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DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1965

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HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS
SECOND SESSION

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
JOHN M. SLACK, Jr., West Virginia
NEAL SMITH, Iowa

FRANK T. BOW, Ohio
GLENARD P. LIPSCOMB, California
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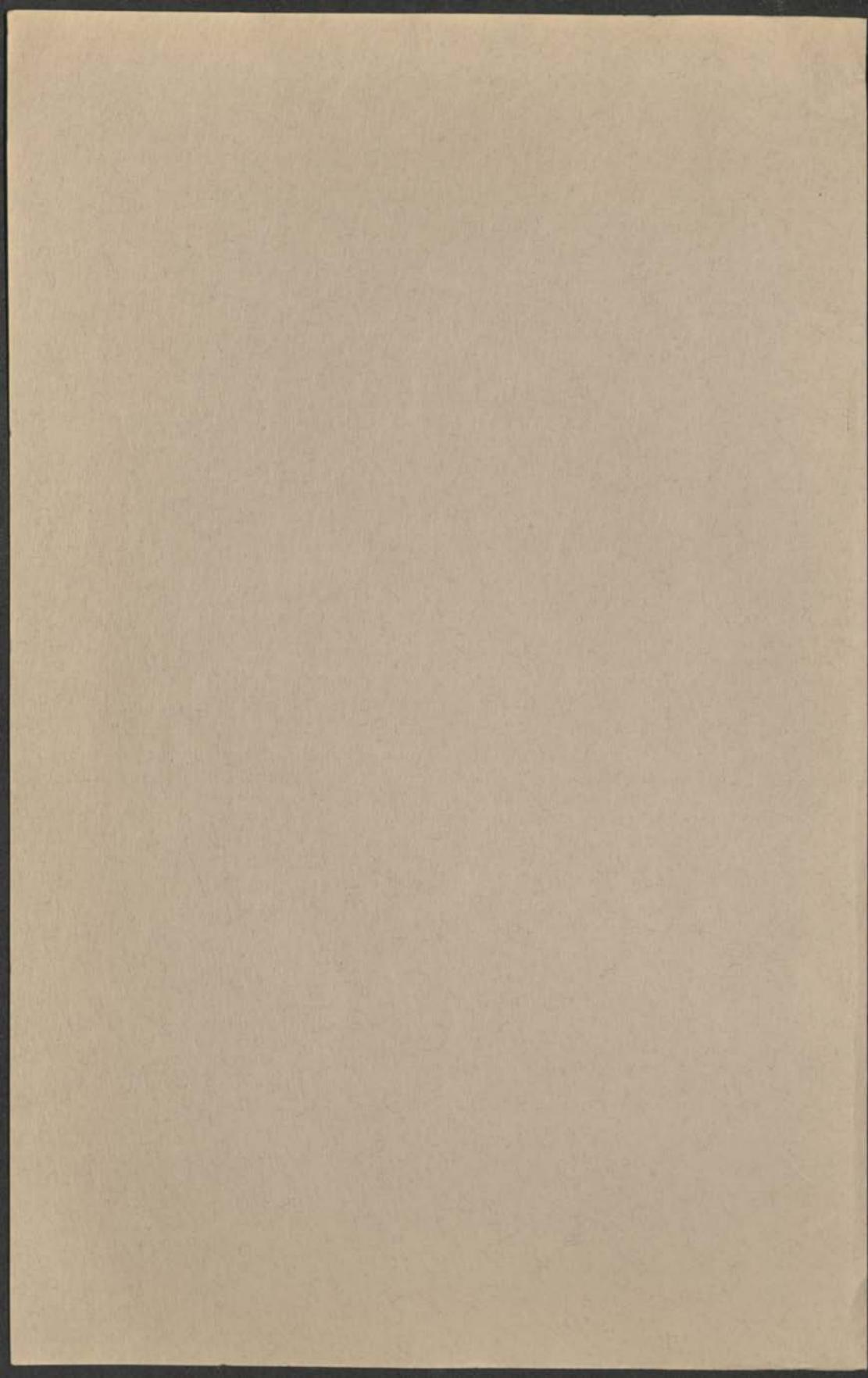
JAY B. HOWE, *Staff Assistant to the Subcommittee*

THE JUDICIARY

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WASHINGTON : 1964

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(II)

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE,
THE JUDICIARY, AND RELATED AGENCIES APPRO-
PRIATIONS, 1965

WEDNESDAY, JANUARY 15, 1964.

THE JUDICIARY

Mr. ROONEY. The committee will please now come to order. We shall, this morning, commence consideration of the request for appropriations in the coming fiscal year, to wit, the 1965 fiscal year for the Departments of State, Justice, Commerce, the Federal judiciary, and related agencies.

The first of these items to which we shall direct our attention this morning is for the judiciary.

INCREASES REQUESTED

The total requests for the Federal judiciary for fiscal year 1965 are in the amount \$70,452,700.

This is an increase of \$4,524,800 over the total appropriations in the current fiscal year.

SUMMARY OF APPROPRIATION REQUESTS

We shall at this point insert in the record pages I, II, and III of the justifications.

(The pages referred to follow:)

Comparative summary of appropriations and appropriation estimates

Court or service	1964 appropriated	1965 estimate	Increase (+) or de- crease (-) 1965 compared with 1964
Annual appropriations (general account):			
Supreme Court.....	\$2,201,400	\$2,185,700	-\$15,700
Court of Customs and Patent Appeals.....	388,000	403,000	+15,000
Customs Court.....	989,000	1,043,500	+54,500
Court of Claims.....	1,109,500	1,186,000	+76,500
Courts of appeals, district courts, and other judicial services.....	53,440,000	56,764,500	+3,324,500
Total annual appropriations (general account).....	58,127,900	61,582,700	+3,454,800
Appropriations (special account).....	7,800,000	8,870,000	+1,070,000
Grand total.....	65,927,900	70,452,700	+4,524,800

Summary of positions

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	5,684	5,713	5,833
Full-time equivalent of other positions.....	299	226	275
Average number of all employees.....	5,980	5,812	5,976
Employees in permanent positions, end of year.....	5,516	5,887	5,712
Employees in other positions, end of year.....	344	356	400

Comparative summary of obligations by object

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Personal services and benefits:			
11 Personnel compensation:			
Permanent positions.....	45,468	48,919	52,035
Positions other than permanent.....	4,825	4,967	5,151
Other personnel compensation.....	353	660	514
Total, personnel compensation.....	50,647	54,544	57,700
12 Personnel benefits.....	3,007	3,291	3,498
13 Benefits for former personnel.....	25	25	25
Total, personnel services and benefits.....	53,680	57,860	61,222
Contractual services and supplies:			
21 Travel and transportation of persons.....	3,563	3,733	3,779
22 Transportation of things.....	37	55	57
23 Rent, communications, and utilities.....	1,298	1,490	1,611
24 Printing and reproduction.....	639	620	724
25 Other services.....	367	478	605
26 Supplies and materials.....	534	477	582
Total, contractual services and supplies.....	6,437	6,852	7,358
Acquisition of capital assets:			
31 Equipment.....	1,646	1,216	1,873
Total obligations.....	61,763	65,928	70,453

ADDITIONAL POSITIONS REQUESTED

Mr. ROONEY. Page II indicates that in the total request for the Federal judiciary there are 5,833 permanent positions requested, which would be an increase of 120 permanent positions over the number authorized in the current fiscal year.

The judiciary is also requesting an additional 49 full-time equivalent of other positions over the number they have in the current fiscal year.

COURT OF CUSTOMS AND PATENT APPEALS

WITNESSES

HON. EUGENE WORLEY, CHIEF JUDGE

I. JACK MARTIN, ASSOCIATE JUDGE

GEORGE E. HUTCHINSON, MARSHAL

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Permanent positions.....	312	330	343
Positions other than permanent.....	4	10	10
Other personnel compensation.....		2	11
Total personnel compensation.....	316	341	354
12 Personnel benefits.....	18	19	20
21 Travel and transportation of persons.....		1	1
23 Rent, communications, and utilities.....	3	3	3
24 Printing and reproduction.....	17	17	18
25 Other services.....	1	1	1
26 Supplies and materials.....	2	2	2
31 Equipment.....	4	4	4
Total obligations.....	361	388	403

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	28	29	30
Full-time equivalent of other positions.....	1	1	1
Average number of all employees.....	28	29	30
Employees in permanent positions, end of year.....	28	29	30
Employees in other positions, end of year.....	1	0	0

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Salaries and expenses (obligations).....	361	388	403
Financing: Unobligated balance lapsing.....	9		
New obligational authority (appropriation).....	370	388	403

Mr. ROONEY. While it is customary to commence consideration of the requests for the Federal judiciary with the item entitled "Supreme Court of the United States," we understand that that Court is in session this morning. Accordingly, we have an understanding that we shall hear their requests this afternoon. Therefore, we shall at this time proceed to consider the request for the Court of Customs and Patent Appeals which appears beginning at page 36 of the justifications, which page we shall insert at this point in the record, together with pages 37 through 44.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Court of Customs and Patent Appeals: Judiciary
 1964 appropriation in annual act..... \$388,000
 Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or de- crease (-)	
	1964 appro- priated	1965 estimate		
Salaries and expenses.....	\$388,000	\$403,000	+\$15,000	+15,000
Total estimate for 1965.....				403,000

Analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or de- crease (-)
11* Personnel compensation.....	\$341,000	\$353,700	\$12,700
12* Personnel benefits.....	18,600	19,500	900
21* Travel and transportation of persons.....	1,000	1,000	-----
23* Rent, communications, and utilities.....	3,000	3,000	-----
24 Printing and reproduction.....	17,000	18,500	1,500
25 Other services.....	1,000	1,000	-----
26 Supplies and materials.....	2,000	2,000	-----
31 Equipment.....	4,400	4,300	-100
Total obligations.....	388,000	403,000	15,000

Summary of increased requirements for 1965

Nature of expense (or savings):

Deductions:

Nonrecurring cost of equipment for additional secretary au- thorized for the court for 1964.....	<i>Amount</i>
Funds for an extra compensable day in 1964 not required in 1965.....	-\$400
	-750

Additions:

1. Additional clerical position for the clerk's office.....	5,350
2. Pay costs under the Federal Salary Reform Act of 1962 (increases scheduled to take effect on Jan. 6, 1964).....	4,800
3. Provision for within-grade salary advancements.....	4,500
4. To cover an increase in the volume and cost of printing re- quired by the court.....	1,500

Net increase, 1965 over 1964..... 15,000

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is for the salaries of the chief judge, four associate judges, and other officers and employees of the Court of Customs and Patent Appeals as well as for communications, supplies, and other incidental expenses of the court. For data as to the functions of the court, its jurisdiction, and basic statutory authorities, reference is made to section G of the Digest of Appropriations, the Judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

There has been a very sharp increase in the volume of appeals to the court during the past 7 years. Whereas, the number of appeals in customs cases has remained at relatively the same level; appeals in patent and trademark cases have increased 300 percent from 63 in 1956 to 251 in 1963. The court in 1963 disposed

of 213 patent and trademark cases compared with only 70 cases disposed of during 1956. Despite the increase of 300 percent in the volume of appeals to the court, the appropriation for the operation of the court since 1956 has been increased only 40 percent, much of which was due to pay legislation. Exclusive of the chief judge and four associate judges, there are currently only 24 positions authorized for the court compared with 21 positions authorized in 1956, an increase of only 14 percent.

A summary of the business of the court from 1956 to 1963 follows:

	1956	1957	1958	1959	1960	1961	1962	1963
Customs cases:								
Pending, beginning of year.....	21	23	20	30	35	39	30	24
Docketed during year.....	31	40	42	40	45	32	29	37
Disposed of during year.....	29	43	32	35	41	41	35	31
Pending, end of year.....	23	20	30	35	39	30	24	30
Patent and trademark cases:								
Pending, beginning of year.....	91	84	92	92	129	134	148	207
Docketed during year.....	63	82	83	107	127	128	174	251
Disposed of during year.....	70	74	83	70	122	112	115	213
Pending, end of year.....	84	92	92	129	134	148	207	245

A graphic presentation of the number of appeals to the court during the past 8 years is included herein as "Exhibit A."

Detailed justification

An appropriation of \$403,000 is requested for 1965, a net increase of \$15,000 over the appropriation for 1964. The net increase in budgetary requirements is explained below:

Deduction for nonrecurring cost of equipment authorized for 1964

The appropriation for fiscal year 1964 included the sum of \$400 for procurement of equipment for the secretary to the court's new judge. Inasmuch as this was a nonrecurring expense, it is being deducted in establishing the budgetary requirements for 1965.

Deduction for extra compensable day

The sum of \$750 (\$700 for compensation and \$50 for related benefits) representing the cost of an extra compensable day in fiscal year 1964 has been deducted in establishing the requirements for fiscal year 1965. Employees of the court who are paid biweekly will be compensated for 262 days in 1964, whereas, in 1965 there are only 261 compensable days.

New position, clerk's office

The sum of \$5,350 is requested for the employment of a clerk-stenographer for the clerk's office, as follows:

Personnel compensation, grade JSP-5.....	\$4,700
Personnel benefits.....	350
Equipment (nonrecurring).....	300
Total.....	5,350

The sharp increase in patent appeals to the court, as revealed in the accompanying statistics on appeals for the 7-year period from 1956 to 1963, has resulted in a proportionate increase in the workload of the office of the clerk since the filing and disposition of all cases is centered in that office. There has not been any request for additional help for the clerk since 1929 when the court assumed jurisdiction in patent cases. It seems both desirable and necessary that the request for this additional employee be submitted at this time.

Pay costs under the Federal Salary Reform Act of 1962

An additional \$4,800 (\$4,500 compensation and \$300 related benefits) will be required in fiscal year 1965 to cover the full-year cost of increases in salary to be granted court employees effective January 6, 1964, pursuant to the provisions of the Federal Salary Reform Act of 1962.

Provision for within-grade salary advancements

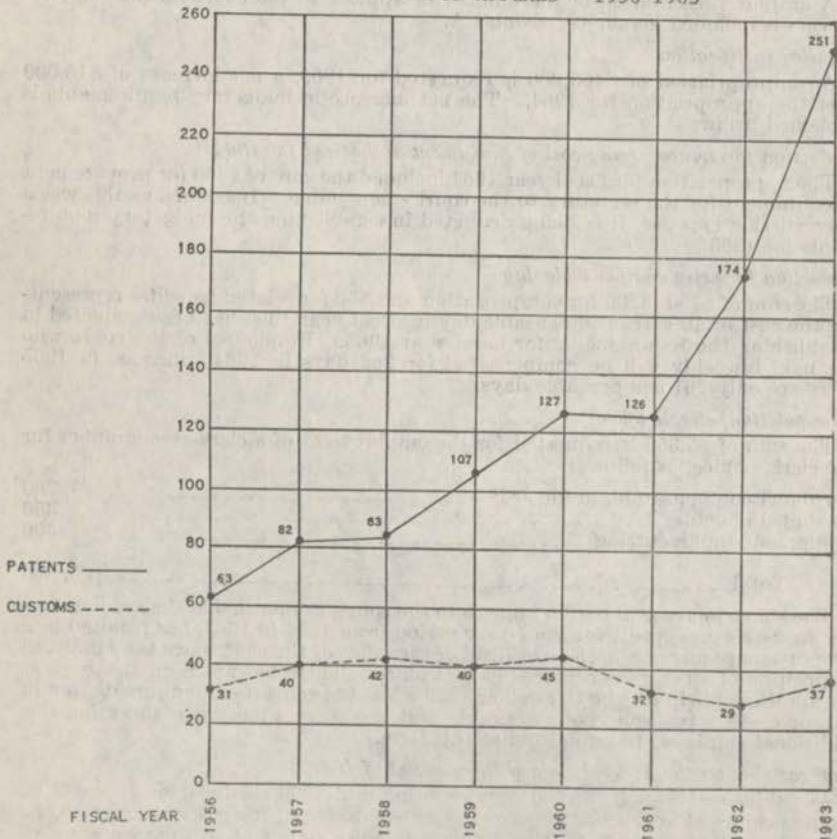
It is estimated that \$4,500 will be required in fiscal year 1965 to grant court employees within-grade salary advancements corresponding with those provided

by title VII of the Classification Act of 1949, as amended. The estimate includes \$4,200 for personnel compensation and \$300 for related Government contributions to the civil service retirement fund and for Federal employees group life insurance. Due to the small turnover in the personnel of the court no savings can be anticipated to offset the cost of within-grade salary advancements.

Increase in volume and cost of printing required by the court

An increase of \$1,500 is requested for printing and reproduction to cover the increase in rates being charged by the Government Printing Office for materials and labor and also to compensate for the rapid increase in size and volume of the decisions of the court which are printed and bound by that Office. The cost depends upon the volume of material to be printed and bound and the rates charged by the Government Printing Office at the time the work is done. The total number of pages to be printed and bound for both the customs and the patents volumes has increased from 749 pages in 1961 to 937 in 1962 and the estimate for 1963 is 1,100 pages. Concurrently there has been a general increase in cost of printing which has been applied to all governmental departments of 6 percent which is based on total volume of billings which includes labor, paper, and commercially procured work.

COURT OF CUSTOMS AND PATENT APPEALS
NUMBER OF APPEALS - 1956-1963



INCREASES REQUESTED

Mr. ROONEY. As you will note, this request is in the amount of \$388,000 which would be an increase of \$15,000 over the amount for this court in this current fiscal year. The requested increases are set forth at page 38 of the justifications.

There is a request for one additional \$5,350 clerical position for their clerk's office.

We are pleased to have with us this morning the Chief Judge of the Court of Customs and Patent Appeals, our distinguished former colleague, the Honorable Eugene Worley of Texas.

Do you wish to make a statement with regard to this, Chief Judge Worley?

Judge WORLEY. I do not know of any detailed explanation.

It is all contained in the pages you cited, Mr. Chairman.

Mr. ROONEY. I find myself intrigued right at the start of these hearings because I think this committee will give faithful devotion to the request of the distinguished President of the United States, who comes from your State and is trying to cut down Federal employment.

ADDITIONAL POSITION REQUESTED

We now have a request before us for an additional position. Can you not help the President of the United States in the coming fiscal year by getting along with the number of positions you presently have?

Of course, I do want you to understand that my present information is that the bulk of the courts; to wit, the district courts and the courts of appeals are going to forgo any requested additional positions set up in their budgets last fall.

Judge WORLEY. Mr. Chairman, my court is in complete accord with the President's economy program and your interest in furthering that objective.

The new place requested is solely for the benefit of the litigants in expediting their appeals to our court. As you know, patent appeals have nearly doubled in the past 2 years. The increased volume has put the clerk's office behind in processing appeals, but I doubt if the litigants, who are also taxpayers, would strenuously object to forgoing this additional service to them at this time. At any rate, I think we should save that money this year and take another look next year.

(Discussion off the record.)

Mr. ROONEY. Very well. Thank you very much, Judge Worley.

Judge WORLEY. Thank you, Mr. Chairman.

CUSTOMS COURT

WITNESSES

PAUL P. RAO, JUDGE

SCOVEL RICHARDSON, JUDGE

EDWARD J. CAREY, CLERK

VIRGINIA M. HORNCastle, CHIEF DEPUTY CLERK

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Permanent positions.....	758	838	800
Positions other than permanent.....	15	8	8
Other personnel compensation.....		5	3
Total personnel compensation.....	773	850	900
12 Personnel benefits.....	50	55	58
21 Travel and transportation of persons.....	26	25	25
22 Transportation of things.....	3	5	5
23 Rent, communications, and utilities.....	10	11	11
24 Printing and reproduction.....	6	9	9
25 Other services.....	11	13	13
26 Supplies and materials.....	5	6	6
31 Equipment.....	22	15	16
Total obligations.....	906	989	1,044

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	91	92	96
Full-time equivalent of other positions.....	3	1	1
Average number of all employees.....	90	92	96
Employees in permanent positions, end of year.....	86	91	95
Employees in other positions, end of year.....	5	1	1

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Salaries and expenses (obligations).....	906	989	1,044
Financing: Unobligated balance lapsing.....	25		
New obligational authority (appropriation).....	931	989	1,044

Mr. ROONEY. The next item, gentlemen, is that for the Customs Court. It is to be found beginning at page 45 of the justifications which page we shall insert at this point in the record, together with pages 46 through 53.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Customs Court: Judiciary
 1964 appropriation in annual act: \$989,000
 Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or de- crease (-)	
	1964 appro- priated	1965 estimate		
Salaries and expenses.....	\$989,000	\$1,043,500	+\$54,500	+54,500
Total estimate for 1965.....				1,043,500

Analysis by object

Object	1964 estimate	1965 estimate	Increase + or decrease (-)
11 Personnel compensation.....	\$850,000	\$899,800	\$49,800
12 Personnel benefits.....	54,700	58,500	3,800
21 Travel and transportation of persons.....	25,300	25,300	
22 Transportation of things.....	5,000	5,000	
23 Rent, communications, and utilities.....	11,100	11,100	
24 Printing and reproduction.....	9,000	9,000	
25 Other services.....	12,700	12,700	
26 Supplies and materials.....	6,200	6,200	
31 Equipment.....	15,000	15,900	900
Total obligations.....	989,000	1,043,500	54,500

Summary of increased requirements for 1965

Nature of expense (or savings):		
Deductions: Deductions for the cost of an extra compensable day in 1964 not required in 1965.....		Amount -\$2,300
Additions:		
1. 1 additional court reporter position.....		13,200
2. 3 additional bailiff positions.....		15,500
3. Additional amount required under the Federal Salary Reform Act of 1962 (increases scheduled to take effect on Jan. 6, 1964).....		15,500
4. Provision for within-grade salary advancements.....		12,600
Net increase, 1965 over 1964.....		54,500

JUSTIFICATION

Language changes

None.

Objectives

The estimate under this title is to provide for the salaries of the judges and supporting personnel of the U.S. customs court, and the necessary operating expenses of the court, including traveling expenses, expressage, communication services, printing and binding, supplies, equipment including furniture, new books and regular continuations of reports, encyclopedias, digests, and pocket parts for various sets, and miscellaneous items of expense for the fiscal year 1965. For data as to the functions of the court, its jurisdiction, and basic statutory authorities, reference is made to section H of the "Digest of Appropriations, the Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of Congress.

Detailed justification

An appropriation of \$1,043,500 is requested for fiscal year 1965, a net increase of \$54,500 over the appropriation for fiscal year 1964. The increase in requirements is explained below.

Deduction for extra compensable day

The sum of \$2,300, representing the cost of an extra compensable day in fiscal year 1964, has been deducted in establishing the requirements for fiscal year 1965. Employees of the court, who are paid biweekly, will be compensated for only 261 days in fiscal year 1965, whereas, in 1964 there were 262 compensable days.

Additional court reporter position (JSP-13)

The U.S. customs court has nine judges and five court reporters. Most courts have a court reporter for each judge. Since all of the decisions of the judges of the customs court are required to be in writing, it is necessary to have transcriptions of proceedings both when a judge is sitting in New York and when he is on circuit. The 5 court reporters have to cover 17 to 20 out-of-town circuits each year, some of which extend several weeks. The court arranges its New York and outport dockets so as to make the maximum use of its court reporters, and it has been fortunate that none of its reporters have had a serious illness or emergency in the past 20 years. When some reporters are taking testimony in New York and others are on circuit, should one reporter become ill or have another emergency, the court would be without a replacement.

The customs court had six court reporters prior to World War II when it lost one to the service. Since that time the increase in volume of cases at outport dockets has caused an increase in the number of travel days. Also, no transcribing can be accomplished by a reporter on circuit. The addition of another reporter would permit more expeditious transcription of notes and hence facilitate the disposition of cases.

The increased use of pretrial conferences and examinations before trial require that a court reporter be available for this service on short notice. The court has also extended the practice of holding predocket calls in New York for out-of-town circuits in order to dispose of as many cases as possible that will not be ready for trial at the outports. A court reporter is required to be present at these predocket calls.

In order to provide more efficient service to the judges, more expeditious transcription of notes, adequate service for the various court procedures, and coverage in the event of illness or other emergency situations; a request is made for one additional court reporter position in grade JSP-13.

<i>Costs involved</i>	
Compensation.....	\$11,700
Benefits.....	900
Equipment.....	600
Total.....	13,200

Three additional bailiff positions (JSP-5)

Under section 873, title 28, United States Code, the customs court is authorized to appoint criers, bailiffs, and messengers as it may require, which criers shall also perform the duties of bailiffs and messengers and such other duties as the court directs. The customs court now has three bailiffs to serve nine judges, and this has not worked satisfactorily for the reason that frequently judges are without the services of a bailiff. As a compromise between the situation we now have and requesting at this time a bailiff for each judge, the judges are asking for only three additional bailiffs.

Bailiffs assist the deputy marshal in the courtrooms in maintaining order, handling and marking exhibits, etc. The bailiffs also perform clerical duties in the marshal's office, maintain and issue supplies; and perform messenger service for the judges. The court requests three additional bailiff positions in the marshal's office at grade JSP-5.

<i>Cost involved</i>	
Compensation.....	\$14,100
Benefits.....	1,100
Furniture for new personnel.....	300
Total.....	15,500

Requirements under the Federal Salary Reform Act of 1962

An additional sum of \$15,500 will be required in fiscal year 1965 to cover the cost of increases in salary effective January 6, 1964. The following is a breakdown by fiscal year of the cost of pay increases under the Federal Salary Reform Act of 1962:

	1964 budgetary requirements	1965 budgetary requirements
1st phase (effective Oct. 15, 1962):		
Compensation.....	\$8,500	
Benefits.....	500	
Total.....	9,000	
2d phase (effective Jan. 6, 1964):		
Compensation.....	14,000	\$14,500
Benefits.....	1,000	1,000
Total.....	15,000	15,500
Grand total.....	24,000	15,500

Provision for within-grade salary advancements

It is estimated that \$12,600 will be required in fiscal year 1965 to grant court employees within-grade salary advancements corresponding with those provided by title VII of the Classification Act of 1949, as amended. Of the total requested, \$11,800 is for personnel compensation and \$800 for related Government contributions to the retirement fund and for group life insurance. The estimate is net of anticipated savings due to turnover and it represents the minimum amount that will be required to meet such costs.

INCREASES REQUESTED

Mr. ROONEY. The request is in the amount of \$1,043,500, which would be an increase of \$54,500 over the amount appropriated for this court in the current fiscal year.

The increases are set forth on page 47 of these justifications and included therein is a request for an additional court reporter position and three additional bailiff positions.

These are the only items contained in the request which are not mandatory, is that correct, Judge Richardson?

Judge RICHARDSON. That is right, Mr. Chairman.

Judge RAO. Mr. Chairman, may I at this time express the regret of Chief Judge Webster Oliver of our court for not being present. He is the only judge in New York covering the first division.

Judge Wilson is on docket and he has cases scheduled for each day with witnesses coming in from all over the United States of America. He has requested me to come here and extend his regrets for not being present and undoubtedly you may know that the chief judge recently lost his wife.

Mr. ROONEY. Yes; I am familiar with that sad fact and it is indeed unfortunate we do not have the pleasure of the presence of Judge Oliver this morning. I have known Judge Oliver for a great many years and in fact I remember when he first went on this bench.

How many years ago was that?

Judge RICHARDSON. Twenty-three or twenty-four years ago.

Judge RAO. He was elevated in 1940. I was assistant attorney in 1941. I did not think it was so long.

Mr. ROONEY. You used to come here years ago with exhibits?

Judge RAO. Yes, sir.

Mr. ROONEY. Then you had a successor who did not show up with exhibits; do you recall that?

Judge RAO. Yes.

Mr. ROONEY. He is now on the southern district bench?

Judge RAO. That is right.

WORKLOAD CHART

Mr. ROONEY. Do you have the usual workload chart containing the statistics of the court's work for the past 5 years?

Judge RICHARDSON. Yes, we do.

Mr. ROONEY. We shall at this point insert in the record the workload chart requested.

(The chart follows:)

Workload chart

Fiscal year	Classification cases received	Reappraisal cases received (appeals, reviews, petitions, and remands of protests)	Total, all cases received in court	Classification cases decided	Reappraisal cases decided (appeals, reviews, petitions, and remands of protests)	Total, all cases decided in court	Classification cases pending at close of fiscal year	Reappraisal cases (appeals, reviews, petitions, and remands of protests) pending at close of fiscal year	Total, all cases pending at close of fiscal year
1959.....	33,829	22,493	56,322	26,094	21,074	47,168	130,610	88,618	219,228
1960.....	33,397	20,031	53,428	50,336	32,499	82,835	113,671	76,150	189,821
1961.....	28,212	26,917	55,129	47,098	12,973	60,071	94,785	90,094	184,879
1962.....	22,926	18,017	40,943	35,479	14,085	49,564	82,232	94,026	176,258
1963.....	22,098	13,789	35,887	17,111	8,582	25,693	87,219	99,233	186,452

ADDITIONAL POSITIONS REQUESTED

Mr. ROONEY. Judge Richardson, if you would please direct your attention to the requested increase insofar as these four positions are concerned, we would appreciate it.

Judge RICHARDSON. First is the matter of the court reporter. We have nine judges and five court reporters. Our court is one of the few courts and I guess maybe the only one in the Federal system which requires all of our decisions be in writing, which necessitates transcripts of all of our proceedings. Our court reporters, in addition to the work they do in New York City, have to go on from 17 to 20 outport dockets. When they are out of town they cannot do any transcribing, which means that that work gets behind if they do not get assistance.

Mr. ROONEY. How many court reporters do you have at the present time?

Judge RICHARDSON. Five. We did have six, Mr. Chairman, up until the war but one was lost during the war and no replacement was made. We have held off on this request for 2 years but we feel the situation has developed now where it is imperative we make the request for the increase, as much as we regret to do so with the President's request for economy.

Then, too, the increase in the predocket calls—that is when we call the calendar in New York when the attorneys can be there to reduce the number of files that will have to be sent to the outports, and we have to have a reporter present there—then the lawyers seem to have increased the use of the pretrial and examination before trial procedures, which means having court reporters present. That is additional work for them. They have not been doing so much of

that in the past and sometimes those transcripts are 60 to 100 pages and have to be ready overnight for the trial.

To provide for what we figure is more efficient service to the judges, more expeditious transcripts of notes, adequate service for various court procedures and coverage in the event of illness and emergencies which we have not been covered on in the past, but have been fortunate in not having a serious illness or emergency, we respectfully request we be given the money for a new court reporter at the classification JSP-13 in the amount of \$11,700.

Mr. ROONEY. What was the amount?

Judge RICHARDSON. \$11,700. The additional amount there covers benefits, equipment, and so forth that is put in by statute or regulation.

Mr. ROONEY. This would include the \$900 equipment item on page 46 of the justifications?

Judge RICHARDSON. Yes, it would, Mr. Chairman.

Mr. ROONEY. You may proceed, Judge.

Judge RICHARDSON. With respect to the request for the three bailiffs, we were aware at the time we made the request for the three bailiffs that in a large number of the courts—each judge has his own bailiff. We were tempted to get along with the three for the nine judges but the arrangement has not been entirely satisfactory.

The statute authorizes us to appoint criers and bailiffs and messengers, as the court may require.

What the court may require is subject to the opinion or decision of the Appropriations Committee. These bailiffs perform the services of messengers and other duties as the court directs, including, as Judge Rao said, clerical work in the marshal's office, maintaining order in the courtroom, marking exhibits, and so forth.

For instance, we just had one trial last week that lasted 4 days in which there were about 28 different exhibits and a number of them were small vials of diamond dust, each one worth about \$200 or \$300 and there was also a large number of people in the courtroom and so on.

Somebody would go back to caution them to keep quiet so they did not disturb the proceedings of the court.

There had to be someone to assist the clerk in marking all of these different exhibits and see that they were put in the vault for safe-keeping.

Sometimes we have exhibits, such as in the *Pepperidge Farms* case, which have to be kept in refrigeration and only brought into the courtroom for a short while and then carried back to be preserved.

Otherwise, they would not be in shape when the time comes for writing the opinion.

So, we are also asking for those three bailiffs which is a compromise between the situation we have now of three and asking for one for each judge.

Mr. ROONEY. Is there anything you wish to add, Judge Rao?

Judge RAO. I know we are very busy up there and in many instances a lawyer will refer to a case and then turn to the bailiff in the courtroom and ask him to go to the library to get a book. There is no one in our courtroom at all to do that, no one in our courtroom to even take an exhibit a lawyer wants to present to the witness on the witness stand because we have only one bailiff or marshal in the court who acts as marshal-bailiff-messenger and everything else. That is the way we have been running our court.

