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DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1964

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

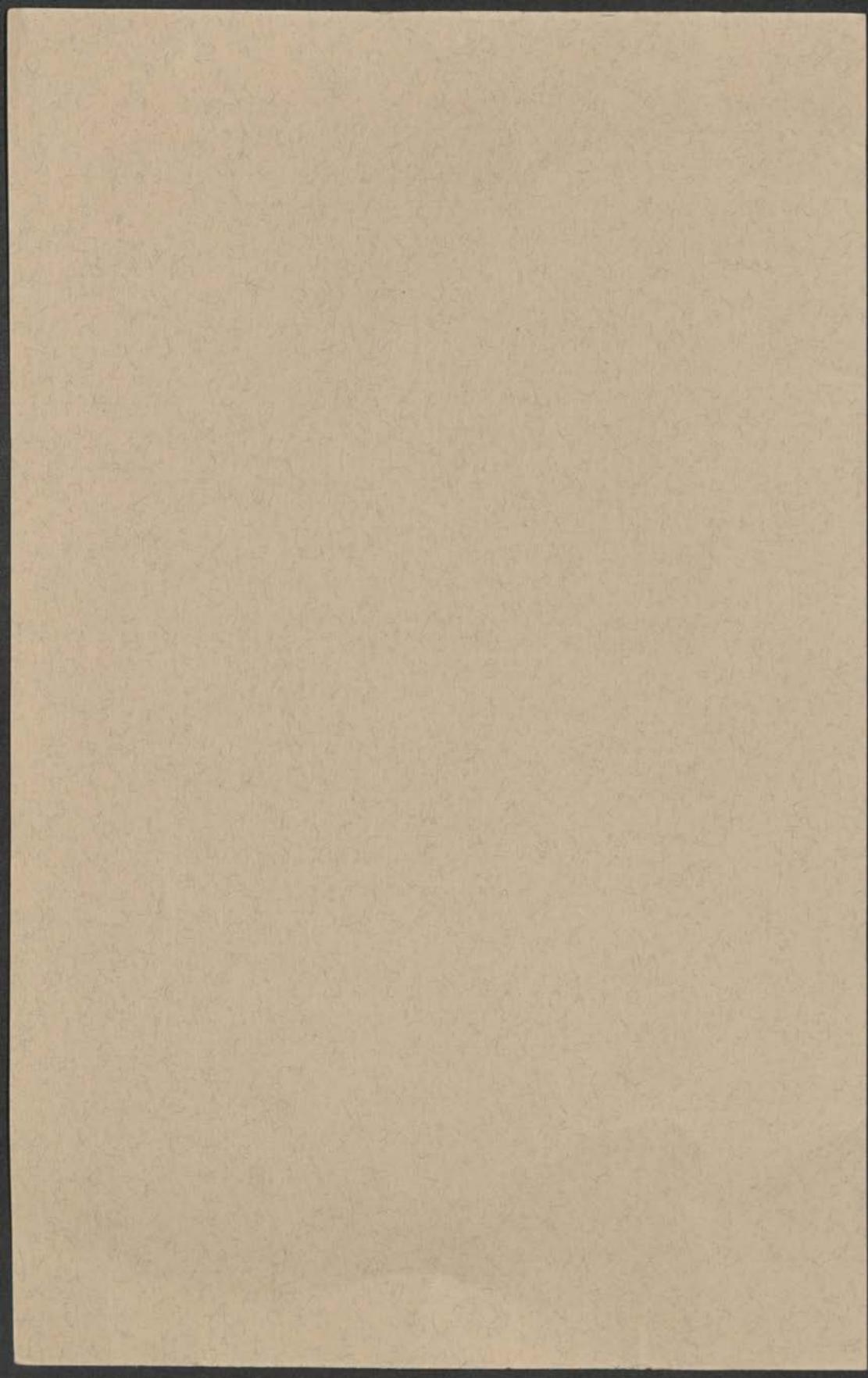
FRANK T. BOW, Ohio
GLENARD P. LIPSCOMB, California
ELFORD A. CEDERBERG, Michigan

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

THE JUDICIARY

Printed for the use of the Committee on Appropriations





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MERCE, THE JUDICIARY, AND RELATED
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U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1963

HEARINGS

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(II)



DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPRO- PRIATIONS FOR 1964

MONDAY, JANUARY 28, 1963.

Mr. ROONEY. The committee will now please come to order.
Gentlemen, I understand that Mr. Bow is on his way here by air from Ohio, and that Mr. Sikes will be here later in the day.

COMMITTEE RULES

We shall proceed with this first meeting of this subcommittee in the new 88th Congress, and the first matter for your consideration is adoption of the rules of the subcommittee. I have handed each member a copy of these rules and they are the same as the rules that have been in existence for this subcommittee during all of the 18 years I have been a member of it. There is not any change whatever.

It might be well if you read these rules so—particularly the new members—you will understand exactly how we proceed. I shall endeavor to accommodate every member as far as I can with regard to the times of meeting, whether we will work until 12:30 one day or quit at 12 promptly another day or come back at 1:30 rather than 2 o'clock in the afternoon.

Generally speaking the hours are from 10 to 12 and 2 to 4. Of course, the questioning begins with the chairman and the members on the majority side and then goes to the minority side with the privilege of the chairman to intervene at any point.

Is there objection to the adoption of the rules of the last Congress which are contained in the sheet handed each member as the rules for the 88th Congress?

Mr. CEDERBERG. I move their adoption.

Mr. ROONEY. Very well. Without objection, the rules are adopted and now a comment or two on the summary amount requested of the committee.

SUMMARY OF APPROPRIATION REQUESTS

You will find a summary of the bill at page II, which indicates that the requested amount in the budget estimates submitted by the Bureau of the Budget for the coming fiscal year is \$2,239,050,900. This, of course, is exclusive of the funds which must be supplied for the Bureau of Public Roads which comes to the neighborhood of another \$3 billion.

THE JUDICIARY

The first part of the bill to which we shall direct our attention is that entitled the "Judiciary." The total request for the Federal judiciary for fiscal year 1964 is in the amount \$67,140,900. This is an increase of \$5,570,200 over the amounts appropriated to date in

the current fiscal year and is an increase of \$4,188,200 when the proposed pay act supplementals are included.

SUMMARY OF APPROPRIATIONS AND ESTIMATES, 1963-64

We shall insert at this point pages I, II, and III of the justifications. (The pages follow:)

THE JUDICIARY

Comparative summary of appropriations and appropriation estimates

Court or service	1963 adjusted ¹	1964 estimate	Increase (+) or decrease (-) 1964 compared with 1963
Annual appropriations (general account):			
Supreme Court.....	\$2,065,376	\$2,212,000	+\$146,624
Court of Customs and Patent Appeals.....	370,000	390,000	+20,000
Customs Court.....	942,000	980,000	+47,000
Court of Claims.....	1,054,500	1,123,500	+69,000
Courts of appeals, district courts, and other judicial services.....	50,966,000	54,370,400	+3,404,400
Total, annual appropriations (general account).....	55,397,876	59,084,900	+3,687,024
Appropriations (special account).....	7,555,000	8,056,000	+501,000
Grand total.....	62,952,876	67,140,900	+4,188,024

¹ Includes proposed supplementals for pay increases.

Summary of positions

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	5,551	5,701	5,711
Full-time equivalent of other positions.....	203	204	204
Average number of all employees.....	5,374	5,809	5,833
Number of employees at end of year.....	5,691	5,871	5,895

Comparative summary of obligations by object

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Personal services and benefits:			
11 Personnel compensation:			
Permanent positions.....	\$41,941	\$46,145	\$49,968
Positions other than permanent.....	4,620	4,902	4,937
Other personnel compensation.....	124	335	649
Total personnel compensation.....	46,685	51,382	55,554
12 Personnel benefits.....	2,764	3,073	3,356
13 Benefits for former personnel.....	31	25	25
Total personal services and benefits.....	49,480	54,480	58,935
Contractual services and supplies:			
21 Travel and transportation of persons.....	3,403	3,796	3,796
22 Transportation of things.....	73	55	55
23 Rent, communications, and utilities.....	1,136	1,411	1,486
24 Printing and reproduction.....	563	580	635
25 Other services.....	342	418	538
26 Supplies and materials.....	432	394	459
Total, contractual services and supplies.....	5,949	6,654	6,969
Acquisition of capital assets: 31 Equipment.....	2,458	1,519	1,237
Grants and fixed charges: 42 Insurance claims and indemnities.....	1		
Total obligations.....	57,888	62,653	67,141

Mr. ROONEY. You will note that at page II it is indicated that they are requesting 5,711 permanent positions in 1964 fiscal year, which would be an increase of but 10 positions over the number they have authorized in the current fiscal year.

SUPREME COURT OF THE UNITED STATES

WITNESSES

HON. TOM CLARK, ASSOCIATE JUSTICE

HON. ARTHUR J. GOLDBERG, ASSOCIATE JUSTICE

JOHN F. DAVIS, CLERK

T. PERRY LIPPITT, MARSHAL

MARIO E. CAMPIOLI, ASSISTANT ARCHITECT OF THE
CAPITOL

WALTER L. RUBEL, COORDINATING ENGINEER

CHARLES A. HENLOCK, ADMINISTRATIVE ASSISTANT

Mr. ROONEY. The first Court to which we shall direct our attention is the Supreme Court of the United States. This item appears at page 322 of the committee print and beginning at page 1 of the justifications.

The total request for the Supreme Court of the United States is in the amount \$2,212,000, which would be an increase of \$165,800 over the amounts appropriated to date in the current fiscal year. Is that correct?

Mr. Justice CLARK. Yes, sir.

Mr. ROONEY. We are pleased and honored to have with us the distinguished Associate Justice of the Supreme Court, the Honorable Tom Clark and the distinguished Associate Justice of the Supreme Court, the Honorable Arthur Goldberg.

Will you please proceed, Mr. Justice Clark?

GENERAL STATEMENT

Mr. Justice CLARK. Mr. Chairman and gentlemen, it is good to be here again. I am sorry that Justice Black is not with us today but he asked me to give you his highest regards and say that he is sorry to have broken his 18-year-old record. He has a good substitute.

Mr. ROONEY. I think he was coming here before I became a member of the committee 18 years ago. I am sure he was.

Mr. Justice CLARK. Is that so?

Mr. ROONEY. I think so.

Mr. Justice CLARK. So I have brought with me Justice Arthur Goldberg.

These gentlemen are always very kind and considerate of us, with the exception of one or two infinitesimal items. We never have any controversy of any kind. They are most kind.

We appear here and the chairman reads off the appropriation items and most of the time we are back writing dissents and opinions, or something, very quickly.

I know that you will enjoy the work incident to the budget much more than you did with the Labor Department.

Mr. Justice GOLDBERG. I am sure I will.

Mr. Justice CLARK. Our appropriation request, as you indicated, is the same as last year with the exception of the salary raises. Then we do have one item of a car. As you remember, the committee bought us a car in 1957, a Chrysler, and it will be 6 years old this August.

The one item of \$4,000 is for that and then the other item that I suppose I might mention is the printing of our opinions by the Government Printing Office. That item will be the same as this year when you add on the supplemental request. We have had on the average, as I check into it, about three volumes of reports a year. One year, or perhaps 2 years ago, I think it was in 1960 term, we had four volumes. We estimate that our work next year will be about the same as it is this year. So we have put the appropriation request for this item in the same amount.

The others are just continuations of the same old practice. There is a continuance of our rehabilitation of the chairs since the furniture at the Court has not been reupholstered since 1935. We started doing some of that work a couple of years ago and this is just the completion of it.

The other item is providing a continuance of the lighting program in the library. This will end or complete that program and that is under the Architect, I believe.

Mr. Chairman, I believe that is about the sum and substance of it.

Arthur, would you like to say a word?

Mr. Justice GOLDBERG. Mr. Chairman and gentlemen of the committee, I cannot really add to what my distinguished colleague, Justice Clark, has had to say except to express my pleasure at being here and my regret that Justice Black is not here. I am a very inadequate substitute for him.

I can make one general observation which has been called to mind. After presenting to a Subcommittee on Appropriations the budget of the Department of Labor, this budget is of a different character and of a different amount. However, I merely support what Justice Clark has said and again express my extreme pleasure at being here.

Mr. ROONEY. Thank you, Mr. Justice Goldberg.

SALARIES

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Salaries, Supreme Court (obligations)	1,435	1,513	1,588
Financing: Unobligated balance lapsing	44		
New obligational authority	1,479	1,513	1,588
New obligational authority:			
Appropriation	1,479	1,494	1,588
Proposed supplemental due to pay increases		19	

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Permanent positions.....	1,280	1,347	1,404
Positions other than permanent.....	74	80	80
Other personnel compensation.....			8
Total personnel compensation.....	1,354	1,427	1,492
12 Personnel benefits.....	81	86	96
Total obligations.....	1,435	1,513	1,588

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	168	168	168
Full-time equivalent of other positions.....	18	20	20
Average number of all employees.....	178	182	183
Number of employees at end of year.....	198	204	205

Mr. ROONEY. The first of the six items which make up the appropriation total for the Supreme Court of the United States is for salaries. It appears at page 322 of the committee print.

We shall at this point, in connection therewith, insert pages 2 through 9 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

	Judiciary
Salaries, Supreme Court of the United States:	
1963 appropriation in annual act.....	\$1,494,000
1963 proposed supplemental due to pay increase.....	19,000
Base for 1964.....	1,513,000
Net difference, 1964 over 1963:	

	Requirements		Difference (+) or (-)
	1963 adjusted	1964 estimate	
Salaries, Supreme Court.....	\$1,513,000	\$1,588,000	+\$75,000
Total estimate for 1964.....			\$1,588,000

SUPREME COURT SALARIES

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$1,427,000	\$1,492,229	+\$65,229
12 Personnel benefits.....	86,000	95,771	+9,771
Total.....	1,513,000	1,588,000	+75,000

SUPREME COURT SALARIES

Summary of increased requirements for 1964

Nature of expense (or savings):	<i>Amount</i>
1. Pay increase, Public Law 87-793 (compensation \$57,000 and benefits \$4,000).....	\$61,000
2. 2 extra compensable days in fiscal year 1964.....	8,229
3. Payment due the employees' compensation fund.....	5,771
Increase, 1964 over 1963.....	75,000

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 1959, 1960, and 1961

[October term 1961 ended June 25, 1962—corresponds to fiscal year 1962]

	Original			Appellate			Miscellaneous			Total		
	1959	1960	1961	1959	1960	1961	1959	1960	1961	1959	1960	1961
Number of cases on dockets.....	12	12	13	1,047	1,046	1,062	1,119	1,255	1,510	2,178	2,313	2,585
Number disposed of during terms.....	0	1	0	860	887	860	962	1,040	1,297	1,822	1,928	2,157
Number remaining on dockets.....	12	11	13	187	159	202	157	215	213	356	385	428
	Terms											
Distribution of cases disposed of during terms:												
Original cases.....							0			1		
Appellate cases on merits.....							215			259		
Petitions for certiorari.....							645			628		
Miscellaneous docket applications.....							962			1,040		
Distribution of cases remaining on dockets:												
Original cases.....							12			11		
Appellate cases on merits.....							116			85		
Petitions for certiorari.....							71			74		
Miscellaneous docket applications.....							157			215		

An appropriation of \$1,588,000 is requested for salaries of the Supreme Court staff for 1964. This represents an increase of \$75,000 over the 1963 estimate for this item.

