the San Francisco area. The firms were asked to make an on-the-spot investigation to (*a*) determine whether Alcatraz was safe for operation and (*b*) to indicate what steps might be necessary to correct any deficiencies.

The preliminary reports found in essence that—

(1) The structural supports of the cell blocks are deteriorating;

(2) The present towers and catwalks are in very bad condition and cannot be repaired;

(3) A portion of the powerhouse needs substantial repairs;

(4) The electrical system is subject to a major failure at any time and will continually harass operations with minor failures.

Subsequent to these findings, I asked my architectural and engineering staff to prepare rough estimates of other costs which would be incurred in putting Alcatraz into acceptable condition. The results, which are summarized in attachment A, show that we will have to expend in excess of $4 million over the next 5 years to complete necessary work.

The magnitude of the amount has caused us to reevaluate, with great care, the role which Alcatraz plays in our prison system. We continue to believe that we need an institution of this kind for the escape artists, the hostile, aggressive inmates who cannot or will not adjust in other institutions, and for big-time racketeers, gangsters, and hoodlums. We believe also that a maximum security institution of this kind, having a strict regime with minimum privileges, is a crime deterrent of importance.

We do not, however, believe that it would be an economically sound policy for the Federal Government to invest over $4 million in repairing Alcatraz because—

(1) The annual costs of operating Alcatraz are at least $300,000 higher than they would be in another location;

(2) The limited space available on the island severely curtails our ability to provide necessary additions or changes in facilities;

(3) The same facilities now at Alcatraz can be replaced in another location at a cost in the long run no higher than repairing Alcatraz and keeping the institution in repair and sound operating condition.

On the basis of these conclusions I have recommended to the Attorney General a program under which we will—

(1) make such emergency repairs as are necessary to continue Alcatraz in operation for the time being;

(2) Early in 1964, when the new institution at Marion should be in full operation, study the advisability of transferring some of the types of prisoners now at Alcatraz to Marion;

(3) Study the feasibility of redeploying categories of inmates who cannot be transferred to Marion to existing maximum custody institutions even though this may involve increasing some of our personnel complement and making other changes in our designation and commitment policies;

(4) Submit for the consideration of the Budget Bureau and the Congress an amount necessary to construct an institution to serve the same purposes as Alcatraz.

We have prepared an emergency program under which Alcatraz could be immediately evacuated if circumstances should require.

Although the fiscal year 1963 budget does not include any funds relative to this program, I thought it important to apprise the committee of these developments. We have greatly appreciated your chairman's cooperation and interest in visiting Alcatraz and making a personal inspection of the situation. We shall be pleased to make available to the committee any other information it should require pertinent to our proposed program.

ATTACHMENT A

*Alcatraz rehabilitation estimated repair and construction costs*

| | Based on preliminary engineering estimate | Bureau estimated |
|---|---|---|
| Electrical rehabilitation | $846,500 | |
| Cellblock structural repairs | 285,514 | |
| Tower replacements | 122,100 | |
| Fresh water flushing system | 80,300 | |
| Water supply system | | $200,000 |
| Sewage disposal | | 450,000 |
| Staff housing | | 960,000 |
| Improvement of docks | | 55,000 |
| Repairs to building walls | | 170,000 |
| Fencing | | 48,000 |
| Administrative offices | | 16,000 |
| Kitchen elevator | | 15,000 |
| Ventilation system | | 40,000 |
| Steel window guards (2d floor) | | 20,000 |
| Window replacements | | 77,000 |
| Chapel and offices in A cell block area | | 27,000 |
| Repaving parade grounds | | 35,000 |
| Wall repairs | | 50,000 |
| Steam returns | | 60,000 |
| Plumbing repairs | | 100,000 |
| Receiving shed | | 25,000 |
| Incinerator | | 15,000 |
| Boilers and pumps | | 250,000 |
| Miscellaneous repairs | | 100,000 |
| Subtotal | 1,334,414 | 2,713,000 |
| 5-percent contingency | | 135,000 |
| Total | 1,334,414 | 2,848,000 |
| Combined total | 4,182,414 | |
| (2-percent cost increases and 1½-percent supervision) | 4,328,798 | |

NOTE.—This schedule includes those items which will have to be accomplished within 5 years to maintain Alcatraz in operation. Figures in the "Bureau" column are estimated on the basis of the best availab nformation.