We really need the three men. If we did not need them we would not ask for them because we are cognizant of the fact that the President wants to cut down expenses as well as Congress wants to cut down expenses.

We wish to cooperate in every way possible but we really do need these men.

Mr. ROONEY. Mr. Bow?

TRAVEL COSTS

Mr. Bow. What was your actual travel expense cost last year?

Judge RICHARDSON. Mr. Carey?

Mr. CAREY. \$26,000. That is on page 8-5.

Judge RICHARDSON. That is item 21 on page 8-5.

Mr. Bow. You do not have 1963 in, but in 1964 you estimate, and in 1965 what? These are not your actuals?

Mr. ROONEY. You are asking for the actual 1963 figure, Mr. Bow?

Mr. Bow. Yes, the last year. Was that \$26,000?

Mr. CAREY. Yes, sir.

Mr. Bow. In round figures?

Mr. CAREY. Yes, sir.

Mr. Bow. You have all nice round figures on all of these; you found no way at all to reduce any of these other items; is that right?

Judge RICHARDSON. No, we have not, Mr. Bow.

Mr. Bow. It looks as though you just picked up your 1964 estimates and used them for 1965. I wondered whether you made any review of them to see if you could reduce some of these 1965 estimates?

Judge RAO. We have gone through every one of these items at two judges' meetings since the announcement by the President.

Mr. Bow. You found that they will be identical with what you requested last year?

Judge RAO. That is right.

EQUIPMENT ALLOWANCE

Mr. Bow. I see that your equipment allowance is \$900 because of the additional personnel requested.

Judge RICHARDSON. Additional personnel.

Mr. Bow. What equipment is that?

Judge RICHARDSON. Mr. Carey, do you have that?

Mr. Bow. Take your 1964 estimate and tell us what you spend \$15,000 for, or intend to spend it for.

Mr. CAREY. Judge Richardson machine—there will be a machine for the reporter—desks and chairs.

Mr. Bow. That is the \$900 additional, but I am talking now about the \$15,000.

Judge RICHARDSON. Part of that was in the conversion from the folded system of filing to flat filing and the purchase of new file cabinets.

Mr. Bow. Is that complete now?

Judge RICHARDSON. Almost.

Mr. Bow. Why do you have to have that this year?

Judge RAO. Only one division has been completed.

The Reappraisal Division has not been.

Mr. Bow. Do you have a list of the equipment you are purchasing in 1964?

Mr. CAREY. No; we do not have that with us.

Judge RAO. The marshal does that. If we knew, we would have brought it. Practically everything was spent on that because we bought files.

In the printing of the envelopes and transforming the court—

Mr. Bow. How many years has your request for equipment been \$15,000?

Mr. CAREY. We spent more than that in 1963, Congressman. That was \$22,000.

Mr. Bow. This is just a round figure you used?

Mr. Carey. Yes.

Mr. Bow. You do not have an estimate as to what equipment you are actually going to buy?

Mr. CAREY. No, sir.

Mr. Bow. In other words, you do not know whether, in your 1965 estimate you are going to spend \$15,000 or \$9,000? You do not have any idea as to the exact equipment you are going to buy?

Judge RICHARDSON. On the basis of past experience, Mr. Congressman, this is an estimate. In fact, so far as dollars and cents are concerned, we had that when we went over it with the marshal. The Administrative Office rounds out all of our figures under some new directive they have from the Bureau of the Budget.

Judge RAO. At the last meeting we had it was recommended we buy 50 filing cabinets. We cut that down to 10. When I went to the chairman of the committee and also spoke to the head of the Division, he said that 10 files were not enough. Some of these files are old and made of wood. If the drawers are fully extended, they might fall on the person working there.

We are trying to replace those and even if we had \$20,000 we could use it to replace and modernize the filing system. The equipment we have there is disgraceful but slowly and surely we are making it look like a place where persons can work without being hurt.

Mr. Bow. That is all.

Mr. ROONEY. Very well.

Thank you, Judge Richardson, Judge Rao, and Mr. Carey.

Judge RICHARDSON. May the record show I wish to extend our thanks to you.

Mr. ROONEY. Thank you very much, Judge.

COURT OF CLAIMS

WEDNESDAY, JANUARY 15, 1964.

WITNESSES

HON. MARVIN JONES, CHIEF JUDGE
 WILSON COWEN, CHIEF COMMISSIONER
 FRANK T. PEARTREE, CLERK
 J. GEORGE STEWART, ARCHITECT OF THE CAPITOL
 CHARLES A. HENLOCK, ADMINISTRATIVE OFFICER, OFFICE OF
 THE ARCHITECT OF THE CAPITOL

Mr. ROONEY. The next item, gentlemen, is that for the Court of Claims and is to be found beginning at page 54 of the justifications.

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Permanent positions.....	846	896	925
Positions other than permanent.....	7	8	8
Other personnel compensation.....		6	3
Total personnel compensation.....	853	909	936
12 Personnel benefits.....	57	60	62
21 Travel and transportation of persons.....	10	23	23
23 Rent, communications, and utilities.....	10	11	11
24 Printing and reproduction.....	87	80	130
25 Other services.....	1	1	1
26 Supplies and materials.....	7	6	6
31 Equipment.....	8	8	6
Total obligations.....	1,033	1,100	1,176

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	83	86	86
Full-time equivalent of other positions.....	2	2	2
Average number of all employees.....	83	85	87
Employees in permanent positions, end of year.....	82	83	85
Employees in other positions, end of year.....	6	4	4

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Salaries and expenses (obligations).....	1,033	1,100	1,176
Financing: Unobligated balance lapsing.....	1		
New obligational authority (appropriation).....	1,034	1,100	1,176

Mr. ROONEY. We shall insert at this point in the record pages 55 through 61 of these justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Court of Claims: Judiciary
 1964 appropriation in annual act..... \$1,100,000
 Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or de- crease (-)	
	1964 appro- priated	1965 estimate		
Salaries and expenses.....	\$1,100,000	\$1,176,500	+\$76,500	+76,500
Total estimate for 1965.....				1,176,500

Analysis by object

Object	1964 estimate	1965 estimate	Increase or decrease (-)
11 Personnel compensation.....	\$909,400	\$936,000	\$26,600
12 Personnel benefits.....	60,200	61,900	1,700
21 Travel and transportation of persons.....	23,300	23,300	
23 Rent, communications, and utilities.....	11,400	11,400	
24 Printing and reproduction.....	80,000	130,000	50,000
25 Other services.....	1,000	1,000	
26 Supplies and materials.....	6,400	6,400	
31 Equipment.....	8,300	6,500	-1,800
Total obligations.....	1,100,000	1,176,500	76,500

Summary of increased requirements for 1964

Nature of expense (or savings):	Amount
Deductions: Nonrecurring expenses authorized for 1964.....	-\$4,900
Additions:	
1. Pay costs under the Federal Salary Reform Act of 1962 (increases scheduled to take effect on Jan. 6, 1964).....	11,700
2. Provision for within-grade salary advancements.....	8,500
3. Additional amount required to maintain a normal employ- ment level (reduction of lapse).....	11,200
4. Nonrecurring cost of publishing bound volumes of the court's decisions.....	50,000
Net increase, 1965 over 1964.....	76,500

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is for the salaries of the Chief Judge, four associate judges, and other officers and employees of the Court of Claims as well as for travel, communications, printing, and other incidental expenses. For data as to the functions of the court, its jurisdiction and basic statutory authorities, reference is made to section I of the "Digest of Appropriations, The Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

Detailed justification

An appropriation of \$1,176,500 is requested for 1965, a net increase of \$76,500 over the amount appropriated for 1964. The net increase in requirements is explained below:

Deduction for nonrecurring expenses

The appropriation for 1964 included the sum of \$1,800 for the procurement of furniture and equipment for new personnel, specifically, the three law assistants authorized for the trial commissioners. Since it is a nonrecurring expense, it has

been deducted in establishing the budgetary requirements for 1965. The sum of \$3,100 (\$2,900 for compensation and \$200 for benefits) representing the cost of an extra compensable day in 1964 also has been deducted. Employees of the court who are paid biweekly will be compensated for 262 days in fiscal year 1964 whereas, in 1965 there are only 261 compensable days.

Requirements under the Federal Salary Reform Act of 1962

An additional \$11,700 (\$11,000 for personnel compensation and \$700 for related benefits) will be required in fiscal year 1965 to cover the full-year cost of increases in salary to be granted employees of the court effective January 6, 1964 pursuant to the Federal Salary Reform Act of 1962.

Provision for within-grade salary advancements

It is estimated that \$8,500 will be required in fiscal year 1965 to grant officers and employees of the court (except judges, commissioners, the clerk of the court and several employees serving in ungraded positions) within-grade salary advancements corresponding with those provided by title VII of the Classification Act of 1949, as amended. Of the total requested, \$8,000 represents increases in compensation and \$500 is for related Government contributions to the retirement fund and for group life insurance. The estimate is net of anticipated savings due to turnover in personnel.

Additional amount required to maintain a normal employment level

The appropriation for the fiscal year 1964 was \$14,000 below the budget estimate. This reduction in the estimate was offset by a savings resulting from a delay in the appointment of three law clerks for trial commissioners authorized for 1964. The court, during the first half of the year, was operating under continuing resolutions of Congress and, therefore, lacked the authority to make the appointments. The court is expected to have a full complement of employees in the fiscal year 1965, and, therefore, requests the restoration of \$11,200 (\$10,500 for personnel compensation and \$700 for related benefits) which would in effect constitute a reduction of lapses. The additional funds will be required in order to maintain what would be considered a normal employment level based on the total authorized positions.

Cost of making current the printing and binding of the court's reports

This item of \$50,000 for printing and binding is a nonrecurring one and is requested in order that the publication of the court's bound volumes may be brought up to date. During recent years the number required for each year has increased from three to four, and their publication is now 2½ years behind. From a research standpoint this has proven to be a disadvantage to counsel practicing before the court as well as to the court itself. It is planned to close this gap during the fiscal year 1965 if this money is made available. It is also anticipated that once made current then publication will remain so within the limits of the court's regular allowance for printing.

Mr. ROONEY. The request for the Court of Claims consists of two items; the first entitled "Salaries and expenses," and the second "Repairs and improvements."

INCREASES REQUESTED

The pages to which I have just referred and which have just been inserted in the record refer only to salaries and expenses and indicate that the request for these purposes is in the amount of \$1,176,500 which would be an increase of \$76,500 over the amount appropriated in the current fiscal year.

The requested increases are set forth on page 57 of the justifications. With the exception of items No. 3 and 4 on this page, do I understand correctly that the others are mandatory?

Mr. COWEN. Yes, sir.

Judge JONES. Yes, sir.

Mr. ROONEY. We are primarily concerned with item No. 3, the additional amount required to maintain normal employment levels, \$11,200 and the cost of \$50,000 for the publishing of bound volumes of the court's decisions; is that correct?

Judge JONES. Yes, sir.

Mr. ROONEY. We are indeed pleased and honored to have with us the distinguished Chief Judge of the Court of Claims, the Honorable Marvin Jones, of Texas.

WORKLOAD STATEMENT

Judge Jones, do you wish to make a statement with regard to these requested increases?

Judge JONES. I have a statement of the work that I would like to file at this point in the record.

Mr. ROONEY. Is this your workload statement?

Judge JONES. Yes.

Mr. ROONEY. We shall insert this four-page statement at this point in the record.

(The statement follows:)

During the court year, from September 30, 1962, to September 30, 1963, the court disposed of 459 petitions and 9 appeals representing 869 claimants. Except for 38 of these cases, in which no given amounts were claimed, the total amount claimed was \$85,789,434.26. Of the cases disposed of, the court rendered judgments for claimants in the sum of \$10,161,523.24, of which \$2,819,857.53 carried interest. A number of these judgments were based on settlements between the parties. Also, the court rendered judgments for the United States on counter-claims in the amount of \$685,814.35, of which \$121,081.40 carried interest. The clerk has reported to the Congress the business of the court for the above period, showing the names of the claimants, the amounts involved, the nature of the cases, and the disposition thereof.

The number of petitions and appeals pending on September 30, 1963, totaled 1,489 representing 2,682 claimants. Of this total there were 66 class case petitions involving 766 claimants. While test cases in all probability will dispose of the majority of the petitions in this latter group, practically all of the other 1,423 petitions will require individual trials before the commissioners and disposition by the court.

Report of the U.S. Court of Claims for the court year ended September 30, 1963

	Pending Sept. 30, 1962		Filed		Disposed		Pending Sept. 30, 1963	
	Peti- tioners	Plain- tiffs	Peti- tioners	Plain- tiffs	Peti- tioners	Plain- tiffs	Peti- tioners	Plain- tiffs
Cases other than class cases.....	1,487	1,967	361	475	441	542	1,407	1,900
Class cases.....	73	837	11	247	18	318	66	766
Appeals from the Indian Claims Commission.....	13	13	12	12	9	9	16	16
Total.....	1,573	2,817	384	734	468	869	1,489	2,682
Cases other than class cases:								
Service pay.....	144	144	24	24	43	43	125	125
Congressional.....	37	55	0	0	6	6	31	49
Contract.....	368	380	66	67	84	89	350	358
Indian.....	7	79	2	2	1	1	8	80
Miscellaneous.....	32	33	9	9	12	12	29	30
Patent.....	75	78	12	12	13	13	74	77
Property (taken).....	67	359	37	105	26	100	78	264
Tax.....	445	519	139	183	165	187	419	515
Transportation of property.....	201	209	36	37	61	61	176	185
Japanese relocation program.....	2	2	0	0	0	0	2	2
Civilian pay.....	109	109	35	35	30	30	114	114
Departmental.....	0	0	1	1	0	0	1	1
Class cases:								
Alaska Railroad.....	1	1	0	0	1	1	0	0
Firefighters.....	12	121	0	0	7	110	5	11
Civilian pay.....	33	600	11	247	3	159	41	688
Service pay.....	27	115	0	0	7	48	20	67
Appeals from Indian Claims Com- mission.....	13	13	12	12	9	9	16	16

TAX AND PROPERTY (TAKEN) CASES

As of the close of business on September 30, 1963, there were 419 petitions representing 515 claimants seeking tax refunds on the Court of Claims dockets, with a total amount claimed of \$225,173,544.67 together with interest. Six percent interest, as permitted by statute, on this amount is \$13,510,412.68 per annum.

As of the close of business on September 30, 1963, there were pending 78 petitions representing 364 claimants in which the total sum of \$18,978,553.95¹ was claimed for the taking of property without payment of just compensation. Interest at 4 percent as part of just compensation on that sum totals \$759,142.15 per annum.

Petitions to the Supreme Court for writs of certiorari

Petitions for certiorari pending Oct. 1, 1962.....	18
Petitions for certiorari filed Oct. 1, 1962, to Sept. 30, 1963.....	27
<hr/>	<hr/>
Total.....	45
<hr/>	<hr/>
Record for court year Oct. 1, 1962, to Sept. 30, 1963:	
Petitions for certiorari denied.....	30
Petitions for certiorari granted and decision affirmed.....	0
Petitions for certiorari granted, decision reversed, and case remanded..	2
Petitions for certiorari granted but not acted upon.....	2
Petitions for certiorari filed but not acted upon.....	9
Petitions for certiorari dismissed by stipulation.....	1
Petitions for writ of certiorari granted but writ dismissed by stipulation..	1
<hr/>	<hr/>
Total.....	45
Records prepared for attorneys of record but not filed.....	14

Mr. ROONEY. Hurriedly scanning this statement, it would appear that this is strictly a workload statement?

Judge JONES. Yes, sir.

EXPLANATION OF INCREASES

Mr. ROONEY. Do you have anything with regard to these requested increases?

Judge JONES. The \$11,700 is the amount eliminated this year, or deducted. We absorbed that because of the fact we had to operate on last year's basis since the appropriation was not made. We did not get these three additional law clerks until after the general appropriations for this year were made, so we have those clerks now and they are needed.

We will have the full year with them and this current year we only had 6 months, but for the coming year we will have the full time of those personnel.

Then there is an increase in the classification of the law clerks if they stay over an extra year. That is an action of the Judicial Conference that gives them an increase if they serve more than 1 year. Most of them do not serve more than 1 year. They are worth more if any of the good ones are willing to stay over an extra year.

The Judicial Conference asked for the change in classification and that is the reason for the additional amount. We need that \$11,000 plus for the next year because of the current situation.

The \$50,000 item is for the publication of our volumes. Because of the increase in business and the delay in securing a reporter who was qualified to do the work, we got behind with these volumes. For 3

¹ Of which \$15,748,385.65 is the total amount claimed in 64 petitions representing 338 claimants pertaining to the taking of lands; of which \$3,230,168.30 is the total amount claimed in 14 petitions representing 26 claimants pertaining to the taking of personal property.

previous years we have turned back money because these people simply could not take care of getting the volumes ready to be published.

The \$50,000 is to bring us up to date in the bound volumes of the work of the court. It is a big advantage in time saved not only to the court but to the lawyers practicing before the court to have the bound decisions. We are 2½ years behind and we want to have those brought up to date. This is a nonrecurring item. We will have the regular appropriation bill that will take about four or five volumes each year. These volumes cost about \$6,000 apiece to be published at the Government Printing Office and that is why we have this request. We wanted to bring them up to date. We are sorry we have gotten behind in those publications and at this time it makes it a little difficult.

Of course, this is up to the committee and if they feel we can defer half of that, if necessary for the whole year, but I think it would be very advantageous—

MR. ROONEY. Of course, Judge Jones, you know that we are confronted in our deliberations, with regard to these requested appropriations, with the statement of the President that he wants to cut down and cut back appropriationwise?

Judge JONES. I am in sympathy with that idea.

MR. ROONEY. What can you do to help us?

Judge JONES. This is the only thing that I can suggest.

MR. ROONEY. In view of the fact that the court's work was less in the past year than it was the year before?

Judge JONES. That showing is not correct because of this fact—

MR. ROONEY. These are your figures?

Judge JONES. I know, but these cases are getting far more complicated. We are getting into the electronic and space fields and the big contract cases are becoming more complicated. The cases are much more important and involve much more in the taking of testimony and in record decision than they did earlier.

The Government is doing things on a much bigger scale.

While we have a few less plaintiffs and a few less cases—

MR. ROONEY. Many less plaintiffs? The number of plaintiffs disposed of in the chart you presented us with show you had 869 as compared with 3,131 the year before.

Judge JONES. That is the usual class of cases. We had a great group of class cases, firefighting and other cases where one of them disposed of a great number. The cases that really take the time are the regular cases.

You will notice there was not much reduction although we had a slight reduction in the number of petitions.

MR. ROONEY. 468 as compared with 527 the year before; is that correct?

Judge JONES. 475 plaintiffs and 361 petitions.

MR. ROONEY. 468 is the figure I see on this chart which I have before me.

MR. COWEN. Mr. Chairman, the top figure is 1,487.

MR. ROONEY. I am looking at the number of petitions disposed of; 468 total, and that compares with about 527 in the previous year.

MR. COWEN. That is right.

MR. ROONEY. Is that correct?

Judge JONES. That is correct, but if you will look at it, a good many of those are class cases and that does not mean much because one decision might dispose of a great many of the class cases.

The firefighter cases, we disposed of a great number by the trial of one case which sets a pattern and then it is just a matter of auditing calculation as to the others at that time. The regular cases have reduced some but I wish the committee had the opportunity to look at some of these petitions and the time it takes to try some of these cases, as well as the volume of work involved in them.

Of course, we are still considerably behind.

Take these 1,489 cases and the regular case total which is 1,407, those have to be tried aside from class cases. That is where the test really comes. When you take that number of regular cases disposed of, and we disposed of 441 petitions, and if you take 1,407, that would be about 3 years' work.

Mr. ROONEY. That figure would compare with 474 in the previous year, would it not?

Judge JONES. Yes, sir.

Mr. ROONEY. Judge Jones, what would be the consequence of deferring this requested \$50,000 item for printing?

Judge JONES. Well, I do not know. If you deferred that item altogether, I do not know. We have had special help down there in trying to get these volumes ready for printing. I would hate to have them all deferred, the whole thing deferred, because on the printing we have turned back \$17,000 one year and \$30,000 another, and \$53,000 another year. A good part of that was supposed to be for volumes; is that correct?

Mr. COWEN. That is correct.

Judge JONES. We turned that back to the Treasury because with this increase in the importance of the cases and the amounts involved and the increases due to the war, these people simply got behind in getting the volumes ready. I would like to cooperate in every way that I can but I would be willing to say that we need to get these out. Let us say we defer half of that until next year and not do it all this year. I do not think we would be particularly hurt, but I would like to get some of those volumes out because when we get out as many cases as you see there, we have to keep a line on the decisions you have made. It is pretty hard to do that with a number of these slip opinions carrying over a period of years, unless this is in volume form and indexed.

For that reason, we would like to get some of these printed.

If you wish, we could get the whole thing but I do not think we would be greatly hurt if we could get \$25,000 and defer until next year the additional ones.

If we ever get these volumes current, I think we will not have any trouble and it will be a regular appropriation. If you will look over the record, you will see that we turned back enough to more than make this up.

LAPSE TO TREASURY

Mr. ROONEY. How much was lapsed in the Treasury out of this appropriation for salaries and expenses in fiscal 1963?

Mr. PEARTREE. Between \$600 and \$700 turned back.

Judge JONES. We were getting out some additional volumes during that time, 1963. If you will go back to another date—

Mr. PEARTREE. The figures on the years we fell behind on the volumes show that for 1958 and 1959—

Judge JONES. That was \$17,000 in 1959 and \$30,000-plus in 1960, and then we turned back \$53,000 into the Treasury.

That is from the printing. I do not know, but maybe I should not have done this; but if we did not need this, we would not ask for it.

Those of the committee who have been here a while, including the chairman, are aware of that fact. We do not spend any money we do not feel is useful.

I would very much like to have enough to print a part of that because we have made all of our plans. If you could defer \$25,000 of that, I would not feel bad at all about it, but I would not like to see the whole thing out because I would like to make some progress on this if we could. I know what your problem is and I appreciate it, too.

Mr. ROONEY. Of course, I am thinking of the fact that these plans were made before the President's state of the Union address. You and I are both great admirers of the President.

Judge JONES. Yes, sir; we certainly are. I think he is doing a wonderful job and I just hope he does not overwork.

I do not know, but we will accept whatever the committee does. I think it would be wise if you gave us enough to print part of this. This would defer \$25,000.

PRINTED VOLUMES

Mr. Bow. How many volumes behind are you, Judge?

Judge JONES. We are about 2½ years behind. That would be about 12 volumes behind, I guess.

Mr. Bow. If you got \$25,000, how many volumes could you print?

Judge JONES. With \$25,000 we could print four or five volumes, possibly five, but I think four, depending on the size of the volumes.

Mr. Bow. That would still leave you what?

Judge Jones. We would still be behind.

Mr. Bow. Eight volumes?

Judge Jones. Yes, possibly seven; but we are going to have the volumes ready so we would like to print as many as possible.

Then we can catch up and then the regular appropriation will take care of it. We bow to the wishes of the committee but I would like very much to get some of those printed and on the way, if we can.

TRAVEL COSTS

Mr. ROONEY. How much was actually spent for travel in 1963?

Judge JONES. Do you have the figure, Mr. Peartree?

Mr. PEARTREE. \$12,958.07.

Excuse me; that is the wrong figure, \$10,326.07.

Mr. ROONEY. How much was actually spent for travel in the year before?

Mr. PEARTREE. Transportation of persons.

The year before was the figure I gave you before, \$12,958.07.

Mr. ROONEY. How come you ask for \$23,300 now?

Judge JONES. We feel we have to send these people all over the country as we get cases set. We certainly like to have enough to cover the travel expenses because you get cases set and run out of

money and, as suggested by Mr. Cowen, the work of this court on the west coast has increased tremendously because the Government is spending so much money out on the west coast. Travel out there is going to take more money. We have reduced that all we can by setting as many cases as we conveniently can so that a trial commissioner can try a case in one place and then go to another.

We have gone over these figures very carefully and I think that is the lowest that we felt would give us assurance.

Mr. ROONEY. The point is that in 1963 you asked for \$20,000 and you were allowed it, but you spent \$10,326.07. Why did not the difference go back to the Treasury?

Judge JONES. We probably absorbed that in some of these, in taking care of some of these other things.

Mr. PEARTREE. That is correct. The extra volume last year came out of that; \$6,300 came out of that.

Judge JONES. How many volumes did we print?

Mr. PEARTREE. Four or five the year before. That was true the year before, and in 1962 as well. There were 2 volumes out of that.

Mr. ROONEY. Why were not the volumes included in supplies and materials or printing and reproduction? We are talking now only of travel. You obtained \$23,000 for travel and spent but \$10,000. My question is: Why did not the difference lapse into the Treasury?

Judge JONES. Our overall amount was spent for things that we actually had to have, almost. I do not know. It was a lump appropriation. We might have transferred some.

Mr. PEARTREE. It all went into printing.

Mr. ROONEY. Why should it?

Mr. PEARTREE. It is simply that the printing costs have gone up, and it is a problem of keeping up with them. If you look at our printing figures, we were allowed \$67,500; the printing figure was \$88,000.

Mr. ROONEY. Did we not allow you every nickel you asked last year for printing?

Mr. PEARTREE. Yes.

Judge JONES. I think you did. The record will show.

Mr. PEARTREE. Correct; \$15,000 for this year.

Judge JONES. We thank you, gentlemen.

STATUS OF BUILDING PLANS

Mr. ROONEY. Before we conclude, I should like to ask Chief Judge Jones: What is the situation with regard to your moving?

Judge JONES. They opened the bids yesterday for the new building. They hope to let the contract in February. They claim it will take about 2 years to finish the building. It probably will take more than that, but I do not know. Meantime, they say they are going to have to move us to other quarters while the building is being finished.

Mr. ROONEY. What happens with regard to this request now before us for repairs?

Judge JONES. Mr. Stewart, I understand, is coming up this afternoon to explain that. I think he has had a meeting with GSA about that. He will explain that to you this afternoon.

Mr. ROONEY. Very good, Judge.

Judge JONES. We probably will not need it ourselves. I do not want to invade that field.

REPAIRS AND IMPROVEMENTS

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Structural and mechanical maintenance (obligations) (object class 25).....	8	10	10
Financing: Unobligated balance lapsing.....	2		
New obligational authority (appropriation).....	10	10	10

Mr. ROONEY. You request \$9,500, which is the same amount as has been appropriated over a great number of fiscal years for repairs and improvements to the Court of Claims building.

We shall insert at this point in the record pages 62 through 64 of the justification.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Repairs and improvements, Court of Claims:

Judiciary

1964 appropriation in annual act..... \$9,500

Net difference, 1965 over 1964:.....

	Requirements		Difference, increase (+) or decrease (-)
	1964 appropriated	1965 estimate	
Repairs to buildings.....	\$9,500	\$9,500	
Total estimate for 1965.....			9,500

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is to provide for structural repairs and improvements to the Court of Claims buildings, including the repairs and maintenance of the mechanical equipment. The appropriation is for expenditure by the Architect of the Capitol. The estimate is submitted at the direction of the chief judge of the court.

Detailed justification

The amount requested for general annual repairs; namely, \$5,000, is the same as allowed for 1964 and provides for the annual repair and upkeep of the heating and plumbing systems, roof, and two elevators, and for electrical, carpentry, millwork, plastering, ironwork, air-conditioning and refrigeration systems, and miscellaneous annual repairs.

The breakdown of this item follows:

Breakdown of estimate

Repairs and maintenance of heating system.....	\$600
Repairs to roof.....	800
Electrical repairs and replacements.....	500
Plumbing repairs.....	400
Maintenance and repair of elevators.....	300
Carpentry and millwork, plastering, and hardware.....	900
Maintenance, air-conditioning systems.....	1,000
Miscellaneous.....	500
Total general annual repairs.....	5,000

The amount requested for annual painting; namely \$4,500, is the same as allowed for 1964 and provides for necessary painting throughout the building. The building is nearly 100 years old and there are numerous air cracks in the walls and ceilings, necessitating painting more often than would be normally required.

The total, therefore, requested for the Court of Claims, fiscal year 1965, under "Repairs and improvements," is \$9,500.

GENERAL STATEMENT

Mr. ROONEY. Do you have a statement with regard to this?

Mr. STEWART. Yes.

Mr. ROONEY. We shall insert your letter at this point in the record.

(The letter referred to follows:)

ARCHITECT OF THE CAPITOL,
Washington, D.C., January 15, 1964.

HON. JOHN J. ROONEY,
Chairman, Subcommittee on the Judiciary,
Committee on Appropriations,
House of Representatives.

MY DEAR MR. CHAIRMAN: The U.S. Court of Claims has occupied its present quarters at 17th Street and Pennsylvania Avenue since 1899. Appropriations for construction, repair, and improvements of the buildings occupied by the court have been placed under the Architect of the Capitol by Congress ever since the court began occupying the buildings.

The Architect of the Capitol has performed his duties by virtue of authority granted in annual appropriation acts, and not through any basic statute.

An appropriation of \$9,500 was allowed the Architect for the fiscal year 1964. As of January 1964, obligations, totaling \$1,849 have been incurred, leaving a present available balance of \$7,651.

An appropriation of \$9,500 has been requested in the budget for the fiscal year 1965. This request may now be withdrawn, as we are advised that the court will vacate its present quarters and move to temporary quarters during the fiscal year 1964.

It is understood that the General Services Administration proposes to take over jurisdiction of the Court of Claims buildings at 17th and Pennsylvania Avenue, when those buildings are vacated by the court.

The Architect of the Capitol is not informed as to future disposition of these buildings, having no concern with this phase of administration.

In order that there may be no doubt as to the intent of Congress that the Architect of the Capitol be relieved of all duties and responsibilities in connection with these buildings after they have been vacated by the Court of Claims, it is requested that the following paragraph be included in the Judiciary Appropriation Act for 1965:

"When the buildings at Seventeenth Street and Pennsylvania Avenue northwest in the City of Washington are vacated by the United States Court of Claims, the Architect of the Capitol shall cease to perform any duties in connection with such buildings and any duties theretofore performed by him with respect to these buildings shall thereafter be performed by the General Services Administration. Such amounts of the appropriations herein provided for expenditure for such buildings by the Archi-

act of the Capitol as may be unobligated at the time of transfer of duties shall be transferred by the Architect of the Capitol to the General Services Administration."

Congress has set a precedent in this matter. For many years, the Architect of the Capitol was responsible for the repair and improvement of the District of Columbia Courthouse and the U.S. Court of Appeals Building in Judiciary Square, by virtue of authority granted in annual appropriation acts. When those buildings were vacated by the courts in 1952, the Appropriations Committee included language, similar to that requested in this letter, in the Judiciary Appropriation Act, 1953, which was adopted by the Congress and is identified as section 404 of that act (66 Stat. 571), terminating the duties of the Architect of the Capitol and transferring those buildings to the jurisdiction of the General Services Administration.

Yours very truly,

J. GEORGE STEWART,
Architect of the Capitol.

WITHDRAWAL OF BUDGET REQUEST

Mr. STEWART. If you will take notice of the third paragraph, where \$9,500 was allowed the Architect for the fiscal year 1964 and as of January 1964—

Mr. ROONEY. The balance of \$7,651?

Mr. STEWART. That is right. The appropriation for the coming year of \$9,500 has been withdrawn.

Mr. ROONEY. The net result of this letter, which I have already read, is you are withdrawing the \$9,500 request; is that right?

Mr. STEWART. That is right.

NEW LANGUAGE REQUESTED

Mr. HENLOCK. We are asking for some language in the bill to make sure the Architect of the Capitol is relieved of all duties in connection with these buildings which he has had charge of for 60-odd years by virtue of annual appropriation acts rather than a basic statute.

We are following precedents your committee followed in the case of two courthouse and Court of Appeals buildings when the courts moved out of those buildings.

Mr. ROONEY. You know better than that.

Mr. HENLOCK. I have section 404 of the Judicial Appropriation Act for 1953, where the identical procedure was followed. All we are doing is following the precedent.

Mr. ROONEY. We are in a different day and age. Do you know that this is subject to a point of order?

Mr. HENLOCK. If we had a basic statute, Mr. Chairman, we would feel it was a matter perhaps for the Public Works Committee, but this is simply clarifying what the intent was of what the Appropriations Committee has been doing for 60-odd years.