Detailed justification

	Actual 1962			Estimate 1963			Estimate 1964		
	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	160	\$1,280,159	168	162	\$1,347,089	168	163	1,404,089
Part-time employment.....	20	18	68,216	20	20	74,911	20	20	74,911
Temporary employment.....			5,443			5,000			5,000
Regular pay in excess of 52-week base.....									8,229
Employer's contributions:									
Life insurance.....			4,056			4,500			4,500
Health benefits.....			9,714			10,500			10,500
Retirement fund.....			67,274			71,000			75,000
Employees' compensation fund.....									5,771
Total.....	188	178	1,434,862	188	182	1,513,000	188	183	1,588,000
Savings.....			44,138						
Total, appropriation or estimate.....			1,479,000			1,513,000			1,588,000

Pay increase, Public Law 87-793

The sum of \$61,000 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. The estimate includes \$57,000 to cover increases in compensation and \$4,000 for related benefits—agency contributions to the civil service retirement fund.

For fiscal year 1963, the increased cost for salaries was determined by applying the new rates effective October 14, 1962, to the present complement of employees. The total increase for salaries is \$58,500 which represents a full fiscal year's cost, less \$16,900 due to lower pay scales for part of year, resulting in a net increase of \$41,600 of which \$22,600 can be absorbed. The proposed supplemental for fiscal year 1963 is \$19,000.

For fiscal year 1964, the increased cost for salaries as a result of the pay increase effective October 14, 1962, is \$39,500, the additional cost for the balance of the fiscal year as a result of the pay increase effective January 5, 1964, is \$19,900. The total increase for compensation is therefore \$59,400 of which \$2,400 can be absorbed. A net increase of \$57,000 for compensation is requested for fiscal year 1964.

Two extra compensable days in fiscal year 1964

An amount of \$8,229 will be needed to pay for the 2 additional compensable days above the number of days in fiscal year 1963.

Payment due the employees' compensation fund

The sum of \$5,771 is required to reimburse the Bureau of Employees' Compensation in accordance with section 209 of Public Law 86-767, approved September 13, 1960. This amount was paid as follows: \$523 for medical expenses and \$5,248 for nonfatal compensation. This compensation was paid to our cabinetmaker for the partial amputation of several fingers which occurred while he was operating a woodwork shaping machine in our carpenter shop.

Mr. ROONEY. The salary request is in the amount of \$1,588,000, which would be an increase of \$94,000 over the amount appropriated to date in the current fiscal year.

At page 4 of the justifications will be found the requested increases, and at that page are set forth three items which make up the amount of \$75,000 which is for pay increases, 2 extra compensable days in the coming fiscal year, and payment due to the Employees Compen-

sation Fund. This amount, plus \$19,000 for the same purpose in the current fiscal year, would bring the total to \$94,000, as shown at page 321 of the committee print.

PRINTING AND BINDING OF SUPREME COURT REPORTS

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Printing and binding Supreme Court reports (obligations) (object class 24).....	102	108	141
Financing: Unobligated balance lapsing.....	3		
New obligation authority (appropriation).....	105	108	141

Mr. ROONEY. The next of the items to which we shall direct your attention is entitled "Printing and Binding of Supreme Court Reports." This appears at page 324 of the committee print. We shall insert, at this point, pages 10 through 14 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Printing and binding Supreme Court reports:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$108,000
Base for 1964.....	108,000
Net difference, 1964 over 1963:	

	Requirements		Difference (+) or (-)	
	1963 appropriated	1964 estimate		
Printing and binding Supreme Court reports.....	\$108,000	\$141,000	+\$33,000	+33,000
Total estimate for 1964.....				141,000

Statement showing analysis by objects

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
24 Printing and reproduction.....	\$108,000	\$141,000	+\$33,000
Total.....	108,000	141,000	+33,000

Summary of increased requirements for 1964

Nature of expense (or savings):

1. For increase in both cost and volume of the printing and reproduction of slip opinions, preliminary parts, and bound volumes of Supreme Court Reports.....	Amount \$33,000
Total increase.....	33,000

JUSTIFICATION

Language changes

None.

Detailed justification

An appropriation of \$141,000 is requested for printing and binding Supreme Court Reports in fiscal year 1964. This amount is the same as the estimate for fiscal year 1963. 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 has been as follows:

	1960	1961	1962
For slip opinions.....	\$53,531	\$60,231	\$63,538
For preliminary prints and bound volumes.....	31,590	29,769	38,783
Total.....	85,121	90,000	102,321

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 fiscal year 1964 will cost \$69,000. The remainder \$72,000 will be used to print preliminary parts and the bound volumes of the U.S. Reports. If a supplemental appropriation of \$33,000 for 1963 is granted, there will be no increase in appropriations between 1963 and 1964.

Mr. ROONEY. The request is in the amount of \$141,000 which would be an increase of \$33,000 over the current fiscal year appropriation.

What is the purpose of this increase?

Mr. Justice CLARK. There would not be any increase when you add in the supplemental. That has not been approved yet.

Mr. ROONEY. What is the amount of the proposed supplemental?

Mr. Justice CLARK. \$33,000, the same as this increase. It is just a continuation of the same amount we have estimated for this present fiscal year. There is no increase.

Mr. ROONEY. We may find reference to this at page 12 of the justifications.

At this point, are there any questions, gentlemen?

MISCELLANEOUS EXPENSES

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Miscellaneous expenses, Supreme Court (obligations).....	83	79	87
Financing: New obligational authority (appropriation).....	83	79	87

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
21 Travel and transportation of persons.....		1	1
22 Transportation of things.....	2	2	2
23 Rents, communications, and utilities.....	16	15	15
24 Printing and reproduction.....	14	15	15
25 Other services.....	8	6	9
26 Supplies and materials.....	22	19	20
31 Equipment.....	21	21	25
Total obligations.....	83	79	87

Mr. ROONEY. If not, the next item is entitled "Miscellaneous expenses." It appears at page 326 of the committee print.

The request is in the amount of \$87,000, and the justifications in regard thereto begin at page 15.

We shall insert that page, together with pages 16 through 19 of these justifications, at this point in the record.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Miscellaneous expenses, Supreme Court of the United States:.....	Judiciary
1963 appropriation in annual act.....	\$79,000
Base for 1964.....	79,000
Net difference, 1964 over 1963:	

	Requirements		Difference (+) or (-)	
	1963 appropriated	1964 estimate		
Miscellaneous expenses, Supreme Court.....	\$79,000	\$87,000	+\$8,000	+8,000
Total estimate for 1964.....				87,000

Statement showing analysis by object

Object	1963 estimate	1964 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	15,000	
24 Printing and reproduction.....	15,000	15,000	
25 Other services.....	6,200	9,200	+\$3,000
26 Supplies and materials.....	19,000	20,000	+1,000
31 Equipment.....	20,800	24,800	+4,000
Total.....	79,000	87,000	+8,000

Summary of increased requirements for 1964

Nature of expense (or savings):	Amount
1. Increase for reupholstery of furniture.....	\$3,000
2. Increase in cost of supplies and materials.....	1,000
3. For purchase or hire of a passenger-carrying automobile for replacement of 1957 Chrysler.....	4,000
Increase, 1964 over 1963.....	8,000

JUSTIFICATION

Language changes

To the present language: "For miscellaneous expenses, to be expended as the Chief Justice may approve," the following language is added: "\$87,000, including purchase not to exceed \$5,000 (for replacement only) and hire of one passenger motor vehicle."

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 1964 to supply the Court's needs for supplies and equipment, and for other miscellaneous expenses. The amount requested is \$8,000 in excess of last year's appropriation.

Increase for reupholstery of furniture

An additional \$3,000 per annum is requested to repair the leather chairs and couches in the building. The \$2,000 previously authorized has not been sufficient to keep this necessary repair work current.

Increase in cost of supplies and materials

An additional sum of \$1,000 is needed for supplies and materials to offset the increased cost of same.

For purchase or hire of a passenger carrying automobile for replacement of 1957 Chrysler

The amount of \$4,000 is requested for the purpose of replacing the present passenger carrying automobile which will be 6 years old in August 1963. According to the General Services Administration standards for replacement of passenger carrying automobiles, they are to be replaced at the end of 6 years or when they have been 50,000 miles, whichever comes first.

Mr. ROONEY. Page 17 contains reference to the requested increase of \$8,000 over the amount appropriated for miscellaneous expenses in the current fiscal year; to wit, \$79,000.

You will note proposed new language at page 326 of the committee print, including the purchase of one passenger motor vehicle, not to exceed \$5,000 for replacement only and the hire of passenger motor vehicles, \$87,000.

However, as I understand it, the increase in connection with the automobile for the Court is for the replacement of a 1957 Chrysler, which has now many miles on it? I believe you made reference to that.

Mr. LIPPITT. 26,000 miles.

Mr. ROONEY. Are there further questions?

Mr. SMITH. Mr. Chairman, is this the only automobile the Court has?

Mr. Justice CLARK. Other than a truck; yes. The Chief Justice has a car but this car is for the other Justices.

Mr. SMITH. I see so many Cadillacs around Washington I could not believe there is only one in any Department.

Mr. Justice CLARK. We only have one. We have a truck that we use to carry supplies around and other materials.

Mr. ROONEY. I think you will find that the Supreme Court fiscal management is fairly conservative in every regard.

Mr. Justice CLARK. I am glad to hear you say that, Mr. Chairman. Thank you, sir.

Mr. ROONEY. I mean it.

Mr. Justice CLARK. I know you do. You do not say anything you do not mean.

AUTOMOBILE FOR THE CHIEF JUSTICE

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Automobile for the Chief Justice (obligations).....	7	7	7
Financing: New obligational authority (appropriation).....	7	7	7

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation: Permanent positions.....	5	5	5
26 Supplies and materials.....	1	1	1
Total obligations.....	7	7	7

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	1	1	1
Average number of all employees.....	1	1	1
Number of employees at end of year.....	1	1	1

Mr. ROONEY. The next item concerns one of these automobiles, which is the automobile for the Chief Justice, and is a request in the amount of \$7,400.

This appears at page 329 of the committee print, and at pages 35 through 39 of the justifications, which we shall insert at this point in the record.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Automobile for the Chief Justice, Supreme Court:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$6,800
1963 proposed supplemental due to pay increase.....	176
Base for 1964.....	6,976
Net difference, 1964 over 1963:	

	Requirements		Difference (+) or (-)	
	1963 adjusted	1964 estimate		
Automobile for the Chief Justice, Supreme Court....	\$6,976	\$7,400	+\$424	+424
Total estimate for 1964.....				7,400

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$5,070	\$5,238	+\$168
12 Personnel benefits.....	430	442	+12
21 Travel and transportation of persons.....	500	500	-----
25 Other services.....	276	276	-----
26 Supplies and materials.....	700	944	+244
Total.....	6,976	7,400	+424

Summary of increased requirements for 1964

Nature of expense (or savings):	Amount
1. Pay increase, Public Law 87-793 (compensation \$128, and benefits \$12).....	\$140
2. Two extra compensable days in fiscal year 1964.....	40
3. Increase in cost of operation of automobile.....	244
Increase, 1964 over 1963.....	424

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 \$7,400 is requested for this item for 1964. This represents an increase of \$424 over the 1963 estimate for this item.

Pay increase, Public Law 87-793

The sum of \$140 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. The estimate includes \$128 to cover increases in compensation, and \$12 for related benefits—agency contributions to the Civil Service Retirement Fund and to the Group Life Insurance Fund.

Two extra days in fiscal year 1964

An amount of \$40 will be needed to pay for the 2 additional compensable days above the number of days in fiscal year 1963.

Increase in cost of operation of automobile

The sum of \$244 is needed to pay the cost of gas, oil, and other operating expenses which have increased in the last 2 years.

Mr. ROONEY. This is a request for \$600 over the amount appropriated to date for this automobile in the current fiscal year. The increase is for mandatory pay act money plus \$244 increase in operating expenses of the automobile.

Mr. Justice CLARK. That is gasoline, oil, and the like.

Mr. ROONEY. It might be well to point out that this amount of \$7,400 includes the chauffeur's salary.

Mr. Justice CLARK. Yes, sir.

Books

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Purchase of books and periodicals (obligations) (object class 31).....	38	35	35
Financing: New obligational authority (appropriation).....	38	35	35

Mr. ROONEY. The next is the item entitled books for the Supreme Court which appears at page 330 of the committee print.

We shall insert at this point in the record pages 40 through 42 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Books for the Supreme Court:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$35,000
Base for 1964.....	35,000
Net difference, 1964 over 1963:	

	Requirements		Difference (+) or (-)
	1963 appropriated	1964 estimate	
Books for the Supreme Court.....	\$35,000	\$35,000	
Total estimate for 1964.....			35,000

Statement showing analysis by object

Object	1963 estimate	1964 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 1964 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 1964 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 1963.

Mr. ROONEY. They indicate that the request is in the amount of \$35,000, the same amount as appropriated for books for the Supreme Court in the current fiscal year.