Mr. ROONEY. Mr. Magnuson?

Mr. MAGNUSON. If you are going to seek to replace Alcatraz, when do you propose to come in for that money?

Mr. BENNETT. Not this year, but the following year.

Mr. MAGNUSON. What would be the proposed cost of the psychiatric hospital?

Mr. BENNETT. $16,735,000.

Mr. MAGNUSON. That is all.

## SUPPORT OF U.S. PRISONERS

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| 11 | Personnel compensation: Positions other than permanent | 35 | 35 | 35 |
| 12 | Personnel benefits | 3 | 3 | 3 |
| 25 | Other services | 3,614 | 3,148 | 3,748 |
| 26 | Supplies and materials | 3 | 3 | 3 |
| 41 | Grants, subsidies, and contributions | 11 | 11 | 11 |
| | Total costs—obligations | 3,666 | 3,200 | 3,800 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Average number of all employees | 2 | 2 | 2 |
| Number of employees at end of year | 0 | 0 | 0 |

Mr. ROONEY. The last item is "Support of U.S. prisoners." It appears at page 137 of the committee print. The details are to be found under tab 30 in the justification book.

We shall insert at this point in the record pages 30–1 and 30–2 of the justifications.

(The pages referred to follow:)

*Support of U.S. prisoners, Federal prison system*

| | |
|---|---|
| Appropriation, 1962 | $3,200,000 |
| Estimate, 1963 | 3,800,000 |
| Increase 1963 over 1962 | 600,000 |

*IV—Justification support of U.S. prisoners, 1963*

An appropriation of $3,800,000 is requested to cover the costs of confining prisoners in State and local institutions. This is the same amount as in 1962 taking into consideration the supplemental forecast for that year.

There are presently 725 contracts or letters of authority in effect with non-Federal institutions. This includes 61 contracts (nearly one-third of the total) that were executed at increased rates during fiscal year 1961. The effect of prior year increases was shown by an average daily cost increase of 20 cents to a total of $3.06. Inmate-days are estimated at 1,238,000 a slight increase from the 1,197,412 of 1961, and annualization of increases now in effect is expected to increase the per capita daily rate to $3.07.

Mr. ROONEY. The request is in the amount of $3.8 million, an increase of $600,000 over the amount appropriated to date in the current fiscal year.

What were the obligations for the first 6 months of 1962?

Mr. BROWN. $1,872,647.

Mr. ROONEY. What were they for 1961?

Mr. BROWN. $1,643,940. That is about a 10.6 percent increase.

Mr. ROONEY. If the money is not used for the purpose of support of the U.S. prisoners it would lapse into the Treasury, would it?

Mr. BENNETT. That is correct, sir.

Mr. ROONEY. What did you have last year, a lapse of $39,000?

Mr. BROWN. $39,000.

Mr. ROONEY. Of course, the purpose of this is to pay for the care of Federal prisoners in State, county, and local institutions principally while we are awaiting trial, or awaiting trial and sentence; is that correct?

Mr. BENNETT. Yes, serving short sentences of usually 60 days or less.

Mr. ROONEY. How are the hotel rates this year?

Mr. BENNETT. They are going up.

Mr. ROONEY. What is the highest this year?

Mr. BENNETT. $15.80, the same as last year.

Mr. ROONEY. That is for the ladies?

Mr. BENNETT. Los Angeles is for juveniles. We have not used it, however.

## LANGUAGE CHANGES

Mr. ROONEY. With regard to language we covered the item concerning water rights at page 128. I note you are seeking some additional automobiles, 6 new automobiles in addition to the replacement of the 20. Is that correct?

Mr. BENNETT. That is to take care of the new camp.

Mr. ROONEY. I believe that is already in the record.