(Discussion off the record.)

Mr. ROONEY. Thank you, Judge Jones and gentlemen.

WEDNESDAY, JANUARY 15, 1964.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
JUDICIAL SERVICES

WITNESSES

HON. WILLIAM J. CAMPBELL, CHIEF JUDGE, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS
MATTHEW F. MCGUIRE, CHIEF JUDGE, U.S. DISTRICT COURT,
DISTRICT OF COLUMBIA
CARL A. WEINMAN, CHIEF JUDGE, U.S. DISTRICT COURT, SOUTH-
ERN DISTRICT OF OHIO
WARREN OLNEY III, DIRECTOR, ADMINISTRATIVE OFFICE, U.S.
COURTS
JOHN C. AIRHART, ASSISTANT DIRECTOR, ADMINISTRATIVE
OFFICE, U.S. COURTS
DARWIN H. ANDERSON, ASSISTANT CHIEF OF BUSINESS ADMINIS-
TRATION, ADMINISTRATIVE OFFICE, U.S. COURTS
EDWARD V. GARABEDIAN, BUDGET OFFICER, ADMINISTRATIVE
OFFICE, U.S. COURTS

Mr. ROONEY. The next general item is entitled "Courts of Appeals, District Courts, and Other Judicial Services." It is to be found beginning at page 65 of the justifications, which page we shall insert at this point in the record.

(Page 65 follows:)

Summary statement relating appropriation estimate to current appropriation

Courts of Appeals, District Courts, and other Judicial Services (exclusive of salaries and ex-
penses of referees): *Judiciary*
1964 appropriation in annual act..... \$53,440,000
Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or de- crease (-)
	1964 ap- propriated	1965 estimate	
Salaries of judges.....	\$11,200,000	\$11,200,000	
Salaries of supporting personnel.....	30,650,000	32,940,000	+\$2,290,000
Fees of jurors and commissioners.....	5,500,000	5,500,000	
Travel and miscellaneous expenses.....	4,500,000	5,065,000	+565,000
Salaries and expenses, Administrative Office, U.S. Courts.....	1,590,000	2,059,500	+469,500
Total.....	53,440,000	56,764,500	3,324,500
Total estimate for 1965.....			56,764,500

INCREASES REQUESTED

Mr. ROONEY. It is indicated that the request for five appropriation items—"Salaries of judges," "Salaries of supporting personnel," "Fees of jurors and commissioners," "Travel and miscellaneous expenses," "Salaries and expenses, Administrative Office, U.S. Courts"—is in the amount \$56,764,500, which would be a requested increase of \$3,324,500 over the appropriations for these purposes in the current fiscal year.

Do you have a general statement with regard to this, Judge Campbell?

GENERAL STATEMENT

Judge CAMPBELL. A very brief one. I would prefer, if the Chair please, to comment, if you desire comment, item by item as we go down.

I would like briefly, first of all, for the record to present those who are present with me today. Chief Judge McGuire, District of Columbia; Chief Judge Weinman of Ohio; Mr. Olney, Director of the Administrative Office; and Mr. Airhart, his assistant.

The Chair has correctly noted the request for additional appropriations, approximately \$3½ million, and the request for approximately 170 additional positions.

I should like to say by way of opening our presentation, Mr. Chairman and members of the committee, that this was carefully analyzed by our Committee on the Budget and gone over very carefully and cut down by the Administrative Office as well as by our committee, then presented to the Judicial Conference of the United States at their last meeting, where it received full discussion and careful consideration.

It represents what we thought in September of 1963 and what the Judicial Conference thought was a minimum that was needed for the proper and efficient administration of the courts for this coming fiscal year.

Your Committee on the Budget, Committee of the Judicial Conference, which appears before you today, has, of course, held more recent meetings since the Judicial Conference of the United States has had its September meeting. We are very well aware that the overall appropriation situation has changed somewhat since the time the Judicial Conference met in September of last year.

Although these requests, Mr. Chairman, represent our best judgment, in the effort to provide only the minimum of what is needed to maintain the courts, we realize that in the face of the present request for economy, through all appropriations, that your committee has a task to perform with reference to reductions. We recognize that this is so. We feel that it is our duty under the statute to present to you what we think are the minimum needs and that we are doing. We realize that the discretion is with your committee as to what, if any, economies in these requests should be effected in light of the overall situation and possibly what, if any, of them should be postponed rather than going ahead with certain improvements at the present time.

We are prepared to cooperate to the fullest and to accept whatever decisions your committee makes. The discretion is yours, of course. We want you to know that we appreciate the fine attention your committee has given our requests in the past and your kindness to the judiciary in the matter of appropriations. Whatever you feel in the exercise of your proper discretion should be done with our request, we not only accept but will cooperate and abide by it.

I think possibly with reference to each of the five items I could make a brief comment as you reach them, but I do not think I need make a further opening statement at this time, Mr. Chairman.

Mr. ROONEY. Do you also have a statement, Judge McGuire?

Judge McGUIRE. I subscribe totally to what Judge Campbell has said.

Mr. ROONEY. Judge Weinman?

Judge WEINMAN. I have no statement at this time, sir.

SALARIES OF JUDGES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation: Permanent positions.....	10,519	10,819	10,819
12 Personnel benefits.....	346	356	356
13 Benefits for former personnel ¹	25	25	25
Total obligations.....	10,890	11,200	11,200

¹ Widows of Supreme Court Justices.

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions:			
Active judges.....	385	385	385
Senior and resigned judges.....	90	94	94
Average number of all judges.....	454	466	466
Number of judges at end of year:			
Active judges.....	363	372	372
Senior and resigned judges.....	90	94	94

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: salaries and benefits (obligations).....	10,890	11,200	11,200
Financing: Unobligated balance lapsing.....	70		
New obligational authority (appropriation).....	10,960	11,200	11,200

Mr. ROONEY. The first item, entitled "Salaries of judges," is in the amount \$11,200,000 and does not contain a requested increase; is that correct?

Judge CAMPBELL. That is correct, Mr. Chairman.

Mr. ROONEY. How much of this appropriation lapsed into the Treasury at the end of the last fiscal year, June 30, 1963?

VACANCIES ANTICIPATED

Judge CAMPBELL. The estimate before is based on the assumption that there would be an average of 13 vacancies during the fiscal year. We currently have 14 vacancies. It appears at the present time that that is about an accurate estimate. I do not have it in dollars.

Mr. ANDERSON. \$70,000 lapsed.

Mr. ROONEY. We shall at this point insert in the record pages 66 through 69 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries of Judges: Judiciary
 1964 appropriation in annual act..... \$11,200,000
 Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or de- crease (-)
	1964 appro- priated	1965 estimate	
Compensation and benefits.....	\$11,200,000	\$11,200,000	
Total estimate for 1965.....			11,200,000

Analysis by object

Object	1964 estimate	1965 estimate	Increase or decrease (-)
11 Personnel compensation.....	\$10,819,000	\$10,819,000	
12 Personnel benefits.....	356,000	356,000	
13 Benefits for former personnel (or survivors) ¹	25,000	25,000	
Total obligations.....	11,200,000	11,200,000	

¹ Widows of Supreme Court Justices.

JUSTIFICATION

Language changes

None.

Objectives

Funds appropriated under this heading are for the salaries and benefits of all U.S. circuit and district judges, and all justices and judges who have retired or resigned in pursuance of law. Annuities to surviving widows of Supreme Court Justices also are payable from this appropriation. For basic statutory authorities, reference is made to section K of the "Digest of Appropriations, the Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

At the present time there are 385 authorized judgeships, 78 for the U.S. courts of appeals and 307 for the U.S. district courts. As of June 30, 1963, there were on the roll and in a pay status, 74 active circuit judges and 289 active district judges. In addition, there were 86 senior judges and 4 resigned judges, or a grand total of 453 judges in a pay status. There were 22 judgeship vacancies on June 30, 1963, 4 in the U.S. courts of appeals and 18 in the U.S. district courts, including 4 district judgeships created by the act of May 19, 1961, Public Law 87-36. It is expected that in 1965 there will be an average of only 13 vacancies, which is considered a normal level. Consistent with the pattern which has existed over the past several years, it is anticipated that there will be, on the average, 94 senior and resigned judges on the roll in 1965.

The following table shows the average number of judges on the roll during the past 4 years and the estimates for 1964 and 1965:

Fiscal year	Judgeships	Vacancies	Filled	Retired and resigned judges	Total judges
1960.....	316	16	300	81	381
1961.....	¹ 313	14	299	81	380
1962.....	385	53	332	91	423
1963.....	385	21	364	90	454
1964 (estimate).....	385	13	372	94	466
1965 (estimate).....	385	13	372	94	466

¹ Reduction due to Alaska statehood.

NUMBER OF JUDGES

Mr. ROONEY. How many judges does this provide for?

Mr. ANDERSON. It provides for an average of 466 judges.

Mr. ROONEY. How many retired judges does it provide for?

Mr. ANDERSON. It provides for 90 retired and 4 resigned, a total of 94 in that category.

Mr. ROONEY. How much lapse is provided?

Mr. ANDERSON. Thirteen lapse.

Judge CAMPBELL. That is the current one. We have 14 vacancies at present.

Mr. ANDERSON. Yes, but the lapse is 13.

Mr. ROONEY. When you answered a while ago when I put the question, how many judges does it provide for, you gave the figure 466. That included the active judges, also retired and resigned?

Mr. ANDERSON. That is correct, active, retired, and resigned.

Judge CAMPBELL. If I could observe parenthetically, if H.R. 8986 should pass this session, it would require us to come in for a supplemental.

Mr. ROONEY. I am with you on that one.

Judge CAMPBELL. I thought possibly you might be. I would like nothing better than to appear on such a request. It is much needed both by Members of Congress and by the judiciary.

SALARIES OF SUPPORTING PERSONNEL

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Personnel compensation:			
Permanent positions.....	25,593	28,078	30,372
Positions other than permanent.....	308	365	365
Other personnel compensation.....	101	327	190
Total personnel compensation.....	26,002	28,770	30,927
Direct obligations:			
11 Personnel compensation.....	25,801	28,545	30,687
12 Personnel benefits.....	1,908	2,105	2,253
Total direct obligations.....	27,709	30,650	32,940
Reimbursable obligations:			
11 Personnel compensation.....	202	225	240
12 Personnel benefits.....	15	17	18
Total reimbursable obligations.....	217	242	258
Total obligations.....	27,925	30,892	33,198

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	3,866	3,885	3,977
Full-time equivalent of other positions.....	75	85	85
Average number of all employees.....	3,800	3,885	3,970
Employees in permanent positions, end of year.....	3,752	3,800	3,892
Employees in other positions, end of year.....	111	120	120

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities:			
Salaries and benefits:			
Direct program.....	27,709	30,650	32,940
Reimbursable program.....	217	242	258
Total obligations.....	27,925	30,892	33,198
Financing:			
Advances and reimbursements from other accounts.....	-217	-242	-258
Unobligated balance lapsing.....	279		
New obligational authority (appropriation).....	27,988	30,650	32,940

Mr. ROONEY. The next item is entitled "Salaries of supporting personnel" and is to be found beginning at page 70 of these justifications, which page we shall insert, together with pages 71 through 88 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries of supporting personnel, the judiciary:

Judiciary

1964 appropriation in annual act..... \$30,650,000

Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or de- crease (-)
	1964 appro- priated	1965 estimate	
Compensation and related benefits.....	\$30,650,000	\$32,940,000	+\$2,290,000
Total estimate for 1965.....			32,940,000

Analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$28,545,000	\$30,687,000	\$2,142,000
12 Personnel benefits.....	2,105,000	2,253,000	148,000
Total (direct) obligations.....	30,650,000	32,940,000	2,290,000

Analysis of increases requested by class of personnel

	Estimate, 1964		Additional personnel		Federal Salary Reform Act	Within-grade promotions	Judiciary salary plan	Deduction for extra days in 1964	Estimate, 1965	
	Positions	Amount	Positions	Amount					Positions	Amount
Personnel compensation:										
Clerks of courts.....	1,412	\$10,315,000	15	\$87,000	\$259,000	\$185,000	\$380,000	-\$30,000	1,427	\$11,187,000
Probation system.....	888	7,380,000	77	1,374,000	173,000	156,000	240,000	-25,000	1,065	7,968,000
Secretaries and law clerks.....	530	1,500,000			168,000	102,000		-24,000	820	6,546,000
Criers and messengers.....	323	1,500,000			30,000	28,000		-5,000	320	1,543,000
Court reporters.....	314	2,735,000			62,500			-10,500	314	2,777,000
Other personnel.....	121	850,000			17,500	12,000		-8,500	121	876,000
Total, compensation.....	3,885	28,770,000	92	461,000	700,000	483,000	620,000	-107,000	3,977	30,927,000
Related benefits.....		2,122,000		34,000	48,300	32,200	42,500	-8,000		2,271,000
Total, compensation and benefits.....	3,885	30,892,000	92	495,000	748,300	515,200	662,500	-115,000	3,977	33,198,000
Less: Anticipated reimbursements.....		-242,000			-5,300	-3,200	-7,500			-258,000
Total (direct) obligations.....		30,650,000		495,000	743,000	512,000	655,000	-115,000		32,940,000

1 10-month provision.

Summary of increased requirements for 1965

Nature of expense (or savings):

	Amount
Deductions: Funds for an extra compensable day in 1964, not required in 1965.....	-\$115,000
Additions:	
1. 44 additional probation officers.....	1 277,000
2. 33 clerk-stenographers for probation offices.....	1 124,500
3. 15 additional deputy clerks.....	93,500
4. Pay costs under the Federal Salary Reform Act of 1962 (increases scheduled to take effect on Jan. 6, 1964).....	743,000
5. Provision for within-grade salary advancements.....	512,000
6. Reduction of lapse (difference between full- and part-year cost of judiciary salary plan).....	655,000
7. 1-year extension of authority for pretrial examiner division of the U.S. District Court for the Southern District of New York.....	-----
Net increase, 1965 over 1964.....	2,290,000

¹ 10-month provision.

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is for payment of compensation and benefits of all supporting personnel of the U.S. courts of appeals and the U.S. district courts, with the exception of referees in bankruptcy and their clerical assistants. For data as to the classes of personnel covered and basic statutory authorities, reference is made to section L of the Digest of Appropriations, the Judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

The supporting personnel of the U.S. courts provided for by this estimate are required to assist the judges in the conduct of hearings, trials, and other judicial functions, and to man the component offices of the courts including the Federal probation system. The estimate for 1965 provides for the appointment of 44 additional officers and 33 clerk-stenographers for the probation system and 15 deputy clerks for the U.S. courts of appeals. Provision also has been made for within-grade salary advancements, the difference between the full- and part-year cost of salary increases to be granted pursuant to the Federal Salary Reform Act of 1962, effective January 6, 1964, and the difference between the full- and part-year cost of the judiciary salary plan.

The following is a summary of the judicial business of both the circuit and district courts:

Courts of appeals

Filings in the courts of appeals during the fiscal year 1963 increased for the fifth consecutive year to a record 5,437 cases, 614 more than in 1962. Criminal appeals increased 25 percent, from 773 in 1962 to 965 in 1963, and there were 20 percent more private civil appeals, 2,030 in 1963 compared with 1,692 in 1962. There was an increase in administrative appeals of 11 percent, from 1,024 to 1,141 but a slight reduction in U.S. civil and other appeals.

During the year the courts disposed of 5,011 cases, 844 more than in 1962, but notwithstanding this increase of over 20 percent in terminations, the backlog of pending cases rose from 3,031 at the beginning of the year to 3,457 at the end of the year.

The following table shows caseload data for the U.S. courts of appeals for the past 5 years:

Fiscal year	Filed	Terminated	Pending
1959.....	3,754	3,753	2,034
1960.....	3,899	3,713	2,220
1961.....	4,064	4,049	2,375
1962.....	4,823	4,167	3,031
1963.....	5,437	5,011	3,457



The district courts

Civil cases.—There was a total of 63,630 civil cases filed in the U.S. district courts during fiscal year 1963 as compared with 61,836 cases filed in the previous year, an increase of 1,794 or 2.9 percent. During 1963, there were 62,379 cases terminated, 4,383 (7.6 percent) more than in 1962 but 1,251 less than the number filed in 1963. Consequently, the pending caseload increased from 67,968 a year ago to 69,219 on June 30, 1963.

The following table shows the number of civil cases filed, terminated, and pending in the U.S. district courts for the past 10 years:

Fiscal year	Filed	Terminated	Terminated ¹ (excluding Alaska)	Pending, end of year
1954	59,461	57,903	(56,381)	68,431
1955	59,375	58,974	(57,209)	68,832
1956	62,394	67,700	(65,474)	63,526
1957	62,380	63,568	(61,625)	62,338
1958	67,115	61,285	(59,295)	68,168
1959	57,800	62,172	(60,241)	63,796
1960	59,284	61,829	(57,449)	61,251
1961	58,293	55,416	(55,297)	64,128
1962	61,836	57,996	(57,830)	² 67,968
1963	63,630	62,379	(62,210)	69,219

¹ Excludes civil and private cases terminated in the District Court of Alaska. In the transfer of jurisdiction to the State courts in February 1960, most of these cases became State cases and, therefore, should not be used in a comparison of district court work.

² Includes 1,739 electrical contracting cases.

Criminal proceedings.—There were 36,168 defendants prosecuted for criminal offenses in the U.S. district courts during 1963, 60 more than in 1962. The number of criminal defendants whose proceedings were terminated was 1,627 more than in the previous year and 97 more than the number filed on in 1963. As of June 30, 1963, there were 12,813 defendants in pending criminal cases compared with 12,910 a year ago. The following table shows the number of defendants filed on in original proceedings, terminations, and the number pending at the end of the year for each of the past 6 years:

Fiscal year	Commenced	Terminated	Pending
1958	35,015	34,778	9,948
1959	35,517	34,744	10,558
1960	35,017	34,567	10,845
1961	35,139	34,403	11,440
1962	36,108	34,638	12,910
1963	36,168	36,265	12,813

Probation.—As of June 30, 1963, there were 38,894 persons under supervision of Federal probation officers compared with 36,663 a year ago, an increase of 2,231 or 6.1 percent. Probation officers also were required to conduct a greater number of presentence and preparole investigations, 33,263 in 1963 compared with 31,867 in 1962, an increase of 1,396, or 4.4 percent.

Passport applications.—The district courts processed a record number of passport applications during fiscal year 1963, 294,267. This was an increase of 18 percent over the 249,655 applications processed in the previous year.

The following is a summary of the total passport applications filed, the number and the percentage of applications processed by the district courts:

Fiscal year	Total passport applications filed	Number of passport applica- tions filed in the district courts	Percentage of applications filed in the district courts
1957	564,397	171,737	30.4
1958	653,074	185,684	28.4
1959	702,021	197,828	28.2
1960	830,034	222,141	26.8
1961	845,856	220,699	26.1
1962	866,112	249,655	28.8
1963	1,026,027	294,267	28.7

The number of passport applications filed during the first 5 months of the fiscal year 1964 is 9.5 percent in excess of the number filed during the same period of the previous year. If this trend should continue, the courts will process in excess of 320,000 applications in 1964 and 350,000 in 1965.

Naturalization.—The number of petitions for naturalization continued to decrease with 95,885 petitions received in 1963 compared with 101,804 in 1962. The number of aliens naturalized also dropped slightly, from 98,573 in 1962 to 98,398 in 1963.

Effect of new district judgeships

As of June 30, 1963, 58 of the district judgeships created by the act of May 19, 1961, were filled. The result has been a noticeable increase in the number of cases tried, an increase in the amount of time devoted to trials by the judges and a decided increase in the number of cases terminated. During 1963, as compared with 1961, there was an increase in civil terminations of 13 percent, of criminal defendants in cases terminated of 5 percent, of trials (civil and criminal) of 14 percent, and of days spent by judges in trial (trial days) of 20 percent. These statistics would clearly indicate that the additional judgeships have made a substantial contribution to the work of the courts.

Detailed justifications

An appropriation of \$32,940,000 is requested for fiscal year 1965, which is \$2,290,000 over the amount appropriated for 1964. The increase in budgetary requirements is explained below:

Deduction for extra day

Employees who are paid on a biweekly basis will be compensated for 261 days in fiscal year 1965 whereas there are 262 compensable days in 1964. The sum of \$107,000 representing one day's compensation and \$8,000 for related Government contributions to the retirement fund, group life insurance, and health benefits have been deducted in establishing the budgetary requirements for 1965.

Request for additional probation officers

It is requested that \$277,000 be provided for the employment of 44 additional probation officers in grade JSP-9 at \$7,030 per annum. The sum of \$258,000 is for their compensation and the remaining \$19,000 for related benefits—Government contributions to the retirement fund, for group life insurance and health benefits. In addition, the sum of \$78,000 is included under the heading "Travel and miscellaneous expenses" for the nonrecurring expense of providing general office equipment and to cover their expenses of travel, communications, supplies, etc. The estimates are based on the officers serving for an average of only 10 months in fiscal year 1965.

In fiscal year 1963 the workload of the probation system again showed a substantial increase. Although the addition of 44 officers would prevent the average workload from rising higher, the request is based not on overall increase but on a district by district evaluation of current needs.

In 25 districts the workloads have risen to serious proportions. The heavier demands of presentence investigation work and the larger number of persons under supervision have limited critically the amount of time the officers can devote to each case. The seriousness lies in the resulting inadequate supervision and less comprehensive investigative work. The addition of 44 officers will enable the probation system to move rapidly to correct the deficiencies which at present pose a threat to adequate community protection.

Request for additional clerk-stenographers for probation system

The sum of \$124,500 (\$116,000 compensation and \$8,500 benefits) will be needed for the employment of 33 clerk-stenographers for an average of 10 months in 1965. The sum of \$26,500 is included under the heading "Travel and miscellaneous expenses" for general office equipment and miscellaneous expenses. These clerk-stenographers will be required to serve the additional officers requested above.

Request for additional deputy clerks

The sum of \$93,500 is requested for the employment of 15 additional deputy clerks to serve in the offices of the clerks of the U.S. courts of appeals. The estimate is based on the employees being classified in grade JSP-7 at \$5,795 per annum and includes \$6,500 for related benefits—Government contributions to the retirement fund, for group life insurance and health benefits. In addition to the amount required for compensation and benefits, the sum of \$13,500 is included under the appropriation "Travel and miscellaneous expenses" to provide the

new deputies with general office equipment and to cover such miscellaneous expenses as communications, printing, supplies, etc.

Although 10 additional judgeships were authorized for the courts of appeals by the act of May 19, 1961, no funds for additional deputy clerks to handle the resulting increase in the work and administrative functions of these courts have been provided. The caseload of the courts of appeals continues to increase steadily. During the 5-year period ended June 30, 1963, the number of cases commenced in the courts of appeals increased 45 percent from 3,754 in 1959 to 5,437 in 1963. The needs of these courts have been met to a limited extent by the authorization of temporary assistance.

Requirements under the Federal Salary Reform Act of 1962

An additional \$743,000 will be required in fiscal year 1965 to cover the full-year cost of pay increases to be granted supporting personnel of the U.S. courts of appeals and the U.S. district courts effective January 6, 1964, pursuant to the Federal Salary Reform Act of 1962. The following is a breakdown by fiscal year of the increases provided under compensation schedule II (2d phase) of the act.

	Total pay costs	Cost in 1964	Budgetary requirements, 1965
Compensation.....	\$1,357,000	\$662,000	\$695,000
Benefits.....	93,000	45,000	48,000
Total.....	1,450,000	707,000	743,000

The budgetary requirements were established by application of the rates actually payable under the new pay scales, augmented to the extent of approximately 6.8 percent to cover the cost of related benefits—Government retirement contributions, employer FICA taxes, and Government contributions to employee life insurance premiums. The estimate is net of indirect obligations resulting from the pay increases, that is, amounts to be reimbursed from other agencies or accounts.

Pay costs in the fiscal year 1964 are being absorbed to the extent of \$172,000. No further absorption is possible without seriously affecting the execution of essential functions by the courts, particularly in view of the need for additional personnel for the probation system and in the offices of the clerks of the U.S. courts of appeals.

Within-grade salary advancements

All of the personnel provided for by this appropriation, with the exception of clerks of court, court reporters, National Park Commissioners, and other officers and employees serving in ungraded positions at rates fixed by the Judicial Conference, are subject to the promotional plan for judiciary personnel and will be granted step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended.

It is estimated that these within-grade salary advancements will cost \$512,000 of which \$480,000 represents increases in compensation and \$32,000 related benefits—Government contributions to the civil service retirement fund and for group life insurance. The estimate, which represents approximately 85 percent of the full potential cost of step increases, is net of anticipated savings due to turnover of personnel and the filling of vacancies at lower rates of pay. The estimated cost of within-grade salary advancements to be granted in 1965 is somewhat higher than the estimate for 1964 by virtue of the provisions of the Federal Salary Reform Act of 1962 relating to the minimum increase on grade-to-grade promotions and the waiting period for within-grade increases. Also, employees who are regraded under the judiciary salary plan in many instances will be placed in the base rates of the respective grades and will be entitled to within-grade salary advancements upon the expiration of 1 year from the date of reclassification, whereas prior to such reclassification they would have been required to serve 2 or even 3 years to be eligible.

Reduction of lapse (difference between the full- and part-year cost of the judiciary salary plan)

The budget estimate for the fiscal year 1964 included a request for funds for the implementation of the "judiciary salary plan." For a detailed description of the plan, reference is made to pages 41-45, 47-50, 55 and 63-69 of the hearings before

the subcommittee of the Committee on Appropriations, House of Representatives, on the judiciary appropriations for 1964.

The estimate for 1964 was based on the annual cost of the plan, but the Congress, apparently taking into account the fact that there would be some delay in adjusting the grades and salaries of the employees, approved approximately one-half of the sum requested.

The amount allowed for 1964 will be sufficient particularly in view of the delay in the enactment of the appropriation bill. Of course, in 1965 the appropriation must be augmented to the extent of the difference between the full-year and part-year cost of the salary adjustments. The recurring annual cost of the plan, the amounts allowed for 1964 and the budgetary requirements for 1965 are as follows:

	Recurring annual cost	Amount allowed for 1964	Budgetary requirements, 1965
Personnel compensation:			
Deputy clerks (district courts).....	\$785,000	\$412,000	\$373,000
Probation system.....	500,000	260,000	240,000
Total personnel compensation.....	1,285,000	672,000	613,000
Personnel benefits.....	90,000	48,000	42,000
Total compensation and benefits.....	1,375,000	720,000	655,000

NOTE.—Provision for adjusting the grades and salaries of clerical personnel in the offices of referees in bankruptcy is included in the appropriation for "Expenses of Referees."

Continuing authority for pretrial examiner division of the U.S. District Court for the Southern District of New York

The Congress in fiscal year 1964 granted a 1-year extension of the authority and the funds for a pretrial examiner division in the Southern District of New York on an experimental basis. The program which was initiated on December 7, 1961, has not yet been completely evaluated and, therefore, it is requested that a further extension of 1 year be granted. The following is a breakdown of the staff and the annual cost of the program:

	Salary ¹ and benefits
Examiner, ungraded.....	\$15,865
Examiner, ungraded.....	15,865
Clerical assistant, JSP-4.....	4,355
Clerk-typist, JSP-4.....	4,495
Total salaries.....	40,580
Related benefits (estimate).....	3,020
Total.....	43,600

¹ Rates effective Jan. 6, 1964.

INCREASES REQUESTED

MR. ROONEY. The request for "Salaries of supporting personnel" is in the amount \$32,940,000, which would be an increase of \$2,290,000 over the amount appropriated in the current fiscal year. The increases are listed at page 73 of the justifications.

Included at page 73 of the justifications and the requested increase of \$2,290,000, we find provision for 44 additional probation officers, 33 clerk-stenographers for probation officers, and 15 additional deputy clerks, a total of 92 additional positions.

In view of the President's state of the Union message, what is your position with regard to these requested additional positions at the present time, since this budget was, as you said, made up back in September?

Judge CAMPBELL. We recognize that obviously there would possibly have to be some reduction here. Of course, we leave that entirely to the discretion of the committee and will abide by whatever the committee does.

ADDITIONAL PROBATION OFFICERS

I should point out, however, that there have been no additional probation officers in our service since 1962. The work of the probation department has greatly increased, and there is a crying need.

Mr. ROONEY. That was only a year ago.

Judge CAMPBELL. No, it is longer than that. I meant to say, actually, in 1962. We put them on in 1962. That would be the 1961 budget, would it not, that we got the additional officers? We put some on in 1962. Since then we have made no requests for additional probation officers.

The 44 that we ask, we feel and the conference felt, upon the presentation of our committee and also the committee that handles probation for the judicial conference, that the need of the additional officers was more than justified by the increased workload, which is due not only to a greater use of presentence investigations by a greater number of judges throughout all of the system, but also by the increase in the type of work that is being done.

The Congress has extended the provisions, for example, of Youth Offenders Act to include up to the age of 26 anyone who is a juvenile. Juvenile cases require considerably more work by probation officers than do the regular cases. That has increased the load on each officer.

Also the load with the parolees that we have to supervise with our probation staff for the Department of Justice has increased considerably since 1962. The actual figures we have and we can furnish if your committee would like them.

We would like to point out, apropos the President's state of the Union message, that this also happens to be a field wherein economy can be achieved by increasing positions. There has definitely been demonstrated, both in the so-called Michigan experiment in the State courts and in a survey which we have made in our courts, that to the extent that we have additional officers who can give competent supervision, judges use probation more than imprisonment. To the extent that offices throughout our system are understaffed in the probation department, judges are reluctant to place defendants on probation and are more inclined to impose a term of imprisonment.

The cost of supervising a defendant on probation is one-tenth of that of maintaining a prisoner in a Federal institution. The total cost per year of the Bureau of Prisons is \$1,953 per prisoner, while for supervising a probationer it is \$206 per year.

Accordingly, we feel that to the extent that the committee can give us additional officers, an overall economy will be effected in that more defendants will be placed on probation rather than committed.

The two experiments, the one conducted in Michigan by State courts and the one conducted by our own service, the survey conducted by our own service, reveals that judges make greater use of probation if there is adequate probation staff. We feel that we are urgently short at the present time a great many of these 44 officers, that all

of them could be put to work immediately and effect an overall saving.

However, again, the chairman asks me in view of the state of the Union message—the only thing I can say is we do realize your committee is going to have to cut our request. I am sure the judicial conference will agree when it meets the next time, at least I will tell them it will be necessary. We leave to your discretion to what extent, in order to bring us within the purview of the entire economy program this, what we regard as a reasonable request, minimum request, should be reduced.

I should observe also that to the extent you reduce the number of officers that you may allow us, the requested clerk-stenographers and supporting personnel for probation officers should likewise proportionately be reduced.

Would you like me to comment on the clerks also, Mr. Chairman?

Mr. ROONEY. Of course, for the record I should explain that the Bureau of the Budget does not exert control over this request for the judiciary as it does over requests for branches of the executive department.

Judge CAMPBELL. That is correct, sir.

Mr. ROONEY. It is traditional that whatever is asked by the judiciary is allowed and forwarded to the Congress by the Bureau of the Budget.

Judge CAMPBELL. Yes, sir.

Mr. ROONEY. In view of the fact that this budget and this particular bill this year will contain not a single additional person for an agency such as the Department of State and will contain fewer positions for the Department of Justice, I should think it only in order that we should very carefully scan this entire request for the judiciary. Would you agree with me?

Judge CAMPBELL. I agree with you, sir. But again, I do not want to appear in opposition, but that discretion is properly vested in you and your committee, Mr. Chairman.

Mr. ROONEY. That monkey is really getting around this room.

Judge CAMPBELL. He will land on your back any minute.

Mr. ROONEY. You put him there just as soon as you sat down.

Judge CAMPBELL. However, I will again repeat, taking him off your back and putting him on mine, Mr. Chairman, we know you are going to have to cut this. We are satisfied with whatever it has to be reduced this year.

Mr. ROONEY. Now I am sure the monkey does not know where he is.

Judge CAMPBELL. Let us leave him in the middle of the table.

Judge McGUIRE. Put him back in the cage.

Judge CAMPBELL. I think an exercise of sound discretion on both sides of the table indicates that whatever is done is more or less in the way of postponement. Of course, we can eliminate it altogether, but I think that effect would definitely be harmful to the general administration of criminal justice.

I do think a substantial reduction will be given us. I might say we expect it and we certainly will cooperate with whatever you do.