CARE OF BUILDINGS AND GROUNDS

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Structural and mechanical care of Supreme Court Building and Grounds, including supplying of mechanical furnishings and equipment (obligations).....	280	323	354
Financing: Unobligated balance lapsing.....	5		
New obligational authority (appropriation).....	284	323	354

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Permanent positions.....	187	194	198
Other personnel compensation.....	45	49	49
Total personnel compensation.....	232	243	247
12 Personnel benefits.....	15	17	17
25 Other services:			
General annual repairs.....	2	9	9
Annual painting.....	4	3	3
Maintenance, air-conditioning system.....	2	2	4
Lighting improvements.....		33	55
Elevator improvements.....			12
Pointing exterior stonework.....		10	
Roof repairs.....	10		
26 Supplies and materials.....	9	6	6
31 Equipment, annual.....	5	1	1
42 Insurance claims and indemnities.....	1		
Total obligations.....	280	323	354

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	33	33	33
Average number of all employees.....	33	33	33
Number of employees at end of year.....	33	33	33

Mr. ROONEY. The next of the items for the Supreme Court is entitled "Care of Buildings and Grounds." This appears at page 327 of the committee print, and beginning at page 20 of the justifications.

We shall insert, at this point, pages 20 through 34 of these justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Care of the building and grounds, Supreme Court:	Judiciary
1963 appropriation in annual act.....	\$323,400
Base for 1964.....	323,400
Net difference, 1964 over 1963:	

	Requirements		Difference (+) or (-)	
	1963 appro- priated	1964 esti- mate		
Care of building and grounds.....	\$323,400	\$353,600	+\$30,200	+30,200
Total estimate for 1964.....				\$353,600

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$243,200	\$247,300	(+) \$4,100
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	12,300	
25 Other services:			
General annual repairs.....	9,000	9,000	
Annual painting.....	3,000	3,000	
Maintenance, air-conditioning system.....	1,800	3,800	(+) 2,000
Snow removal.....	150	150	
Lighting improvements.....	32,900	55,000	(+) 22,100
Elevator improvements.....		12,000	(+) 12,000
Pointing exterior stonework.....	10,000		(-) 10,000
26 Supplies and materials.....	6,000	6,000	
31 Equipment: Annual.....	750	750	
Total.....	323,400	353,600	(+) 30,200

Summary of increased requirements for 1964

Nature of Expense (or savings):	Amount
1. Deduction for the nonrecurring cost of pointing exterior stonework of the building.....	(-) \$10,000
2. Deduction for the nonrecurring cost of improvement of lighting in the reference desk section of bar library, 2 rooms adjoining reference desk section, and east and west conference rooms.....	(-) 32,900
3. Cost of wage rate changes authorized by Public Law 763.....	4,100
4. Maintenance, air-conditioning systems, increased from \$1,800 to \$3,800 to allot \$2,000 to provide more effective control over temperature conditions in the courtroom and Chief Justice's chambers, through remote instrumentation (nonrecurring).....	2,000
5. Improvement of lighting in the reading room of the bar library, including its north and south bookstack wings (nonrecurring).....	55,000
6. Elevator modifications to effect safety improvements on elevator No. 4 (nonrecurring).....	12,000
Net increase, 1964 over 1963.....	30,200

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 1964 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 1962, 1963, and 1964; also of savings realized in 1962:

	Actual 1962			Estimate 1963			Estimate 1964			Em- ploy- ment Sep- tem- ber 1962
	Posi- tions	Man- years	Cost	Posi- tions	Man- years	Cost	Posi- tions	Man- years	Cost	
Personnel compensation:										
Full-time employment	33	33	\$231,933	33	33	\$243,200	33	33	\$247,300	33
Other objects of expendi- ture			47,965			80,200			106,300	
Savings			4,502							
Total, estimate or appropriation			284,400			323,400			353,600	

Personnel compensation (increased from \$243,200 to \$247,300), \$247,300

This allotment provides for 33 positions—the same number as allowed for 1963—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 Congress. For 1964, an increase of \$4,100 is requested to meet the cost of wage rate changes authorized by Public Law 763.

Payment to employees' life insurance fund (no change), \$700

This item is the same as allowed for 1963 and is requested to cover the cost of Government insurance contributions required by Public Law 590, 83d Congress, "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 1963 and is requested to cover the cost of Government contribution to the employees' health benefits fund required by Public Law 86-382, 86th Congress, approved September 28, 1959.

Contribution to retirement fund (no change), \$12,300

This is the same as allowed for 1963 and is requested to cover the cost of Government contribution to retirement fund required by Public Law 854, 84th Congress, "Title IV, Civil Service Retirement Act Amendments of 1956."

General annual repairs (no change), \$9,000

This is the same as allowed for 1963 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 1963 and provides for necessary painting throughout the building.

Maintenance, air-conditioning system (increased from \$1,800 to \$3,800), \$3,800

For 1963, \$1,800 was allowed and is again requested for 1964 for the annual routine care and maintenance of the air-conditioning and refrigeration systems. The breakdown of the annual recurring amount follows:

<i>Air-conditioning estimate</i>	
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

In addition to the annual amount of \$1,800, a nonrecurring amount of \$2,000 is requested for 1964 to provide more effective control over temperature conditions in the courtroom and the Chief Justice's chambers.

The courtroom and the Chief Justice's chambers in the Supreme Court Building are both subject to wide and unpredictable variations in the number of occupants participating in the Court's official functions. To maintain satisfactory atmospheric conditions under these widely varying circumstances, the operator of the air-conditioning systems should at all times be fully aware of the temperatures prevalent in these critical areas to insure the complete satisfaction of the occupants.

When judicial proceedings are in progress in the courtroom or in the Chief Justice's chambers the admittance of operating personnel to these areas is, of course, intolerable. For that reason, knowledge of abnormal room conditions can be made known to the operating engineers only by direct complaints from the occupants. Development by industry in recent years of remotely located temperature indicating devices now makes it possible to continually ascertain the ambient conditions in occupied spaces without entry by unauthorized persons into such spaces.

To insure satisfactory conditions in these critical spaces, it is proposed to install temperature transmitters in each of the four rooms. By direct connection with remotely located temperature indicators, the transmitters will provide at a central location in the basement the temperatures prevailing in these spaces during all conditions of occupancy.

Designers of modern air-conditioning systems include in their plans and specifications for new installations the necessary instrumentation for continually collecting and reporting performance data at a central location where such data will constantly be in view of the equipment operators. With this information immediately available to the operators, prompt adjustments can be made or malfunctioning of any of the system components can be corrected before the room conditions deteriorate sufficiently to warrant dissatisfaction on the part of the occupants. For such important functional areas as the courtroom and the Chief Justice's chambers, instrumentation of the type proposed in this justification would be considered indispensable in present-day air-conditioning practice.

The estimated cost of this proposed instrumentation is \$2,000, and the breakdown of this estimate is as follows:

Equipment.....	\$1,200
Installation.....	600
Miscellaneous materials.....	200
Total.....	2,000

Snow removal (no change), \$150

This is the same as allowed for 1963 and provides for snow removal from walks and approaches.

Lighting improvements—nonrecurring item, \$55,000

For 1963, a nonrecurring amount of \$32,900 was allowed to improve the lighting in the reference desk section of the bar library, the two rooms adjoining the reference desk section and in the east and west conference rooms.

At the request of the Chief Justice, a nonrecurring amount of \$55,000 is requested for the fiscal year 1964 to improve the illumination in the reading room of the bar library, including its north and south bookstack wings. This room, including the bookstack wings, occupies an area of about 10,000 square feet on the third floor of the building.

The existing illumination is provided by ornamental chandeliers installed at the time the building was constructed, and also by localized lighting fixtures of inadequate capacity mounted on the digest racks and on the bookstack frames. The general illumination in the reading room is far below recommended standards, and ranges from 1 foot-candle to 3 foot-candles measured at table height. Some of the reading tables are provided with individual desk lamps to augment the general illumination, a practice which does not provide efficient, comfortable, and safe seeing.

The books on the upper inclined sections of the digest racks presently receive about 48 foot-candles of illumination, whereas the books on the lower inclined sections of the same racks are provided with only 15 foot-candles of illumination. Both sets of books should be provided with a uniform illumination in the order of 30 foot-candles or more according to the recommendations of the Illuminating Engineering Society, a national professional organization dedicated to the advancement and dissemination of theoretical and practical knowledge of the science and art of illumination.

The books on the top shelves of the bookstacks are reasonably well illuminated, but those on the lower shelves receive only 5 foot-candles of illumination from the existing lighting fixtures. Here again the illumination of books on all shelves should not be less than 30 foot-candles.

To produce a level of not less than 30 foot-candles of general illumination in the reading room, under the funds requested for 1964, it is proposed to install 34 ceiling-mounted down lights completely recessed in the highly ornamented reading room ceiling. The new illumination will be emitted through 5-inch-diameter apertures architecturally incorporated in the ciling design. The type of lighting units proposed for this installation will provide efficient and adequate illumination without altering, in any way, the exquisite architectural characteristics of this room. The ornamental chandeliers installed originally under the construction contract will, of course, be retained, primarily for aesthetic effect. The reading room is practically devoid of daylight, and little reflective capacity, in any, is provided by the dark walnut paneling on the walls and the red rug on the floor. These are all deterrent architectural characteristics which must be surmounted by the illuminating engineer.

It is proposed to reequip the digest racks with properly designed lighting fixtures capable of producing a uniform intensity of 30 foot-candles on both the upper and lower inclined tiers of books. Likewise, the fixtures presently mounted on the bookstack frames will be replaced by new fixtures designed to produce an adequate quantity of illumination on the lower bookshelves adjacent to the floor level.

Breakdown of estimate

Down lighting for general illumination of reading room, consisting of 34 recessed down lights, new branch circuit wiring, and new lighting panelboards.....	\$20,000
Localized lighting for digest racks, including specially designed bracket-mounted fixtures, new branch circuit wiring, and accessories.....	8,000
Localized lighting for bookstack frames, including specially designed bracket-type fixtures, branch circuit wiring, and accessories.....	22,000
Contingencies.....	5,000
Total estimate.....	<u>55,000</u>

Elevator improvements—nonrecurring item, \$12,000

For 1964, a nonrecurring allotment of \$12,000 is requested to effect safety improvements on elevator No. 4.

Elevator No. 4 in the Supreme Court Building is the only elevator in that building of the so-called automatic type capable of being operated with or without an attendant. It was originally installed in 1932 as part of the building con-

struction program, and was subsequently converted in 1955 from nonautomatic to automatic operation. The electromechanical device which opens and closes the car and hoistway doors is of an obsolete design, possessing unsafe characteristics no longer tolerated by the American Standard Safety Code for Elevators. The dynamic force imposed by the heavy bronze doors upon impact with entering or leaving passengers is excessive, and could result in serious physical injury.

For complete safety, and full compliance with present-day accepted practices, a new master door operator, a set of new safety edges, and modern photoelectric cell control of the door operation should be installed as soon as this elevator can be released from service—preferably not later than August 1963. A shutdown period of not less than 6 weeks will be required to complete the new installation.

At the same time, the present signal control should be changed to collective control designed for with or without attendant operation. A modern collective control system will expedite the service for Justices and members of their staffs during the evening hours, and at other times when the presence of an elevator operator is not available. The original basic signal control system was designed exclusively for operation with an attendant present, a condition that prevails only during regular working hours. The fact that this elevator is now being used frequently by Justices and members of their staffs, after regular working hours, has created the demand for more expeditious service.

The estimated cost of the new installations proposed is \$12,000.

Supplies and materials (no change), \$6,000

This is the same as allowed for 1963. 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 1963, 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 1964, under the Architect of the Capitol, amounts to \$353,600.

Mr. ROONEY. These pages indicate that the request is in the amount of \$353,600, a net increase of \$30,200 over the appropriation for the current fiscal year.

Page 22 contains a list of the requested increases.

It is the fact, is it not, that the actual increase is \$73,100, when nonrecurring costs are taken into consideration, Mr. Henlock?

Mr. HENLOCK. Yes; it is.

Mr. DAVIS. Mr. Chairman, we customarily, as a matter of practice, do not stay for this part of the discussion.

Mr. ROONEY. I understand that. I think we can take care of things without your help.

Do you have a statement, Mr. Henlock, with regard to this requested increase?

Mr. HENLOCK. Mr. Rooney, Mr. Campioli is representing Mr. Stewart. Mr. Stewart had to go to the eye doctor but will be in a little later this morning.

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

Mr. CAMPIOLI. I do have, Mr. Chairman.

Mr. ROONEY. Before we get into that, we should like to thank the associate justices for their appearance and to assure them that we will give their requests due consideration.

Mr. Justice CLARK. Thank you, Mr. Chairman.

Mr. Justice GOLDBERG. Thank you, Mr. Chairman.

Mr. ROONEY. The final item, to which we have just made reference, before the associate justices left, was entitled "Care of Buildings and Grounds."

Mr. Campioli, you were trying to give us an insight into this requested increase of \$73,100?

GENERAL STATEMENT

Mr. CAMPIOLI. Yes, Mr. Chairman. I have a short statement of explanation which I would like to present.

The items of increase are explained, briefly, as follows: \$4,100 is for wage rate increases authorized by Public Law 763, 83d Congress, for Wage Board employees, resulting from changes effective December 9, 1962.

There is a \$2,000 increase under the air conditioning allotment—increasing that allotment from \$1,800 to \$3,800 for 1964—to provide improved control over temperature conditions in the courtroom and the Chief Justice's Chambers. At present, unsatisfactory temperature conditions in these areas can be checked and adjusted only by admittance of operating personnel to these areas whether or not the Court is in session. To insure satisfactory conditions in these areas at all times, it is proposed to install temperature transmitters in each of the four rooms affected. By direct connection with remotely located temperature indicators, the transmitters will provide at a central location in the basement the temperatures prevailing in these spaces during all conditions of occupancy and permit correction of unsatisfactory conditions without the necessity of going into the courtroom or Chief Justice's Chambers when proceedings are going on in those rooms.

There is a nonrecurring increase of \$55,000 for lighting improvements, requested by the Court, for areas now inadequately illuminated. For 1963, \$32,900 was allowed to improve lighting conditions in the reference desk section of the Bar Library, in two rooms adjoining the reference desk section, and in the East and West Conference Rooms. Funds for this work will be obligated in the next several months. Under the allotment of \$55,000, it is proposed to improve lighting conditions in the reading room of the Bar Library, including its north and south bookstacks. At present, lighting is provided by ornamental chandeliers and by lighting fixtures of inadequate capacity mounted on the digest racks and on the bookstack frames. General illumination in the reading room ranges from 1 foot-candle to 3 foot-candles measured at table height, whereas it should be at least 30 foot-candles. In the digest racks, lighting is as low as 15 foot-candles and in the bookstacks it is as low as 5 foot-candles, whereas lighting in these areas should also be at least 30 foot-candles.