## FEDERAL PRISON INDUSTRIES, INCORPORATED

*Object classification*

[In thousands of dollars]

| | | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|---|
| | GENERAL ADMINISTRATION | | | |
| 11 | Personnel compensation: | | | |
| | Permanent positions | 373 | 413 | 443 |
| | Positions other than permanent | 2 | 4 | 4 |
| | Other personnel compensation | 1 | 2 | 2 |
| | Add excess of annual leave earned over leave taken | 3 | 1 | 1 |
| | Total personnel compensation | 379 | 420 | 450 |
| 12 | Personnel benefits | 28 | 33 | 33 |
| 21 | Travel and transportation of persons | 26 | 29 | 39 |
| 22 | Transportation of things | 3 | 3 | 3 |
| 23 | Rent, communications, and utilities | 29 | 29 | 29 |
| 24 | Printing and reproduction | 5 | 5 | 5 |
| 25 | Other services | 21 | 21 | 21 |
| 26 | Supplies and materials | 4 | 4 | 4 |
| | Total, general administration | 495 | 544 | 584 |
| | VOCATIONAL TRAINING | | | |
| 11 | Personnel compensation: | | | |
| | Permanent positions | 666 | 788 | 865 |
| | Positions other than permanent | 51 | 41 | 42 |
| | Other personnel compensation | 20 | 14 | 14 |
| | Add excess of annual leave earned over leave taken | 10 | 5 | 5 |
| | Total personnel compensation | 747 | 848 | 926 |
| 12 | Personnel benefits | 53 | 63 | 69 |
| 21 | Travel and transportation of persons | 21 | 18 | 25 |
| 22 | Transportation of things | 1 | 1 | 1 |
| 23 | Rent, communications, and utilities | 7 | 6 | 6 |
| 24 | Printing and reproduction | 36 | 32 | 32 |
| 25 | Other services | 6 | 3 | 3 |
| 26 | Supplies and materials | 85 | 67 | 85 |
| | Total, vocational training | 956 | 1,038 | 1,147 |
| | Total accrued expenses—costs | 1,451 | 1,582 | 1,731 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| GENERAL ADMINISTRATION | | | |
| Total number of permanent positions | 56 | 56 | 56 |
| Average number of all employees | 52 | 54 | 56 |
| Number of employees at end of year | 55 | 57 | 59 |
| Average GS grade | 8.9 | 9.2 | 9.3 |
| Average GS salary | $7,533 | $7,782 | $7,913 |
| VOCATIONAL TRAINING | | | |
| Total number of permanent positions | 117 | 117 | 123 |
| Full-time equivalent of other positions | 8 | 6 | 6 |
| Average number of all employees | 105 | 122 | 130 |
| Number of employees at end of year | 102 | 117 | 125 |
| Average GS grade | 9.2 | 9.2 | 9.2 |
| Average GS salary | $6,796 | $6,852 | $7,032 |

*Personnel compensation not chargeable to limitation accounts*

[In thousands of dollars]

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| 11 Personnel compensation: | | | |
| Permanent positions | 3,056 | 3,500 | 3,534 |
| Positions other than permanent | 9 | 30 | 29 |
| Other personnel compensation | 447 | 388 | 384 |
| Add excess of annual leave earned over leave taken | 34 | 25 | 26 |
| Total personnel compensation | 3,546 | 3,943 | 3,973 |

*Personnel summary*

| | 1961 actual | 1962 estimate | 1963 estimate |
|---|---|---|---|
| Total number of permanent positions | 471 | 468 | 466 |
| Full-time equivalent of other positions | 2 | 4 | 4 |
| Average number of all employees | 428 | 471 | 469 |
| Number of employees at end of year | 434 | 473 | 473 |
| Average GS grade | 9.3 | 9.4 | 9.6 |
| Average GS salary | $7,773 | $7,873 | $7,983 |
| Average salary of ungraded positions | $7,016 | $7,444 | $7,412 |

Mr. ROONEY. Federal Prison Industries is next, an item which is to be found beginning at page 142 of the committee print. Details are to be found under tab 31 in the justification book.

We shall insert at this point in the record pages 31–1 through 31–11 of the justifications.

(The pages referred to follow:)

*Summary analysis of estimates—Federal Prison Industries, Inc., administrative and vocational expense fund*

[In thousands of dollars]

| | Administrative expense | Vocational expense | Total |
|---|---|---|---|
| Regular limitation, 1962 | 544 | 1,038 | 1,582 |
| Estimate for 1963 | 584 | 1,147 | 1,731 |
| Increase over 1962 limitation | 40 | 109 | 149 |