Chief Judge McGuire calls my attention to the fact that there has been an increase in criminal cases. Those statistics are available to the committee.

JUDICIARY SALARY PLAN

Mr. ROONEY. What do you now estimate as the annual cost of the judiciary salary plan?

Judge CAMPBELL. It is twice what you appropriated last year. It is on page 73. It is item 4.

Mr. ROONEY. Item 6.

Judge CAMPBELL. \$655,000. Incidentally, apropos of that, Mr. Chairman, your estimate last year in allowing one-half proved to be exactly accurate.

Mr. ROONEY. We just happened to stumble into that.

Judge CAMPBELL. I think it was very efficient stumbling because you hit right on the head.

Mr. AIRHART. You came within 1 day. Our bill was signed December 30.

Mr. ROONEY. We had no idea of that. I think you may be laboring under a misapprehension here insofar as this committee is concerned on this matter. As I say, we had no idea that the bill was not going to be taken up in the other body until the time it was actually taken up and that it would not become a public law until the end of the year. It would appear now, Mr. Airhart, that you are taking it for granted that we allowed exactly half. This is not the fact. We thought your figures were too high when we allowed the amount that we did.

Mr. AIRHART. Then I did misunderstand.

Mr. ROONEY. Completely.

Judge CAMPBELL. I likewise misunderstood. I understood it had been allowed but that only sufficient funds were being appropriated to put it into effect for the rest of the fiscal year. That was the understanding I received.

Mr. ROONEY. We figured that the plans you had were not sufficient to warrant the allowance of the full amount. That was the reason for the reduction.

Judge CAMPBELL. I must confess the misapprehension then because both Judge McGuire and I, after consultation and consideration of the committee's report, assumed that it was granting the request and the allowance was exactly one-half, as I indicated before. We would have, of course, regardless of when it was signed, put it in effect only to allow half a year.

Mr. ROONEY. I will ask that question again so as to have it clear on the record. What do you now estimate as the annual cost of the judiciary salary plan?

Mr. AIRHART. The annual cost estimate as of now is \$1,375,000.

WITHIN-GRADE SALARY ADVANCEMENTS

Mr. ROONEY. How did you arrive at the figure \$512,000 for within-grade salary advancements?

Judge CAMPBELL. That is under the regular civil service table of promotions or change in salary grades. After a certain number of years an employee goes into different grades.

Mr. ROONEY. Do you have some data on this?

Judge CAMPBELL. Yes.

Mr. GARABEDIAN. The method of arriving at the requirement for within-grade salary advancements was by application of the within-

grade salary increases to each of the various positions in the judiciary. This is by actual application to each position. There are some 3,459 positions covered by this appropriation, salaries of supporting personnel.

We estimated on the basis of experience that there would be approximately a 15-percent turnover. Here again this is based on the actual turnover in fiscal 1963. By taking 85 percent of the maximum potential cost of within-grade salary advancements, we arrived at the estimate for fiscal year 1965.

Judge CAMPBELL. These are all to be actual; however, any that are not used would result in a refund to the Treasury, would it not?

Mr. GARABEDIAN. Yes, sir; any balance would revert back to the Treasury.

Judge CAMPBELL. This follows the regular civil service table.

Mr. ROONEY. Out of this appropriation at the end of fiscal 1963, how much lapsed into the Treasury?

Mr. ANDERSON. \$279,000, Mr. Chairman.

Mr. ROONEY. Out of the entire item entitled "Salaries of supporting personnel"?

Mr. ANDERSON. Yes, sir.

Judge CAMPBELL. Would you like anything about the clerks that are in there? There are 15 positions there.

Mr. ROONEY. I expect they fall into the same category as the one that monkey was concerned with.

Judge CAMPBELL. Precisely, Mr. Chairman. I think we understand each other. Certainly, we do realize we cannot be any different from any other branch of the Government.

FEES OF JURORS AND COMMISSIONERS, U.S. COURTS

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Fees of U.S. commissioners.....	864	864	864
Fees of jury commissioners.....	10	10	10
Fees of jurors.....	2,852	2,916	2,916
Total personnel compensation.....	3,726	3,790	3,790
12 Personnel benefits.....	36	36	36
21 Travel and transportation of persons (jurors).....	1,567	1,602	1,602
25 Other services (meals and lodging furnished jurors).....	71	72	72
Total obligations.....	5,400	5,500	5,500

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities:			
Fees and related benefits of U.S. commissioners.....	900	900	900
Fees of jury commissioners.....	10	10	10
Fees, expenses, and costs of jurors.....	4,490	4,590	4,590
Total obligations.....	5,400	5,500	5,500
Financing: Unobligated balance lapsing.....	100		
New obligational authority (appropriation).....	5,500	5,500	5,500

Mr. ROONEY. The next and third item is entitled "Fees of jurors and commissioners," and is to be found beginning at page 89 of the justifications. We shall at this point insert pages 89 through 93 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Fees of jurors and commissioners, U.S. courts: Judiciary
 1964 appropriation in annual act..... \$5,500,000
 Net difference, 1965 over 1964:.....

	Requirements		Difference, increase (+) or de- crease (-)
	1964 appro- priated	1965 estimate	
Jury costs.....	\$4,600,000	\$4,600,000	
Commissioners' fees and related benefits.....	900,000	900,000	
Total.....	5,500,000	5,500,000	
Total estimate for 1965.....			5,500,000

Analysis by object

	1964 estimate	1965 estimate	Increase (+) or decrease (-)
11 Personnel compensation:			
Fees of U.S. commissioners.....	\$864,000	\$864,000	
Fees of jury commissioners.....	10,000	10,000	
Fees of jurors.....	2,916,000	2,916,000	
12 Personnel benefits.....	36,000	36,000	
21 Travel and transportation of persons (jurors).....	1,602,000	1,602,000	
25 Other services (meals and lodging furnished jurors).....	72,000	72,000	
Total obligations.....	5,500,000	5,500,000	

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is for fees, expenses, and costs of jurors; compensation of jury commissioners; fees of U.S. commissioners, including related Government contributions to the civil service retirement fund and matching taxes under the Federal Insurance Contributions Act, as amended, and the compensation of voting

referees appointed pursuant to the Civil Rights Act of 1960. For basic statutory authorities, reference is made to section M of the "Digest of Appropriations, the Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

The amount of service and the compensation of jurors depend largely on the number of jury trials requested by the parties to civil and criminal cases in the courts. The earnings of commissioners are directly related to the volume of cases presented by Federal law enforcement officials. The following table shows the trend in the cost of jurors and commissioners during the past 8 years, the amount appropriated for 1964, and the estimate for 1965:

Fiscal year	Jury costs	Percentage change	Fees of commissioners and related benefits	Percentage change
1956	\$3,729,814		\$590,519	
1957	3,729,726	0	617,020	+4.5
1958	4,199,300	+12.5	783,700	+27.0
1959	4,210,243	+3	791,826	+1.0
1960	3,894,159	-7.5	803,562	+1.5
1961	3,767,974	-3.2	830,976	+3.4
1962	4,258,104	+13.0	841,757	+1.3
1963	4,502,855	+5.7	894,294	+6.2
1964 (estimate)	4,600,000	+2.2	900,000	+6
1965 (estimate)	4,600,000	0	900,000	0

¹ Increase due primarily to statutory increase in fees of jurors effective Sept. 7, 1957.

² Increase due primarily to statutory increase in fees of commissioners effective Sept. 2, 1957.

Petit jury costs during 1962 aggregated \$3,799,000, almost \$300,000 more than in the previous year and \$600,000 more than in 1961. The increase in the cost of petit juries which is in relatively the same proportion as the increase in the number of jury trial days, is due to the activities of the additional district judges appointed pursuant to the omnibus judgeship legislation. Since 1961 petit jury costs have increased 18.7 percent whereas, during the same period the number of jury trial days has increased 17.3 percent, from 13,080 in 1961 to 15,348 in 1963. This would indicate that the courts have not relaxed their efforts to improve on their systems of calendar control and juror utilization.

Fees and allowances of grand jurors in 1963 aggregated \$704,000—\$53,000 less than the previous year but \$137,000 more than in 1961.

The fees and related benefits of U.S. Commissioners increased 6.2 percent from \$842,000 in 1962 to \$894,000 in 1963. The earnings of the Commissioners are, of course, uncontrollable as they are directly related to the volume of cases presented by law-enforcement officials. Inasmuch as the number of defendants in criminal proceedings commenced in the United States district courts has remained at relatively the same level, it must be assumed that the increase in fees is due to a greater number of petty offense cases being referred to U.S. Commissioners. The number of U.S. Commissioners designated to try petty offenses has increased 13 percent from 334 on January 1, 1962, to 379 as of December 1963.

INCREASE REQUESTED

Mr. ROONEY. They indicate that the request is in the amount \$5,500,000, the same amount asked for the current fiscal year.

INCREASE IN 1964 OBLIGATIONS OVER 1963

What have been the obligations for the first 6 months of fiscal year 1964 as compared with 1963 fiscal year?

Mr. ANDERSON. As of December 31, 1963, payments to jurors were \$1,782,191. A year ago, \$1,716,616, or an increase of 3.8 percent in the 6 months.

Judge CAMPBELL. May I observe that that is in the face of a great increase in the number of judges who are trying cases, due to the

omnibus bill creating the additional judgeships. There are many more district judges trying jury cases now than formerly. I think we have effected substantial economies.

TRAVEL AND MISCELLANEOUS EXPENSES, U.S. COURTS

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Direct obligations:			
21 Travel and transportation of persons.....	1,794	1,890	1,925
22 Transportation of things.....	23	36	38
23 Rent, communications, and utilities.....	715	783	944
24 Printing and reproduction.....	282	267	292
25 Other services.....	46	72	197
Transcripts ordered by courts.....	149	200	200
26 Supplies and materials.....	328	293	363
31 Equipment:			
General office.....	268	127	213
Lawbooks, accessions.....	307	153	153
Lawbooks, continuations.....	615	678	740
Total direct obligations.....	4,527	4,500	5,065
Reimbursable obligations:			
23 Rent, communications, and utilities.....	3	3	3
24 Printing and reproduction.....	6	6	6
26 Supplies and materials.....	9	9	9
31 Equipment.....	4	2	2
Total reimbursable obligations.....	23	20	20
Total obligations.....	4,550	4,520	5,085

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities:			
Travel and miscellaneous expenses:			
Direct program.....	4,527	4,500	5,065
Reimbursable program.....	23	20	20
Total obligations.....	4,550	4,520	5,085
Financing:			
Advances and reimbursements from other accounts.....	-23	-20	-20
Unobligated balance lapsing.....	143		
New obligational authority (appropriation).....	4,670	4,500	5,065

Mr. ROONEY. If there are no questions with regard to fees of commissioners and jurors, we shall proceed to the fourth item entitled "Travel and miscellaneous expenses." This begins at page 94 of the justifications, which page we shall insert at this point in the record together with pages 95 through 110.

(The pages follow.)

Statement relating appropriation estimate to current appropriation

Travel and miscellaneous expenses, U.S. courts: Judiciary
 1964 appropriation in annual act..... \$4,500,000
 Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or de- crease (-)	
	1964 appro- priated	1965 estimate		
Travel expenses.....	\$1,890,000	\$1,925,000	+\$35,000	
Miscellaneous expenses.....	2,610,000	3,140,000	+530,000	
Total.....	4,500,000	5,065,000	+565,000	+565,000
Total estimate for 1965.....				5,065,000

Analysis by object

Object	1964 estimate	1965 estimate	Increase or decrease (-)
21 Travel and transportation of persons.....	\$1,890,000	\$1,925,000	\$35,000
22 Transportation of things.....	36,500	38,000	1,500
23 Rent, communications, and utilities.....	783,000	944,000	161,000
24 Printing and reproduction.....	267,000	292,000	25,000
25 Other services.....	72,500	197,000	124,500
Transcripts ordered by court.....	200,000	200,000	
26 Supplies and materials.....	293,000	363,000	70,000
31 Equipment:			
General office.....	127,000	213,000	86,000
Lawbooks, accessions.....	153,000	153,000	
Lawbooks, continuations.....	678,000	740,000	62,000
Total (direct) obligations.....	4,500,000	5,065,000	565,000

Summary of increased requirements for 1965

Nature of expense (or savings): Additions:

1. Expenses (including nonrecurring cost of equipment) relating to requests for new personnel under the heading "Salaries of Supporting Personnel".....	Amount \$118,000
2. Increases in charges for local switchboard telephone and teletypewriter services by the General Services Administration due to the distribution of operators' salaries to using agencies.....	130,000
3. For the improvement and expansion of telephone facilities incident to the occupancy of new buildings.....	10,000
4. Additional amount required for printing opinions.....	22,000
5. To reimburse the General Services Administration for tenant alterations and services.....	115,000
6. For participation in health (first aid) units.....	8,000
7. To cover an increase in the volume and cost of supplies being consumed by the courts.....	60,000
8. For additional continuation material required to maintain court libraries and to cover contract rate increases.....	62,000
9. Nonrecurring cost of equipment required for clerks' offices upon conversion to central disbursing by the Administrative Office.....	40,000
Increase, 1965 over 1964.....	565,000

JUSTIFICATION

Language changes

None.

Objectives

This appropriation provides for the necessary travel and miscellaneous expenses of the judges and supporting personnel of the U.S. Courts of Appeals and the U.S. district courts, including the probation offices, but excluding the offices of the referees in bankruptcy. The travel and miscellaneous expenses of referees, including compensation and benefits of clerks to referees, are paid from a special fund appropriation. For basic statutory authorities, reference is made to section N of the digest of appropriations, the judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

During fiscal year 1963 the courts of appeals received a record 5,437 new appeals—12.7 percent more than in the previous year. The backlog of pending cases in the courts of appeals rose from 3,031 at the beginning of the year to 3,457 at the end of the year. Civil cases filed in the U.S. district courts increased 2.9 percent, from 61,836 to 63,630. As of June 30, 1963, there were 69,219 civil cases pending in the district courts compared with 67,968 on June 30, 1962. During 1963 the number of passport applications processed by the district courts increased 18 percent, from 249,655 to 294,267. Probation officers were called upon to conduct a greater number of presentence and preparole investigations—33,263 in 1963 compared with 31,867 in 1962. As of June 30, 1963, there were 38,894 persons under supervision of probation officers, whereas, there were only 36,663 a year ago. A detailed account of the judicial business of both the circuit and district courts is contained in the general justifications of the appropriation estimate for "Salaries of supporting personnel, the judiciary."

Detailed justification

It is estimated that an appropriation of \$5,065,000 will be required in 1965, which is \$565,000 more than the sum available for the fiscal year 1964. The increase in budgetary requirements is due in large measure to changes in financing arrangements. The General Services Administration has announced that it will bill customer agencies, effective July 1, 1964, for the full cost of communication services, including operators' salaries. Heretofore, such salaries have been financed by direct appropriations to the General Services Administration. Also, the General Services Administration insists on being reimbursed for so-called tenant alterations and services which heretofore have been provided at no cost to the judiciary.

In addition to the sum of \$245,000 required by reason of the changes in financial arrangements referred to above, the sum of \$118,000 is included for expenses relating to requests for additional personnel under the heading "Salaries of supporting personnel." \$40,000 for the nonrecurring cost of equipment required for clerks' offices incident to the commencement of a central disbursing program; and \$162,000 to cover increases in the volume and cost of supplies, lawbooks, printing, etc. The increases in budgetary requirements are explained in greater detail below:

Expenses relating to new personnel

Under the appropriation heading "Salaries of supporting personnel" funds have been requested for the compensation and related benefits of 15 additional deputy clerks for the U.S. courts of appeals, 44 additional probation officers for the U.S. district courts and 33 clerk-stenographers for the probation offices. The sum of \$118,000 is included herein for the procurement of general office equipment and to cover their expenses of travel, communications, supplies, etc., as follows:

	15 deputy clerks	44 probation officers	33 clerk-stenographers	Total
Travel.....		¹ \$35,000		¹ \$35,000
Transportation of things.....	\$300	750	\$450	1,500
Communications (including postage).....	3,000	13,000	5,000	21,000
Printing and reproduction.....	600	1,800	600	3,000
Other services.....	300	750	450	1,500
Supplies and materials.....	1,800	4,700	3,500	10,000
General office equipment (nonrecurring).....	7,500	22,000	15,500	46,000
Total.....	13,500	78,000	26,500	118,000

¹ 10-month provision.

The expenses relating to the increase in personnel are estimated on a unit cost basis. Unit costs are derived from samplings of expenses currently being incurred by officers and employees in similar positions. The cost of communications, supplies, equipment, etc., will vary depending upon the nature of the duties and responsibilities of the position. The nonrecurring cost of general office equipment, of course, will be deducted in establishing the budgetary requirements for fiscal year 1966.

Increased cost of communications

The General Services Administration has announced that it will bill customer agencies of the Federal telecommunications system for the full cost of communications services in the fiscal year 1965 and thereafter, including operators' salaries which heretofore have been financed by direct appropriations to the General Services Administration. Public Law 87-847, approved October 23, 1962 (76 Stat. 1117), established a Federal telecommunications fund to be administered by the General Services Administration on a completely reimbursable basis. For ready reference, a copy of the act is included herein as exhibit B.

The General Services Administration has informed heads of agencies that as a result of this change in financing arrangements, and the addition of operators' salaries to other common costs allocated to each telephone station, the current average charge for local service will be increased an average of \$2.35 per telephone station per month, or approximately 45 percent. Similarly the wordage rate for use of intrasystem teletypewriter service will be increased, from the current rate of 15 mills to a rate of 33 mills per word for messages processed by the General Services Administration operators. The additional cost resulting from these increases will be offset to some extent by a savings in long-distance costs resulting from the establishment of the Federal telecommunications system long-line network.

It is estimated that an additional \$130,000 will be required in fiscal year 1965 to cover the rate increases mentioned above. The estimate is based on the amounts currently being paid to the General Services Administration for telephone and teletypewriter services.

Improvement and expansion of telephone facilities incident to the occupancy of new buildings

It is requested that the sum of \$10,000 be provided for additional telephone equipment and services for court quarters in newly constructed buildings. The additional equipment will be required as a result of changes in functional setup which normally occur incident to the occupancy of new court quarters.

Additional amount required for printing opinions

Since 1961 there has been a 24 percent increase in the volume of opinions being printed for the U.S. courts of appeals and contract rate increases averaging 12 percent. The following are the contract rates obtained by competitive bidding in the courts of appeals for 1964 compared with the rates paid in 1961:

Price per page for straight matter

	1961	1964	Increase, percent
1st circuit.....	\$5.00	\$6.00	20
2d circuit.....	4.75	3.75	-21
3d circuit.....	4.35	5.00	15
4th circuit.....	3.25	3.55	9
5th circuit.....	2.60	2.60
6th circuit.....	5.90	6.40	9
7th circuit.....	3.45	7.40	115
8th circuit.....	4.50	4.60	2
9th circuit.....	5.45	6.00	10
District of Columbia circuit.....	8.50	8.50
Average.....	4.78	5.38	12

The increase of 24 percent in the volume of opinions is in proportion to the increase in the number of cases terminated by the courts of appeals—5,011 in 1963 compared with 4,049 in 1961. The sum of \$15,000 was provided to cover the cost of printing opinions for the additional circuit judges appointed pursuant to the act of May 19, 1961, but it proved to be inadequate. During 1963 the

total cost of opinions aggregated \$140,000 compared with \$102,000 paid in 1961 and \$114,671 paid in 1962. It is estimated that the sum of \$143,000 will be required in 1964 and in 1965, which is \$22,000 in excess of the sum available.

Tenant alterations and services

The budget estimate for the fiscal year 1962 included a request for \$115,000 for tenant alterations and services to be provided by the General Services Administration for the U.S. courts of appeals and district courts on a reimbursable basis. The estimate was based on an average annual cost of 3 cents a square foot for the approximately 4 million square feet of space occupied by the courts in post office buildings and in buildings operated by the General Services Administration. Detailed justifications in support of this item appear on pages 119, 120, and 156 of the hearings before the subcommittee of the Committee on Appropriations, House of Representatives, on the appropriations estimates for the judiciary for fiscal year 1962.

The Congress, in the Judiciary Appropriation Act, 1962, under the heading "Travel and Miscellaneous Expenses," appropriated the sum of \$4,407,500, \$572,500 more than in the previous year but \$410,500 less than the budget estimate. It appeared that the funds requested for so-called tenant changes had been denied and accordingly no funds were allotted for that purpose in the administrative allocation of the appropriation. The fact that it was a new item in the judiciary budget involving a rather substantial sum of money it appeared unlikely that the House Appropriations Committee would have approved it without an affirmative statement in its report accompanying the bill, particularly in view of the fact that it specifically mentioned allowances of \$25,000 for travel and \$60,000 for expenses relating to new personnel. The subcommittee chairman's comment appearing on page 156 of the hearings, "Give GSA our compliments, if you will. It was a nice idea while it lasted," would appear to remove any doubt that the committee did not intend to appropriate funds to the judiciary for tenant alterations. The subcommittee appeared to be in complete agreement with Judge Campbell's views "that it (tenant alterations) should be in the same general category as furniture. It's out of our realm."

The General Services Administration maintains that their "funds are not legally available for such expenses" and have made it quite clear that they would refuse to make any tenant changes or render services except on a reimbursable basis, leaving the judiciary no alternative but to resubmit the request for funds for reconsideration. They stated that they "are not persuaded that remarks made in hearings before a subcommittee that does not handle GSA appropriations and the absence of an affirmative statement in the committee report can be held to make any GSA funds available."

Executive agencies are required to budget for space, furniture, and tenant alterations, but just as an exception was made for the judiciary with reference to the space and furniture requirements, it appeared that it was the intent of the Congress to make an exception with reference to tenant alterations. Funds for the purchase of furniture and furnishings for the Federal courts after having been appropriated to the judiciary in 1961 and 1962 were again appropriated to the General Services Administration. The General Services Administration has and continues to finance all court space requirements. In a supplemental appropriation request for 1962, the General Services Administration included funds for furniture and space, presumably including tenant alterations, required incident to the creation of 73 new judgeships by the act of May 19, 1961. Tenant alterations and services, as are defined by the General Services Administration, usually bear a direct relationship to either the furniture or the space requirements of the courts, and, therefore, there would be a very fine line between what is or is not considered a reimbursable expense. For example, the installation of a partition at the request and for the benefit of the occupant agency would be considered a "tenant change" and would be reimbursable. This, of course, would be inconsistent with the present funding arrangements for court space. Also, if furniture is moved from one office to another at the request of the tenant agency, it would be considered a reimbursable service. On the other hand, if the General Services Administration were to procure new furniture for the court, the cost of moving the furniture and any other related expenses would be borne by the General Services Administration.

Several requests for tenant alterations by the courts have been held in abeyance pending a reconsideration of the matter by the Congress.

Participation in health (first aid) units

In April 1954 the Judicial Conference of the United States authorized the Director of the Administrative Office of the U.S. Courts to participate in the establishment of health centers and first aid stations where the local courts concerned desired to participate and to include funds for this purpose in the budget estimates to the extent necessary. Accordingly, \$8,000 is included herein for participation in health units at the following locations:

Denver, Colo.....	\$1,300
Oklahoma City, Okla.....	1,300
Philadelphia, Pa.....	3,460
Pittsburgh, Pa.....	200
Memphis, Tenn.....	800
Houston, Tex.....	1,100
Total.....	8,160
Rounded.....	8,000

Increased consumption of supplies

Exclusive of the requirements relating to new personnel referred to on page 100, it is estimated that the sum of \$353,000 will be required in 1965 for supplies and materials to be consumed by the courts—\$25,000 more than the sum expended during 1963 and \$60,000 in excess of the sum available for 1964.

Continuation material required to maintain court libraries

It is estimated that an additional \$62,000 will be required in fiscal year 1965 for the maintenance of court libraries. This increase in large measure is due to the expanding body of the law. The enactment of a greater number of laws by legislatures and the growing judicial business with an increase in the number of opinions being handed down by the courts contribute to the publication of a greater volume of statutes, reports, digests, and citations, as well as textual treatises. The overall increase in the volume and cost of the principal works used by the courts is estimated at approximately 6 percent. Applying this 6-percent increase to the sum expended for continuation material during the fiscal year 1963 of \$615,000, the allotment for this purpose would have to be augmented to the extent of \$37,000.

In addition to the sum which will be required as a result of the expansion of the body of the law, it is estimated that \$25,000 will be required for the upkeep of newly acquired sets of lawbooks. The cost of continuation material required annually for the maintenance of libraries is equal to about 15 percent of the initial cost of acquisition.

Equipment required for clerks' offices incident to central disbursement of judiciary appropriations

The Administrative Office of the U.S. Courts, with the approval of the Judicial Conference of the United States, in fiscal year 1965, shall relieve U.S. marshals of the responsibility of disbursing judiciary appropriations and pursuant to the authority contained in section 604 of title 28, United States Code, shall effect direct settlement of all salaries and expenses. The budgetary requirements relating to the central disbursing program have been included under the heading "Salaries and expenses, Administrative Office of the U.S. Courts" with the exception of the sum of \$40,000 included herein primarily for the procurement of equipment that will be required in clerks' offices. The equipment referred to are data recorders and trays for plastic cards which will be utilized in coding punch-cards for certification of the services of jurors. The central disbursing program is justified in greater detail in the following chapter.

INCREASES REQUESTED

Mr. ROONEY. The request for "Travel and miscellaneous expenses, U.S. courts," is in the amount \$5,065,000, which will be an increase of \$565,000 over the appropriation for these purposes in the current fiscal year.

The first item, Judge Campbell, entitled "Expenses relating to requests for new personnel," under the heading "Salaries of supporting personnel," \$118,000, has to do with the matter we discussed a while ago; is that correct?

Judge CAMPBELL. Precisely, and to the extent that is cut down this should be, proportionately.

Mr. ROONEY. The monkey is concerned with this, too?

Judge CAMPBELL. That is part of the same monkey, Mr. Chairman.

TRANSFER TO GSA FOR TELECOMMUNICATIONS SERVICE

Mr. ROONEY. With regard to item No. 2, which is for transfer to General Services Administration in the amount \$130,000, what is the purpose of this?

Judge CAMPBELL. We have no choice in the matter, although I wish we had. It changes the telephone service and teletypewriter service throughout the country. General Services has estimated this as our fair share of the cost.

As far as I am concerned, I understand the Congress authorized them or somebody authorized them to put in this so-called Centrex thing throughout the country. I would be glad to give it back to the Congress or whoever else started it.

Mr. ROONEY. I would be very much surprised if Congress started that. At least, the Appropriations Committees of Congress.

Judge CAMPBELL. I am sure they did not, but there seems to be some plan to convert all Government telephones all over the world on to one system so that in the event of emergency—I do not see possibly how that will affect the courts—but in the event of an emergency or something, everybody can be contacted with less delay, and so forth.

In the future, I understand, I am told—I do not understand—I cannot figure it out myself—I am told that it is supposed in the future to make all of the Federal telephone and communication services all over the world much more efficient and ultimately more economical.

As far as my own court is concerned, it has been a constant nuisance and is costing more money, but this is our fair share.

Mr. ROONEY. I take it it would be agreeable to you if the committee took the same approach to item No. 5, which is also for reimbursement of General Services Administration, as it should with regard to No. 2.

Judge CAMPBELL. It most certainly would, Mr. Chairman, There again is a matter, as you know, you and I and your committee have discussed from time to time. We think it belongs with the General Services Administration in their budget, but they say it does not, that we have to ask you for this money. I want to give them credit. They do the alterations and provide the services and do it very well and very efficiently.

It has always been my understanding, as I think it has been yours, that this is part of their budget and not of ours. They tell us that is not so and that we have to budget for it. Is that correct, Mr. Airhart? You carried on the negotiations.

Mr. AIRHART. To go back, I think I should say one thing here as between the two items. The first item, that of our reimbursing GSA for telecommunications costs results from a public law which established a Federal Telecommunications Fund and provided for GSA conducting it with reimbursement. There is a basic law there clearly providing for that.

Judge CAMPBELL. I knew Congress was in here somewhere, but it was not your committee.

Judge McGUIRE. Is there any teletypewriter service?

Judge CAMPBELL. Yes, they have them in the courthouse. All agencies use them in the courthouse.

Mr. AIRHART. Your courthouse is an exception.

Judge McGUIRE. In many things.

Mr. ROONEY. You get it by dogsled.

Mr. AIRHART. The cost increase comes from the fact that GSA has this year increased its phone service cost by something like 45 percent and teletypewriter service by about 50 percent.

SUPPLIES AND MATERIALS

Mr. ROONEY. With regard to item No. 7, which is to cover an increase in the cost and volume of supplies, what is the amount now available for supplies and materials in the current year's budget?

Mr. GARABEDIAN. \$293,000.

Mr. ROONEY. How much are you requesting in this budget?

Mr. GARABEDIAN. \$363,000 is the allotment. It represents an increase of \$60,000.

Judge CAMPBELL. If I may interrupt at this point, I would like to today—I could not do it before today—reduce that request by one-half to \$30,000. I have sent to you gentlemen copies of my recent correspondence with the judges after the President's announced economy program. I am happy to report the excellent cooperation that the committee on the budget has received from all the courts, that it has effected some savings which will enable us to reduce this request for additional funds by one-half now.



Mr. ROONEY. This only refers to item No. 7?

Judge CAMPBELL. That is right.

Mr. ROONEY. That would mean that you would be requesting the amount \$323,000 as compared with \$293,000 in the current fiscal year?

Judge CAMPBELL. Yes, \$30,000 less.

LAW BOOKS

Mr. ROONEY. With regard to item No. 8, how much is now available for books, and so forth?

Mr. ANDERSON. \$678,000, Mr. Chairman.

Mr. ROONEY. How much are you requesting in this budget?

Mr. ANDERSON. \$740,000.

Mr. ROONEY. Have you reflected on this, Judge Campbell?

Judge CAMPBELL. Yes, we have.

Mr. ROONEY. You and your Committee?

Judge CAMPBELL. We have presented what we think will be needed this year. However, both on this item and item No. 4, which is "Printing opinions," the Budget Committee of the Judicial Conference at its last meeting requested the Conference, and they have acceded to our request, to appoint a committee of judges, preferably appellate court judges, with a view to checking this alarming increase in cost of printing opinions and also of the continuation and maintenance services for libraries.

It may well be that it is necessary. Mr. Chairman, our Committee on the Budget cannot say to a judge, "You need two books and not three." However, we think there are cases where that economy should be effected. The Conference is going into it carefully.

We also, being district judges on this Committee, with two exceptions, cannot tell the appellate court judges that they are printing too many opinions or that their opinions are too long. We think, however, that that may be the case. An appropriate committee of the Judicial Conference has been appointed to look into this matter. I can assure you it is proceeding very actively with its work. If any economies can be effected in these two items, they will be within this year.

To the extent that you allow us any of these increases, we can assure you that we will not spend any more of it than we have to and we may be able to pay some back as a result of the economies we hope this Committee will effect.

It is a delicate situation for our Committee on the Budget. This is a matter we raised with the Judicial Conference on our own initiative, noting the alarming increase in these two items. We are quite hopeful that we may achieve as good results on these as we have on some other items in the past.



SALARIES AND EXPENSES, ADMINISTRATIVE OFFICE

Mr. ROONEY. Item No. 9, the request for \$40,000, that relates to something that will later be covered in the next item, is that right?

Judge CAMPBELL. Yes.

Mr. ROONEY. "Salaries and expenses, Administrative Office, U.S. Courts."

Judge CAMPBELL. Yes; depending on whether or not that central equipment is authorized, this will either go out or stay in, Mr. Chairman.

Mr. ROONEY. We shall at this point insert in the record this chart entitled "Travel of Judges on Assignment to Special Courts and Circuit Courts or District Courts of Other Circuits," as well as the chart entitled "Travel of Senior Judges on Assignment to Special Courts and Circuit Courts or District Courts, of Other Circuits," and the chart entitled "Services and Travel Expenses of Senior Judges Incident to Serving in Circuit Courts or District Courts Within Circuits," all concerning the period between July 1, 1962, and June 30, 1963.