Under the funds asked for 1964, it is proposed to install 34 ceiling-mounted downlights in the reading room and suitable fixtures of adequate capacity on the digest racks and bookstacks. The breakdown of the estimate is given on page 32 of the justifications, and a more detailed explanation on pages 30 to 32. If there are any questions, I have with me our coordinating engineer, Mr. Rubel, who prepared the estimate and is familiar with the details.

There is a nonrecurring increase of \$12,000 for elevator improvements. Elevator No. 4 is the only elevator in the Supreme Court building of the so-called automatic type capable of being operated with or without an attendant. This elevator was originally installed in 1932 as part of the Building construction program and was con-

verted in 1955 from "nonautomatic" to "automatic" operation. The electromechanical device which opens and closes the car and hoistway doors is of an obsolete design possessing characteristics no longer sanctioned by the American Standard Safety Code for elevators. The dynamic force imposed by the heavy bronze doors upon impact with passengers entering or leaving the elevator is excessive and could result in serious physical injury. In the interest of safety, a new master door operator, a set of new safety edges, and modern photoelectric cell control of the door operation should be installed.

CONTINGENCY FOR LIGHTING IMPROVEMENTS

Mr. ROONEY. Mr. Rubel, you are the coordinating engineer. It occurs to me that you are doing quite a bit of expensive coordinating when you include \$5,000 for contingencies in this little job of improving the lighting in the reading room at the Bar Library.

Mr. RUBEL. It is a very difficult room to illuminate properly, Mr. Chairman. It is also difficult to estimate in advance the exact amount of the cost of this work.

Mr. ROONEY. Why?

Mr. RUBEL. Because of the nature of the work to be done in a room which is highly decorative. It is customary in estimating alteration work in an existing building to include an allowance for contingencies to provide for unforeseen structural conditions.

Mr. ROONEY. You know what happens in these things? We never arrive at the lower amount when we get to the end of the road. You will wind up with \$55,000. You do not think you could properly relight that room for \$50,000?

Mr. CAMPIOLI. The work would have to be done, or should be done, from behind the hung ceiling and from behind adjoining walls.

Mr. ROONEY. Do not confuse this. Could you do it for \$50,000?

Mr. RUBEL. It is possible that it might be done for \$50,000 but when you are doing alteration work in an old building—

Mr. ROONEY. It is not an old building. How many years old, 25?

Mr. RUBEL. It is a building which is difficult—

Mr. ROONEY. How old?

Mr. CAMPIOLI. Twenty-seven years.

Mr. ROONEY. Are there any further questions, gentlemen?

Mr. BOW. I have a question.

Mr. ROONEY. Very well, Mr. Bow.

Mr. BOW. On this \$55,000 item, how many people actually use this reading room?

Mr. HENLOCK. The Court advises me that there were 3,631 readers and 2,300 visitors last year.

Mr. BOW. Is that a year?

Mr. HENLOCK. To be exact, it covers 11 months.

Mr. BOW. Is it open the year around or does it generally correspond with the sessions of the Court?

Mr. HENLOCK. I understand it is open the year around, except for the month of July when it is closed for cleaning.

Mr. BOW. What is the breakdown of the 3,600 by month? Do you have any idea?

Mr. HENLOCK. We were only given the aggregate figure, Mr. Bow.

Mr. BOW. Is that an estimate, 3,600?

Mr. HENLOCK. That is an actual count for the calendar year 1962.

Mr. BOW. What is this room generally used for, a study room or what?

Mr. CAMPIOLI. Reading room research.

Mr. BOW. Where is it located?

Mr. CAMPIOLI. On the third floor.

Mr. BOW. Of the Supreme Court Building?

Mr. CAMPIOLI. Yes, sir.

Mr. BOW. Then we have the regular law library with the Library of Congress, do we not?

Mr. CAMPIOLI. Yes, sir.

It is a very fine room and extremely dark up there even on a bright morning like this.

Mr. BOW. Has this been in the budget before?

Mr. HENLOCK. No, sir.

Mr. BOW. Have they finished the other job they gave you the money for last year?

Mr. CAMPIOLI. That will be obligated shortly.

Mr. BOW. You have not gone forward?

Mr. HENLOCK. Studies have gone forward.

Mr. BOW. Are there designs and plans on what you intend to do with this \$55,000?

Mr. RUBEL. Yes, sir; a general plan.

Mr. BOW. I am quite surprised by your answer to the chairman that you cannot give us a more definite figure. It is pretty well put out here. A lot of this is equipment.

How long has this room been open there, since the opening of the building?

Mr. CAMPIOLI. Yes sir; since the building was opened.

Mr. BOW. Why is there a particular need for it this year when there is an effort being made to try to find some places where we might save a little money?

Mr. CAMPIOLI. There is a trend in most of our buildings to ask for more light. We have begun a program of improving lighting conditions in the Supreme Court Building where conditions are especially deficient.

Mr. BOW. I wish somebody could throw some light on some budget figures so we could save money here.

MONDAY, JANUARY 27, 1963.

COURT OF CUSTOMS AND PATENT APPEALS

WITNESSES

HON. EUGENE WORLEY, CHIEF JUDGE
 HON. I. JACK MARTIN, ASSOCIATE JUDGE
 GEORGE E. HUTCHINSON, MARSHAL

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Permanent positions.....	295	314	331
Positions other than permanent.....	1	10	10
Other personnel compensation.....			2
Total, personnel compensation.....	296	324	343
12 Personnel benefits.....	17	18	19
21 Travel and transportation of persons.....	2	1	1
23 Rent, communications, and utilities.....	2	3	3
24 Printing and reproduction.....	11	17	17
25 Other services.....	1	1	1
26 Supplies and materials.....	2	2	2
31 Equipment.....	4	4	4
Total, obligations.....	334	370	390

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	28	29	29
Full-time equivalent of other positions.....		1	1
Average number of all employees.....	26	28	29
Number of employees at end of year.....	28	29	29

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Salaries and expenses (obligations).....	334	370	390
Financing: Unobligated balance lapsing.....	25		
New obligational authority.....	359	370	390
New obligational authority:			
Appropriation.....	359	361	390
Proposed supplemental due to pay increases.....		9	

Mr. ROONEY. The next item, gentlemen, is that for the Court of Customs and Patent Appeals, which appears at page 332 of the committee print and beginning at page 43 of the justifications. We shall insert at this point in the record pages 43 through 50 of the justifications.

(The justification pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Court of Customs and Patent Appeals:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$361,000
1963 proposed supplemental due to pay increases.....	9,000
Base for 1964.....	370,000
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)	
	1963 adjusted	1964 estimate		
Salaries and expenses.....	\$370,000	\$390,000	+\$20,000	+20,000
Total estimate for 1964.....				390,000

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$324,400	\$342,750	+\$18,350
12 Personnel benefits.....	17,600	18,850	+1,250
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	17,000	
25 Other services.....	1,000	1,000	
26 Supplies and materials.....	2,000	2,000	
31 Equipment.....	4,000	4,400	+400
Total, obligations.....	\$370,000	390,000	+20,000

¹ Includes \$9,000 proposed supplemental due to pay increases.

Summary of increased requirements for 1964

Nature of expense (or savings):	<i>Amount</i>
1. Additional amount required under the Federal salary Reform Act of 1962.....	\$8,200
2. One additional secretarial position for the court.....	6,940
3. Provision for within-grade salary advancements.....	3,200
4. Cost of 2 extra compensable days in 1964.....	1,660
Increase, 1964 over 1963.....	20,000

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

The following table shows the caseload of the Court of Customs and Patent Appeals during the past 5 years:

	1958	1959	1960	1961	1962
<i>Customs cases:</i>					
Pending, beginning of year.....	20	30	35	39	30
Docketed during year.....	42	40	45	32	29
Disposed of during year.....	32	35	41	41	35
Pending, end of year.....	30	35	39	30	24
<i>Patent and trademark cases:</i>					
Pending, beginning of year.....	92	92	129	134	148
Docketed during year.....	83	107	127	126	174
Disposed of during year.....	83	70	122	112	115
Pending, end of year.....	92	129	134	148	207

Detailed justification

An appropriation of \$390,000 is requested for 1964, a net increase of \$20,000 over the appropriation for 1963 which has been adjusted to include a proposed supplemental of \$9,000 for "pay costs" under the Federal Salary Reform Act of 1962 (Public Law 87-793, approved Oct. 11, 1962). The increase in requirements is explained below:

Requirements under the Federal Salary Reform Act of 1962

An additional \$8,200 will be required in fiscal year 1964 to cover the full year cost of increases in salary which were granted effective October 15, 1962, and approximately one-half of the annual cost of increases which are scheduled to take effect on January 6, 1964. The following is a breakdown by fiscal year of the total cost of pay increases under the Federal Salary Reform Act of 1962:

	1963 proposed supplemental	1964 budgetary requirements	1965 budgetary requirements	Total cost
<i>1st phase (effective Oct. 15, 1962):</i>				
Compensation.....	\$8,400	\$3,300		\$11,700
Benefits.....	600	200		800
Total.....	9,000	3,500		12,500
<i>2d phase (effective Jan. 6, 1964):</i>				
Compensation.....		4,400	\$4,500	8,900
Benefits.....		300	300	600
Total.....		4,700	4,800	9,500
Grand total.....	9,000	8,200	4,800	22,000

Additional secretarial position for the court

Also included is a request in the amount of \$6,940 for the employment of a secretary for the court's new judge:

Personnel compensation, grade GS-8.....	\$6,090
Personnel benefits.....	450
Equipment (nonrecurring).....	400
Total.....	6,940

Provision for within-grade salary advancements

It is estimated that \$3,200 will be required in fiscal year 1964 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 \$3,000 for personnel compensation and \$200 to cover related benefits—Government contributions to the civil services retirement fund and for Federal employees group life insurance. Due to the very little turnover in the personnel of the court, no savings can be anticipated to offset the cost of within-grade salary advancements.

Cost of two extra compensable days in 1964

The sum of \$1,660 (\$1,560 for personnel compensation and \$100 for related benefits) has been included to cover regular pay in excess of 52 weeks. Employees of the court who are paid biweekly will be compensated for 262 days in fiscal year 1964 as compared with only 260 compensable days in 1963.

Mr. ROONEY. The request is in the amount of \$390,000, which would be an increase of \$29,000 over the total amount in the current fiscal year. This would entail the addition of one new position to the payroll.

We are pleased to have with us our distinguished former colleague from Texas, the Honorable Eugene Worley, Chief Judge of the Court of Customs and Patent Appeals and Associate Judge I. Jack Martin of that court.

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

Judge WORLEY. I have no formal statement, Mr. Chairman.

GENERAL STATEMENT

Mr. ROONEY. Do you wish to explain this requested increase of \$29,000 and the additional position?

Judge WORLEY. Yes. The summary shows \$8,200 is required under the Federal Salary Reform Act of 1962. There is \$6,940 for the position of a new judge's secretary, Judge Almond, who has been appointed and has begun work but as yet has not been confirmed by the Senate; \$3,200 for in-grade salary increases; \$1,660 for two extra compensable days.

Mr. ROONEY. Would you develop something further, Judge, with regard to this new position?

Judge WORLEY. That is for Judge Almond's secretary. As you might recall, several years ago we created the position of Secretary of the Court to expedite handling of the opinions, sort of a traffic cop. That created a vacancy in the office of the late Judge O'Connell, who at that time was ill.

Mr. ROONEY. Did that get out of your budget? Is that the idea?

Judge WORLEY. No. It did not get out of the budget.

Judge MARTIN. I think what the situation was that when Judge O'Connell was ill we did not fill that vacancy. We used the money for the new position.

Mr. ROONEY. For the traffic cop?

Judge MARTIN. Yes. When Judge Almond was appointed he needed a secretary.

Judge WORLEY. We had agreed there would be no appointment made until after Judge O'Connell resigned.

Mr. ROONEY. This secretary would be a GS-8?

Judge WORLEY. That is right.

Mr. HUTCHINSON. Yes, sir. That is the same grade as the other secretaries.

Mr. ROONEY. Are there any questions, gentlemen?

Mr. SMITH. Aren't employees of the court paid on an annual salary basis?

Mr. HUTCHINSON. That is right.

Mr. SMITH. Would you explain further the two extra compensable days?

Mr. ROONEY. That is in every item of this budget.

Mr. SMITH. If they have an annual salary how does having two extra days fit in? They are paid on an annual basis, are they not?

Mr. ROONEY. They are paid monthly or bimonthly and in the year 1964 there will be two more working days than in the current fiscal year.

Mr. SMITH. But if they have an annual salary their total annual salary will be the same, will it not?

Mr. ROONEY. You still have to pay them for those days. There are more working days in the year. They are entitled to that by law.

Mr. SMITH. If you are on an annual salary you get paid according to the number of working days?

Mr. ROONEY. Yes.

Mr. HUTCHINSON. Yes, sir. The annual salary is broken down into an hourly rate. You are paid according to this hourly rate, which is converted then into a biweekly rate.

We had 260 compensable days last year. There are 262 this year. I think, as the chairman has said, this is true in every budget.

Mr. ROONEY. It is true of every item in this budget.

Mr. SMITH. You do not have an annual salary, then. You have a weekly salary.

Mr. HUTCHINSON. You have to start with something. You have an annual salary and from there you break it down, sir.

Mr. ROONEY. In other words, it is an annual salary based on a year which does not have 2 extra compensable days.

Mr. HUTCHINSON. That is right, sir. I think that is an easy way to approach it.

Judge WORLEY. Thank you, Mr. Chairman, for explaining that.

Mr. SMITH. In leap year do you have a reduction?

Judge WORLEY. You will have to ask the chairman.

Mr. ROONEY. It depends on what year it is.

Mr. SMITH. That is all I have, Mr. Chairman.

Mr. ROONEY. Are there any further questions? If not, we thank you, Chief Judge Worley, and Judge Martin.

Judge MARTIN. Thank you.

Judge WORLEY. Thank you, gentlemen.

MONDAY, JANUARY 27, 1963.