*Language changes*

Addition: "including purchase of not to exceed 10 and hire of passenger motor vehicles," The corporation has never owned a passenger motor vehicle. However, due to the fact that public transportation is not generally available or adequate at some of our locations, we feel that it will be more economical, at certain locations, for the corporation to own its own passenger motor vehicle. These vehicles will be used on official business by Superintendents of Industries, business managers, and employment and placement officers at field locations for travel to and from official conferences with officials of other Government agencies, and arranging with prospective employers the employment of industrial inmates when they are released or paroled. Justifications have been received for the purchase of passenger motor vehicles after July 1, 1962, from the following locations: Chillicothe, Danbury, El Reno, La Tuna, Leavenworth, Lompoc, McNeil Island, Sandstone, Seagoville, and Tallahassee. There is, of course, a possibility that the purchase of a passenger motor vehicle at one or more of these locations might not be approved by the Washington office. However, there is a very good possibility that one or more of our other locations will have a more convincing justification for the purchase of a passenger motor vehicle, in which case that location would have preference over one of the locations listed above.

*General justification*

Federal Prison Industries, Inc., operates under sections 4121–4128, title 18, U.S.C. The functions of the corporation are (1) to establish and operate industries in the U.S. penal institutions for the production of articles and commodities for consumption in the institutions and for sale to the departments and independent establishments of the Government; and (2) to provide such forms of employment and vocational training as will give the inmates of all Federal penal and correctional institutions a maximum opportunity to acquire knowledge and skill in trades and occupations which will provide them with a means of livelihood upon release. It is also authorized to establish industries and vocational programs in the military disciplinary barracks (18 U.S.C. 4122(d)). We have operated a clothing factory at the U.S. Disciplinary Barracks at Fort Leavenworth, Kans., since 1956.

In 1963 the corporation expects to operate 55 shops located at 24 Federal penal and correctional institutions throughout the United States.

Sales of the products and services are restricted to Federal penal and correctional institutions and to other Government departments, agencies, and independent establishments. Sales for the fiscal year 1963 are estimated at $35 million with estimated net earnings of $4,706,000.

The corporation has sufficient funds to carry out its program set forth in the budget, since its earnings from industrial operations pay all expenses and leave a balance for the payment of dividends. The corporation has paid to the Treasury, from its earnings, $43 million during the period January 1, 1935, to June 30, 1961. It is estimated that $51 million will have been paid in dividends by June 30, 1963.

ADMINISTRATIVE EXPENSE FUND

*Detail justification*

The central office, located in the District of Columbia, is responsible for planning, production, procurement, and personnel for all industrial activities. It is also responsible for research work in industrial lines and product design in connection with the installation of new industries, and the operation and conversion of existing industries. The central office prepares consolidated financial statements, conducts field audits and special examinations, purchases a substantial part of the raw materials used in the factories, supervises and audits purchase and sales contracts and specifications; prepares and keeps up to date the schedule of products manufactured and determines selling prices. It contacts other Government agencies with reference to the use of its products and all orders from other Government agencies are received and controlled by the central office.

The administrative expense limitation for 1962 was approved for $544,000. The estimate for 1963 is $584,000. This increase of $40,000 covers $14,000 for two authorized engineering and planning positions that were lapsed in 1962, $16,000 to maintain the 1962 employment level plus upgradings for the six industries agents, and $10,000 for travel expense as a result of Public Law 87–139.

The $584,000 requested for 1963 is only 1.67 percent of estimated sales of $35 million.

83356—62——43

*Itemization of limitation request—Department of Justice-Federal Prison Industries, Inc., limitation title: 15X4500, Prison Industries Fund, Department of Justice, Administrative Expense*

[In thousands]

| By accounts | 1962 estimate | 1963 estimate | Increase (+) or decrease (−) |
|---|---|---|---|
| 11 Personnel compensation | $420 | $450 | $+30 |
| 12 Personnel benefits | 33 | 33 | 0 |
| 21 Travel and transportation of persons | 29 | 39 | +10 |
| 22 Transportation of things | 3 | 3 | 0 |
| 23 Rent, communications, and utilities | 29 | 29 | 0 |
| 24 Printing and reproduction | 5 | 5 | 0 |
| 25 Other services | 21 | 21 | 0 |
| 26 Supplies and materials | 4 | 4 | 0 |
| Total administrative expense | 544 | 584 | +40 |

VOCATIONAL TRAINING EXPENSE LIMITATION

*Detail justification*

The corporation is authorized to use its funds to provide vocational training of inmates without regard to their industiral or other assignments (18 U.S.C. 4122(c), 4126).