(The charts follow:)

Travel of judges on assignment to special courts and circuit courts or district courts of other circuits, July 1, 1962, to June 30, 1963

Contributing courts	Name of judge	Courts visited	Period of designation		Actual days on assignment	Service			Cost of travel					
			From--	To--		Circuit courts	District courts		Judge	Law clerk	Secretary	Reporter	Order Total	
							Cases heard	Number of trials						Trial days
COURTS OF APPEALS														
1st circuit.....	Woodbury, Peter.....	3d circuit (Virgin Islands).....	1-28-63	2-2-63	5	10			\$228	\$216				\$443
Do.....	do.....	5th circuit.....	2-15-63	3-1-63	5	14			232					232
2d circuit.....	Hays, Paul R.....	do.....	6-3-63	6-8-63	6	19			380	261				641
Do.....	Lumbers, J. Edward.....	do.....	5-20-63	5-25-63	4	15			245					245
Do.....	Moore, Leonard P.....	do.....	5-13-63	5-18-63	4	17			250	282				532
Do.....	Smith, J. Joseph.....	6th circuit.....	11-29-62	11-30-62	6	8			201	168				369
4th circuit.....	Bell, J. Spencer.....	District of Columbia circuit.....	12-1-62	12-31-62	18	14			500	345	\$357			1,202
10th circuit.....	Lewis, David T.....	5th circuit.....	3-18-63	5-4-63	9	29			760					760
DISTRICT COURTS														
4th circuit: Virginia (western).....	Dalton, Ted.....	New Mexico.....	9-4-62	9-15-62	11		4	4	598	\$188				786
6th circuit: Tennessee (eastern).....	Taylor, Robert L.....	Florida (southern).....	11-5-62	11-17-62	15		5	9	349		331	\$327		1,007
Tennessee (western).....	Brown, Basley.....	Pennsylvania (eastern).....	9-10-62	10-22-62	12		3	9	343	338				1,019
8th circuit: Iowa (southern).....	Stephenson, Roy L.....	Florida (southern).....	11-26-62	12-8-62	13		6	11	963	515				878
Missouri (western).....	Becker, William H.....	New York (southern).....	3-18-63	5-1-63					750					750
9th circuit: Oregon.....	Kilkenny, John F.....	do.....	5-1-63	5-31-63	28		5	12	1,037		680			1,717
Washington (western).....	Boldt, George H.....	Illinois (northern).....	10-29-62	12-31-62	10		2	5	727					727
10th circuit: Oklahoma (northern, eastern, and western).....	Bobanion, Luther L.....	Pennsylvania (eastern).....	1-7-63	2-4-63	36		5	19	1,087	647				1,734
Do.....	Daugherty, Frederick A.....	Illinois (northern).....	2-18-63	3-1-63	9		2	3	337	170		237		744
Total.....					191	126	82	72	8,306	3,129	1,706	564		13,795

SUMMARY

Contributing courts	Number of Judges	Courts visited	Actual ¹ days on assignment	Service			Cost of travel					Total
				Circuit courts, cases heard	District courts		Judge	Law clerk	Secretary	Reporter	Crler	
					Number of trials	Trial days						
Circuit courts.....	7	Circuit courts.....	57	126	32	72	\$2,790	\$1,271	\$357			\$4,424
District courts.....	9	District courts.....	134				5,600	1,858	1,349		\$564	9,371
Total.....	16		191	126	32	72	8,396	3,129	1,706	564		13,795

¹ Actual days on assignment based on dates of arrival and departure. Number of days listed for assignments at district courts are of record, whereas number of days in attendance at circuit courts was constructed from travel expense vouchers.

² Judge also held court in Puerto Rico, therefore, only cost of transportation San Juan to St. Croix and return included.

³ Judge Rogers' law clerk serving Judge Dalton.

Travel of senior judges on assignment to special courts and circuit courts or district courts of other circuits, July 1, 1962, to June 30, 1963

Contributing courts	Name of judge	Courts visited	Period of designation		Actual ¹ days on assignment	Service		Cost of travel					
			From—	To—		Circuit courts heard	District courts		Judge	Law clerk	Secretary	Reporter	Order Total
							Number of trials	Trial days					
COURTS OF APPEALS													
1st circuit.....	Magruder, Calvert.....	9th circuit.....	9-15-62	6-15-63	22	15		\$605		\$414			\$1,109
Do.....	do.....	District of Columbia circuit.....	4-1-63	4-12-63	11	9		253		144			397
3d circuit.....	Marrs, Albert B.....	1st circuit.....	2-4-63	2-9-63	5	10		3	144	201			345
7th circuit.....	Major, J. Earl.....	5th circuit (Florida, middle).....	2-1-63	4-30-63	47		10	1,451		917			2,368
9th circuit.....	Pope, Walter L.....	5th circuit.....	2-15-53	3-1-63	4	14		386		385			771
10th circuit.....	Phillips, Orin L.....	3-18-63	3-30-63	14	32			412		310			722
District of Columbia circuit.....	Prettyman, E. Barrett.....	6th circuit.....	4-8-63	4-13-63	7	10		218					218
Do.....	do.....	Court of Claims.....	12-3-62	12-7-62	1	4							
DISTRICT COURTS													
3d circuit: Pennsylvania (eastern).....	Kirkpatrick, William H.....	Court of Customs and Patent Appeals, Illinois (northern).....	7-1-62 ^s	7-31-62	6	4		139	\$12				151
8th circuit: Florida (southern).....	Holland, John W.....	Colorado.....	4-29-63	5-31-63	33		6	18	940				940
7th circuit: Illinois (eastern).....	Wham, Fred L.....	Texas (western).....	7-1-62	8-30-62	29		4	10	692				692
Iowa (northern).....	Graven, Henry N.....	Florida (southern).....	11-1-62	4-1-63	138		18	36	3,145	2,668			5,813
Missouri (western).....	Reeves, Albert L.....	Florida (middle).....	7-1-62	7-31-62	20			477		335			812
Do.....	do.....	do.....	1-7-63	2-15-63									
Do.....	do.....	do.....	4-15-63	6-1-63	74		16	51	1,213	454	74		1,741
Do.....	do.....	do.....	6-1-63	6-30-63									
Do.....	do.....	New York (southern).....	9-1-62	10-31-62	51		9	30	1,703	1,035			2,738
9th circuit: Nevada.....	Foley, Roger T.....	do.....	10-30-62	11-30-62	33		4	17	1,429	1,006			2,435
Washington (western).....	Bowen, John C.....	Louisiana (eastern).....	11-15-62	12-31-62	41		11	22	1,006				1,006
SPECIAL COURTS													
Court of Customs and Patent Appeals.....	Jackson, Joseph R.....	District of Columbia.....	12-3-62	6-30-63	142		41	47					
Court of Claims.....	Madden, J. Warren.....	9th circuit.....	12-3-62	5-31-63	(?)	28							
Do.....	do.....	do.....	6-1-63	6-15-63									
Total.....					678	126	119	255	14,303	12,789	74		22,238

SUMMARY

Contributing courts	Number of judges	Courts visited	Actual days on assignment ¹	Service			Cost of travel					Total
				Circuit courts, cases heard	District courts		Law clerk	Secretary	Reporter	Crier		
					Number of trials	Trial days					Judge	
Circuit courts.....	5 1 1	Circuit courts..... District courts..... Special courts.....	63 47 1	90 44	10 4	24 4	\$2,108 1,451	\$1,454 917				\$3,562 2,368
Subtotal.....	7		111	94	10	24	3,559	2,371				5,930
District courts.....	6 1	District courts..... Special courts.....	419 6	64	68	184	10,605 139	5,408 \$12	\$74			16,177 151
Subtotal.....	7		425	4	68	184	10,744	5,408	74			16,328
Special courts.....	1 1	Circuit courts..... District courts.....	(²) 142	28	41	47						
Subtotal.....	2		142	28	41	47						
Grand total.....	16		678	126	119	255	14,303	7,869	74			22,258

¹ Actual days on assignment based on dates of arrival and departure. Number of days listed for assignments at district courts are of record, whereas number of days in attendance at circuit courts was constructed from travel expense vouchers.

² Days on which expenses were claimed including 9 days for which only cab fares were claimed.

³ Judge also held court in Virgin Islands, therefore, only cost of transportation St. Croix to San Juan and return included.

⁴ Cases heard on U.S. Court of Claims.

⁵ Designation began in fiscal year 1962 on Oct. 1, 1961.

⁶ Cases heard on U.S. Court of Customs and Patent Appeals.

⁷ No claim was made for traveling expenses, hence actual days on assignment could not be determined.

Services, and travel expenses of senior judges incident to serving in circuit courts or district courts within circuits July 1, 1962, to June 30, 1963

Circuit or district	Name of judge	Place of service	Circuit courts, cases heard	Service		Cost of travel					Total	
				Number of trials	Number of trial days	Judge	Law clerk	Secretary	Reporter	Crier		
												District courts
COURTS OF APPEALS												
2d circuit	Medina, Harold R.	2d circuit	35			\$230	\$168					\$407
Do	Swan, Thomas W.	do	35			40	163					203
3d circuit	Forman, Phillip	3d circuit	47									451
Do	Morris, Albert B.	do	16									451
4th circuit	Soper, Morris A.	4th circuit	45									1,843
6th circuit	McAllister, Thomas F.	6th circuit	31					\$421				1,843
7th circuit	Major, J. Earl	7th circuit	20					357				723
8th circuit	Sanborn, John B.	8th circuit	58					360				723
9th circuit	Mathews, Clifton	9th circuit	2									850
Do	Orr, William E.	do	42									850
Do	Pope, Walter L.	do	35									1,014
Do	Stephens, Albert L.	do	10									1,021
Do	Bratton, Sam G.	do	36									415
10th circuit	Huxman, Walter A.	10th circuit	5	3								183
Do	Phillips, Orle L.	do	37	12	8	62			\$131			183
Do	Edgerton, Henry W.	do	15	2	2	1,872						4,872
District of Columbia circuit		District of Columbia circuit										
Do	Prettyman, F. Barrett	do	26									
DISTRICT COURTS												
1st circuit: Massachusetts	McCarthy, William T.	Massachusetts		12	52							
2d circuit:												
New York (northern)	Brennan, Stephen W.	New York (northern)		1	1				44			44
New York (southern)	Clancy, John W.	New York (southern)										
Do	Dimock, Edward J.	2d circuit	7									
Do	do	New York (southern)		5	21							
Do	Knox, John C.	do		10	28							
Do	Lebell, Vincent L.	do		3	12							
3d circuit:												
Delaware	Leahy, Paul C.	3d circuit	10									4,199
Do	do	Delaware		1	3	168						1,744
Pennsylvania (eastern)	Grim, Allan K.	Pennsylvania (eastern)		10	18	1,712						1,744
Do	Kirkpatrick, William H.	do		1	9	1,999						4,294
								954				

Services, and travel expenses of senior judges incident to serving in circuit courts or district courts within circuits July 1, 1962, to June 30, 1963—Con.

SUMMARY

Circuit or district	Number of judges	Place of service	Service		Cost of travel						
			Circuit courts, cases heard	District courts		Judge	Law clerk	Secretary	Reporter	Crier	Total
				Number of trials	Number of trial-days						
Senior circuit judges.....	16	Circuit courts.....	491	17	15	\$5,957 62	\$1,349	\$1,837			\$9,143 193
Do.....	3	District courts.....							\$131		
Total.....	19		491	17	15	6,019	1,349	1,837	131		9,336
Senior district judges.....	10	Circuit courts.....	126			1,489	31	539			2,059
Do.....	29	District courts.....		285	571	12,701	2,086	3,098		\$861	21,872
Total.....	39		126	285	571	14,190	2,117	3,637	3,086	951	23,931
Grand total.....	58		617	302	586	20,209	3,466	5,474	3,167	951	33,267

¹ Judge died Mar. 11, 1963.

² Judge retired Jan. 1, 1963.

³ Judge died Sept. 7, 1962.

⁴ Included in "Summary" under "Place of service" as circuit court.

⁵ Judge retired Apr. 22, 1963.

⁶ Judge retired May 1, 1963.

⁷ Judge died Oct. 16, 1962.

⁸ Included in "Summary" under "Place of service" as district court.

⁹ Judge died Feb. 28, 1963.

¹⁰ Deputy clerk.

Mr. ROONEY. We shall now recess until 2 o'clock. We will then take up this item for the "Administrative Office" and "Salaries and expense of referees," so that by 3 o'clock we will be ready for the Supreme Court.

AFTERNOON SESSION

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

ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Personnel compensation:			
Permanent positions.....	1,108	1,199	1,248
Positions other than permanent.....	94	87	57
Other personnel compensation.....	11	19	15
Total personnel compensation.....	1,212	1,305	1,320
Direct obligations:			
11 Personnel compensation.....	1,186	1,275	1,320
12 Personnel benefits.....	71	91	94
21 Travel and transportation of persons.....	54	70	70
22 Transportation of things.....	1	1	1
23 Rent, communications, and utilities.....	81	90	63
24 Printing and reproduction.....	18	22	32
25 Other services.....	10	14	66
26 Supplies and materials.....	19	20	27
31 Equipment.....	32	6	386
Total direct obligations.....	1,472	1,590	2,060
Reimbursable obligations:			
11 Personnel compensation.....	26	30	
12 Personnel benefits.....	2	2	
21 Travel and transportation of persons.....	3	3	
26 Supplies and materials.....	1		
Total reimbursable obligations.....	32	35	
Total obligations.....	1,503	1,625	2,060

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	165	165	165
Full-time equivalent of other positions.....	15	13	6
Average number of all employees.....	170	170	164
Employees in permanent positions, end of year.....	155	157	158
Employees in other positions, end of year.....	20	18	11

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities:			
Direct program:			
1. General administration.....	1,379	1,480	1,950
2. Study of rules of practice and procedure.....	93	110	110
Total direct obligations.....	1,472	1,590	2,060
Reimbursable program.....	32	35	-----
Total obligations.....	1,503	1,625	2,060
Financing:			
Advances and reimbursements from other accounts.....	-32	-35	-----
Unobligated balance lapsing.....	59	-----	-----
New obligational authority (appropriation).....	1,530	1,590	2,060

The next item, gentlemen, or the last of the five items under "Courts of appeals, district courts, and the other judicial services," is the item entitled "Salaries and expenses, Administrative Office, U.S. Courts."

This appears in the justification book beginning at page 111, which page we shall insert at this point in the record, together with pages 111 through 122.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Administrative Office of the U.S. Courts: 1964 appropriation in annual act..... *Judiciary*
 Net difference, 1965 over 1964: \$1,590,000

	Requirements		Difference, increase (+) or decrease (-)
	1964 appropriated	1965 estimate	
Salaries and expenses.....	\$1,590,000	\$2,059,500	+\$469,500
Total estimate for 1965.....			2,059,500

Analysis by object

Object	1964 estimate	1965 estimate	Increase or decrease (-)
11 Personnel compensation.....	\$1,275,000	\$1,320,000	\$45,000
12 Personnel benefits.....	91,000	94,000	3,000
21 Travel and transportation of persons.....	70,000	70,000	-----
22 Transportation of things.....	1,200	1,200	-----
23 Rent, communications, and utilities.....	89,800	63,300	-26,500
24 Printing and reproduction.....	22,500	31,500	9,000
25 Other services.....	14,500	66,500	52,000
26 Supplies and materials.....	20,000	27,000	7,000
31 Equipment.....	6,000	388,000	380,000
Total obligations.....	1,590,000	2,059,500	469,500

Summary of increased requirements for 1965

Nature of expense (or savings):	Amount
Deductions: Extra compensable day in 1964.....	-\$4,800
Additions:	
1. Pay costs under the Federal Salary Reform Act of 1962 (increases scheduled to take effect on Jan. 6, 1964).....	25,000
2. Provision for within-grade salary advancements.....	21,900
3. Increases in salary granted under wageboard pay schedules..	5,900
4. Increase in charges for teletypewriter services by the General Services Administration due to the distribution of operators' salaries to using agencies.....	1,500
5. Procurement of automatic data processing equipment and related expenses incident to the central disbursement of judiciary appropriations (1st-year cost).....	420,000
Net increase, 1965 over 1964.....	469,500

¹ The annual recurring cost is estimated at \$38,000 representing the cost of replacing equipment over an estimated useful life of 10 years.

JUSTIFICATION

Language changes

None.

Objectives

This appropriation provides for the salaries of the Director, the Deputy Director, an Assistant Director and other personnel of the Administrative Office of the U.S. Courts, and the necessary operating expenses of the Office, including travel, communication services, supplies, equipment, etc. The Director, under the supervision and direction of the Judicial Conference of the United States, has administrative jurisdiction over the courts of appeals and district courts of the United States, the district courts of the Canal Zone, Guam, and the Virgin Islands and a lesser administrative jurisdiction over the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court. The Director also has administrative jurisdiction over the Federal probation and bankruptcy systems.

For data as to the specific duties and responsibilities of the Director and the basic statutory authorities, reference is made to section O of the Digest of Appropriations, the Judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

Detailed justification

The estimate for fiscal year 1965 is \$2,059,500, a net increase of \$469,500 over the amount appropriated for 1964. The requested increases and decreases in budgetary requirements are explained below:

Deduction for nonrecurring expenses

The employees of the Administrative Office, who are paid on a biweekly basis, will be compensated for 261 days in the fiscal year 1965 whereas there are 262 compensable days in 1964. The sum of \$4,500 representing 1 day's compensation and \$300 for related Government contributions to the retirement fund, group life insurance, and health benefits have been deducted in establishing the requirements for 1965.

Requirements under the Federal Salary Reform Act of 1962

An additional \$25,000 will be required in fiscal year 1965 to cover the full-year cost of pay increases to be granted employees of the Administrative Office effective January 6, 1964, pursuant to the Federal Salary Reform Act of 1962. The following is a breakdown by fiscal year of the increases provided under compensation schedule II (second phase) of the act:

	Total pay costs	Cost in 1964	1965 budgetary requirements
2d phase (effective Jan. 6, 1964):			
Compensation.....	\$46,000	\$22,500	\$23,500
Benefits.....	3,000	1,500	1,500
Total.....	49,000	24,000	25,000

The budgetary requirements were established by application of the rates actually payable under the new pay scales, augmented to the extent of approximately 6.8 percent to cover the cost of related benefits—Government retirement contributions, employer FICA taxes, and Government contributions to employee life insurance premiums.

Pay costs in the fiscal year 1964 are being absorbed to the extent of \$33,250, or approximately 40 percent. No further absorption is possible without seriously affecting the execution of essential functions and services being rendered to the courts.

Provision for within-grade salary advancements

This appropriation will provide step increases to the personnel eligible therefor under the promotional plan provided for by title VII of the Classification Act of 1949, as amended. It is estimated that these within-grade salary advancements will cost \$21,900, of which \$20,500 represents increases in compensation and \$1,400 for related personnel benefits—Government contributions to the civil service retirement fund and for group life insurance. The estimate is net of anticipated savings due to turnover and takes into account the provisions of the Federal Salary Reform Act of 1962 relating to the minimum increase on grade-to-grade promotions and the timing of within-grade salary advancements.

Increases in salary granted under wage board pay schedules

The sum of \$5,500 is included to cover adjustments in the salaries of employees whose rates are fixed by action of legally constituted wage boards. In addition, the sum of \$400 is included for related benefits—Government contributions to the retirement fund and for group life insurance.

Six employees in the Administrative Office Duplicating Unit were granted increases in wages effective November 12, 1962, and again on November 10, 1963, based on recommendations of the Interdepartmental Lithographic Wage Board. Effective December 10, 1962, nine employees in the Administrative Office stockroom were granted increases based on a suggested wage schedule for employees concerned with warehousing. Funds have not previously been appropriated to cover these increases. The amount requested herein will reduce the required lapses (savings due to vacancies) and permit what would be considered a normal level of employment.

Increase in charges for teletypewriter services

The General Services Administration has announced that it will bill customer agencies for the full cost of communication services in the fiscal year 1965 including operators' salaries which heretofore have been financed by direct appropriations to the General Services Administration. Public Law 87-847, approved October 23, 1962 (76 Stat. 1117), established a Federal telecommunications fund to be administered by the General Services Administration on a completely reimbursable basis. For ready reference, a copy of this act is included herein as exhibit B.

The General Services Administration has informed heads of agencies that as a result of this change in the financing arrangement and the addition of operators' salaries to other common costs, the wordage rate for use of intrasystem teletypewriter service will be increased 120 percent from the current rate of 15 mills to a rate of 33 mills per word for messages processed by the General Services Administration operators. Based on the amounts currently being expended for teletypewriter service, it is estimated that an additional \$1,500 will be required to cover the proposed rate increase.

Central disbursement of judiciary appropriations

The Administrative Office of the U.S. Courts, with the approval of the Judicial Conference of the United States, shall, in fiscal year 1965, subject to the availability of funds, commence to disburse directly all appropriations for the maintenance and operation of the courts. The first-year cost of the program is estimated at \$460,000, of which \$40,000 is included under the heading "Travel and miscellaneous expenses, U.S. courts." The second and succeeding years' cost of the program will be only \$38,000. The following is a breakdown of the total cost of the program:

	Appropriations chargeable	
	Administrative Office, U.S. Courts	Travel and miscellaneous expenses
Termination of rental agreements covering data processing equipment presently in use.....	-245,000	
Postage and fees.....	17,000	\$5,000 ¹
Printing:		
Checks.....	6,000	-6,000
Envelopes.....	1,000	
Punchcards and tabulator paper.....	2,000	
Jurors' vouchers and payroll vouchers.....		-1,000
Tenant alterations—specially designed space for automatic data processing equipment.....	140,000	
Maintenance of data processing equipment.....	12,000	
Plastic embossed cards.....	5,000	
Other supplies (including paper tapes).....	2,000	
Data processing equipment and related components:		
IBM equipment presently in use on rental basis.....	\$65,546	
1440 data processing system.....	236,505	
20 IBM disk packs.....	10,000	
2 flexowriters.....	7,632	
1 automatic graphotype.....	16,500	
1 check signer and burster.....	3,300	
1 envelope stuffer and sealer.....	7,000	
1 scanner punch.....	33,700	
Total (rounded).....	380,183	
Trays for filing plastic cards.....		120,000
Data recorders (220 units).....		122,000
Estimated 1st year cost.....	420,000	40,000
Cost in 2d and subsequent years: To commence annual program of replacement of ADP equipment.....	38,000	

¹ Nonrecurring.

It will be noted from the above table that the estimate contemplates the purchase of automatic data processing equipment and related components. The proposal to purchase rather than lease the data processing equipment is consistent with recommendations of the Comptroller General of the United States. A cost comparison, lease versus purchase, indicated that over a period of 6 years, the savings on a purchase basis would be approximately \$185,000 if the residual value of the equipment is taken into account offset to the extent of the interest on capital investment.

The central disbursement of judiciary appropriations would not only relieve U.S. marshals of the responsibility but would result in a considerable reduction in the workload of the offices of the clerks of the U.S. district courts and the U.S. courts of appeals. The Administrative Office will utilize electronic data processing equipment for the preparation of payrolls for personal services and for the payment of fees and allowances of jurors and commissioners. It would also effect settlement of all travel and miscellaneous expense vouchers. Although the program will not result in a reduction of personnel in the clerks' offices, it would reduce considerably the present and future demands for additional positions. The Administrative Office of the U.S. Courts has documented a study into the feasibility of disbursing judiciary appropriations exclusively from the Administrative Office. Copies of the document reflecting the results of the study will be made available to members of the Appropriations Committees of the Congress. The study clearly reflects the financial advantages of a central disbursing program over the proposals of the Department of Justice that the disbursing functions be transferred from the U.S. marshals to the clerks of court.

INCREASES REQUESTED

Mr. ROONEY. The total request is in the amount \$2,059,500, which would be an increase of \$469,500 over the amount appropriated for the current fiscal year.

On page 113 is to be found a table of the increases which make up the total of \$469,500 requested increase. The bulk of this relates

to item No. 5 on page 113; to wit, \$420,000 for procurement of automatic data processing equipment and related expenses incident to a proposed central disbursement of judiciary appropriations.

This \$420,000 represents the first year cost.

Is all of the \$420,000 nonrecurring?

Judge CAMPBELL. All but \$38,000 would be the cost of replacement over the estimated useful life of the equipment of 10 years.

Mr. Chairman, this is equipment which your committee has investigated and which we feel would efficiently discharge in the Office of the Administrator the functions now being discharged in the Department of Justice with reference to disbursements, largely for jurors, if the function is to be transferred to the judiciary, as the Department of Justice proposes in pending legislation, that is.

It is thought by the Committee on the Budget of the Judicial Conference who have gone into this, rather than employing a requisite number of clerks in the Administrative Office to do this work, it could be done more efficiently and economically by the purchase of this equipment, on a nonrecurring charge, and run it more or less automatically.

Mr. Bow. May I interrupt for just a minute?

Judge CAMPBELL. Yes, sir.

Mr. Bow. Just a second ago you said the equipment which "your committee" has investigated. When you refer to "your committee" you are referring to your Committee?

Judge CAMPBELL. I beg your pardon.

Mr. Bow. Not the committee on this side of the table?

Judge CAMPBELL. No.

Mr. Bow. We have had no chance to look at that.

Judge CAMPBELL. The Committee on the Budget has inspected this and the reports of the Administrative Office which go into this matter.

Mr. ROONEY. As far as the cost of this proposal is concerned, there should be added to the \$420,000 the \$40,000 which was item No. 9 in the summary of alleged requirements in the "Travel and miscellaneous expenses" item?

Judge CAMPBELL. Correct, sir.

Mr. ROONEY. What authority is there in law to do this?

Mr. AIRHART. Title 28 U.S.C., section 604 authorizes the Director either to disburse from the Office, or through the U.S. marshals.

Judge CAMPBELL. The Department of Justice, Mr. Chairman, contends it is our function; that is, the function of our Administrative Office.

Mr. ROONEY. This committee has always been impressed by the fact that it is good and healthy to have one Department checking on another Department and that is about what this amounts to. We think this sort of thing makes sense and I might say that insofar as I personally am concerned, I am going to help President Johnson insofar as this item is concerned, almost half a million dollars.

There are no savings whatever in this proposal, is that a fair statement?

Judge CAMPBELL. No, sir; that is not. There are savings in the Department of Justice—

Mr. ROONEY. I am speaking of dollar savings.

Judge CAMPBELL. There would be to the Department of Justice but not to us, obviously.

Mr. ROONEY. No; there would not be to you and there would not be to the Department of Justice either, except that it gives some deputy marshals more time. That is about it, is it not?

Judge CAMPBELL. Therefore, I suppose they would not need additional deputy marshals. Far be it from me to present Mr. Andretta's case.

Mr. ROONEY. This is no new case, Judge Campbell, as you know and as Judge McGuire knows. We have been over it many, many times. We think it is good to have one office check on another. Besides, I personally feel that you people are too busy over there in the Administrative Office. You could not handle this.

Judge CAMPBELL. Not without the equipment, they could not.

RULES COMMITTEE

Mr. ROONEY. How much is in here for the so-called rules group?

Judge CAMPBELL. We have absorbed that pretty well now and held it down. What is the actual amount allocated for that?

Mr. GARABEDIAN. \$110,000.

Mr. ROONEY. Where does that appear?

Mr. GARABEDIAN. It is a limitation in the language of the appropriation.

Judge CAMPBELL. We did not spend \$110,000 for the rules this year.

Mr. ROONEY. How much was obligated for the rules group in fiscal year 1963?

Mr. GARABEDIAN. The sum of \$92,592.07.

Judge WEINMAN. Spent?

Mr. GARABEDIAN. In 1963.

Judge WEINMAN. How much was allocated?

Mr. GARABEDIAN. \$110,000.

Mr. ROONEY. We do not deal with allocations. We talk of either expenditures or obligations, Judge.

You are referring now, are you not, to obligations of how much?

Judge CAMPBELL. \$92,592 and some cents.

Mr. ROONEY. Fiscal year 1963.

What do you estimate the obligation will be in fiscal year 1964, the current fiscal year?

Mr. GARABEDIAN. At the present time I have no reason to believe that we will spend less than \$110,000. I am not familiar with exactly what the program consists of. Therefore, I cannot add to that. Obligations of \$50,041 were incurred through December 31, leaving a balance of approximately \$60,000 for the remainder of the year.

Judge CAMPBELL. If I might inject at this point, Mr. Chairman, the Budget Committee has carefully watched this item. It has seen to it that this \$110,000 is not spent. There is every reason to assume we will use the same scrutiny in the activities of the Rules Committee the next fiscal year as we have in the past. I think your committee, Mr. Chairman, has reason to be pleased with the activities of our Committee in this regard in the last year, since we have taken over the handling of these funds.

Mr. ROONEY. As I understand this situation at page 113 of the justifications, there are no additional employees requested in the coming year; is that correct?

Judge CAMPBELL. That is correct.

Mr. ROONEY. So, of the five subitems which constitute the item Courts of Appeals, District Courts and other Judicial Services, the only requested additional employees are the 92 to which previous reference was made under travel?

Judge CAMPBELL. Supporting personnel.

Mr. GARABEDIAN. Salaries of supporting personnel.

Mr. ROONEY. Under salaries of supporting personnel; am I correct?

Judge CAMPBELL. You are correct, sir.

Mr. ROONEY. That is on page 73?

Judge CAMPBELL. Correct, sir.

SALARIES OF REFEREES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Permanent positions.....	2,011	2,048	2,445
Positions other than permanent.....	349	328	262
Total personnel compensation.....	2,360	2,375	2,707
12 Personnel benefits.....	173	175	198
Total obligations.....	2,534	2,550	2,905

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	141	142	164
Full-time equivalent of other positions.....	27	27	21
Average number of all employees.....	163	165	185
Employees in permanent positions, end of year.....	140	138	163
Employees in other positions, end of year.....	54	54	43

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Salaries and benefits (obligations).....	2,534	2,550	2,905
Financing: Unobligated balance lapsing.....	19		
New obligational authority (appropriation).....	2,552	2,550	2,905

Mr. ROONEY. The next item, gentlemen, is entitled "Salaries of referees" and is to be found beginning at page 124 of the committee print.

We shall at this point insert in the record pages 124 through 132 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries of referees, U.S. courts (special fund): Judiciary
 1964 appropriation in annual act..... \$2,550,000
 Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or decrease (-)
	1964 appropriated	1965 estimate	
Personnel compensation and benefits.....	\$2,550,000	\$2,905,000	(+) \$355,000 (-) 355,000
Total estimate for 1965.....			2,905,000

Analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$2,375,000	\$2,707,000	\$332,000
12 Personnel benefits.....	175,000	198,000	23,000
Total obligations.....	2,550,000	2,905,000	355,000

Summary of increased requirements for 1965

Nature of expense (or savings): Additions:

	Amount
1. Amount required to compensate referees currently in an appointment status (reduction of lapse).....	\$50,000
2. 2 additional full-time referees; 1 additional part-time referee; the conversion of 2 part-time referees to a full-time status; and salary adjustments approved by the Judicial Conference of the United States in March 1963.....	70,00
3. Anticipated additional amount that will be required for new referee positions; the conversion of part-time referees to a full-time status and salary adjustments expected to be authorized by the Judicial Conference in March 1964.....	235,000
Increase, 1965 over 1964.....	355,000

JUSTIFICATION

Language changes

None.

Objectives

The district courts of the United States are constituted courts of bankruptcy, vested with original jurisdiction at law and in equity in proceedings brought under the bankruptcy statutes. This jurisdiction primarily is exercised through referees appointed by the several district courts. Their compensation and benefits are paid from this appropriation, which is derived from a special fund in the Treasury to which are deposited payments of fees and charges by parties to the proceedings. No appropriation from the general fund of the Treasury is required.

Reference to basic statutory authorities are contained in section P of the "Digest of Appropriations, The Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justifications

The number of bankruptcy cases filed during fiscal year 1963 reached another alltime high of 155,493. The number of cases filed, the numerical and percentage increases in filings during the past 10 years are as follows:

Fiscal year	Cases filed	Numerical increase	Percentage increase
1954	53,136	13,049	32.6
1955	59,404	6,268	11.8
1956	62,086	2,682	4.5
1957	73,761	11,675	18.8
1958	91,668	17,907	24.3
1959	100,672	9,004	9.8
1960	110,034	9,362	9.3
1961	146,643	36,609	33.3
1962	147,780	1,137	.8
1963	155,493	7,713	5.2

During the year 141,440 cases were closed as compared with 155,493 cases filed, resulting in an increase of more than 10 percent in the pending caseload from 133,761 at the beginning of the year to 147,814 on June 30, 1963. A graphic presentation of bankruptcy cases filed and pending, fiscal year 1905-63, appears as exhibit C. Exhibits D and E reflect the number and ratio of business to nonbusiness bankruptcies commenced fiscal years 1940-63.