CUSTOMS COURT

WITNESSES

HON. SCOVEL RICHARDSON, JUDGE
EDWARD J. CAREY, CLERK

SALARIES AND EXPENSES

Obligations by object

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Permanent positions.....	735	799	838
Positions other than permanent.....	23	8	8
Other personnel compensation.....			5
Total personnel compensation.....	758	806	850
12 Personnel benefits.....	48	52	55
21 Travel and transportation of persons.....	22	25	25
22 Transportation of things.....	3	5	5
23 Rent, communications, and utilities.....	10	11	11
24 Printing and reproduction.....	9	9	9
25 Other services.....	2	13	13
26 Supplies and materials.....	5	6	6
31 Equipment.....	19	15	15
Total obligations.....	876	942	989

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	90	92	92
Full-time equivalent of other positions.....	4	2	2
Average number of all employees.....	91	93	93
Number of employees at end of year.....	100	93	93

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Salaries and expenses (obligations).....	876	942	989
Financing: Unobligated balance lapsing.....	19		
New obligational authority.....	895	942	989
New obligational authority:			
Appropriation.....	895	919	989
Proposed supplemental due to pay increases.....		23	

Mr. ROONEY. The next item, gentlemen, is that for the Customs Court. It appears at page 334 of the committee print, and beginning at page 51 of the justifications. We shall insert, at this point in the record, pages 51 through 57 of these justifications, which indicate that the request is in the amount of \$989,000, which would be an increase of \$70,000 over the amount appropriated to date in the current fiscal year.

(The justification pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Customs Court:	Judiciary
1963 appropriation in annual act.....	\$919,000
1963 proposed supplemental due to pay increases.....	23,000
Base for 1964.....	942,000
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)	
	1963 adjusted	1964 estimate		
Salaries and expenses.....	\$942,000	\$989,000	+\$47,000	+47,000
Total estimate for 1964.....				989,000

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$806,500	\$850,000	+\$43,500
12 Personnel benefits.....	51,700	54,700	+3,000
21 Travel and transportation of persons.....	25,300	25,300	
22 Transportation of things.....	5,000	5,000	
23 Rent, communications, and utilities.....	10,600	11,100	+500
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	15,000	
Total obligations.....	1,942,000	989,000	+47,000

¹ Includes \$23,000 proposed supplemental due to pay increases.

Summary of increased requirements for 1964

Nature of expense (or savings):	Amount
1. Additional amount required under the Federal Salary Reform Act of 1962.....	\$24,000
2. Provision for within-grade salary advancements.....	17,000
3. Cost of two extra compensable days in 1964.....	5,500
4. To cover higher postal rates provided by Public Law 87-793, approved October 11, 1962.....	500
Increase, 1964 over 1963.....	47,000

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 1964. 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 \$989,000 is requested for 1964, a net increase of \$47,000 over the appropriation for 1963 which has been adjusted to include a proposed supplemental of \$23,000 for "pay costs" under the Federal Salary Reform Act of 1962 (Public Law 87-793, approved Oct. 11, 1962). The increase in requirements is explained below:

Requirements under the Federal Salary Reform Act of 1962

An additional sum of \$24,000 will be required in fiscal year 1964 to cover the full-year cost of increases in salary which were granted effective October 15, 1962, and approximately one-half of the annual cost of increases which are scheduled to take effect on January 6, 1964. The following is a breakdown by fiscal year of the total cost of pay increases under the Federal Salary Reform Act of 1962:

	1963 proposed supple- mental	1964 budget- ary require- ments	1965 budget- ary require- ments	Total cost
1st phase (effective Oct. 15, 1962):				
Compensation.....	\$21,500	\$8,500		\$30,000
Benefits.....	1,500	500		2,000
Total.....	23,000	9,000		32,000
2d phase (effective Jan. 6, 1964):				
Compensation.....		14,000	\$14,500	28,500
Benefits.....		1,000	1,000	2,000
Total.....		15,000	15,500	30,500
Grand total.....	23,000	24,000	15,500	62,500

Provision for within-grade salary advancements

It is estimated that \$17,000 will be required in fiscal year 1964 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, \$16,000 is for personnel compensation and \$1,000 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.

Cost of 2 extra compensable days in 1964

The sum of \$5,500 (\$5,000 for personnel compensation and \$500 for related benefits) has been included to cover regular pay in excess of 52 weeks. Employees of the Court who are paid biweekly will be compensated for 262 days in fiscal year 1964 as compared with only 260 compensable days in 1963.

Higher postal rates

The budget estimate for 1964 includes an additional \$500 to cover higher postal rates authorized by Public Law 87-793, approved October 11, 1962. This represents an overall increase of approximately 25 percent in postage and fees (penalty mail) to be paid to the Post Office Department.

We have with us the Honorable Scovel Richardson, judge of the customs court, accompanied by Mr. Carey, the clerk of that court. This court, as you know, is located in New York City.

Judge Richardson, do you have a statement with regard to this?

Judge RICHARDSON. Yes, I do, Mr. Chairman.

Mr. ROONEY. Please proceed, Judge Richardson.

GENERAL STATEMENT

Judge RICHARDSON. First, Mr. Chairman, and members of the committee, Chief Judge Oliver has asked me to express his regrets at not being present this morning, which is due to the fact that he had court commitments that he could not reschedule on short notice.

Mr. Carey has passed out to you the workload chart. We present that each year. I do not think there is anything particularly noticeable about this chart as against last years except perhaps a decrease in receipts of the court.

The pending cases continue to decline. It is down now to 176,000, which is the lowest that it has reached in about 8 years.

I explained last year about the fact that we do have a great number of cases that are suspended under test cases. I think there are some 25,000 cases that are suspended under test cases pending in the Court of Customs and Patent Appeals which are still carried on our calendars.

I think there are some 31 issues involved in those appeals that are pending there.

We have some 164 issues under 20,000 suspended cases in our court in protest matters.

WORKLOAD CHART

Mr. ROONEY. At this point we shall insert the workload chart. (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
1958.....	25,047	27,283	52,330	38,478	16,299	54,777	122,875	87,199	210,074
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

Judge RICHARDSON. On the reappraisal cases there are some 62,000 cases that are suspended under 43 test issues pending in our court. The pending caseload of 176,000 does not mean we have 176,000 individual cases pending in our court.

Mr. ROONEY. You have a great many similar cases where, when a decision is made with regard to one particular article, all the cases fall in following that decision.

Judge RICHARDSON. Imports continue and the suspensions continue to build up and when they are disposed of, if the importer is successful and the Government does not wish to try another case—they will of course be all stipulated and some thousands will go off at one time.

INCREASES REQUESTED

Mr. ROONEY. Now, Judge, if you will direct yourself to the requested increases, we would appreciate it.

Judge RICHARDSON. All right.

Mr. ROONEY. Are you requesting any additional personnel?

Judge RICHARDSON. No; we are not, Mr. Chairman—no additional personnel and no request for salary adjustments.

The only requests we are making are those that the court is obligated to make on behalf of its employees due to the Salary Reform Act, of 1962.

Mr. ROONEY. The within-grade salary promotions, which are mandatory?

Judge RICHARDSON. That is right.

Mr. ROONEY. Beyond these mandatory requirements for within-grade promotions, and the Pay Act increases and the cost of the 2 extra compensable days and the increase in postal rates, are there any further increases requested?

Judge RICHARDSON. No; they are not, Mr. Chairman.

Mr. ROONEY. These increases are all required by law. Is that the fact?

Judge RICHARDSON. That is all we are asking for.

Mr. ROONEY. This is the best presentation in years. This is tremendous. You have done a good job on this budget.

Judge RICHARDSON. Thank you very much, Mr. Chairman.

MONDAY, JANUARY 27, 1963.

COURT OF CLAIMS

WITNESSES

HON. MARVIN JONES, CHIEF JUDGE

Mr. ROONEY. The next item, gentlemen, is that for the Court of Claims. It appears at page 336 of the committee print and beginning at page 58 of the justification book.

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Permanent positions.....	763	863	968
Positions other than permanent.....	6	8	8
Other personnel compensation.....			6
Total personnel compensation.....	769	871	922
12 Personnel benefits.....	52	57	61
21 Travel and transportation of persons.....	13	23	23
23 Rents, communications, and utilities.....	10	10	11
24 Printing and reproduction.....	81	68	80
25 Other services.....	1	1	1
26 Supplies and materials.....	6	6	6
31 Equipment.....	6	8	8
Total obligations.....	938	1,045	1,114

Personnel summary

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	78	83	86
Full-time equivalent of other positions.....	2	2	2
Average number of all employees.....	77	87	90
Number of employees at end of year.....	82	87	90

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities:			
Salaries and expenses (obligations).....	938	1,015	1,114
Financing:			
Unobligated balance lapsing.....	17		
New obligational authority.....	955	1,045	1,114
New obligational authority:			
Appropriation.....	955	1,025	1,114
Proposed supplemental due to pay increases.....		20	

Mr. ROONEY. The first item is salaries and expenses, which appears at page 59 and which runs through page 67 of these justifications. We shall insert those pages at this point in the record.
(The justification pages follow:)

Statement relating appropriation estimate to current appropriation

Court of Claims:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$1,034,500
1963 proposed supplemental due to pay increases.....	20,000
Base for 1964.....	1,054,500
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)
	1963 adjusted	1964 estimate	
1. Salaries and expenses.....	\$1,045,000	\$1,114,000	+\$69,000
2. Repairs to buildings.....	9,500	9,500	
	1,054,500	1,123,500	+69,000
Total estimate for 1964.....			1,123,500

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Court of Claims:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$1,025,000
1963 proposed supplemental due to pay increases.....	20,000
Base for 1964.....	1,045,000
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)
	1963 adjusted	1964 estimate	
Salaries and expenses.....	\$1,045,000	\$1,114,000	+\$69,000
Total estimates for 1964.....			1,114,000

Statement showing analyses by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$871,000	\$922,500	+\$51,500
12 Personnel benefits.....	57,450	61,100	+3,650
21 Travel and transportation of persons.....	23,300	23,300	
23 Rent, communications, and utilities.....	10,500	11,400	+900
24 Printing and reproduction.....	67,500	80,000	+12,500
25 Other services.....	1,000	1,000	
26 Supplies and materials.....	6,250	6,400	+150
31 Equipment.....	8,000	8,300	+300
Total obligations.....	\$1,045,000	1,114,000	+69,000

¹ Includes \$20,000 proposed supplemental due to pay increases.

Summary of increased requirements for 1963

Nature of expense (or savings):

DEDUCTIONS	Amount
Nonrecurring expenses authorized for 1963.....	-\$5,500
ADDITIONS	
1. Additional amount under the Federal Salary Reform Act of 1962.....	19,500
2. Three additional law clerks for trial commissioners.....	23,750
3. Provision for within-grade salary advancements.....	7,650
4. Cost of two extra compensable days in 1964.....	6,500
5. Increase in the cost and volume of printing and reproduction required by the court.....	15,000
6. Additional funds required to maintain court library.....	1,500
7. To cover higher postal rates provided by Public Law 87-793, approved Oct. 11, 1962.....	600
Net increase, 1964 over 1963.....	69,000

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 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 \$1,114,000 is requested for 1964, a net increase of \$69,000 over the amount appropriated for 1963 adjusted to include a proposed supplemental of \$20,000 for pay costs under the Federal Salary Reform Act of 1962 (Public Law 87-793, approved October 11, 1962). The net increase in requirements is explained below:

Deduction for nonrecurring expenses

The appropriation for 1963 included the sum of \$3,000 for the procurement of furniture and equipment for new personnel, specifically, the five law assistants authorized for the trial commissioners. The sum of \$2,500 also was provided to cover the nonrecurring expense of revising the rules of the court. These nonrecurring expenses have been deducted in establishing the budgetary requirements for 1964.

Requirements under the Federal Salary Reform Act of 1962

An additional \$19,500 will be required in fiscal year 1964 to cover the full-year cost of increases in salary which were granted employees of the court effective October 15, 1962, and approximately one-half of the annual cost of increases which are scheduled to take effect on January 6, 1964. The following is a breakdown, by fiscal year, of the total cost of pay increases under the Federal Salary Reform Act of 1962:

	1963 proposed supplemental	1964 budgetary requirements	1965 budgetary requirements	Total cost
1st phase (effective Oct. 15, 1962):				
Compensation.....	\$18,750	\$7,450		\$26,200
Benefits.....	1,250	550		1,800
Total.....	20,000	8,000		28,000
2d phase (effective Jan. 6, 1964):				
Compensation.....		10,800	\$11,200	22,000
Benefits.....		700	800	1,500
Total.....		11,500	12,000	23,500
Grand total.....	20,000	19,500	12,000	51,500

Additional law clerks for trial commissioners

The Judicial Conference of the United States in September 1961 endorsed the appointment of eight law clerks to serve the trial commissioners of the court. The budget estimate for the fiscal year 1963 included a request for funds for the employment of eight law clerks, however, the sum appropriated by the Congress would permit the employment of only five, one for each three commissioners. It is considered most desirable and necessary that a law clerk be assigned to the chief trial commissioner and one for each two of the remaining 14 trial commissioners as authorized by the Judicial Conference and requested last year. The estimate for 1964 includes a request for funds to employ three additional law clerks as follows:

Salary, grade GS-9, at \$6,675 per annum.....	\$20,000
Related benefits (Government contributions to retirement fund for group life insurance and health benefits).....	1,500
Communications.....	300
Supplies and materials.....	150
Furniture and equipment (nonrecurring expense).....	1,800
Total.....	23,750

Provision for within-grade salary advancements

It is estimated that \$7,650 will be required in fiscal year 1964 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, \$7,150 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.

Cost of 2 extra compensable days in 1964

The sum of \$6,500 (\$6,100 for personnel compensation and \$400 for related benefits) has been included to cover regular pay in excess of 52 weeks. Employees who are paid biweekly will be compensated for 262 days in fiscal year 1964 as compared with only 260 compensable days in 1963.

Increased cost and volume of printing and reproduction

An increase of \$15,000 for printing and reproduction is requested. This request is due to both the increased cost of materials and labor at the Government Printing Office and the increase in the quantity of printing required by the court in order to keep abreast of its increased workload. While efforts are made to keep this increasing item at a minimum by a wider use of offset printing and mimeographing, it has become increasingly difficult during recent years to meet the needs of the court in this regard within the amount allocated.