The vocational training expense limitation was approved for $1,038,000 for 1962. The estimate for 1963 is $1,147,000. This increase of $109,000 is composed of $57,000 for eight positions explained below: part-time instructors, $1,000; to maintain the 1962 level of employment, $20,000; personnel benefits required for eight new postions, $6,000; increased travel expense due to Public Law 87–139, $7,000; and the remaining $18,000 for books and other educational supplies and materials.

There follows justification for the eight new vocational instructor positions for $57,000 mentioned above:

(1) Two vocational agriculture instructors, one each at Atlanta and Lewisburg Farm Camps. Incumbents will coordinate and teach vocational agriculture courses to farm inmates and also organize and supervise all educational activities carried on at the camps, including general education, correspondence study, and recreation.

(2) Three related trades instructors, one each at McNeil Island, El Reno, and National Training School. Each instructor will provide classroom instruction in various shop-related subject areas to an average of 75 assigned vocational trainees. In addition, each will assist shop foremen-instructors in planning their instruction and in improving their teaching techniques.

(3) Three trade instructors, one each at Chillicothe, Ashland, and Lompoc. Each instructor will conduct full-time trade training in his assigned trade for an average of 15 inmate trainees. He will provide on-the-job training in work skills, instruction in trade science, and classroom instruction in all subjects related to the trade being taught.

FEDERAL PRISON INDUSTRIES, INC.

*Vocational training expense*

[In thousands of dollars]

| By accounts | 1962 estimate | 1963 estimate | Increase (+) or decrease (−) |
|---|---|---|---|
| 11 Personnel compensation | 848 | 926 | +78 |
| 12 Personnel benefits | 63 | 69 | +6 |
| 21 Travel and transportation of persons | 18 | 25 | +7 |
| 22 Transportation of things | 1 | 1 | 0 |
| 23 Rent, communications, and utilities | 6 | 6 | 0 |
| 24 Printing and reproduction | 32 | 32 | 0 |
| 25 Other services | 3 | 3 | 0 |
| 26 Supplies and materials | 67 | 85 | 18 |
| Total vocational training expense | 1,038 | 1,147 | 109 |

*Personal services*

The estimated average employment of permanent personnel for 1963 is distributed as follows:

| Locations | Number of positions | Locations | Number of positions |
|---|---|---|---|
| Washington, D.C. | 5 | Milan, Mich. | 2 |
| Alderson, W. Va. | 5 | Montgomery, Ala. | 1 |
| Ashland, Ky. | 6 | National Training School | 6 |
| Atlanta, Ga. | 9 | Petersburg, Va. | 6 |
| Chillicothe, Ohio | 12 | Sandstone, Minn. | 2 |
| Danbury, Conn. | 3 | Seagoville, Tex. | 2 |
| El Reno, Okla. | 11 | Springfield, Mo. | 5 |
| Englewood, Colo. | 8 | Tallahassee, Fla. | 2 |
| Greenlee, Va. | 1 | Terminal Island, Calif. | 3 |
| Greenville, S.C. | 1 | Terre Haute, Ind. | 4 |
| La Tuna, Tex. | 2 | Texarkana, Tex. | 2 |
| Leavenworth, Kans. | 5 | Tucson, Ariz. | 1 |
| Lewisburg, Pa. | 5 | | |
| Lompoc, Calif. | 8 | Total | 123 |
| McNeil Island, Wash. | 6 | | |

The total average estimated employment of 130 for 1963 includes the equivalent of 7 full-time employees to cover the part-time instructors.

GENERAL ACCOUNTING OFFICE AUDIT RECOMMENDATIONS

The General Accounting Office has made commercial type audits of our records each fiscal year since 1945 pursuant to Corporation Control Act (31 U.S.C. 841) without any exceptions that have not been resolved. The audit report for fiscal year 1960 (H.Doc. 80, 87th Cong., 1st sess.) did not contain any recommendations to the Congress. The General Accounting Office report states in part that:

"The General Accounting Office has made an audit of Federal Prison Industries, Inc., for the fiscal year ended June 30, 1960, pursuant to the Government Corporation Control Act (31 U.S.C. 841). The scope of the audit work performed is described on page 13 of this report. Our audit disclosed no deficiencies or irregularities requiring special comment.