Of the total cases filed in 1963, 89.5 percent were nonbusiness bankruptcies (wage earners) and 10.5 percent were business bankruptcies (which includes merchants, manufacturers, others in business, farmers, and the professional groups). During the past 3 years, the proportion of business to nonbusiness cases has remained virtually constant. The following table shows the volume and ratio (percentage) of business to nonbusiness filings for the past 10 years:

Fiscal year	Nonbusiness	Percentage of total	Business	Percentage of total	Total filings
1954	44,248	83.3	8,888	16.7	53,136
1955	50,219	84.5	9,185	15.5	59,404
1956	52,608	84.8	9,478	15.2	62,086
1957	63,617	86.3	10,144	13.7	73,761
1958	80,264	87.6	11,404	12.4	91,668
1959	88,943	88.3	11,729	11.7	100,672
1960	97,750	88.8	12,284	11.2	110,034
1961	131,402	89.6	15,241	10.4	146,643
1962	132,125	89.5	15,655	10.5	147,780
1963	139,191	89.5	16,302	10.5	155,493

At the beginning of fiscal year 1964 the balance of the "Referees' salary and expense fund" was approximately \$9,629,000. It is estimated that receipts to be deposited into the fund during fiscal year 1964 will aggregate \$9,026,000, bringing the total available for appropriation to \$18,655,000. Deducting the appropriations of \$2,550,000 for "Salaries of referees," and \$5,250,000 for "Expenses of referees," a balance of \$10,855,000 would remain in the fund as of June 30, 1964. It is estimated that during fiscal year 1965 receipts to be deposited into the fund will aggregate over \$10 million. Deducting the appropriation estimates for fiscal year 1965 of \$2,905,000 for salaries of referees and \$5,965,000 for expenses of referees there would be a surplus in 1965 of well over a million dollars and the balance in the fund at the end of the year will be in excess of \$12 million.

Detailed justification

The appropriation request for 1965 for "Salaries of referees" is \$2,905,000, which is \$355,000 in excess of the obligational authority granted for 1964. The increase in budgetary requirements is explained below:

Reduction of lapse

The appropriation for "Salaries of referees" for the fiscal year 1964 was \$50,000 less than the budget estimate. This action may have been prompted by reason of the fact that in 1963 a savings of over \$50,000 was realized, \$47,500 of which was transferred to the appropriation "Expenses of referees."

The savings referred to was due to a delay in the enactment of the appropriation bill and was not of a recurring nature. It is requested that the sum of \$50,000 (\$47,000 for compensation and \$3,000 for related benefits) be restored to the appropriation to cover the salaries and benefits of referees currently in a pay status. In all probability, a supplemental appropriation will be required in fiscal year 1964.

Additional referees, changes in arrangements, and salary adjustments

The Judicial Conference of the United States in March of 1963, on the basis of a report and recommendations of its Bankruptcy Committee, the recommendations of the Director of the Administrative Office, judicial counsels and the district judges, authorized two additional full-time referees at \$15,000 per annum, a part-time referee at \$7,500 per annum and the conversion of two part-time referees to a full-time status with increases in salaries from \$7,500 to \$15,000 per annum. It also authorized salary adjustments for five full-time referees and five part-time referees aggregating \$12,500. The action of the Judicial Conference was to take effect on July 1, 1963, or as soon thereafter as appropriated funds are available. The new positions, conversions, and salary adjustments will cost \$70,000—\$65,000 for salaries and \$5,000 for related benefits—Government's contributions to the retirement fund and for group life insurance and health benefits.

Additional positions, changes in salaries and arrangements for referees expected to be authorized by the Judicial Conference in March 1964

The sum of \$235,000 has been included in anticipation of the authorization of additional positions and changes in salaries and arrangements for referees by the Judicial Conference in March 1964. Of this sum, \$220,000 is for personnel compensation and \$15,000 for related benefits. The Judicial Conference of the United States authorized the inclusion of this request for funds in the budget for the fiscal year 1965, in an attempt to avoid the delays experienced in the past in the implementation of its actions which have necessarily been subject to the availability of funds. The estimate contemplates the creation of nine full-time referee positions and the conversion of nine part-time referees to a full-time status. It also provides for some salary adjustments for full- and part-time referees.

Mr. ROONEY. The inserted pages indicate that the request is in the amount \$2,905,500, which would be an increase of \$355,000 over the amount appropriated for salaries of referees in the current fiscal year. The increases are set forth at page 126 which has already been inserted in the record.

REDUCTION OF LAPSES

With regard to item No. 1 on page 126, since this appropriation for 1964 was \$50,000 less than 1963, how do you explain a request for a reduction of lapse?

Mr. AIRHART. Mr. Chairman, the 1964 appropriation missed by \$50,000 giving us enough to pay the salaries of referees on board. We are asking for a supplemental for 1964 and asking for \$50,000 in 1965 for the same reason.

Judge CAMPBELL. Does that not include the temporaries?

Mr. AIRHART. No.

Mr. ROONEY. According to page 131 of these justifications, Mr. Airhart, after the \$50,000 cut was made and the action with regard to these referees was to take place on July 1, 1963, or as soon thereafter as appropriated funds were available, and since the appropriated funds did not become available until December 30, 1963, would it not be fair to expect that instead of your requesting \$50,000 the action should go the other way?

Mr. AIRHART. I do not follow you, Mr. Chairman.

Mr. ROONEY. You were not to do anything about this matter of these referee salary adjustments for five full-time referees and five part time? The entire action with regard to the referees was contingent upon taking effect as soon after July 1, 1963 as appropriated funds were available. The funds did not become available until December 30.

Mr. AIRHART. That is correct, sir.

Mr. ROONEY. This being so, instead of your now asking for \$50,000, why should you not be putting money back since the cut was only \$50,000?

Mr. AIRHART. This applied, Mr. Chairman, to those already on the rolls, not the referees put on the rolls after, or whose salaries were raised afterward.

Mr. ROONEY. If you will look at page 131, you will find this:

* * * The action of the Judicial Conference was to take effect on July 1, 1963, or as soon thereafter as appropriated funds are available.

What is the answer to that?

Judge CAMPBELL. The answer is that I think you are referring to the new ones instead of the other ones. The lapse ends up at the top of page 131 and I think the language from which you are reading is on the new one down below on the page, reduction of lapse, which ends at the end of the first paragraph.

The matter you were reading is under the caption "Additional Referees." None of those have been put into effect as yet. These are the old ones that have been working all along, as I understand it.

Mr. AIRHART. That is correct.

Judge WEINMAN. It starts at the bottom of page 130 and finishes at the top of 131.

Judge CAMPBELL. The item of lapse is above there.

Mr. ROONEY. Very well.

The third item on page 126 of \$235,000, this is only an anticipated thing, is it?

Judge CAMPBELL. On the basis of the present filings; yes, sir. Our Budget Committee, Mr. Bow, hopes this is a temporary situation, but we do not know. On the basis of the present filings, it is justified in order to give service to these additional applicants, but we hope it is a temporary increase. Therefore, we did not accept the recommendation of the Committee on Bankruptcy of the Judicial Conference which asks for the positions permanently. We ask merely the temporary help, that it be made available to us to meet the present emergency and then see whether or not this trend continues.

Is that what it is for?

Mr. ROONEY. No.

Judge CAMPBELL. Is that the same thing, the temporary?

Mr. AIRHART. No.

Judge CAMPBELL. Then you tell me.

Mr. AIRHART. Our situation here is that in years past we have waited until the Conference acted either March or September, then in the next appropriation we have asked for sufficient funds to provide additional referees.

Mr. ROONEY. Let us not waste too much time on this.

Mr. AIRHART. Here we are ready to recommend to the Conference, and we are trying to save a year's time because of the caseload rise.

Mr. ROONEY. We will trade you any time 50 for 235.

Judge CAMPBELL. You have made an agreement.

Mr. ROONEY. We just saved the difference between 50 and 235.

Are there any questions?

BANKRUPTCIES CASES

Mr. Bow. Mr. Chairman, I think we cannot let the record go by without—

Mr. ROONEY. I know what you have in mind and I am going to get that table.

Mr. Bow. I call attention to page 128 and the opening sentence:

The number of bankruptcy cases filed during fiscal year 1963 reached another all-time high of 155,493.

It is amazing.

That is all, Mr. Chairman.

Judge CAMPBELL. Mr. Chairman?

Mr. ROONEY. Who is going to answer this question?

Judge CAMPBELL. May I ask for a slight correction of the record?

Mr. ROONEY. Not at this point. I could not concede you one second at this point. My question is—

Judge CAMPBELL. I used language when I said "That is a deal."

Mr. ROONEY. Judge, my question is: Is it not the fact that this present increase in bankruptcy proceedings filed in 1962 is the lowest in the last 10 years and that 1963 was the third lowest, percentage-wise?

Judge CAMPBELL. That I will concur in.

Mr. ROONEY. That is all I wanted to know.

Mr. Bow. Thank you.

ADDITIONAL POSITIONS

Mr. ROONEY. Insofar as item 2 at page 126 is concerned, what is the total number of additional positions requested and what is the cost?

Mr. GARABEDIAN. The Judicial Conference in March of 1963 authorized the creation of two additional full-time referee positions, one additional part-time referee position—

Mr. ROONEY. You are telling me what they did and I am asking you how many and the cost?

Mr. GARABEDIAN. Two full-time positions, one part-time position, two conversions from part time to full time, and several salary adjustments.

Mr. ROONEY. At what cost, and I am speaking of the positions now and not salary adjustments.

Mr. GARABEDIAN. At a cost of \$70,000.

Mr. AIRHART. Just the positions.

Mr. ROONEY. Do you understand that includes the conversions?

Mr. GARABEDIAN. The three additional positions, Mr. Chairman—

Mr. ROONEY. Or the salary adjustments?

Mr. GARABEDIAN. That is \$37,500.

Mr. ROONEY. Let us hear that again.

Mr. GARABEDIAN. The three additional positions will cost \$37,500, plus a nominal amount for related benefits.

Mr. ROONEY. What would you say was nominal in that regard?

Mr. GARABEDIAN. 7.5 percent or approximately \$3,000.

Mr. ROONEY. Go ahead, please.

Mr. GARABEDIAN. Conversions will cost \$15,000 and the salary adjustments \$12,500, plus related benefits, which would be approximately \$1,000.

Mr. ROONEY. Are there any further questions, gentlemen, with regard to the item of "Salaries of referees"?

Mr. LIPSCOMB. No questions.

EXPENSES OF REFEREES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Permanent positions.....	2,985	3,330	3,582
Positions other than permanent.....	277	320	570
Other personnel compensation.....	194	244	246
Total personnel compensation.....	3,456	3,895	4,398
12 Personnel benefits.....	247	282	308
21 Travel and transportation of persons.....	112	120	130
22 Transportation of things.....	8	10	11
23 Rent, communications, and utilities.....	461	577	560
24 Printing and reproduction.....	76	72	90
25 Other services.....	24	19	30
26 Supplies and materials.....	133	112	140
31 Equipment.....	336	163	298
Total obligations.....	4,853	5,250	5,965

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	633	633	633
Full-time equivalent of other positions.....	69	77	139
Average number of all employees.....	680	702	760
Employees in permanent positions, end of year.....	624	625	625
Employees in other positions, end of year.....	109	117	179

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Clerk hire and miscellaneous expenses of referees (obligations).....	4,853	5,250	5,965
Financing: Unobligated balance lapsing.....	44		
New obligational authority (appropriation).....	4,898	5,250	5,965

Mr. ROONEY. Finally, we get to the "Referees expenses" fund on page 133 of the justifications and we shall at this point insert in the record pages 133 through 152 of the justifications.

(The pages follow:)

Statement relating appropriation estimates to current appropriation

Expenses of referees, U.S. courts (special fund): Judiciary
 1964 appropriation in annual act..... \$5,250,000
 Net difference, 1965 over 1964:

	Requirements		Difference, increase (+) or decrease (-)
	1964 appropriated	1965 estimate	
Clerk hire compensation and benefits.....	\$4,176,600	\$4,705,500	+\$528,900
Miscellaneous expenses.....	1,073,400	1,259,500	+186,100
Total.....	5,250,000	5,965,000	+715,000
Total estimate for 1965.....			5,965,000

Analysis by object

Object	1964 estimate	1965 estimate	Increase or decrease (-)
11 Personnel compensation.....	\$3,895,000	\$4,398,000	\$503,000
12 Personnel benefits.....	281,600	307,500	25,900
21 Travel and transportation of persons.....	119,500	130,000	10,500
22 Transportation of things.....	10,000	11,000	1,000
23 Rent, communications, and utilities.....	577,000	560,500	-16,500
24 Printing and reproduction.....	72,000	90,000	18,000
25 Other services.....	19,000	30,000	11,000
26 Supplies and materials.....	112,500	140,000	27,500
31 Equipment.....	163,400	298,000	134,600
Total obligations.....	5,250,000	5,965,000	715,000

Summary of increased requirements for 1965

Nature of expense (or savings):

	Amount
Deductions:	
Extra compensable day in 1964 not required in 1965.....	-\$14,000
Funds authorized for 1964 for furniture and furnishings required incident to the occupancy of new buildings.....	-13,400
Funds provided in 1963 for the rental of office space for new referees and referees expected to be displaced by new judges proved to be in excess of actual requirements.....	-90,000
Additions:	
1. Pay costs under the Federal Salary Reform Act of 1962 (increases scheduled to take effect on Jan. 6, 1964)....	82,000
2. Provision for within-grade salary advancements.....	76,900
3. Reduction of lapse (difference between full-year and part-year cost of judiciary salary plan).....	125,000
4. Increase in the allotment for temporary employment of clerks for referees so as to provide greater flexibility in the assignment of personnel to areas with rising caseloads:	
Compensation.....	\$250,000
Related benefits.....	9,000
Furniture and equipment (nonrecurring).....	30,000
	289,000
5. Increases in charges for local switch board telephone and teletypewriter services by the General Services Administration due to the distribution of operators' salaries to using agencies.....	18,000
6. For tenant alterations and other services to be performed by the General Services Administration on a reimbursable basis.....	8,000
7. Additional amount required for postage and fees as a result of an increased caseload and higher postal rates authorized by the act of Oct. 11, 1962.....	47,500
8. To cover expenses relating to new referees and the expansion of the facilities of part-time referees to be converted to a full-time status.....	120,000
9. Additional amount required for the printing of forms, letterheads, envelopes and other material.....	10,000
10. To cover an increase in the volume and cost of supplies being consumed by referees.....	15,000
11. Furniture and furnishings required incident to the occupancy of new buildings scheduled to be completed during fiscal year 1965 or 90 days thereafter.....	41,000
Net increase, 1965 over 1964.....	715,000

JUSTIFICATION

Language changes

None.

Objectives

Office and other expenses of referees, including compensation and benefits of clerical employees, are payable upon authorization of the Director of the Administrative Office of the U.S. Courts. This appropriation is derived from a special fund in the Treasury to which are deposited payments of fees and charges by parties to the proceedings. No appropriation from the general fund of the Treasury is required. Reference to basic statutory authorities is contained in section Q of the "Digest of Appropriations, the Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

Caseload data appear in the account for "Salaries of referees."

The estimate for 1965 includes funds for the employment of additional clerks for referees on a temporary basis to cope with the rising caseload. Provision has been made for within-grade salary advancements; the difference between the full-year and part-year cost of salary increases authorized by the Federal Salary Reform Act of 1962, effective January 6, 1964; and the difference between the full-year and part-year cost of the judiciary salary plan. Also, the estimate includes funds for furniture, equipment, and other expenses in relation to the appointment of additional referees and the conversion of part-time referees to a full-time status. Funds have been included for furniture and furnishings required incident to the occupancy of new buildings, tenant alterations and other services to be performed by the General Services Administration on a reimbursable basis, and increases in the cost and volume of supplies and printing required by referees.

Detailed justifications

The appropriation request for 1965 is \$5,965,000, or \$715,000 in excess of the obligational authority granted for 1964. The increases requested as well as the deductions are explained below:

Deduction for extra compensable day

The sum of \$14,000 representing the cost of an extra compensable day in 1964 (\$13,000 compensation and \$1,000 benefits) has been deducted in establishing the budgetary requirements for 1965. Employees who are paid on a biweekly basis will be compensated for 262 days in fiscal year 1964, whereas there are only 261 compensable days in 1965.

Deduction for nonrecurring cost of furniture for new buildings

The sum of \$13,400 authorized for the procurement of furniture and furnishings in 1964 for referees in bankruptcy and their staffs incident to the occupancy of new buildings has been deducted. The amount required for this purpose in 1965 has been included below as an increase in budgetary requirements.

Reduction in the allotment for the rental of office space

The Congress in 1963 provided the sum of \$110,000 for the rental of office space in commercial buildings for new referees and referees expected to be displaced by new judges, which proved to be \$90,000 in excess of actual requirements. The budget estimate for 1965 is net of this savings.

Requirements under the Federal Salary Reform Act of 1962

An additional \$82,000 will be required in fiscal year 1965 to cover the full-year cost of pay increases to be granted clerks to referees effective January 6, 1964, pursuant to the Federal Salary Reform Act of 1962. The following is a breakdown by fiscal year of the increases provided under compensation schedule II (second phase) of the act:

	Total pay costs	Cost in 1964	Budgetary requirements, 1965
Compensation.....	\$150,000	\$73,500	\$76,500
Benefits.....	10,500	5,000	5,500
Total.....	160,500	78,500	82,000

The estimate was derived by application of rates actually payable under the new pay scales, augmented to the extent of approximately 6.8 percent to cover related benefits. Pay costs in 1964 are being absorbed to the extent of \$57,500. No further absorption is possible, particularly in view of the rising bankruptcy caseload and the need for additional personnel.

Provision for within-grade salary advancements

All of the clerks to referees are subject to the promotional plan for judicial personnel and will be granted step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended.

It is estimated that these within-grade salary advancements will cost \$76,900, of which \$72,000 represents increases in compensation and \$4,900 related benefits—Government contributions to the civil service retirement fund and for group life insurance. The estimate, which represents approximately 80 percent of the full potential cost of step increases, takes into account anticipated savings due to turnover of personnel and the filling of vacancies at lower rates of pay. The net cost of within-grade salary advancements in 1965 is expected to be slightly higher than in 1964 by virtue of the provisions of the Federal Salary Reform Act of 1962 relating to the minimum increase on grade to grade promotions and the waiting periods for within-grade salary advancements. Also, employees who are upgraded under the judiciary salary plan in many instances will be placed in the base rates of the respective grades and will be entitled to within-grade salary advancements upon the expiration of 1 year from the date of reclassification, whereas, prior to such reclassification they would have been required to serve 2 or even 3 years to be eligible.

Reduction of lapse (difference between full-year and part-year cost of the judiciary salary plan)

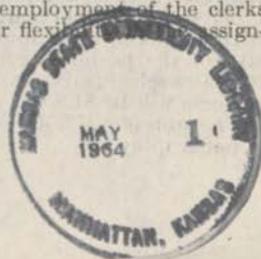
The budget estimate for the fiscal year 1964 included a request for funds for the implementation of the judiciary salary plan. For a detailed description of the plan, reference is made to pages 41-45, 47-50, 55, and 63-69 of the hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, on the Judiciary appropriation estimates for 1964.

The estimate for 1964 was based on the annual cost of the plan, but the Congress, apparently taking into account that there would be some delay in adjusting the grades and salaries of the employees, approved approximately one-half of the sum requested. The amount allowed will be sufficient for 1964, particularly in view of the delay in the enactment of the appropriation bill, but, of course, in 1965 the appropriation must be augmented to the extent of the difference between the full-year and part-year cost of the salary adjustments. The recurring annual cost of the plan as it relates to employees in the bankruptcy system, the amount allowed for 1964, and the budgetary requirements for 1965 are as follows:

	Recurring annual cost	Amount allowed for 1964	Budgetary requirements, 1965
Personnel compensation.....	\$257,500	\$140,000	\$117,500
Personnel benefits.....	17,500	10,000	7,500
Total.....	275,000	150,000	125,000

Employment of additional clerks for referees on a temporary basis

There was a very sudden and sharp increase in bankruptcy case filings during the last half of fiscal year 1963 and early in 1964. This increase cannot be fully accounted for nor can it be determined whether the trend in filings will continue, level off, or decline. The Judicial Conference of the United States, on the recommendation of its Committee on Supporting Personnel, authorized the inclusion of a request in the 1965 budget for some 50 to 60 additional clerical employees for referees in bankruptcy, but on a temporary basis pending a more positive indication as to the future trend in filings. Also, the employment of the clerks for referees on a temporary basis would provide greater flexibility in assign-



ment of personnel to areas with rising caseloads. The sum of \$289,000 is included for additional temporary employees as follows:

Personnel compensation.....	\$250, 000
Related benefits.....	9, 000
Furniture and equipment (nonrecurring expense).....	30, 000
Total.....	289, 000

The amount stated above for furniture and equipment was derived by application of a unit cost of \$500, which is believed to be sufficient to provide the new clerks with typewriters, desks, chairs, etc. The expense, of course, is nonrecurring and will, if allowed, be deducted in 1966.

Increase in the cost of communications

The General Services Administration has announced that it will bill customer agencies of the Federal Telecommunications System for the full cost of communications services in the fiscal year 1965 and thereafter, including operators' salaries which heretofore have been financed by direct appropriations to the General Services Administration. Public Law 87-847, approved October 23, 1962 (76 Stat. 1117), established a Federal telecommunications fund to be administered by the General Services Administration on a completely reimbursable basis. For ready reference, a copy of the act is included herein as exhibit B.

The General Services Administration has informed heads of agencies that as a result of this change in financing arrangements, and the addition of operators' salaries to other common costs allocated to each telephone station, the current average charge for local service will be increased an average of \$2.35 per telephone station per month, or approximately 45 percent. Similarly, the wordage rate for use of intrasystem teletypewriter service will be increased, from the current rate of 15 mills to a rate of 33 mills per word for messages processed by the General Services Administration operators. The additional cost resulting from these increases will be offset to some extent by a savings in long-distance costs resulting from the establishment of the Federal Telecommunications System long-line network.

It is estimated that an additional \$18,000 will be required in fiscal year 1965 to cover the rate increase mentioned above. The estimate is based on the amounts currently being paid to the General Services Administration for telephone and teletypewriter services.

Tenant alterations and services

The sum of \$8,000 is included for so-called tenant alterations and services by the General Services Administration on a reimbursable basis. The estimate is based on a unit cost of 3 cents per square foot of space occupied by referees in post office buildings and in buildings operated by the General Services Administration.

A request for funds for this purpose for the fiscal year 1962 was denied by the Congress. The General Services Administration maintains that their "funds are not legally available for such expenses" and have made it quite clear that they would refuse to make any tenant changes or render services for the benefit of occupant agencies except on a reimbursable basis, leaving the judiciary no alternative but to resubmit the request for funds for reconsideration. For a more detailed account of the events which led to the resubmission of the request and the position taken by the judiciary, reference is made to pages 105 through 108 of this document.

Additional amount required for postage and fees (penalty mail)

It is estimated that an additional \$47,500 will be required in 1965 to cover an increase in the volume of mail and higher postal rates authorized by the act of October 11, 1962. The amount to be paid to the Post Office Department for mailing notices of bankruptcy proceedings to creditors and other parties of interest, is based on the average number of cases handled by the referees. The cost per case in 1963, computed on the basis of the quantity of envelopes and cards ordered during the year, less a 6-percent allowance for waste, was just under \$1.73. Taking into account the difference between the full-year and part-year cost of the postal rate increases effective January 4, 1963, and the bulk rate increases scheduled to take effect in January 1964 and January 1965, the unit cost per case will be \$1.83 in 1964, \$1.90 in 1965, and \$1.93 in 1966.

The sum of \$277,500 is currently available for the postage and fees of referees in bankruptcy.

On the basis of an estimated 170,000 cases to be handled by referees during fiscal year 1965 at \$1.90 per case, the sum of \$325,000 will be required.

Expenses relating to request for additional referees

Under the appropriation "Salaries of referees" funds have been requested for additional referees in bankruptcy and the conversion of some part-time referees to a full-time status which actions, in total, would represent an equivalent of 16 full-time positions. The sum of \$120,000 is included in this appropriation to cover the expenses (including the cost of equipment, furniture, and library facilities) of the new referees and to provide for an expansion of the facilities of part-time referees who are to be converted to a full-time status. The expenses are itemized below:

Travel.....	\$10, 500
Transportation of things.....	1, 000
Rent, communications, and utilities.....	8, 000
Printing and reproduction.....	8, 000
Other services.....	3, 000
Supplies.....	12, 500
Furniture and equipment, including library (nonrecurring).....	77, 000
Total.....	120, 000

The cost of travel and miscellaneous expenses are estimated on a unit cost basis. Unit costs are derived from samplings of expenses currently being incurred by established offices.

The sum of \$77,000 representing the cost of furniture and equipment, including library facilities, is the amount that will be required to establish the offices of 11 new full-time referees. It is estimated that approximately \$7,000 will be needed for each new office as follows:

Chambers.....	\$1, 730
General office space.....	2, 490
Courtroom.....	2, 845
Total.....	7, 065

¹ Nonrecurring expense.

Additional amount required for printing and reproduction

It is estimated that an additional \$10,000 will be required in fiscal year 1965 for the printing of forms, letterheads, envelopes, and other material required by referees. On the basis of past experience, it is expected that obligations for printing and reproduction in 1965, exclusive of the requirements of new referees referred to on pages 148 and 149, will aggregate \$82,000, which is \$6,000 more than the amount expended in 1963 and, \$10,000 in excess of the sum available in 1964. The increase in printing requirements is due in large measure to the rising caseload. Increases in the rates charged by the Government Printing Office for materials and labor is, of course, a contributing factor.

Increased volume of supplies being consumed by referees

In addition to the requirements relating to new referees referred to on pages 148 and 149, the allotment for supplies and materials for the fiscal year 1965 must be augmented to the extent of \$15,000. The increase in the consumption of supplies in the offices of the referees in bankruptcy is due in large measure to the installation and use of photocopy equipment for the reproduction of petitions, schedules, lists of creditors, etc., to be furnished parties on request. Fees paid by parties requesting copies of such documents are deposited in the referees' salary and expense fund.

Furniture requirements incident to the occupancy of new buildings

The General Services Administration has assumed the responsibility for all of the furniture requirements of the courts with the exception of the requirements of referees in bankruptcy since the bankruptcy system is financed out of a special fund in the Treasury.

Furniture and furnishings required by the referees in bankruptcy incident to the occupancy of new buildings scheduled for completion during fiscal year 1965, or within 90 days thereafter, are as follows:

Location:	Estimate
Bakersfield, Calif.	\$1, 324
New Albany, Ind.	871
Hannibal, Mo.	1, 472
Albuquerque, N. Mex.	1, 838
Ogden, Utah.	421
Cheyenne, Wyo.	2, 885
Reno, Nev.	2, 877
Chicago, Ill.	29, 516
Total	41, 204
Total (rounded)	41, 000

The estimates were furnished by the General Services Administration in accordance with an agreement between the Director of the Administrative Office of the U.S. Courts and the Administrator of the General Services Administration. The estimates, which were prepared by the General Services Administration's regional offices, were reviewed, in some instances reduced, by the Administrative Office of the U.S. Courts so as to represent the minimum requirements of the referees who are to occupy space in the new building.

INCREASES REQUESTED

Mr. ROONEY. These pages indicate that the request is in the amount \$5,965,000 which would be an increase of \$715,000 over the appropriation for the current fiscal year.

The increases are set forth on pages 135, 136, and 137.

(Discussion off the record.)

PROVISION FOR WITHIN-GRADE SALARY ADVANCEMENTS

Mr. ROONEY. You have an item of \$76,900 entitled "Provision for Within-Grade Salary Advancements." This is referred to at page 142 of the justifications.

It would appear from this that you are a very convincing and estimable gentleman, Judge Campbell. You like to take care of your people and you are to be complimented for that. This would mean that these employees would get a regular pay raise under the pay raise legislation last enacted; they would get an increase under the judiciary salary plan; they would get within-grade salary advances. What is this \$76,000? This would move it along a little faster, would it not?

Judge CAMPBELL. No; it is all the same thing. It is no more than the positions justified for the work they are doing as compared with other officers of the Government in the executive or legislative branch.

Mr. ROONEY. This is sort of a primer. Maybe that is not the word.

Judge CAMPBELL. Sort of an inducement to keep help.

Mr. ROONEY. A hastener. You say yourself at page 142 that prior to such reclassification they would have been required to serve 2 or even 3 years to be eligible.

Judge CAMPBELL. That is right.

Mr. ROONEY. So that this is a primer to move the whole thing along faster.

Judge CAMPBELL. It is giving them the benefit of new grades.

Mr. ROONEY. Higher and faster. I find no fault with it. After all, I helped you with it.

Judge CAMPBELL. You certainly did, and I am most grateful. As a result of your help, we are able to keep employees who would otherwise be pirated into the executive branch of the Government where

they are paid more. This gives them the salaries of the grade to which they are entitled and the necessary in-grade advancements of those various grades.

TEMPORARY EMPLOYMENT OF CLERKS FOR REFEREES

Mr. ROONEY. You have an item of \$289,000 here in connection with the temporary employment of clerks for referees.

Judge CAMPBELL. That is what I thought I was talking to before when I erroneously spoke on the lapse.

Mr. ROONEY. How many of these clerks?

Judge CAMPBELL. What is the total number?

Mr. GARABEDIAN. Sixty-two, Mr. Chairman. That is, equivalent positions.

Mr. ROONEY. Gentlemen, we thank you and appreciate your patience with us today.

Judge WEINMAN. May we thank you.

Judge CAMPBELL. May I, on behalf of our committee, express our appreciation to you, Mr. Chairman and members of your committee, not only for your patience with us today but for your constant and recurring understanding of our problems.

May I again thank you for the fine assistance you have given the judiciary in the past, and we hope to merit your confidence by continued watchfulness on the part of our committee on the budget with reference to future handling of funds that you appropriate to us.

Mr. ROONEY. Thanks to the cooperation of yourself, Judge Campbell, Judge McGuire, and Judge Weinman, I think the rapport between this committee and the Judicial Conference has certainly become greatly advanced in the number of years since we have been doing it this way.

Judge CAMPBELL. Thank you very much.

Judge MCGUIRE. Thank you very much, Mr. Chairman. You are very kind.

WEDNESDAY, JANUARY 15, 1964.

SUPREME COURT OF THE UNITED STATES

WITNESSES

HON. HUGO L. BLACK, ASSOCIATE JUSTICE

HON. TOM C. CLARK, ASSOCIATE JUSTICE

JOHN F. DAVIS, CLERK

T. PERRY LIPPITT, MARSHAL

MISS HELEN NEWMAN, LIBRARIAN

DINA R. ZUCCONI, ASSISTANT TO THE MARSHAL

J. GEORGE STEWART, ARCHITECT OF THE CAPITOL

CHARLES A. HENLOCK, ADMINISTRATIVE OFFICER, OFFICE OF THE ARCHITECT OF THE CAPITOL

Mr. ROONEY. The committee will again please come to order. We have the item for the Supreme Court of the United States now before us. We are pleased to welcome once again Associate Justice Black and Associate Justice Clark of the U.S. Supreme Court.

Incidentally, it occurred to me that Mr. Justice Clark is entitled to particular commendation because of the fact that he has such a fine son, Ramsey.

Justice CLARK. Thank you. I shall tell Ramsey.

Mr. ROONEY. You know, he is really running that division he heads in the Department of Justice and his budget for the coming year is 24 fewer positions. This is a great credit to you and to him.

Justice BLACK. He is a Texan.

Mr. ROONEY. Of course.

Justice CLARK. He takes after his mother.

Mr. ROONEY. We are glad to welcome all those present, including the Architect of the Capitol.

The justifications for the Supreme Court begin at page 1 of the justifications book which page we shall insert in the record at this point.