Additional funds required to maintain court library

An increase of \$1,500 is requested in the allotment for equipment. The major portion of this amount is expended for library needs for the use of the court. While the base appropriation for this account has remained the same for several years the prices of books and periodicals have increased. In addition the library needs of the court have likewise increased during the years requiring the purchase of new sets of books as well as the replacement of obsolete ones.

Higher postal rates

The budget estimate for 1964 includes an additional \$600 to cover higher postal rates authorized by Public Law 87-793, approved October 11, 1962. This represents an overall increase of approximately 25 percent in postage and fees (penalty mail) to be paid to the Post Office Department.

Mr. ROONEY. The request for salaries and expenses is in the amount of \$1,114,000, which is an increase of \$89,000 over the amount appropriated for the current fiscal year.

Page 61 lists the actual increases requested and the request includes the addition of three additional law clerks to the payroll.

We are always honored to have with us the distinguished chief judge of the Court of Claims, a great public servant in our estimation and former member of the U.S. House of Representatives, the Honorable Marvin Jones, of Texas.

GENERAL STATEMENT

Judge JONES. Thank you, Mr. Chairman.

I have a statement I would like to submit.

Mr. ROONEY. We shall insert your statement at this point in the record, Judge Jones.

(The statement follows:)

During the court year, from September 30, 1961, to September 30, 1962, the court disposed of 519 petitions and 8 appeals representing 3,131 claimants. Except for 61 of these cases, in which no given amounts were claimed, the total amount claimed was \$137,226,417.26. Of the cases disposed of, the court rendered judgments for claimants in the sum of \$8,628,604.20, of which \$2,833,827.57 carried interest. A number of these judgments were based on settlements between the parties. Also, the court rendered judgments for the United States on counterclaims in the amount of \$309,665.06, of which \$3,425.09 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, 1962, totaled 1,573 representing 2,817 claimants. Of this total there were 73 class case petitions involving 837 claimants. While test cases in all probability will dispose of the majority of the petitions in this latter group, practically all of the other 1,500 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 Sept. 30, 1962

	Pending Sept. 30, 1961		Filed		Disposed		Pending Sept. 30, 1962	
	Pet	Plt's	Pet	Plt's	Pet	Plt's	Pet	Plt's
Cases other than class cases.....	1,549	1,933	412	712	474	678	1,487	1,967
Class cases.....	114	3,169	4	113	45	2,445	73	837
Appeals from the Indian Claims Commission.....	14	14	7	7	8	8	13	13
Total.....	1,677	5,116	423	832	527	3,131	1,573	2,817
Cases other than class cases:								
Service pay.....	179	179	38	38	73	73	144	144
Congressional.....	44	62	3	3	10	10	37	55
Contract.....	385	405	89	92	106	117	368	380
Indian.....	10	10	1	73	4	4	7	79
Miscellaneous.....	37	45	15	15	20	27	32	33
Patent.....	68	71	15	15	8	8	75	78
Property (taken).....	58	318	36	237	27	196	67	359
Tax.....	471	533	120	144	146	158	445	519
Transportation of property.....	187	195	51	51	37	37	201	209
Japanese relocation program.....	4	9	0	0	2	7	2	2
Civilian pay.....	106	106	44	44	41	41	109	109
Class cases:								
Alaska Railroad.....	3	179	0	0	2	178	1	1
Firefighters.....	26	345	0	0	14	224	12	121
Civilian pay.....	34	560	4	113	5	73	33	600
Service pay.....	51	2,085	0	0	24	1,970	27	115
Appeals from Indian Claims Commission.....	14	14	7	7	8	8	13	13

TAX AND PROPERTY (TAKEN) CASES

As of the close of business on September 30, 1962, there were 445 petitions representing 519 claimants seeking tax refunds on the Court of Claims dockets, with a total amount claimed of \$238,031,748.93 together with interest. Six percent interest, as permitted by statute, on this amount is \$14,281,904.93 per annum (\$534,902.80 per petition).

As of the close of business on September 30, 1962, there were pending 67 petitions representing 359 claimants in which the total sum of \$22,985,882.45¹ (\$343,072.86 per petition) 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 \$919,435.29 per annum.

Petitions to the Supreme Court for writs of certiorari

Petitions for certiorari pending Oct. 1, 1961.....	15
Petitions for certiorari filed Oct. 1, 1961, to Sept. 30, 1962.....	29
Total.....	44
Record for court year Oct. 1, 1961, to Sept. 30, 1962:	
Petitions for certiorari denied.....	25
Petitions for certiorari granted and decision affirmed.....	2
Petitions for certiorari granted, decision reversed, and case remanded.....	1
Petitions for certiorari granted but not acted upon.....	1
Petitions for certiorari filed but not acted upon.....	13
Petitions for certiorari dismissed by stipulation.....	2
Total.....	44
Records prepared for attorneys of record but not filed.....	19

¹ Of which \$20,351,126.14 is the total amount claimed in 58 petitions representing 342 claimants pertaining to the taking of lands; of which \$2,634,756.31 is the total amount claimed in 9 petitions representing 17 claimants pertaining to the taking of personal property.

ADDITIONAL LAW CLERKS

Judge JONES. In connection with these law clerks for commissioners, Mr. Chairman, I want to express appreciation at this point of the action of the committee in permitting us to have the five which we have had. They have been very helpful. They have enabled us to get a great deal more work out because it has enabled the commissioners in especially the simpler cases to prepare memorandums and recommendations that I think has been shown to be well worthwhile.

As you know, we have never had an increase in the number of judges. We have the same number the court started off with when it had a very minor amount of work. We would like to have, and we have put in here a request for, three additional law clerks which we think can be justified because that would be one law clerk for each two commissioners and one law clerk for the chief commissioner, who has all the assignments to make and the travel arrangements in sending the commissioners to various points in the country.

I hope that the committee may see fit to allow this, but that of course is up to the committee.

Mr. ROONEY. Do you want to make a settlement right now?

You are suggesting that?

Judge JONES. We think it is well worthwhile. I think it will be a saving. As you know, a great many of these cases bear interest and if we can get them out a little earlier it really is a net saving in the long run.

Mr. ROONEY. What are the grades and amounts of compensation for these law clerks?

Judge Jones. We set that out in detail at page 65.

Mr. ROONEY. You have three GS-9's at \$6,675 per annum?

Judge JONES. Yes, That has the detail set forth there as to salary and the related benefits, group insurance, communications, supplies and materials, furniture and equipment. That furniture and equipment, of course, will be a nonrecurring expense.

REPAIRS AND IMPROVEMENTS

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities:			
Structural and mechanical maintenance (obligations) (object class 25).....	10	10	10
Financing:			
New obligational authority (appropriation).....	10	10	10

Mr. ROONEY. Thank you very much, Judge Jones. There was included at page 338 of the committee print and page 68 of the justifications an amount of \$9,500 for repairs and improvements. We shall insert at this point in the record that page and pages 69 and 70.

(The pages referred to follow:)

Statement relating appropriation estimate to current appropriation

Repairs and improvements, Court of Claims:	Judiciary
1963 appropriation in annual act.....	\$9,500
Base for 1964.....	9,500
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or de- crease (-)
	1963 appro- priated	1964 estimate	
Repairs to buildings.....	\$9,500	\$9,500	
Total estimate for 1964.....			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 1963 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 1963 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 1964, under "Repairs and improvements," is \$9,500.

Mr. ROONEY. This is the same amount as has been carried in the bill for the current and 2 previous years.

This money is for the Architect of the Capitol in connection with the normal repairs and improvements to the court building.

Judge JONES. That is right. The building is rather an old building and requires some repair.

Mr. ROONEY. I am familiar with that.

Judge JONES. We are making just as few as we can get by with.

Mr. ROONEY. I guess I ought to be familiar with that, Judge.

Judge JONES. I would think so, Mr. Chairman.

We thank you, gentlemen, all of you. We are glad to have a chance to see the new members.

MONDAY, JANUARY 27, 1963.

COURT OF APPEALS, DISTRICT COURTS, AND OTHER
JUDICIAL SERVICES

WITNESSES

HON. WILLIAM J. CAMPBELL, CHIEF JUDGE, U.S. DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
HON. MATTHEW F. McGUIRE, CHIEF JUDGE, U.S. DISTRICT COURT, DISTRICT OF COLUMBIA
HON. CARL A. WEINMAN, CHIEF JUDGE, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF OHIO
WARREN OLNEY III, DIRECTOR, ADMINISTRATIVE OFFICE, U.S. COURTS
JOHN C. AIRHART, ASSISTANT DIRECTOR, ADMINISTRATIVE OFFICE, U.S. COURTS
ROYAL E. JACKSON, ASSISTANT CHIEF OF THE DIVISION OF BANKRUPTCY, ADMINISTRATIVE OFFICE, U.S. COURTS
DARWIN H. ANDERSON, ASSISTANT CHIEF OF BUSINESS ADMINISTRATION, ADMINISTRATIVE OFFICE, U.S. COURTS
EDWARD V. GARABEDIAN, BUDGET OFFICER, ADMINISTRATIVE OFFICE, U.S. COURTS

Mr. ROONEY. The next item, gentlemen, is entitled "Courts of appeals, district courts, and other judicial services."

It appears beginning at page 339 of the committee print, the item thereof entitled "Salaries of judges" appearing at page 339 of the committee print.

The details are to be found beginning at page 71 of the justification book.

Mr. ROONEY. They indicate that the request for the five appropriation items under "Courts of appeals, District courts, and other judicial services" is \$54,370,400, which is an increase of \$4,610,400 over the appropriations to date in the current fiscal year and an increase of \$3,404,400 when anticipated pay act supplementals are considered.

Judge Campbell, who is Chairman of the Budget Committee of the Judicial Conference, I am sure has a general statement at this point, Would you please proceed, Judge Campbell?

GENERAL STATEMENT

Judge CAMPBELL. Thank you.

I certainly will, I appreciate the opportunity.

I have had the statement prepared in writing in advance, Mr. Chairman, and filed with you and the other members of your committee. If agreeable with you, I shall save time by just highlighting briefly what is in there.

Mr. ROONEY. Very well. I know you are such a capable gentleman that you can highlight it so that your highlights are not more extensive than the prepared statement. We will be glad to have you do so and insert the prepared statement at this point in the record.

(The statement follows:)

Mr. Chairman and gentlemen of the committee, we are pleased to appear before you to present the budget estimates for fiscal year 1964 for the courts of appeals, district courts, and other judicial services.

The estimates of appropriations for 1964 total \$62,426,400—of which \$8,056,000 would be from the special fund in the Treasury to operate the bankruptcy system which is self-supporting. The total estimate represents a net increase of \$3,905,400 over the appropriations currently available after they have been adjusted by the amount of \$1,311,000 to cover increased salaries due to the Federal Salary Reform Act of 1962.

The budget estimates contain two major items of increase. The first one—\$1,344,000—is to cover the cost in fiscal year 1964 of salary increases pursuant to the Federal Salary Reform Act of 1962. This is an item which you will see throughout the budgets of the various Government agencies that come before you and I assume no detailed explanation is required. For the current fiscal year, I think we are going to be able to absorb about 20 percent of the pay costs of this act for supporting personnel of the courts and we'll need no supplemental for increased salaries of clerical personnel in the referees' offices. This savings is due to the delay in the ultimate appropriation of funds for 1963 and would not otherwise have been possible. For 1964, we shall need the full amount requested because our employment level now is normal—which means there are just a few vacancies scattered around the country—and will undoubtedly continue at a normal rate through 1964. I should note, in additional explanation of our small number of vacancies, that this is the second year in a row in which we have made no request for additional supporting personnel for district courts and courts of appeals and the first time in 14 years that we have made no request for additional supporting personnel in the bankruptcy courts. There are a few other items of increase which I think are of a routine nature and therefore I will not take time to discuss them now.

There have been no drastic changes in the business of the courts since our last report to you. Courts of appeals received about 300 more cases in 1962 than in the previous year and although they terminated a greater number of cases than the year before, the pending caseload rose by about 500 cases. In the district courts the civil caseload continued to rise but more than 1,700 cases resulted from the antitrust criminal convictions of a number of electrical manufacturing companies. Terminations in these courts also fell short of filings and the pending caseload rose by about 3,800 cases. The volume of criminal proceedings has risen only slightly. The details of our caseload status are set forth in the justifications before you beginning at page 83. Insofar as bankruptcy cases are concerned, there appears to have been much to our gratification a leveling off of filings. In 1961, 146,600 cases were filed and in 1962, the number was 147,800. At this time, based on our most recent statistics it appears that the number of cases for this year will total somewhere between 147,000 and 150,000.

The second major item of increase—\$1,650,000—is to make it possible to put into effect what the judicial conference has termed the judiciary salary plan.

This plan is the first comprehensive system ever proposed for the assignment of grades, salaries and qualifications standards for the three largest groups of employees in the judiciary—those in the offices of the clerks of district courts, the bankruptcy courts and the probation system.

Before discussing the plan itself, I think it will be helpful to review the background and events which have led to the need for it.

Prior to 1940, central personnel administration for the judiciary was the responsibility of the Department of Justice. In 1940, legislation became effective which established the Administrative Office of the U.S. Courts and transferred this responsibility to that Office and the judicial conference of the United States.

At that time the entire judiciary including judges and the new Administrative Office consisted of fewer than 1,800 salaried personnel. Only one of the groups covered in the plan before you even existed insofar as having salaried personnel was concerned. That one group—clerks offices of the district courts—consisted of approximately 900 employees.

It can readily be seen, therefore, that personnel management in the judiciary presented no very complex problems. The number of employees in any given court was very small and in most cases it was quite easy for the judges to have personal and detailed knowledge of who was employed, what he did, and how he did it.

The Department of Justice, therefore—and I think quite properly—while it had used the salary schedules of the civil service system for judiciary employees had never attempted to apply the complexities of a system designed for hundreds

of thousands of employees in the executive branch to a few hundred employees in the judiciary with its entirely different functions and needs.

We in the judiciary inherited, therefore, from the Department a set of grades and salary schedules and a very simple set of guidelines to prevent disparity as between the various courts. There was no need for more.

World War II which brought such drastic increases in both personnel and attendant problems to the executive branch caused little or none of this, for obvious reasons, to the judiciary. Our personnel increase in the years from 1940 through 1945 was about 500 and this was due in large part to the establishment of the probation system in 1941.