"Federal Prison Industries, Inc., is a wholly owned Government corporation created by the act of June 23, 1934 (48 Stat. 1211; 18 U.S.C. 4121), and is operated as a funtion within the Department of Justice under the general direction and supervision of the Attorney General. The corporation conducts industrial operations in the Federal penal and correctional institutions for the purpose of providing employment for physically fit inmates. These operations are designed to give the inmates an opportunity to acquire knowledge and skill in trades and occupations that will enable them to earn a livelihood upon release. This opportunity is also extended to inmates in the military disciplinary barracks at Fort Leavenworth, Kans. The goods, articles, and services of the various factories and shops are sold to other Government agencies at prices not in excess of the current market price for similar products and services.

"The corporation also conducts a vocational training program for qualified inmates in connection with the institutional and industrial activities. A placement service is operated to assist inmates in obtaining employment upon release."

The corporation has carefully considered and reviewed with officials of the General Accounting Office their recommendations for improvement of procedures and practices. Those items having application have been adopted and those items which the corporation feels have no application, insofar as our operations are concerned, have been resolved with the General Accounting Office.

Mr. ROONEY. These pages indicate that the request is for an authorization of $584,000 for administrative expenses and $1,147,000 for vocational expenses. This would be an increase of $40,000 over the present fiscal year in administrative expenses and $109,000 over the amount appropriated in the current fiscal year for vocational expenses.

What have you to say about this, Mr. Bennett?

Mr. BENNETT. This is the authorization for administrative expenses, vocational training expenses, and so on, to be paid from the earnings

of the Federal Prison Industries Corporation, which is the organization which operates industries which manufacture things for use of other Government departments.

We have had a highly successful year this past year with gross earnings of about $6,300,000 against total sales of nearly $35 million. We have paid into the Treasury already a dividend of $4 million, and it may be there will be an additional dividend paid.

Mr. ROONEY. That is for 1961?

Mr. BENNETT. This present year; yes, sir.

Mr. ROONEY. Was the $4 million to which you referred in the current year or last year?

Mr. BENNETT. In the current year.

Mr. ROONEY. How much did you turn into the Treasury in fiscal 1961?

Mr. BENNETT. The President requested that we use any funds available to accelerate the purchase of raw materials during the hard times, so we used that fund to purchase those materials. The administrative expense limitation here for 1962 is $544,000, and the estimate for 1963 is $584,000. This extra $40,000 will allow us to maintain our 1962 employment level and cover increases in routine administrative costs, such as travel expenses, and so on. We also requested authorization to raise the vocational training expense limitation by $109,000. This additional money will enable us to hire a few more vocational instructors and purchase some additional training materials so we can continue to intensify our vocational training for these younger prisoners.

May I say we have some 8,000 juveniles and youth offenders in our institutions, and one of the greatest needs they have is for vocational training and the learning of some skills.

It is from the earnings of this corporation that the Congress has authorized us to employ the help. The basic authorization requires that we obtain the approval of this committee before we can spend any of the earnings of the corporation, and that is the reason I make this request—the increased number of young offenders we are receiving in our institutions.

### INCREASE IN ENGINEERING AND PLANNING POSITIONS

Mr. ROONEY. At page 31–4 of your justifications, with regard to the $40,000 requested increase in the administrative expense fund, you state:

> The increase of $40,000 covers $14,000 for two authorized engineering and planning positions which were lapsed in 1962, $16,000 to maintain the 1962 employment level, plus upgradings for six Industries agents, and travel expenses.

This committee never has cut any of the requested funds for engineering and planning positions; is that right?

Mr. BENNETT. That is right. We have been unable to recruit them up to this point.

Mr. ROONEY. If you were given the money for these people last year, and if you did not spend the money, why would you have to lapse these figures? You have a cumulative approach to all these things. Just because the money is appropriated, if it is not used you cannot see turning it back.

Mr. BENNETT. It stays in the account.

Mr. ROONEY. We gave you the money for these two engineering and planning positions last year. You did not fill them. Now you come along and you want money for them.

Mr. WILKINSON. Mr. Chairman, we are requesting permission to expend this money. It was not appropriated, sir.

Mr. ROONEY. Certainly it was appropriated. It was authorized.