(Page 1 follows:)

Summary statement relating appropriation estimate to current appropriation

Supreme Court of the United States:	<i>Judiciary</i>
1964 appropriation in annual act.....	\$2,201,400
Base for 1965.....	2,201,400
Net difference, 1965 over 1964:	

	Requirements		Difference, increase (+) or de- crease (-)
	1964 appro- priated	1965 estimate	
1. Salaries, Supreme Court.....	\$1,588,000	\$1,613,000	+25,000
2. Printing and binding, Supreme Court reports.....	138,000	138,000	
3. Miscellaneous expenses, Supreme Court.....	85,000	87,000	+2,000
4. Care of the building and grounds, Supreme Court.....	348,000	304,000	-43,400
5. Automobile for Chief Justice, Supreme Court.....	7,400	8,100	+700
6. Books for the Supreme Court.....	35,000	35,000	
Total.....	2,201,400	2,185,700	-15,700

Total estimate for 1965..... 2,185,700

Mr. ROONEY. The total request is in the amount \$2,185,700, which would be a decrease of \$15,700 below the amount appropriated for the Supreme Court in the current fiscal year.

Mr. Justice Black, do you wish to make your statement at this time?

GENERAL STATEMENT

Justice BLACK. My statement will be very short. That is, that we are very happy to present our request for no increase, no net increase. We do have one additional employee, the necessity for whom is explained in the statement here. He is needed in the library. He has a name which is somewhat misleading. In the main, he could probably be classified as a messenger who helps stack the books and put the books up and carry books around, travel from one library to another.

Mr. ROONEY. This gentleman is to be found at page 9 of the justifications?

Justice BLACK. That is right. Outside of that, so far as any increases are concerned, remembering there is no net increase, so far as some increases are concerned at some points, they are brought

about by statutory requirements for increases in wages. We will be very glad to answer anything about any particular item in which you are interested. We are glad that we are not asking for an increase possibly due to the fact that Tom Clark is from Texas.

Mr. ROONEY. And, Mr. Justice Black, you may be assured that makes our work much easier because we are going to fully cooperate with the President of the United States.

Justice BLACK. That is fine.

Mr. ROONEY. The item for the Supreme Court of \$2,185,700, to which we made reference a while ago, is composed of six subitems.

SALARIES, SUPREME COURT OF THE UNITED STATES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Permanent positions.....	1,335	1,403	1,433
Positions other than permanent.....	72	81	81
Other personnel compensation.....		8	4
Total personnel compensation.....	1,408	1,492	1,518
12 Personnel benefits.....	75	96	95
Total obligations.....	1,483	1,588	1,613

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	168	168	169
Full-time equivalent of all other positions.....	17	20	20
Average number of all employees.....	178	184	184
Employees in permanent positions, end of year.....	162	164	164
Employees in other positions, end of year.....	38	42	42

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Salaries, Supreme Court (obligations)...	1,483	1,588	1,613
Financing: Unobligated balance lapsing.....	10		
New obligational authority (appropriation).....	1,493	1,588	1,613

Mr. ROONEY. The first of these is entitled "Salaries, Supreme Court." In connection with this, we shall insert pages 2 through 9 of the justifications at this point in the record.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries, Supreme Court of the United States:		Judiciary
1964 appropriation in annual act		\$1,588,000
Base for 1965		1,588,000
Net difference, 1965 over 1964:		

	Requirements		Difference, increase (+) or de- crease (-)
	1964 appro- priated	1965 estimate	
Salaries, Supreme Court.....	\$1,588,000	\$1,613,000	+ \$25,000
Total estimate for 1965.....			1,613,000

Statement showing analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
11 Personnel compensation	\$1,492,229	\$1,518,000	+ \$25,771
12 Personnel benefits	95,771	95,000	- 771
Total	1,588,000	1,613,000	+25,000

Summary of increased requirements for 1965

Nature of expense (or savings):

1. Pay increase, Public Law 87-793 (compensation, \$14,000; and benefits, \$1,501)	Amount \$15,501
2. Provision for within-grade salary advancements (compensation, \$11,732, and benefits, \$1,268)	13,000
3. New position, under library assistant	4,268
4. Less 1 extra compensable day in fiscal year 1965	-4,229
5. Net decrease in payment due the employees' compensation fund	-3,540
Increase, 1965 over 1964	25,000

JUSTIFICATION

Language changes

None.

Objectives

The appropriation here requested is to provide the necessary moneys to pay the salaries of the members of the Supreme Court of the United States, the Officers of the Court, their respective staffs, and the Court's custodial employees.

General justification

The following statement reflects the casework of the Court for the past three terms:

Statement showing the number of cases filed, disposed of and remaining on dockets at conclusion of October terms 1960, 1961, and 1962

[October term 1962 ended June 17, 1963, corresponds to fiscal year 1963]

	Original			Appellate			Miscellaneous			Total		
	1960	1961	1962	1960	1961	1962	1960	1961	1962	1960	1961	1962
Number of cases on dockets.....	12	13	15	1,046	1,062	1,182	1,255	1,510	1,627	2,313	2,585	2,824
Number disposed of during terms.....	1	0	7	887	860	972	1,040	1,297	1,371	1,928	2,157	2,350
Number remaining on dockets.....	11	13	8	159	202	210	215	213	256	385	428	474

	Terms		
	1960	1961	1962
Distribution of cases disposed of during terms:			
Original cases.....	1	0	7
Appellate cases on merits.....	259	195	282
Petitions for certiorari.....	628	665	690
Miscellaneous docket applications.....	1,040	1,297	1,371
Distribution of cases remaining on dockets:			
Original cases.....	11	13	8
Appellate cases on merits.....	85	118	108
Petitions for certiorari.....	74	84	102
Miscellaneous docket applications.....	215	213	256

An appropriation of \$1,613,000 is requested for salaries of the Supreme Court staff for 1965. This represents a net increase of \$25,000 over the 1964 estimate for this item.

Detailed justification

	Actual 1963			Estimate 1964			Estimate 1965		
	Number of positions	Average number employed	Cost	Number of positions	Average number employed	Cost	Number of positions	Average number employed	Cost
Full-time employment.....	168	161	\$1,335,256	168	164	\$1,402,872	169	164	\$1,432,872
Part-time employment.....	20	17	68,548	20	20	76,128	20	20	76,128
Temporary employment.....			3,911			5,000			5,000
Regular pay in excess of 52-week base.....						8,229			4,000
Employer's contributions:									
Life insurance.....			4,185			4,700			4,700
Health benefits.....			10,168			10,300			10,300
Retirement fund.....			70,998			75,000			77,769
Employees' compensation fund.....						5,771			2,231
Total.....	188	178	1,492,866	188	184	1,588,000	189	184	1,613,000
Savings.....			10,134						
Total appropriation or estimate.....			1,503,000			1,588,000			1,613,000

Pay increase, Public Law 87-793

The sum of \$15,501 is required to cover the increase in salaries provided for by the Federal Salary Reform Act of 1962, Public Law 87-793, approved October 11, 1962. This estimate is for the increase in pay effective January 5, 1964, and includes \$14,000 to cover increases in compensation and \$1,501 for related benefits—agency contributions to the civil service retirement fund.

The increased cost for salaries was determined by applying the new rates effective January 5, 1964, to the present complement of employees. The total increase

for salaries is \$40,000 which represents a full fiscal year's cost, less \$20,000 requested in fiscal year 1964 due to the increase for part of that year. The total increase for fiscal year 1965 for compensation is therefore \$20,000 of which \$6,000 can be absorbed. A net increase of \$14,000 for compensation is requested for fiscal year 1965.

Provision for within-grade salary advancements

The sum of \$13,000 is required to grant regular within-grade salary increases which will become due in 1965. The estimate includes \$11,732 to cover increases in compensation and \$1,268 for related benefits—agency contributions to the civil service retirement fund.

New position, under library assistant

\$4,268 is requested to establish one new position, under library assistant, at grade 3. The additional under library assistant is needed to work with the present two under library assistants reshelving books used by attorneys and members of the Court, shelving new books, and filing new supplementary material, including pocket parts, advance sheets, and loose leaf services. The under library assistants are also required to perform numerous messenger duties between the library and the Justices' chambers, the Library of Congress and the Capitol. Since 1947, when the staff was enlarged from one to two under library assistants in the main reading room, the book collection has grown by 50,000 volumes.

Less 1 extra compensable day in fiscal year 1965

The amount of \$4,229 for the 1 additional compensable day in fiscal year 1964 and not required in fiscal year 1965 is deducted from this estimate.

Net decrease in payment due the employees' compensation fund

The sum of \$2,231 is required to reimburse the Bureau of Employees' Compensation in accordance with 5 U.S.C. 785. This figure was furnished to us by the U.S. Department of Labor for payment in fiscal year 1965. The amount of \$5,771 required for this purpose in fiscal year 1964 is deducted from this allotment resulting in a net decrease of \$3,540 for this item.

INCREASES REQUESTED

Mr. ROONEY. The amount requested for salaries is in the sum of \$1,613,000, which would be an increase of \$25,000 over the amount appropriated for the current fiscal year.

These increases are set forth at page 4 of the justifications, from which it would appear that all of this amount is mandatory except for \$4,268, which is compensation for the new position of under library assistant. Am I correct in that?

Justice BLACK. That is right.

PRINTING AND BINDING SUPREME COURT REPORTS

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Printing and binding Supreme Court reports (obligations) (object class 24)-----	138	138	138
Financing: New obligational authority (appropriation) -----	138	138	138

Mr. ROONEY. The second item is entitled "Printing and Binding Supreme Court Reports." We shall at this point insert pages 10 through 12 of the justifications, which indicate that the amount is in the amount \$138,000, the same amount as for the current fiscal year. (The pages follow:)

Statement relating appropriation estimate to current appropriation

Printing and binding Supreme Court reports:	Judiciary
1964 appropriation in annual act.....	\$138,000
Base for 1965.....	138,000
Net difference, 1965 over 1964:	

	Requirements		Difference, increase (+) or de- crease (-)
	1964 appro- priated	1965 estimate	
Printing and binding Supreme Court reports.....	\$138,000	\$138,000	
Total estimate for 1965.....			138,000

Statement showing analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
24 Printing and reproduction.....	\$138,000	\$138,000	
Total.....	138,000	138,000	

JUSTIFICATION

Language changes

None.

Detailed justification

An appropriation of \$138,000 is requested for printing and binding Supreme Court reports in fiscal year 1965. This amount is the same as the estimate for fiscal year 1964. This work is required by statute and is performed by the Government Printing Office at rates fixed by that agency. The actual expenditures during the past 3 years have been as follows:

	1961	1962	1963
For slip opinions.....	\$60,231	\$63,538	\$62,766
For preliminary prints and bound volumes.....	29,769	38,783	75,234
Total.....	90,000	102,321	138,000

The cost of printing and binding Supreme Court reports depends upon the volume of material to be printed and bound and the rates being charged by the Government Printing Office at the time the work is done. It is estimated that the printing of slip opinions for the fiscal year 1965 will cost \$69,000. The remainder of \$69,000 will be used to print preliminary parts and the bound volumes of the U.S. reports.

Mr. ROONEY. What are the present estimates of obligation for fiscal year 1964, the current year?

Mr. DAVIS. Through December we have obligated \$38,311.

Mr. ROONEY. Can you tell us how that compares with the previous period, the same period the year before?

Mr. DAVIS. The same date last year was \$54,116, which is about \$15,000 or \$16,000 more. The difference is because we have not yet obligated the expense which we are certain to have to obligate for certain bound volumes.

In the \$54,000 the year before there was an obligation for some bound volumes which we will have to obligate but have not yet done.

MISCELLANEOUS EXPENSES, SUPREME COURT OF THE UNITED STATES

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
21 Travel and transportation of persons.....		1	1
22 Transportation of things.....	2	2	2
23 Rent, communications, and utilities.....	18	15	18
24 Printing and reproduction.....	15	15	15
25 Other services.....	4	7	9
26 Supplies and materials.....	22	20	21
31 Equipment.....	19	25	21
Total obligations.....	79	85	87

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Miscellaneous expenses, Supreme Court (obligations).....	79	85	87
Financing: New obligational authority (appropriation).....	79	85	87

Mr. ROONEY. The third item is entitled "Miscellaneous expenses," and is to be found beginning at page 13 of the justifications, which page we shall insert, together with pages 13 through 17.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Miscellaneous expenses, Supreme Court of the United States:	Judiciary
1964 appropriation in annual act.....	\$85,000
Base for 1965.....	\$5,000
Net difference, 1965 over 1964:	

	Requirements		Difference, increase (+) or decrease (-)	
	1964 appropriated	1965 estimate		
Miscellaneous expenses, Supreme Court.....	\$85,000	\$87,000	+\$2,000	+2,000
Total estimate for 1965.....				87,000

Statement showing analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
21 Travel and transportation of persons.....	\$1,000	\$1,000	
22 Transportation of things.....	2,000	2,000	
23 Rent, communication, and utilities.....	15,000	18,000	+\$3,000
24 Printing and reproduction.....	15,000	15,000	
25 Other services.....	7,200	9,200	+2,000
26 Supplies and materials.....	20,000	21,000	+1,000
31 Equipment.....	24,800	20,800	-4,000
Total.....	85,000	87,000	+2,000

Summary of increased requirements for 1965

Nature of expense (or savings):	Amount
1. Increase in cost of telephone service.....	\$2, 600
2. Increase in cost of postage, Public Law 87-793.....	400
3. Increase for reupholstery of furniture.....	2, 000
4. Increase in cost of supplies and materials.....	1, 000
5. Less cost of a passenger carrying automobile.....	-4, 000
Increase, 1965 over 1964.....	2, 000

JUSTIFICATION

Language changes

The following language is deleted: "including purchase of one passenger motor vehicle (at not to exceed \$5,000 for replacement only), and hire of passenger motor vehicles, \$85,000."

Objectives

This appropriation provides for the miscellaneous expenses of the Supreme Court which include the purchase of office, janitoring, and other housekeeping supplies, materials and equipment; travel (including automobile transportation for the Court and its officers); communication services; and penalty mail. Printing and binding, except for the U.S. Reports, also is paid for from this appropriation.

General justification

An appropriation of \$87,000 is requested for 1965 to supply the Court's needs for supplies and equipment, and for other miscellaneous expenses. The amount requested is \$2,000 in excess of last year's appropriation.

Increase in cost of telephone service

The amount of \$2,600 per annum is requested to defray increased costs caused by the improvement and expansion of telephone services in the Justices' offices, the marshal's office and the library.

Increase in cost of postage

An additional \$400 is needed for postage (penalty indicia) because of the statutory increase under Public Law 87-793. This amounts to an increase of approximately 25 percent.

Increase for reupholstery of furniture

A \$2,000 increase is requested to repair and recover the numerous leather chairs and couches in the Supreme Court building. After 28 years the furniture is deteriorating at a very rapid rate and the \$2,000 previously authorized for this work has not been sufficient to keep the repairs current.

Increase in cost of supplies and materials

An additional \$1,000 is requested for this item. This increase is primarily caused by having two more retired Justices who must be supplied with stationery and other office supplies.

Less cost of a passenger carrying automobile

The \$4,000 which was granted in last year's appropriation for the purchase of a passenger carrying automobile has been deducted from this year's estimates.

INCREASE REQUESTED

Mr. ROONEY. These pages indicate that the request is in the amount \$87,000, which would be an increase of \$2,000. This increase is set forth at page 15 of the justifications. This deduction of \$4,000 under passenger-carrying automobile was a nonrecurring item?

Mr. DAVIS. Yes, sir.

Mr. ROONEY. If there are any questions, gentlemen, please interrupt me at any time.

The fourth item is "Care of building and grounds," which we shall skip at this moment and ask the Architect and his staff to wait until we finish the fifth and sixth items.

AUTOMOBILE FOR THE CHIEF JUSTICE

Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation: Permanent positions.....	5	5	5
21 Travel and transportation of persons.....	1	1	1
26 Supplies and materials.....	1	1	1
Total obligations.....	7	7	8

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	1	1	1
Average number of all employees.....	1	1	1
Employees in permanent positions, end of year.....	1	1	1
Employees in other positions, end of year.....	0	0	0

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Automobile for the Chief Justice (obligations).....	7	7	8
Financing: New obligational authority (appropriation)...	7	7	8

Mr. ROONEY. The fifth item is the automobile for the Chief Justice. In this connection, we shall insert pages 28 through 32 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Automobile for the Chief Justice, Supreme Court:	<i>Judiciary</i>
1964 appropriation in annual act.....	\$7,400
Base for 1965.....	7,400
Net difference, 1965 over 1964:	

	Requirements		Difference, increase (+) or decrease (-)
	1964 appropriated	1965 estimate	
Automobile for the Chief Justice, Supreme Court...	\$7,400	\$8,100	+\$700
Total estimate for 1965.....			8,100

Statement showing analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$5,238	\$5,427	+\$189
12 Personnel benefits.....	442	453	+11
21 Travel and transportation of persons.....	500	1,000	+500
25 Other services.....	276	276	
26 Supplies and materials.....	944	944	
Total.....	7,400	8,100	+700

Summary of increased requirements for 1965

Nature of expense (or savings):	Amount
1. Pay increase, Public Law 87-793.....	\$54
2. Provision for within-grade salary advancement (compensation \$154 and benefits \$11).....	165
3. Less 1 extra compensable day in fiscal year 1965.....	-19
4. Increase in cost of rental of an automobile.....	500
Increase, 1965 over 1964.....	700

JUSTIFICATION

Language changes

None.

Objectives

To provide for an automobile for the Chief Justice of the United States.

Detailed justification

This appropriation covers the cost of providing an automobile for the Chief Justice of the United States. Services included are the chauffeur's salary, employer's contributions for life insurance, health benefits and the retirement fund, gasoline and oil, repairs and rental.

An appropriation of \$7,600 is requested for this item for 1965. This represents an increase of \$200 over the 1964 estimate for this item.

Pay increase, Public Law 87-793

The sum of \$54 is required to cover the increase in salary for the chauffeur to the Chief Justice, provided for by the Federal Salary Reform Act of 1962, Public Law 87-793, approved October 11, 1962. This estimate is for the increase in pay effective January 5, 1964.

Provision for within-grade salary advancement

The sum of \$165 is required to grant a regular within-grade salary increase which will become due in 1965. The estimate includes \$154 to cover an increase in compensation and \$11 for related benefits—agency contributions to the civil service retirement fund.

Less one extra compensable day in fiscal year 1965

The amount of \$19 for one additional compensable day in fiscal year 1964 and not required in fiscal year 1965 is deducted from this estimate.

Increase in cost of rental of an automobile

The cost of renting an automobile for the Chief Justice has been increased from \$500 to \$1,000 a year.

INCREASE REQUESTED

Mr. ROONEY. These pages indicate that the amount \$8,100 is required for this purpose, which would be an increase of \$700 over the amount appropriated for the current fiscal year.

Page 32 shows that the cost of renting an automobile for the Chief Justice has been increased from \$500 to \$1,000 a year. How come?

Justice CLARK. That is what the manufacturer charges.

Mr. ROONEY. Who are they?

Justice CLARK. General Motors cars, a Cadillac. I suppose it is General Motors.

Mr. ROONEY. This is the first I have heard of this sort of thing.

Justice CLARK. The Chief told me they had upped it to a thousand dollars.

Mr. ROONEY. Does anyone know whether or not the rest of the Government is going to run into the same sort of increase?

Mr. LIPPITT. That is my understanding, that it is true throughout the Government. I know it is in the case of the Department of Justice.

Mr. ROONEY. The difference between the thousand dollars for the rental of the car and the \$8,100 is made up, is it not, of the chauffeur's salary—

Justice CLARK. Within-grade salary increases—

Mr. ROONEY. Overtime, gas, and oil?

Justice CLARK. There is no increase in gas and oil. It is in here but for the same amount.

Mr. ROONEY. I am saying the difference between the thousand dollars and the \$8,100—

Justice CLARK. Yes.

Mr. ROONEY. I was asked this question once on the floor, and I had to guess the answer.

Mr. LIPPITT. That is correct, sir.

BOOKS FOR THE SUPREME COURT

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Purchase of books and periodicals (obligations) (object class 31).....	35	35	35
Financing: New obligational authority (appropriation).....	35	35	35

Mr. ROONEY. The final item of the six items entitled "Books for the Supreme Court," justifications in regard thereto begin at page 33 thereof, which page we shall insert, together with pages 34 and 35. (The pages follow:)

Statement relating appropriation estimate to current appropriation

Books for the Supreme Court:	<i>Judiciary</i>
1964 appropriation in annual act.....	\$35,000
Base for 1965.....	35,000
Net difference, 1965 over 1964:	

	Requirements		Difference, increase (+) or de- crease (-)
	1964 appro- priated	1965 estimate	
Books for the Supreme Court.....	\$35,000	\$35,000	
Total estimate for 1965.....			35,000

Statement showing analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
31 Equipment.....	\$35,000	\$35,000	-----
Total.....	35,000	35,000	-----

JUSTIFICATION

Language changes

None.

Objectives

This appropriation provides for the purchase of books and periodicals for the Supreme Court.

Detailed justification

An appropriation of \$35,000 is requested for fiscal year 1965 for books and periodicals for the Supreme Court, to be purchased by the librarian of the Supreme Court, under the direction of the Chief Justice.

Our estimates for fiscal year 1965 are as follows:

Continuations: Citators, codes, congressional hearings, court reports, digests, encyclopedias, legal periodicals, looseleaf services, pocket supplements, session laws, statutes, etc.....	\$28,500
New books and additional materials.....	6,500
Total estimate.....	35,000

The above estimates represent the same amounts requested and appropriated for the fiscal year 1964.

Mr. ROONEY. This request is in the same amount as in the current year, to wit: \$35,000. We are again indebted to you, Mr. Justice Black and Mr. Justice Clark and ladies and gentlemen, for your kindness in being here.

Justice CLARK. We are always glad to be here.

Justice BLACK. I would not miss it.

CARE OF BUILDINGS AND GROUNDS, SUPREME COURT

Program and financing

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
Program by activities: Structural and mechanical care of Supreme Court Building and Grounds, including supplying of mechanical furnishings and equipment (obligations).....	318	348	305
Financing: Unobligated balance lapsing.....	5	-----	-----
New obligational authority.....	323	348	305



Object classification

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate
11 Personnel compensation:			
Permanent positions.....	197	198	213
Other personnel compensation.....	47	49	52
Total personnel compensation.....	244	247	265
12 Personnel benefits.....	16	17	18
25 Other services:			
General annual repairs.....	4	9	9
Annual painting.....	3	3	3
Maintenance, air-conditioning system.....	1	4	2
Lighting improvements.....	33	49	1
Elevator improvements.....		12	
Pointing exterior stonework.....	9		
26 Supplies and materials.....	9	6	6
31 Equipment, annual.....		1	1
Total obligations.....	318	348	305

Personnel summary

	1963 actual	1964 estimate	1965 estimate
Total number of permanent positions.....	33	33	33
Average number of all employees.....	33	33	33
Employees in permanent positions, end of year.....	33	33	33
Employees in other positions, end of year.....	0	0	0

Mr. ROONEY. Now, gentlemen, we shall return to item No. 4, entitled "Care of buildings and grounds, Supreme Court," which appears beginning at page 18 of the justifications. We note that the request is \$43,400 less than the amount appropriated for the current fiscal year. The details are summarized at page 22 of these justifications. We shall at this point insert in the record pages 18 through 27 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Care of the building and grounds, Supreme Court:	<i>Judiciary</i>
1964 appropriation in annual act.....	\$348,000
Base for 1965.....	348,000
Net difference, 1965 over 1964:	

	Requirements		Difference, increase (+) or decrease (-)	
	1964, appropriated	1965 estimate		
Care of building and grounds.....	\$348,000	\$304,600	-\$43,400	-43,400
Total estimate for 1965.....				304,600

Statement showing analysis by object

Object	1964 estimate	1965 estimate	Increase (+) or decrease (-)
11 Personnel compensation	¹ \$247,300	\$264,800	+\$17,500
12 Personnel benefits:			
Payment to employees' life insurance fund.....	700	700	-----
Payment to employees' health benefits fund.....	3,600	3,600	-----
Contribution to retirement fund.....	12,300	13,800	+1,500
25 Other services:			
General annual repairs.....	9,000	9,000	-----
Annual painting.....	3,000	3,000	-----
Maintenance, air-conditioning system.....	3,800	1,800	-2,000
Snow removal.....	150	150	-----
Lighting improvements.....	49,400	1,000	-48,400
Elevator improvements.....	12,000		-12,000
26 Supplies and materials.....	6,000	6,000	-----
31 Equipment: Annual.....	750	750	-----
Total.....	348,000	304,600	-43,400

¹ Excludes \$8,900 proposed pay supplemental.

Summary of increased requirements for 1965

Nature of expense (or savings):

1. Deduction for a nonrecurring amount of \$2,000 in the air-conditioning item allowed to provide more effective control over temperature conditions in the courtroom and the Chief Justices' chambers.....	Amount
	-\$2,000
2. Deduction for a nonrecurring amount of \$49,400 allowed to improve lighting conditions in the reading room of the Bar Library, including its north and south bookstack wings.....	-49,400
3. Deduction for a nonrecurring amount of \$12,000 allowed to effect safety improvements on elevator No. 4.....	-12,000
4. Cost of wage rate changes authorized by Public Law 763, \$13,810; increased costs under the Classification Act, \$690; increase in the overtime and holiday pay allotment resulting from increases in basic pay rates, \$3,000: Total increase in personnel compensation.....	17,500
5. Increase in cost of contribution to retirement fund, authorized by Public Law 854, 84th Congress.....	1,500
6. Improvement of lighting in critical bookstack areas.....	1,000
Net decrease, 1965 under 1964.....	-43,400

JUSTIFICATION

Objectives

This appropriation, for expenditure by the Architect of the Capitol, is to provide for the structural and mechanical care of the U.S. Supreme Court building and grounds, including maintenance and operation of mechanical equipment. The Architect performs his duties under authority of the act of May 7, 1934 (48 Stat. 668).

The mechanical equipment includes such items as the air conditioning, refrigeration, and ventilating systems with more than 1,000 pieces of equipment; electrical transformer stations; 300 plumbing fixtures and related piping; 8 elevators and 5 dumbwaiters; electric fixtures and wiring.

A force of 33 employees is required for the fiscal year 1965 to cover 3 shifts daily and is made up of 1 supervising engineer; 1 foreman, 3 mechanics, 5 attendants, and 4 assistant attendants in the heating, ventilating, air conditioning and refrigeration department; 1 electrician foreman and 3 electricians; 1 steamfitter-plumber foreman, 1 steamfitter and 1 steamfitter-plumber; 1 elevator mechanic foreman and 1 mechanic; 1 marble mason; 1 woodwork finisher and painter; 1 oiler and greaser; 1 laborer-gardener foreman and 2 grounds maintenance men; 1 substation helper; 1 storekeeper and 2 general laborers.

Detailed justifications

The following table is a comparison of the cost of full-time employment and other objects of expenditures for the fiscal years 1963, 1964, and 1965; also of savings realized in 1963:

	Actual, 1963			Estimate, 1964			Estimate, 1965			Employment, September 1963
	Positions	Man-years	Cost	Positions	Man-years	Cost	Positions	Man-years	Cost	
Personnel compensation: Full-time employment	33	33	\$243,595	33	33	\$256,200	33	33	\$264,800	33
Other objects of expenditure			74,838			100,700			39,800	
Savings			4,967							
Total estimate or appropriation			323,400			348,000			304,600	
Proposed supplemental due to pay increases						8,900				

Personnel compensation (increased from \$247,300 (excludes proposed pay supplemental) to \$264,800)

\$264,800

This allotment provides for 33 positions—the same number as allowed for 1964—2 of which are compensated under the Classification Act of 1949, as amended, and 31 on a prevailing wage-rate basis under the provisions of Public Law 763, 83d Cong. For 1965, an increase of \$17,500 is requested, of which \$13,810, is required to meet the cost of wage-rate changes authorized by Public Law 763; \$690 for increased costs under the Classification Act, and \$3,000 increase in the overtime and holiday pay allotment resulting from increases in basic pay rates.

Payment to employees' life insurance fund (no change)

700

This item is the same as allowed for 1964 and is requested to cover the cost of Government insurance contributions required by Public Law 590, 83d Cong., Federal Employees' Group Life Insurance Act of 1954.

Payment to employees' health benefits fund (no change)

3,600

This item is the same as allowed for 1964 and is requested to cover the cost of Government contribution to the employees' health benefits fund required by Public Law 86-382, 86th Cong. approved Sept. 28, 1959.

Contribution to retirement fund (increased from \$12,300 to \$13,800) ..

13,800

This represents an increase of \$1,500 over the amount allowed for 1964. The item is requested to cover the cost of Government contribution to retirement fund required by Public Law 854, 84th Cong., title IV, Civil Service Retirement Act Amendments of 1956. The additional cost results from increases in basic pay rates authorized by Public Law 763.

General annual repairs (no change)

9,000

This is the same as allowed for 1964 and provides for the regular annual repair and structural upkeep of the building and its mechanical equipment, such as repairs to elevators, roof, carpentry, electrical, plumbing, heating, ventilating and steam equipment, kitchen and other miscellaneous equipment, and general structural repairs and improvements. It also provides minor repairs on the grounds, such as repairs to fountains, drains and catch basins, lawn sprinkler system and paving.

Annual painting (no change)

3,000

This is the same as allowed for 1964 and provides for necessary painting throughout the building.

Maintenance, air-conditioning system \$1, 800

For 1964, \$1,800—the regular annual amount—is again requested for 1965 for the annual routine care and maintenance of the air-conditioning and refrigeration systems. The breakdown of the annual recurring amount follows:

Air-conditioning estimate:

Maintenance:

Air filters.....	\$500
Oil and grease.....	100
Cleaning equipment.....	100
Paint.....	100
Refrigerants.....	100
Contingency for special repairs.....	300
Miscellaneous.....	100

Repairs:

Refrigeration.....	300
Automatic controls.....	100
Miscellaneous.....	100

Total, annual recurring items..... 1, 800

Snow removal (no change)..... 150

This is the same as allowed for 1964 and provides for snow removal from walks and approaches.

Lighting improvements—nonrecurring item..... 1, 000

For 1964, a nonrecurring amount of \$49,400 was allowed to improve lighting conditions in the reading room of the Bar Library, including its north and south bookstack wings.

For 1965, a nonrecurring amount of \$1,000 is requested to improve lighting conditions in critical bookstack areas.

The lighting provided under the original building construction contract for the several bookstack areas throughout the building does not provide sufficient illumination on the lower shelves. Consequently, the book titles on such shelves are difficult to read. Practically all of the bookstack areas are completely devoid of daylight.

The lighting in many of the bookstacks already has been updated to present day standards of illumination by the installation of low-cost commercial fluorescent fixtures. Such installations have been accomplished progressively by the building maintenance personnel with complete satisfaction to the occupants. The result is that all book titles are now readable.

A request for \$1,000 is included in the 1965 budget to procure the necessary fixtures to continue this program in the remaining critical bookstack areas. All installation work associated therewith will be performed by maintenance electricians regularly employed in the Supreme Court Building.

Supplies and materials (no change)..... 6, 000

This is the same as allowed for 1964. The item provides supplies and materials for the structural and mechanical care of the building: heating, plumbing, electrical, carpentry, hardware, and other general miscellaneous supplies.

It also provides supplies and materials for the care of the grounds; plant material, seed, soil, sod, sprays, fertilizers, and other miscellaneous supplies.

Annual equipment (no change)..... 750

This is the same as allowed for 1964 and provides tools, mowers, brushes, miscellaneous equipment, and repairs to same.

The total, therefore, requested for the care of the Supreme Court building and grounds, for the fiscal year 1965, under the Architect of the Capitol, amounts to.....

304, 600

Mr. ROONEY. The Court must have finally given up on the bookcases. Is that a fair statement?

Mr. STEWART. On the bookcases, yes.

Mr. ROONEY. It would appear from page 20 that you have deducted three nonrecurring items totaling \$63,400 and added three items totaling \$20,000 even, giving us the total decrease in 1965 under the current year appropriation of \$43,400. Is that right?

Mr. STEWART. That is right.

INCREASES REQUESTED

Mr. ROONEY. Of the three items totaling \$20,000, am I correct in saying that \$17,500 is mandatory for wage rate increases authorized by law, and so forth, and \$1,500 thereof is also required by law and, finally, that the only increase is an item of a thousand dollars for improvement of lighting in critical book stack areas over in the Supreme Court; is that correct?

Mr. STEWART. Yes. That is only for the purpose of fixtures. We intend to install this with our regular help there at the building.

Mr. ROONEY. This is all right, gentlemen. Pretty good for a change. Thank you very much.

THURSDAY, JANUARY 30, 1964.