In the later 1940's, the only major new change in our personnel was the changing of the bankruptcy system from a fee to a salaried one. Again, this was in the beginning only a small increase in personnel.

Through the later 1940's and through the 1950's there came, however, changes in caseload both in numbers and kinds, increases in judgeships, increases in programs and other changes resulting from the increasing complexities of our laws and our Government as a whole.

None of these things resulted in great increases in our supporting personnel but all resulted in some. By the late 1950's, total personnel in the judiciary including judges and the administrative office numbered some 4,500.

Our growth has been slow and never just at any one time. As our growth in numbers has been slow so has the growth of problems connected with numbers of personnel been slow.

Solutions to problems as they arose tended to simplicity and individual treatment because problems involved few people and came at relatively long intervals.

When the probation system was established, a system patterned on that in use in clerks' offices was provided for its personnel. Similar action was taken with respect to the bankruptcy system when it was put on a salaried basis.

By 1958, it had become increasingly apparent that a thorough review of these grade and salary plans was needed. There were mounting complaints, many of which seemed to have merit, as to inequities stemming from the separate administration of the three systems within the judiciary and as to inequities with respect to comparability with positions in the executive branch.

The supporting personnel committee, therefore, with the approval of the judicial conference asked the Administrative Office to conduct a thorough and painstaking review of the situation. The Office was also asked to make appropriate recommendations.

As a beginning, the Office placed its personnel functions in one unit so that there might be a single coordinated approach to the problem. Into this unit were brought for this purpose a few people who had wide experience in the fields of wage and salary administration and personnel management. (Let me note here that these people are no longer with the Office, but they are available if the committee wishes to question them.)

The first step after the necessary changes were made in the Office was to conduct an intensive and detailed survey of a carefully selected group of district courts. The district courts included in the survey were the following:

Virginia, eastern	Texas, western
Alabama, northern	Colorado
Georgia, northern	Wyoming
South Dakota	Washington, eastern
Nebraska	Washington, western
Kansas	California, southern
Illinois, northern	California, northern
Wisconsin, western	New Jersey (courtroom deputies only)
New York, southern	

The survey included visits to the clerks, probation and referees' offices of each court. Prior to visiting the courts, position descriptions, personnel organization charts, experience and qualification statements, and functional charts were requested from each office and this material was carefully studied in advance by the survey teams, each of which was composed of two members from the staff of the Personnel Division. In the first courts visited, the survey included an interview with every employee in all three offices. There became less need for such extensive interviewing as the work progressed and experience showed that the necessary information could be obtained from discussion of the charts, qualification statements and position descriptions with the top officials in each office.

The interviews were designed to obtain information on: (1) the reason for the assignment of duties and responsibilities to particular positions; (2) the pattern

of organizational arrangements; (3) the alinement of functions to be performed in the order of their difficulty; (4) the amount of supervision exercised over divisional offices; (5) the extent to which positions are similar among the courts; (6) the accuracy of job titles; (7) the education or training required to discharge a particular function or handle a specific position; (8) the experience necessary for the same purpose; (9) the equity of allocations among and within offices; (10) disparities in compensation between positions in the same office and between similar positions.

Of course, one result of this survey was to confirm a characteristic of administration in the Federal courts which had been recognized from the beginning—that is, that there is great divergence from district to district in the organization and administration of these three court offices. A civil docket clerk or a courtroom deputy clerk in one district may have very different responsibilities and duties from one holding the same title in another district, and often there are important differences between deputy clerks in the same court with the same title but assigned to different judges. The same differences appear in the probation offices and the offices of the bankruptcy referees. These characteristics of judicial administration of course stem from the large amount of administrative autonomy that district courts must necessarily have in order to guarantee judicial independence and to permit proper adjustment to the variety of conditions in our 91 separate districts.

Recognition of the difference of administrative practice between courts and of the desirability and necessity of not interfering with the administration of the courts has necessarily affected and even controlled the nature of the plan for classifying and compensating the personnel in these three court offices. It is not possible to adopt or even adapt classification systems used by the Civil Service Commission, the Navy, the Atomic Energy Commission, although all of these were reviewed with this possibility in mind, because in the judicial system there are no centers of authority nor lines of authority in the usual administrative sense. The offices in question and the employees in them are responsible when it comes to the execution of their duties in all important particulars to the judges of the court whom they serve. Consequently, if a plan is to be devised with the objective of providing equal compensation for the same or similar responsibilities and work, it will have to be based on something other than job titles. The solution arrived at is, in essence, to analyze each of the positions without regard to title but in terms of its functions, to assign a value to each of the vital functions which are called landmarks in the report, and to grade the position according to the total of the landmarks, that is according to the value of the functions actually being performed by the incumbent. This effort to recognize and allow for the great variety of practice in the operation of these offices has necessarily made the proposal for classification appear complex. But considerable complexity is inevitable if the plan is to fit the present administrative practices of the courts and is not to become a Procrustean bed for any court.

We think that the plan which is before you and which I have not discussed here in detail comes as close to achieving the objectives which I have referred to previously as can be done. The plan, as I have indicated, was arrived at by an extremely careful process. Since before and after its approval by the judicial conference, it has been reviewed by many, many people in the judiciary, and the only strong complaint has been that it did not go far enough in raising grades and salaries which so far as my committee is concerned seems to be good evidence that a middle road has been hit as between too little and too much.

In closing this part of my statement, I want to make two things very, very clear. One is that we deeply regret the timing of our request which comes at the same time as our request for funds for a general pay increase. I hope that I have made it clear that our timing was accidental, not intention, and that this is not a general pay increase within the judiciary. This plan does not affect the referees in bankruptcy or the clerks of court themselves. It is entirely their supporting personnel, and as you will see from the chart we have here, when we reach that point in the hearing, the maximum effect is in the low- and middle-grade levels. The second thing I want to say is that I have not intended in any way in this recapitulation to criticize the conference, its committee on supporting personnel, or the administrative office. In point of fact, I myself served on the committee on supporting personnel for many years, and I think that all concerned over the years have done a fine job. This is simply another necessary step in continuing to do a fine job.

In closing I want to report briefly on an item which appeared in our appropriation request for fiscal year 1962 which applied specifically to my court in the Northern District of Illinois as well as generally to the judiciary. You may

remember that in the appropriation for that year, we described to the committee the program undertaken in Chicago to improve our court offices and that your committee granted a request for an appropriation of \$77,000 for the necessary equipment and physical facility changes involved in the program.

The objectives of the program were four in number. First, the existing organization and administration of our court offices were to be given an intensive examination to determine in detail the existing situation. Second, wherever any improvement however small was thought possible detailed plans for changes were to be made. Third, planned changes were to be installed, tried, altered if experience indicated a need, and finally adopted if experience showed an improvement had actually resulted. The fourth objective was to provide to the courts in general the opportunity to utilize any resulting improvements.

The first three objectives of the program have largely been completed, and I think the best illustration that I can possibly give you of the results is that at the time the court officially ordered the major changes recommended which included a consolidation of the offices of the clerk of court and the clerk of the bankruptcy court, there were 87 employees on our rolls in these offices. As of now, there are 82 employees on our rolls in the consolidated office and we have 10 judges and 6 referees in bankruptcy, as against 7 and 5, respectively, when we started the program and a change for the better in every administrative and business operation of the court. We have much hope that as the fourth objective is carried out that all of the district courts will look into the benefits of the more than 2 years of intensive work that have gone into the program in Chicago.

I want also to point to this program with great pride as a splendid example of Government cooperation. It has involved, during its course, not only the services and personnel of the judiciary but the specialized services and personnel of the Office of the Secretary of Defense, the Air Force, the General Services Administration, the Archives Service and the Department of Justice. We in the judiciary are very grateful to them for so willingly assisting in ways not possible for our necessarily limited facilities and personnel just as we are grateful to your committee for the cooperation in granting our request for funds for a program which to my knowledge was the first of its kind conducted in the judiciary.

That ends my statement, Mr. Chairman, and we are at your service for any questions you or the committee may wish to ask.

Judge CAMPBELL. Thank you very much, Mr. Chairman. If you will do that, then, I will attempt to highlight it.

Usually I am on the other side of this kind of a statement and I shall try to apply brevity to myself the way I ask it of attorneys in my courtroom.

I will be as high in my highlighting as I possibly can.

As the chairman has already pointed out—

Mr. ROONEY. You mean light in your highlighting.

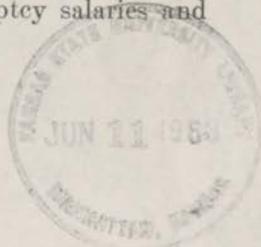
Judge CAMPBELL. I always ask, Mr. Chairman, for more light and less heat and I will try to apply that also if I possibly can.

TOTAL APPROPRIATION REQUEST

The total amount of appropriations or estimates that we are requesting this year is \$62,426,400, of which \$8,056,000 comes from the special fund in bankruptcy, which is self-sustaining, which accounts for the difference from the figure just given by you. The \$8,056,000 is for bankruptcy courts.

Mr. ROONEY. So that we may understand one another on this, when you refer to this \$62,426,400 you are including the bankruptcy items which are special funds—a special fund for referees' salaries and a special fund for referees' expenses.

When I gave you the figure in the opening statement of \$54,370,400 that was the correct figure, excepting the bankruptcy salaries and expenses figure.



Judge CAMPBELL. Yes, sir, for which we need authority to spend \$8 million. The money is there. Actually, the amount of money we are asking for is what the Chairman indicated, \$54,370,400.

This estimate represents a total net increase of \$3,905,400 if you take into consideration that the Federal Salary Reform Act of 1962 has increased salaries by \$1,311,000.

INCREASED SALARY COSTS

There are two major items making up our \$3,905,400 increase. The first one, \$1,344,000, would be to cover the salary increases for the new fiscal year pursuant to the same Federal Salary Reform Act of 1962. However, we hope this year to be able to absorb some 20 percent of that in salaries of clerical personnel in the referee's offices and other places so we will need no supplemental on clerical personnel in the referee's offices.

Now, the other major item—

DECREASE IN WORK OF BANKRUPTCY COURTS

Mr. ROONEY. If I recall correctly there is in these justifications an indication that the work in the bankruptcy courts has fallen off substantially.

Judge CAMPBELL. That is correct, sir. That is, leveling off.

Mr. ROONEY. Is it possible that you do not need all these clerks that we have given you over the last few years as a result of the mounting in bankruptcy cases?

Judge CAMPBELL. Not unless there is a decrease.

Mr. ROONEY. A further decrease?

Judge CAMPBELL. A further decrease because at the present time, Mr. Chairman, there is merely a leveling off. Our estimate of what it will be this year in filings is between 147,000 and 150,000; in 1962 it was 147,800; in 1961 it was 146,600, so that there is a leveling off. We are all grateful to see that. We hope that the leveling off continues. This year for example, we are not asking for any increase in clerks as we have had to in previous years by reason of increases in filings because we detected in advance this leveling off and we shall not ask unless, which I hope does not happen, an increase should again occur.

Likewise, this year we are asking for no additional positions, either in the clerk's offices, the probation offices, or the administrative office personnel, which really is not my concern—Mr. Olney is here as Director of the Administrative Office, but our budget committee as you know passes on the entire budget and also has a general interest in that of the Administrative Office.

We watch that as well as our own very closely.

We are asking for absolutely no increase in personnel this year, with the exception of two positions in the Administrative Office, if you approve our judiciary salary plan.

JUDICIARY SALARY PLAN

That is the second major item of increase, \$1,650,000—to put into effect what is termed a judiciary salary plan.

This is something that we have been studying, a committee of the Judicial Conference of which I was formerly a member, the Committee on Supporting Personnel has been studying this matter since 1958. It is not a general increase. It is a reclassification of personnel the need for which has grown up in the judicial system due to the great increase in business, starting in the 1950's which needs to be effected in order to bring our personnel at the lower salary levels into parity internally and with those comparable other Government offices.

For example, as a matter of efficiency we have combined the offices of the bankruptcy clerks and the office of the clerk of court in my district in Chicago and found great differences in salaries of the people doing exactly the same type of work. We have had entirely too much of a turnover in help. We train the help and they leave us to go to other Government agencies where doing the same type of work the grade is higher than ours.

The suggested changes were brought about by a complete survey of the judicial system employees by people employed just for this purpose in 1958 and thereafter as directed by the Judicial Conference of the United States. They came to us from other branches of the Government. They are personnel experts and they have gone through all of our various offices and reclassified or suggested reclassifications of the help to bring us in general into line with the Civil Service classifications, the Army and Navy, Atomic Energy and the others, for whom we have been in effect in our various offices through the country for some time now training personnel.

We feel that if we can put ourselves at a comparable grade we will be able to increase our efficiency by retaining the people we are now losing by reason of our too low grades in some positions.

It is not, as I said earlier, a general increase of all the help. It does not affect any of the executive help, such as clerks of court or referees in bankruptcy. It affects no one at all in the Administrative Office.

These are the so-called, if you will pardon the term "little people," in the organization which, by reason of the turnover from the Department of Justice in 1940 to the courts to administer themselves have never been the subject of a complete, fair, and exhaustive classification system. This is to bring our help into parity with other Government agencies and thus increase our own efficiency, make it unnecessary for us to ask for as many people as we have had to ask for in the past—that is, an increase each year—and also to avoid this turnover.

The history and the complete report of the inspection that has been made by these people—they are no longer, as I say, on our payroll; they have done this job and then they submitted it to the Judicial Conference of the United States through its Committee on Supporting Personnel.

That committee gave it very careful study. During part of the time I was a member of the committee and I can testify that every judge on that committee gave this a real dedicated and objective review.

The result is that the report went to the Judicial Conference and was, after further study there, again approved and now finds its way to you gentlemen.

As I say, it will result in the expenditure of \$1,650,000 more per year but it is in my opinion also thoroughly justified and justifiable in that all that it does is to correct injustices that have existed for many years in the help in the lower echelons of the judicial system.

Mr. ROONEY. May I interrupt there?

Judge CAMPBELL. Certainly, sir.

GRADES OF PEOPLE TO BENEFIT FROM SALARY PLANS

Mr. ROONEY. Do you have a chart or can you furnish us with a chart which would indicate the grades of the people who would receive the \$1,650,000?

Judge CAMPBELL. Yes, sir. We have that.

Mr. Bow. Mr. Chairman, I am wondering whether there would be any opportunity in consideration of this chart if we could have the turnover of these grades, what the present turnover is?