Mr. WILKINSON. It was authorized for expenditure, yes, sir, but it remains in the till, so to speak, and it will become part of the dividend and our working capital. We have an approximate $4 million working capital and that remains part of that.

Mr. ROONEY. Then you do not need an increase in the authorization. You already had the authorization last year for these two positions. Is that right?

Mr. WILKINSON. Yes, sir.

Mr. ROONEY. Why do you need this money on top of that?

Mr. WILKINSON. We would need to continue it from year to year. As I understand it, we must have that continued authorization.

Mr. ROONEY. I do not think you do at all. The authorization is now up to——

Mr. WILKINSON. Do we not need to have an approval and continuation of that authorization year by year?

Mr. ROONEY. The authorization now is up to $544,000, which includes the two employees you want to obtain. Is that right?

Mr. WILKINSON. I assume it is, sir.

Mr. ROONEY. You withdraw?

Mr. SMITH. This is perhaps erroneously stated. I think what should have been stated is $30,000 to maintain the employment level. That is what it amounts to. I do not know why the $14,000 was separately stated.

Mr. ROONEY. It is $16,000 to maintain the employment level and upgrading, and $10,000 for travel expenses as the result of Public Law 87–159.

Mr. SMITH. What I am saying is that I believe it should have been $30,000 for the 1962 employment level.

Mr. ROONEY. How could it be $30,000? Your own figures say $26,000. It is $16,000 for the employment level.

Mr. SMITH. I think the two figures should be added, the $16,000 and the $14,000. I think those positions were lapsed because of lack of funds. I will have to check on that to be sure but it appears to me that is the situation.

Mr. BENNETT. Let Mr. Smith write a note and explain it, Mr. Chairman.

Mr. ROONEY. That is it, then, gentlemen.

Mr. BENNETT. Thank you, Mr. Chairman.

FRIDAY, MARCH 30, 1962.

## STATEMENT BY AMERICAN LEGION REGARDING FEDERAL BUREAU OF INVESTIGATION

Mr. ROONEY. We shall at this point in the record insert a letter under date of January 11, 1962, to which is attached a resolution of the American Legion with regard to the appropriation request for the Federal Bureau of Investigation.

We are pleased to learn that once again they are not opposed to the appropriations requested for that highly important Bureau.

(The letter and attachment follow:)

THE AMERICAN LEGION,
*Washington D.C., January 11, 1962.*

Hon. JOHN J. ROONEY,
*Chiraman, Subcommittee on State, Justice, and Judiciary, House Appropriations Committee, The Capitol, Washington D.C.*

DEAR CONGRESSMAN ROONEY: I am writing to you in connection with hearings to be held by your subcommittee, during which consideration will be given to the budget request for the Federal Bureau of Investigation.

As you know, the American Legion has always supported adequate funds for this Bureau, the most recent resolution being Resolution No. 132, adopted at the 1960 national convention, a copy of which is enclosed.

We are not asking for the privilege of a personal appearance but we sincerely ask you and the members of your subcommittee to give this matter favorable consideration. In addition, we respectfully request that you incorporate this letter and the resolution in the record of the hearings.

Thanking you for any consideration you may give to this request, I am,

Sincerely yours,

MILES D. KENNEDY, *Director.*

1960 NATIONAL CONVENTION OF THE AMERICAN LEGION HELD IN MIAMI BEACH, FLA., OCTOBER 17–20, 1960

Resolution No. 132.
Committee: Americanism Commission.
Subject: Organize support to combat communism.

Whereas it is self-evident that the world conspiracy of communism has as its main objective the subjugation of all free governments everywhere, and endeavors to accomplish this through subversion, treaty breaking, and the creation of chaotic conditions; and

Whereas as wartime veterans we are determined that our freedom, gained at such great cost, shall be maintained so that not only we but all other nations may not succumb to communism: Now, therefore, be it

*Resolved by the American Legion in national convention assembled in Miami Beach, Fla., October 17–20, 1960,* That as evidence of our unity of national purpose we pledge our unqualified support to the national administration in its efforts to deal with communism in whatever manner it may deem necessary; and be it further

*Resolved,* That proper support and funds be provided to the Senate Internal Security Subcommittee, the House Un-American Activities Committee and the Federal Bureau of Investigation, to successfully wage this fight.

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