SUPPLEMENTAL ESTIMATE, COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF REFEREES, FISCAL YEAR 1964

WITNESSES

HON. MATTHEW F. McGUIRE, CHIEF JUDGE, U.S. DISTRICT COURT,
DISTRICT OF COLUMBIA

JOHN C. AIRHART, ASSISTANT DIRECTOR, ADMINISTRATIVE
OFFICE, U.S. COURTS

DARWIN H. ANDERSON, ASSISTANT CHIEF OF BUSINESS ADMIN-
ISTRATION, ADMINISTRATIVE OFFICE, U.S. COURTS

Mr. ROONEY. We have a supplemental request for the judiciary entitled "Courts of appeals, district courts, and other judicial services, salaries of referees," which is to be found at page 10 of the House Document No. 203, for an additional amount for "Salaries of referees," to be derived from the referees' salary and expense fund established in pursuance of the act of June 28, 1946, as amended (11 U.S.C. 68, 102), \$65,000.

We shall at this point insert in the record pages 1, 7, and 8 of the justifications.

(The pages follow.)

For an additional amount for "Salaries of referees," to be derived from the referees' salary and expense fund established in pursuance of the act of June 28, 1946, as amended (11 U.S.C. 68, 102), \$65,000.

<i>Salaries of referees, 1964</i>	
Supplemental request.....	\$65,000
Present appropriation.....	2,550,000
Obligations to Dec. 31, 1963.....	1,290,640
Expenditures to Dec. 31, 1963.....	1,076,890
Budget estimate next fiscal year.....	2,905,000

JUSTIFICATION

The sum of \$48,000 will be required for the payment of salaries and related benefits of full- and part-time referees serving in positions which were authorized and for which funds were provided in 1963. The Congress for 1964 appropriated \$2,550,000, which was \$50,000 less than the sum provided in the Judiciary Appropriation Act of 1963 and \$50,000 below the budget estimate. This action apparently was prompted by reason of the fact that in 1963 a savings of \$47,500 was transferred to the appropriation "Expenses of referees" to cover "pay costs" under the Federal Salary Reform Act of 1962. The savings was due to a delay in the enactment of the appropriation bill and was not of a recurring nature. The probability of the need for the restoration of all or a portion of the sum denied in 1964 was mentioned in a letter dated June 20, 1963, to the chairman of the Senate Appropriations Subcommittee following the release of the report of the House Committee on Appropriations on the judiciary appropriation bill, 1964.

An additional \$17,000 will be required for the appointment of two additional full-time referees; one additional part-time referee; the conversion of two part-time referees to a full-time status; and some salary adjustments authorized by the Judicial Conference of the United States in March 1963, subject to the availability of funds. The timing of the Conference action was such that a request for funds could not be included in the annual budget estimate for 1964. In view of a very sharp increase in the bankruptcy caseload, it was not considered advisable to defer the submission of the request for funds any longer than necessary. The budget estimate for 1965 provides for the full-year cost of the new referee positions, conversions, and salary adjustments. The amount included herein represents a 3-month provision in anticipation of the funds being made available on or about April 1, 1964.

Mr. ROONEY. The first question, Chief Judge McGuire, is, was any of the 1963 fiscal year appropriation for this purpose unused and if so how much?

Judge MCGUIRE. Mr. Chairman, if I may answer that question by making a request, I would like to spread on the record, if I may, the formal justification in the form of a statement that I have prepared and which explains the situation in detail.

Mr. ROONEY. Very well, Judge McGuire.

GENERAL STATEMENT

Judge MCGUIRE. We are bringing before you a supplemental request for an appropriation of \$65,000 for salaries of referees for the current fiscal year. The estimate is made up of two items: One, \$48,000 needed to complete payments of salaries to referees currently serving in positions for which funds were provided in 1963, and two, \$17,000 for the appointment of two additional full-time referees, one additional part-time referee, the conversion of two part-time referees to a full-time status and certain salary adjustments authorized by the Judicial Conference in March 1963.

INCREASES REQUESTED

The request for \$48,000 is in the nature of a restoration of the reduction for 1964 below the base appropriation for 1963. The amount appropriated for 1963 was \$2,600,000. The budget estimate for 1964 was in the same amount—no increases were requested. Between the time the 1963 appropriation bill was enacted and the House Appropriations Committee Report on 1964 was rendered, a sum of \$47,500 had, by authority of Congress, been transferred from the appropriation for "Salaries of referees" to the appropriation for "Expenses of referees" to partially cover salary increases under the Federal Salary Reform Act of 1962. In the table of allowances for 1964, then, the amount recommended for appropriation by the House Appropriations Committee was \$2,550,000 and was compared with an appropriation for 1963 of \$2,552,500 with the comment that the allowance was \$50,000 below the budget estimate and \$2,500 below the amount available for 1963.

The appropriation of \$2,600,000 for 1963 included increases, on an annual basis, of \$230,000. Because the act was not passed until mid-October 1962 there resulted a savings of more than \$60,000. The balance remaining after \$47,500 was transferred to the appropriation for "Expenses of referees" reverted to the Treasury.

It should be noted that it was immediately recognized that the amount recommended for appropriation by the House Appropriations Committee may be inadequate and in the "no appeal" letter of June 20, 1963, to the chairman of the Senate Appropriations Subcommittee concerned with judiciary appropriations it was stated:

In all probability, all or a portion of the sum denied by the House will be required to cover the salaries and related benefits of referees currently in a pay status. On the other hand, the amount recommended by the House may prove to be sufficient. Under the circumstances we have elected not to appeal the House allowance, but instead will, if it should become necessary, return in January 1964 with a request for a supplemental appropriation.

The second item of increase—\$17,000—will be needed to put into effect the new positions and changes I mentioned earlier. We shall be glad to provide the details of these changes if the committee so desires.

Mr. ROONEY. Of the amount presently requested, how much is for salary adjustments, additional positions, and so forth?

Judge McGUIRE. The second item of increase, \$17,000, will be needed to put into effect the new positions and changes, as I stated earlier in the statement.

I think in this connection I should call on Mr. Airhart, who is more familiar with the actual details than I am.

Mr. AIRHART. \$48,000 is for the loss in the base appropriation; \$17,000 is for salary adjustments and new positions. There is one full-time position included and one part-time and two conversions.

Mr. ROONEY. According to page 8 of these justifications you speak of the appointment of two additional full-time referees.

Mr. AIRHART. That is right. That is because of the conversion.

Mr. ROONEY. Which is right?

Mr. AIRHART. What I just gave you is correct. There will be conversions from part time to full time plus one new full-time position.

Mr. ROONEY. On page 8 you say:

For the appointment of two additional full-time referees; one additional part-time referee; the conversion of two part-time referees to a full-time status; and some salary adjustments.

Am I reading correctly?

Mr. ANDERSON. Yes, sir.

Mr. ROONEY. How do you jibe that with what you have just said?

Mr. AIRHART. I do not.

Mr. ROONEY. Which is correct?

Mr. ANDERSON. If I may answer that, the amount of \$17,000 we are asking for in this supplemental is for placing on board two additional positions full time and one part time and the adjustments will amount to about \$4,000.

Mr. ROONEY. There will be no conversion?

Mr. ANDERSON. There will be conversions of two part-time to full-time positions.

Mr. ROONEY. What you are saying is exactly what I just read to you from page 8 of the justifications, and I asked Mr. Airhart which is correct, what he said a while ago or what is in the justifications which you now say is the fact.

Mr. ANDERSON. We expect there will be two conversions of referees from part-time to full-time status.

Mr. ROONEY. Let us not confuse the record. Did I understand you to say this was for the appointment of an additional referee?

Mr. ANDERSON. There will be three additional referees, two full-time and one part-time.

Mr. ROONEY. Thank you, Judge McGuire and gentlemen.

Judge MCGUIRE. Thank you very much.

THURSDAY, MARCH 26, 1964.

SUPPLEMENTAL ESTIMATE, SUPREME COURT OF THE
UNITED STATES

SALARIES AND MISCELLANEOUS EXPENSES

WITNESSES

JOHN F. DAVIS, CLERK

EDWARD H. FAIRCLOTH, ASSISTANT CLERK

T. PERRY LIPPITT, MARSHAL

DINA ZUCCONI, ASSISTANT TO THE MARSHAL

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

This morning we have some supplemental requests for our consideration with regard to the Supreme Court of the United States. They are contained at page 7 of House Document No. 284.

The first is a request for an increase in the amount \$209,000 for salaries, and an increase of \$36,000 in miscellaneous expenses.

JUSTIFICATION DATA

We have some justifications which we shall insert at this point in the record, pages 2 through 15 thereof.

(The pages follow:)

For an additional amount for "Salaries, Supreme Court," \$209,000.

Program and financing

[In thousands of dollars]

	1965 original estimate	1965 revised estimate	1965 increase
Program by activities: Salaries, Supreme Court (obligations) ..	1,613	1,822	209
Financing: New obligational authority (appropriation).....	1,613	1,822	209

Object classification

[In thousands of dollars]

	1965 original estimate	1965 revised estimate	1965 increase
11 Personnel compensation:			
Permanent positions.....	1,433	1,623	190
Positions other than permanent.....	81	85	3
Other personnel compensation.....	4	5	1
Total personnel compensation.....	1,518	1,713	195
12 Personnel benefits.....	95	109	14
Total obligations.....	1,613	1,822	209

Personnel summary

	1965 original estimate	1965 revised estimate	1965 increase
Total number of permanent positions.....	169	190	21
Full-time equivalent of all other positions.....	20	20	-----
Average number of all employees.....	184	205	21
Employees in permanent positions, end of year.....	164	185	21
Employees in other positions, end of year.....	42	43	1

Detail of personnel compensation

	1965 original estimate		1965 revised estimate		1965 increase	
	Number	Total salary	Number	Total salary	Number	Total salary
Grades and ranges:						
Special positions at rates equal to or in excess of \$13,615:						
Chief Justice	1	\$35,500	1	\$35,500		
Associate Justice	8	280,000	8	280,000		
Clerk			1	21,507	1	\$21,507
Reporter	1	19,157	1	19,157		
Librarian	1	16,536	1	16,536		
Marshal	1	16,078	1	16,078		
Grades established by the Supreme Court:						
\$14,976 to \$18,937: Chief Deputy Clerk			1	17,472	1	17,472
\$12,897 to \$16,286	3	44,658	3	44,658		
\$10,978 to \$13,882	3	37,690	5	63,295	2	25,605
\$9,251 to \$11,715	15	160,451	16	170,643	1	10,192
\$8,459 to \$10,984	4	39,770	5	49,088	1	9,318
\$7,733 to \$10,010	25	217,922	27	235,685	2	17,763
\$7,029 to \$9,108	5	41,205	11	89,003	6	47,798
\$6,374 to \$8,305	13	94,598	14	101,628	1	7,030
\$5,758 to \$7,491	2	13,645	2	13,645		
\$5,159 to \$6,743	30	181,293	34	205,109	4	23,816
\$4,636 to \$6,023	15	84,656	15	84,656		
\$4,268 to \$5,390	11	55,349	13	65,749	2	10,400
\$3,982 to \$5,022	1	4,805	1	4,805		
\$3,635 to \$4,675	25	108,784	25	108,784		
Rate of \$4,697	4	18,803	4	18,803		
Rate of \$3,620	1	3,640	1	3,640		
Total permanent	169	1,474,540	190	1,665,441	21	190,901
Deduct lapses	5	41,668	5	42,094		426
Net permanent (average number, net salary)	164	1,432,872	185	1,623,347	21	190,475
Positions other than permanent:						
Temporary employment		5,000		6,000		1,000
Part-time employment		76,128		78,510		2,382
Other personnel compensation: Regular pay above 52-week base		4,000		4,743		743
Total personnel compensation		1,518,000		1,712,600		194,600

Salaries, Supreme Court, 1965

Request	\$209,000
Included in budget	1,613,000
Revised request for 1965	1,822,000
Additional amount required	209,000

JUSTIFICATION

By reason of the enactment of Public Law 88-279 the expenses of the Clerk's Office, including salaries, must hereafter be met out of appropriated funds and the receipts of the Clerk's Office will have to be covered into the U.S. Treasury. Thus, while in the past no provision has been included in the Court's appropriation for Clerk's expenses, it will now be necessary that sufficient funds be provided to meet all of the Clerks' expenses.

Although not reflected in the appropriation acts, the United States will, in fact, recover the greater part of these expenses through the fees paid to the Treasury Department. The total amount collected by the Clerk's Office in its most recent fiscal year, as reflected on the Clerk's books as audited by Ernst & Ernst, was \$198,316.81. Over the past 10 years the trend of receipts has been generally up, so that it can be anticipated that receipts should exceed \$200,000 this year and in the years to come.

Dealing specifically with the request for funds for salaries, the figure requested is based on the present personnel in the Clerk's Office. Twenty-one full-time positions, one half-time employee and one temporary employee. The number of personnel in the Clerk's Office has not been increased in the past 3 years.

The rate of compensation requested is based on the present salaries paid to such employees, as approved by the Court and the Chief Justice. These salaries are fixed on the same pay schedules as are followed with the remainder of the Court's personnel. There have been no reclassifications or promotions in the Clerk's Office for the past 2 years.

The only changes in the requests from the present salary schedule are made to reflect within-grade changes, required to keep our salaries in line with the classified civil service. No increased personnel and no promotions are included.

The following statement shows the details of the increase in the appropriation "Salaries, Supreme Court," 1965 to include the Office of the Clerk:

	Original estimate			Revised estimate			Increase		
	Number of positions	Average number employed	Cost	Number of positions	Average number employed	Cost	Number of positions	Average number employed	Cost
Full-time employment.....	169	164	\$1,432,872	190	185	\$1,623,347	21	21	\$190,475
Part-time employment.....	20	20	76,128	20	20	78,510			2,382
Temporary employment.....			5,000			6,000			1,000
Regular pay in excess of 52-week base.....			4,000			4,743			743
Employer's contributions:									
Life insurance.....			4,700			5,400			700
Health benefits.....			10,300			11,500			1,200
Retirement fund.....			77,769			90,269			12,500
Employees' compensation fund.....			2,231			2,231			
Total estimate.....	189	184	1,613,000	210	205	1,822,000	21	21	209,000

MISCELLANEOUS EXPENSES, SUPREME COURT, 1965

For an additional amount for "Miscellaneous expenses, Supreme Court," \$36,000.

Program and financing

[In thousands of dollars]

	1965 (original estimate)	1965 (revised estimate)	1965 (Increase)
Program by activities: Miscellaneous expenses, Supreme Court (obligations).....	87	123	36
Financing: New obligational authority (appropriation).....	87	123	36

Object classification

[In thousands of dollars]

	1965 (original estimate)	1965 (revised estimate)	1965 (Increase)
21 Travel and transportation of persons.....	1	3	2
22 Transportation of things.....	2	2	
23 Rent, communication, and utilities.....	18	22	4
24 Printing and reproduction.....	15	31	16
25 Other services.....	9	15	6
26 Supplies and materials.....	21	25	4
31 Equipment.....	21	25	4
Total obligations.....	87	123	36

Miscellaneous expenses, Supreme Court, 1965

Request.....	\$36,000
Included in budget.....	87,000
Revised request for 1965.....	123,000
Additional amount required.....	36,000

JUSTIFICATION

These additional funds are necessary in order to meet the miscellaneous expenses of the Clerk's office, which heretofore have been met out of court fees. These requests are based on the actual expenses which have been incurred in the Clerk's office over the past 5 years, as reflected in the Clerk's books as audited by Ernst & Ernst and approved by the Chief Justice. Generally speaking, the individual requests have been reached by taking an average of the expenses over the past years. However, in the case of rent, communications and utilities, the expenses recently have been increased because of added postal expenses. This recent increase has been taken into account in making the requests.

The largest item in these expenses is for printing and reproduction. The Clerk's office incurs these expenses in large part to print and bind the Court's journal, to engrave the certificates of admission, and to print briefs in in forma pauperis cases where counsel have been appointed. The item for travel also includes in forma pauperis costs incurred by the attorneys appointed in such cases. The item for other services includes not only the servicing and repair of office equipment, but also the cost of engraving on certificates of admission the names of the admittee and his sponsor.

The following statement shows the details of the increases by object in the appropriation "Miscellaneous expenses, Supreme Court," 1965 to include the office of the Clerk:

Object	Original estimate	Revised estimate	Increase
21 Travel and transportation of persons.....	\$1,000	\$2,600	\$1,600
22 Transportation of things.....	2,000	2,000	
23 Rent, communication and utilities.....	18,000	22,400	4,400
24 Printing and reproduction.....	15,000	31,000	16,000
25 Other services.....	9,200	15,200	6,000
26 Supplies and materials.....	21,000	25,000	4,000
31 Equipment.....	20,800	24,800	4,000
Total.....	87,000	123,000	36,000

Mr. ROONEY. Do you have a statement with regard to this, Mr. Davis?

Mr. DAVIS. Yes, sir. I am John F. Davis, Clerk of the Supreme Court.

Before I make any statement, I want to express our appreciation to the committee for taking the time and effort to take this up at this stage. We would not have asked the committee to do it if it had not been that the necessity for this is caused by the passage of Public Law 279, which changes the provisions for financing the Clerk's Office, so that now we will be dependent upon—

Mr. ROONEY. You started that in motion yourself, did you not?

Mr. DAVIS. We started that ourselves.

Mr. ROONEY. Then do not blame somebody else for it. Go ahead, please.

Mr. DAVIS. We will now be dependent upon appropriated funds rather than upon our fees. This bill became law only about 2 or 3 weeks ago, so that we came to you as promptly as we could, but it had to come in as an amendment.

Mr. ROONEY. We are here to hear you as promptly as we can.

Mr. DAVIS. I appreciate that. We appreciate it a great deal.

Mr. ROONEY. Let us get down to talking about this requested appropriation rather than these glittering generalities on the part of both of us.

Mr. DAVIS. The two amounts involved are an increase in salaries and an increase in miscellaneous expenses. The figure on salaries, which is \$209,000, is based upon the present salary scale in the Clerk's Office of the Supreme Court without any additions or any reclassifications. It has been adjusted to show the increased amount because of the increased salaries granted by Congress and to reflect in-grade raises. But those are the only adjustments which have been made.

The Clerk's figures on this, in case the Committee wishes to go into them, are in the form of our own accounts, which have been audited by Ernst & Ernst over the years, and submitted and approved by the Chief Justice.

The figure with respect to miscellaneous expenses, which is \$36,000, is based without any increase—let me amend that, Mr. Chairman—it is almost entirely based upon the cost, average cost in the Clerk's Office over the past 5 years.

With respect to the item 23 on "Rent, communications, and utilities," we have had our expenses on postage raised by the Post Office. We have had to take the last year as a basis rather than the average of the other years. That is the only one not done on an average basis.

I would be glad to respond to any queries with respect to details.

INCREASE IN SALARY COSTS, 1959-64

Mr. ROONEY. What have been the obligations for each of the last 5 years for salaries in the Clerk's Office of the Supreme Court?

Mr. DAVIS. I would have to give it to you, sir, on the basis of—we have a fiscal year that ends September 30. We do not have the most recent year because it is not completed until September 30 of this year.

The salaries for the year which ended September 30, 1963—I now give you salaries and agency contributions, et cetera—\$193,798. For the year ending September 30, 1962, the comparable figure was \$193,175. Taking our present salary scale, the salary expense for this year—this is an estimate because the year is not completed—would be about \$200,000. I do not have 1960 or 1961 here, although it is readily available.

Mr. ROONEY. All this does not help much in trying to get this picture.

Mr. DAVIS. I will be glad to respond to any inquiries that I can. The actual salaries, of course, the positions, are set forth in our justification.

Mr. ROONEY. If you will be so good as to take the past 5 fiscal years—forget about your September 30 ending of the fiscal year—and insert at this point in the record a statement of the obligations for the Clerk's Office for the past 5 years. There is no reason why you cannot do that. Make it up to and including June 30, 1963.

Mr. DAVIS. Yes, sir. Miss Zucconi has given me the figures through 1963. There would have to be some adjustment for the 2-month change, but it would not be material. I will round off the figures. 1958, \$146,000.

Mr. ROONEY. You are speaking now of regular fiscal years as everybody understands them; July 1 to June 30?

Mr. DAVIS. These figures, sir, are from our books, and they are not on that basis, but—

Mr. ROONEY. Please put them on that basis and insert them at this point in the record.

Mr. DAVIS. Yes; that will take some computation.

Mr. ROONEY. Yes, it ought to take all of about 15 minutes, should it not?

Mr. DAVIS. I do not know how long it will take. It will take the accountants to do it. We will do it.

(The information supplied follows:)

Schedule of salary expense,¹ Clerk's Office 1959-64²

	1959	1960	1961	1962	1963	1964 ³
Salaries.....	\$160,055.92	\$163,396.52	\$188,330.11	\$198,093.94	\$190,574.84	\$199,027.00

¹ Includes amounts contributed toward retirement fund, life insurance, and health benefits.

² These figures are for fiscal years ending June 30. The audited records of the Clerk's Office are maintained on the basis of fiscal years ending September 30. These figures are computed by adjusting the audited figures by amounts shown on the books in the Clerk's Office.

³ The figures in this column are estimated in part since the 1964 year is not completed.

Mr. DAVIS. Mr. Chairman, meanwhile these are not far off. I would be glad to give them to you orally if you like.

Mr. ROONEY. What was 1958?

Mr. DAVIS. \$146,000.

Mr. ROONEY. Now it is up to what? \$209,000?

Mr. DAVIS. This year we figure \$200,000. For next year we are asking for \$209,000.

Mr. ROONEY. It is a pretty substantial increase. Have the regular Government pay raises in the interim applied to positions under "Salaries in the Clerk's Office"?

Mr. DAVIS. They have, sir.

Mr. ROONEY. Any reclassifications in the past 5 years?

Mr. DAVIS. There were some reclassifications back in 1959 or 1960. There have been none since 1961. In fact, our salary figures—

Mr. ROONEY. 1961 fiscal year?

Mr. DAVIS. I am talking of fiscal years. This will have to be subject to checking with our books because our audited books are all on the Clerk's year.

Mr. ROONEY. What was the figure for the other expenses in the Clerk's Office in fiscal year 1958?

Mr. DAVIS. \$24,000.

Mr. ROONEY. Now you want \$36,000?

Mr. DAVIS. That is right.

Mr. ROONEY. 33½ percent increase?

Mr. DAVIS. Yes; but, Mr. Chairman, our figures are not the same each year because some of our expenses depend on in forma pauperis cases.

Mr. ROONEY. I should have said 50 percent increase.

Mr. DAVIS. There were years, for example, 1961, miscellaneous expenses were up to \$43,000. It is not a figure which is the same each year. It depends upon the expenses of handling some of these extra-

ordinary cases. 1960 was \$37,000. The figure we are asking for, Mr. Chairman, is an average of what it has been in the past five years. I am not sure that this is to our best advantage because the expenses are going up.

Mr. ROONEY. Whose best advantage?

Mr. DAVIS. Excuse me, sir; I meant I am not sure we could not justify a higher amount if we took a different date. But this is a 5-year average.

COURT REVENUES

Mr. ROONEY. What have been the receipts in the past 5 years from fees?

Mr. DAVIS. The receipts have been for the past 5 years—I am embarrassed again, I have to use my audited figures.

Mr. ROONEY. It would seem to me, with all the intelligent people you have over there, you would know we do business on U.S. government fiscal years and that you would have these receipts, the salaries, and all other figures on the basis of Government fiscal years so we can make comparisons. We do not want to compare a regular Government fiscal year with your Ernst & Ernst year.

Mr. DAVIS. There would be relatively small differences, Mr. Chairman, I will do the best I can to reconcile these. I had thought the committee would want to have audited and approved figures rather than unaudited figures. These figures are the audited figures. I am sorry. I will try to give the adjustments. I do not think they will be material. I cannot see why they should be.

The figures for revenues for the last 5 fiscal years ending June 30 are: 1959, \$174,000; 1960, \$192,000; 1961, \$237,000; 1962, \$160,000; and 1963, \$199,000.

COURT FEES

Mr. ROONEY. So that the legislation that was practically forced upon you, from the impression you gave me at the outset, has come about as the result of the reduction in the amount of fees in the Clerk's Office; is that a fair statement?

Mr. DAVIS. Well, it has come about from a combination of the fees not increasing—the fees have increased, but they have not increased as fast as our expenses. It would have been necessary for the Court, if they were to continue on the past basis, to raise the fees, change its rules to increase the fees.

Mr. ROONEY. Would that have been bad?

Mr. DAVIS. The Court felt that it was more desirable to keep the fees at the present stage so that the expenses to litigants would not rise—it was basically on the theory that the Court should be open to rich and poor alike and that if you raised the fees too much, it would be unfair to those who could not afford it.

Mr. ROONEY. As I understand it, we are concerned with 21 positions here; is that right?

Mr. DAVIS. Twenty-one full-time positions, Mr. Chairman.

Mr. ROONEY. Do you have a statement with regard to the amounts of fees levied by the Court in connection with cases before it?

Mr. DAVIS. I have no prepared statement. I am prepared to discuss the fees, of course.

Mr. ROONEY. I am trying to get for the record at this point a statement with regard to the amounts of fees.

Mr. DAVIS. The fees which have been received by the Court, have gradually increased during the past 10 years. They can be expected in the current fiscal year to reach \$200,000. If the past trend continues, our fees in the future should grow from \$200,000.

Mr. ROONEY. I am referring to the amount of each fee, so much for this and so much for that.

Mr. DAVIS. The principal income from fees come from filing of cases to be reviewed by the Court. There is a fee of \$100 for each case filed at the time it is filed with us. There is an additional fee of \$50 at the time the Court agrees to review the case.

The other source of material income is from admissions to practice in the Supreme Court. The fee for this is \$25 per person. We have in the neighborhood of 2,500 attorneys who are admitted each year. This is not entire profit because there is material expense in providing certificates and things, but these are the major sources of the Court's income.

Mr. ROONEY. Mr. Sikes?

INCREASE REQUESTED FOR MISCELLANEOUS EXPENSES

Mr. SIKES. Turning to miscellaneous expenses, you have listed a budget figure of \$87,000. For what year?

Miss ZUCCONI. Fiscal 1965.

Mr. SIKES. Before we begin fiscal 1965, you are asking for an increase of \$36,000; is that right?

Mr. DAVIS. That is correct.

Mr. SIKES. That is almost a 50-percent increase before we begin the fiscal year. Is that not an unusual procedure?

Mr. DAVIS. Yes, it is, sir.

Mr. SIKES. Is that all you have to say about it?

Mr. DAVIS. The reason for it, sir, is that when we put in our original estimate, we did not cover the expenses of the Clerk's Office in any particular. The expenses of the Clerk's Office were entirely taken care of by the fees. This is new. The entire expenses of the Clerk's Office are for the first time included in our request.

Mr. SIKES. Then what you are saying is this is not an increase but a transfer from repayment by fees to direct appropriations.

Mr. DAVIS. That is right.

Mr. SIKES. Is there any change in the scope of the Clerk's Office for fiscal 1965 between the original estimate and the present estimate?

Mr. DAVIS. There is no change.

Mr. SIKES. No change. It all is simply a transfer from reimbursement by fees to direct appropriations?

Mr. DAVIS. Entirely so.

Mr. SIKES. All right.

Mr. ROONEY. Mr. Bow?

COURT FEE SYSTEM

Mr. Bow. When were these fees you are now operating under established?

Mr. DAVIS. The admission fees were established 20 years ago, in 1943. Some of the other fees were adjusted about 10 years ago, in fact in 1950. Basically, they go back—

Mr. Bow. In other words, this hundred-dollar filing fee—

Mr. DAVIS. That goes back, I believe, to 1950.

Mr. Bow. The admission fee of \$25 is 20 years old?

Mr. DAVIS. Yes.

Mr. Bow. The hundred dollars is about 12 years old?

Mr. DAVIS. I think it is older than that, sir. There were some adjustments made about 12 years ago, but I think the hundred dollars goes back even further than that.

Mr. Bow. How about the \$50?

Mr. DAVIS. That was the same time as the hundred dollars.

Mr. Bow. There has been no actual change in fees for 15 years?

Mr. DAVIS. About 15 years.

Mr. Bow. What changes were made 10 years ago?

Mr. DAVIS. At that time we went on what we called a flat-fee basis. We used to have a system where there were individual charges made for each paper filed. They changed it to a flat-fee basis where they paid the hundred dollars and the \$50 additional. That was the last major change with respect to the filing fee.

With respect to the admissions, the fee was raised from \$15 to \$25. I think that was done 20 years ago.

SALARY INCREASES VERSUS COURT FEES

Mr. Bow. What salary increases have there been since those fees were established? Take 10 years. What percentage increase has there been? I am talking about increases, not new people, just increases in salary.

Mr. DAVIS. Sir, the figures I can give you go back to 1953. These salaries include contributions, the entire salary cost. I do not have them broken down. In 1953, \$96,900. Call it \$97,000. In 1954, \$99,000; 1955, \$97,000.

Mr. Bow. Is this the same number of people, salary increases and in-grade promotions?

Mr. DAVIS. Minor changes, places that have not been filled and we have added a little to the staff but basically it is the same number. I know we added a part-time telephone operator, and a stenographer.

Mr. Bow. When you get the record back, you may correct it.

Mr. DAVIS. This is not based on increased personnel primarily—1956, \$112,000; 1957, \$130,000; 1958, \$146,000; 1959, \$157,000; 1960, \$168,000; 1961, \$193,000; 1962, \$193,000; and 1963, \$194,000.

Mr. Bow. What was your starting figure that you gave us?

Mr. DAVIS. \$97,000.

Mr. Bow. What is your last figure?

Mr. DAVIS. The last figure I have here—again, if I give you the figure for this fiscal year, which is an estimated figure, it will be \$200,000.

Mr. Bow. These are salaries?

Mr. DAVIS. These are salaries.

Mr. Bow. That is approximately a 50-percent increase.

Mr. DAVIS. A hundred percent during that period.

Mr. Bow. During that period of time no increase in fees charged by the court?

Mr. DAVIS. That is right. May I explain something?

Mr. Bow. You say something about this rich and poor. It has been a long time since I practiced over there. Is there not a right to file affidavits with a pauper's oath to get a case filed?

Mr. DAVIS. Yes; a large part of our business is dealing with this kind of case.

Mr. Bow. So that the increase of fees would not deny the advantage of the court to the poor, would it?

Mr. DAVIS. It would not deny the advantages of the court to anyone who could take a pauper's oath, but it would deny the advantage of the court to a low-salaried individual. I do not say it would deny it, Mr. Congressman. I mean it would impose a burden. As far as the indigents are concerned, we take care of them.

Mr. Bow. How many pauper's oaths would you have filed per year?

Mr. DAVIS. About 1,500. Almost all the prisoners feel they should be out of prison. Every time they come to us, they file a pauper's oath. Most of the people in jail seem to be poor.

Mr. SIKES. It has a tendency to impoverish.

Mr. Bow. I believe that is all.

Mr. ROONEY. Are there any further questions?

SALARIES OF FEDERAL COURT CLERKS

Mr. SIKES. I note the Clerk's salary is \$21,500. How long has that been true?

Mr. DAVIS. It has been true for about 3 years.

Mr. SIKES. What is the comparable salary for a clerk in the district court in the District of Columbia?

Mr. DAVIS. The clerk in the District of Columbia would get \$18,500, I believe. It is about that.

Mr. SIKES. You may correct that for the record if it is necessary. That is all.

Mr. ROONEY. The clerk of the district court has how many employees under him?

Mr. DAVIS. I do not know.

Mr. ROONEY. There is no comparison at all with the Supreme Court; you have 20 people.

Mr. DAVIS. We have 20. The clerks of the courts of appeals get \$17,725. Although our office is bigger than any court of appeals, the work of our court is more comparable to the courts of appeals.

Mr. ROONEY. How is this salary set?

Mr. DAVIS. It is set by the court.

Mr. ROONEY. I wonder if they are familiar with the salaries of chief clerks in other courts. For instance, the Customs Court, \$18,512 compared to this \$21,507. The Court of Claims, \$18,512. Clerk of the Court of Customs and Patent Appeals, \$17,742. As a matter of fact, the Director of the Administrative Office of all the courts has a salary of \$20,000; is that right?

Mr. DAVIS. I am informed it is.

Mr. ROONEY. If there are no further questions, we thank you, Mr. Davis.

Mr. DAVIS. Thank you, Mr. Chairman. I appreciate the time the committee has given us.

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