Judge CAMPBELL. You mean percentagewise or in jobs, sir?

I can give it to you from my own district right away. I think it would take a little time to compute it for the others, but we can get it.

Mr. Bow. You do not have that ready?

Judge CAMPBELL. It is readily available. We can certainly furnish it, Mr. Bow.

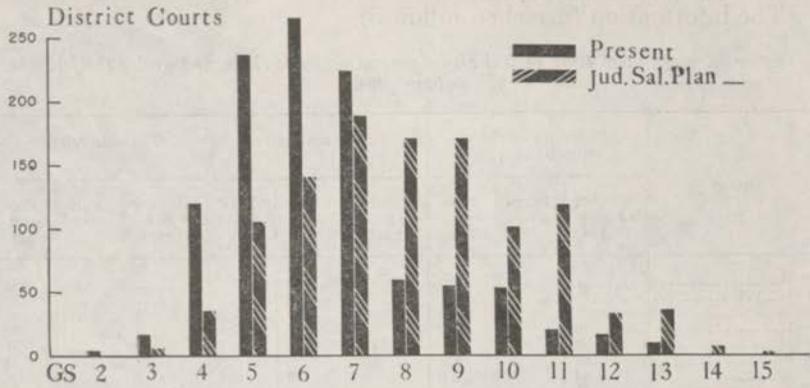
Mr. Bow. I wish that could be furnished.

Mr. ROONEY. Very well. We shall insert at this point in the record the judicial salary plan chart, which I have in my hand, together with the information requested by Mr. Bow.

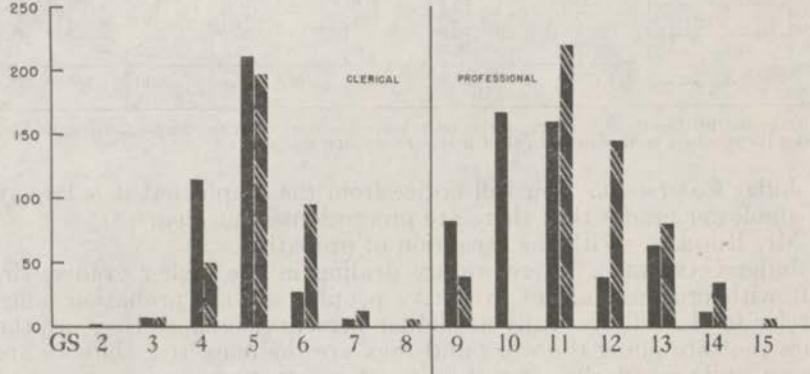
(The chart follows:)

THE JUDICIARY SALARY PLAN

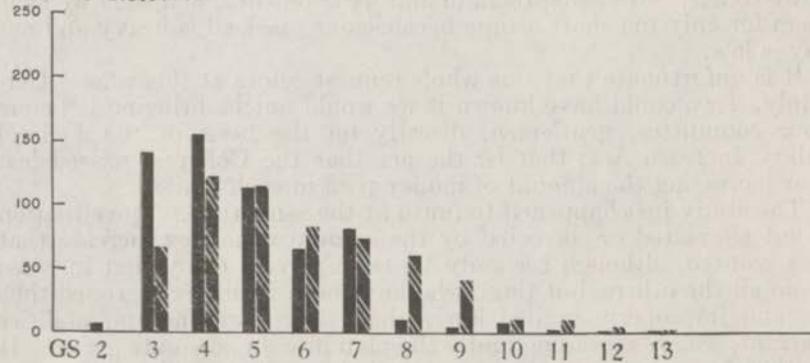
Deputy Clerks



Probation



Clerks to Referees



TURNOVER OF JUDICIARY PERSONNEL

Judge CAMPBELL. And if we might have leave to furnish that later, we will compile it and submit it.

(The information furnished follows:)

Turnover in fiscal year 1962 of judiciary personnel to be classified under the judiciary salary plan

Grade	Deputy clerks (district courts)			Probation system			Clerks to referees		
	Number of positions ¹	Turn-over	Per-cent-age	Number of positions ¹	Turn-over	Per-cent-age	Number of positions ¹	Turn-over	Per-cent-age
GS-15-----			0	1	0	0			0
GS-14-----			0	11	0	0			0
GS-13-----	7	2	28.6	64	4	6.2	1		0
GS-12-----	10	3	30.0	37	2	5.4	1		0
GS-11-----	24	0	0	173	15	8.7	2		0
GS-10-----	62	5	8.1	155	9	5.8	8		0
GS-9-----	64	10	15.6	64	6	9.4	5		0
GS-8-----	68	6	8.8	0	0	0	14	1	7.1
GS-7-----	219	39	17.8	6	0	0	83	10	12.0
GS-6-----	266	50	18.8	27	0	0	71	10	14.1
GS-5-----	214	76	35.5	211	22	10.4	126	20	15.9
GS-4-----	122	76	62.3	110	47	42.7	166	43	25.9
GS-3-----	18	7	38.9	8	4	50.0	126	68	54.0
GS-2-----	2	1	50.0	0	0	0	7	3	42.9
Total-----	1,076	275	25.6	867	109	12.6	610	155	25.4

¹ GS grades listed are those prevailing for the greater part of the year. New positions authorized and filled during the year have been excluded for the purpose of computing turnover.

Judge CAMPBELL. You will notice from the graph that it is largely in the lower grades that there are promotions requested.

Mr. ROONEY. With the exception of probation.

Judge CAMPBELL. There we are dealing in the higher grades, sir, but with professional not executive people. In the probation office I refer to the officers really as similar personnel because they are the ones that are doing the work and they are the ones, too, that we are losing quite regularly after training them, to State systems and to State courts. We bring them in and we train them and then we keep them for only too short a time because our caseload is heavy and our pay is low.

It is unfortunate that this whole request comes at this time. Certainly, if we could have known it we would not be bringing it before your committee, gentlemen, directly on the heels of the Federal Salary Increase Act; that is, the act that the Congress passed last year increasing the amount of money paid in each grade.

The study just happened to finish at the same time. The situation is not alleviated or corrected by the amount of money increase that was granted, although certainly these employees enjoy that increase as do all the others, but those who have been improperly graded thus far and improperly graded lower than their positions and abilities warrant, we are regrading under the plan into an adequate grade. It is, therefore, not an augment to the salary increase plan that went through Congress last session, but is a needed reform in our own system.

As I say, all of the details are contained in the written statement which you have. These experts that we used to make the survey are

no longer on our payroll but they are available and we can submit them for examination by your committee or by a subcommittee or investigating officer if you wish to have that done. We have all of that available in any greater detail that the committee may wish.

I think that covers sufficiently the highlights, Mr. Chairman, of the statement that I wanted to call to your attention and the two principal items of increase that make up the \$3,905,000 extra that we are asking for. I said we were asking for no increase in personnel at any level in clerk's offices, probation offices, or offices of referees in bankruptcy, and again may I note on behalf of our committee our gratification that bankruptcy filings are leveling off and that this is the first time since 1940 or thereabouts that we have not asked—what year was it—

Mr. AIRHART. 1948.

Judge CAMPBELL. That we have not asked for more positions in bankruptcy. It is the first year since I have had anything to do with the budget that we have not asked for more probation officers or more deputy clerks in the clerk's offices.

Mr. BOW. They are still the highest in the history of the Republic.

Mr. ROONEY. Oh, no.

Judge CAMPBELL. So are the courts, Congressman Bow, and the number of cases are the highest in the history of the Republic and long may the Republic continue to prosper and increase.

Mr. BOW. Did you say Republic or Republicans?

Judge CAMPBELL. I was quite careful, sir.

Mr. BOW. I noted that.

Judge CAMPBELL. It is a capital "R" and it ends with the letter "c," the word that I was using.

I think the Congressman from Ohio, Mr. Chairman, is aware of my personal politics. I will submit to examination on that some time; but I think I would rather have it in his office.

I would like to close with one more gratifying note, and this is on somewhat of a personal nature, but I bring it to your attention because I think that it will be beneficial throughout the whole of the courts.

USE OF FUNDS FOR MACHINERY IN NORTHERN DISTRICT OF ILLINOIS

As you may recall, some 2 years ago we asked you gentlemen for, and received from you, \$77,000 for work in my own court to buy non-recurring items of modern machinery, to enable us to consolidate the offices of the referees in bankruptcy, clerks, and also the clerk of court, and to improve, in general, the administration of our clerk's offices, with the idea that this could be somewhat of a guinea pig or a model for the rest of the clerks' offices in increasing efficiency and reducing the number of employees.

I am happy to report that we have concluded the changes, bought the machinery, altered our space, and utilized all of the improvements that we, at that time, described to you. I think that we have had the excellent cooperation of all other branches of the Government involved, and I pay my thanks to them as well as to you gentlemen for having made it possible.

When we started this in 1962, we had 87 employees on our payrolls in these offices. At that time, we had five active judges sitting, although seven were authorized in the court. At the present time,

we have 10 active judges sitting, and 2 retired judges who assist in trial of cases approximately 6 months of the year. This, of course, places a greatly increased burden on the clerk's offices because the work from individual judges has more than doubled what it was in 1962.

At that time, also, we had only five referees in bankruptcy. We now have six. Thus compared, we are now turning out orders more expeditiously. Every order goes out the day it is entered by a judge, whereas heretofore there was a delay of weeks and sometimes months in getting orders out in accordance with the statute. They go out daily now. Whereas we started with 5 judges and 5 referees sitting, we now have 7 referees—I said 6—and 10 active and 2 retired judges sitting regularly. And as compared with 87 employees we started with, we are giving better service now with 82 and with practically double the volume.

I think this justifies what I said to you gentlemen when I asked for the \$77,000 2 years ago, and I hope that we may—we are not asking for anything in that line this year—but I do hope this might ultimately, if followed elsewhere, result in a reduction of additional personnel to be asked for in the future and in general an increase in efficiency and economy throughout the U.S. courts.

(Discussion off the record.)

Mr. ROONEY. We are likewise pleased to have with us the distinguished Chief Judge of the District Court of the District of Columbia, the Honorable Matthew F. McGuire. Judge McGuire, do you have anything to contribute to this?

Judge MCGUIRE. I would not attempt to contribute anything after I have heard Judge Campbell, Mr. Chairman. I do not have anything to say after what Judge Campbell has said.

Mr. ROONEY. Judge Weinman, do you have anything to say?

Judge WEINMAN. No, sir.

Mr. ROONEY. Mr. Olney, I am sure you have something to say?

Mr. OLNEY. No, sir.

SALARIES OF JUDGES

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Salaries and benefits (obligations).....	10,188	10,860	11,200
Financing: Obligations in excess of availability (—).....	—88	—	—
New obligational authority (appropriation).....	10,100	10,860	11,200

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation: Permanent positions.....	9,843	10,491	10,819
12 Personnel benefits.....	314	344	356
13 Benefits for former personnel ¹	31	25	25
Total obligations.....	10,188	10,860	11,200

¹ Widows of Supreme Court Justices.

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions:			
Active judges.....	385	385	385
Senior and resigned judges.....	91	90	95
Average number of all judges.....	422	452	466
Number of judges at end of year:			
Active judges.....	356	371	371
Senior and resigned judges.....	91	92	97

Mr. ROONEY. The first item under "Courts of appeals, district courts, and other judicial services" is that for "Salaries of judges." This appears at page 339 of the committee print and beginning at page 72 of the justifications.

We shall insert at this point in the record pages 72 through 77 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries of judges:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$10,860,000
Base for 1964.....	10,860,000
Net difference—1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)	
	1963 appropriated	1964 estimate		
Compensation and benefits.....	\$10,860,000	\$11,200,000	+\$340,000	+340,000
Total estimate for 1963.....				11,200,000

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$10,491,000	\$10,819,000	+\$328,000
12 Personnel benefits.....	344,000	356,000	+12,000
13 Benefits for former personnel (or survivors) ¹	25,000	25,000	
Total obligations.....	10,860,000	11,200,000	+340,000

¹ Widows of Supreme Court Justices.

Summary of increased requirements for 1964

Nature of expense (or savings):

- For the compensation and related benefits of 14 additional judges. It is estimated that funds will be required to pay an average of 466 judges in fiscal year 1964 as compared with 452 for which provision is made in the base appropriation. *Amount*

Increase, 1964 over 1963..... \$340,000

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, 1962, there were on the roll and in a pay status, 74 active circuit judges (4 vacancies) and 282 active district judges (25 vacancies). In addition, there were 86 senior judges and 5 resigned judges, or a grand total of 447 judges in a pay status. During July, August, and September 1962, the number of judges on the roll increased from 447 to 455 and as of September 30, 1962, there remained only 18 vacancies, of which 7 were new judgeships created by the act of May 19, 1961, Public Law 87-36. A further reduction in the number of judgeship vacancies is anticipated and, based on past experience, it is expected that in 1964 there will be an average of only 14 vacancies which is considered a normal level. An increase in the number of senior judges also is anticipated. Consistent with the pattern which has existed over the past several years, it is expected that there will be, on the average, 95 senior and resigned judges on the roll in 1964, or 5 more than is provided for in the base appropriation.

The amount requested for 1964 will be sufficient to pay the salaries and related benefits of 14 additional judges, or an average of 466 judges. It also provides for the continuation of annuity payments to five widows of Supreme Court Justices.

The following table shows the average number of judges on the roll during the past 5 years and estimates for 1963 and 1964:

	Judgeships	Vacancies	Filled	Retired and resigned judges	Total judges
Fiscal year:					
1958.....	1 330	14	316	70	386
1959.....	1 330	18	312	76	388
1960.....	316	16	300	81	381
1961.....	² 313	14	299	81	380
1962.....	385	53	332	91	423
1963 (estimated).....	385	23	362	90	452
1964 (estimated).....	385	14	371	95	466

¹ Includes 14 Hawaii territorial judges.

² Reduction due to Alaska statehood.

Mr. ROONEY. These pages indicate that the request is in the amount \$11,200,000, which would be an increase of \$340,000 over the amount appropriated for judges' salaries in the current fiscal year.

NUMBER OF JUDGES

How many judges does this provide for?

Mr. ANDERSON. This provides for an average number of 466 judges.

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

Mr. ANDERSON. Ninety-five, Mr. Chairman, retired and resigned.

Mr. ROONEY. I want also the figure on resigned judges.

Mr. ANDERSON. That is 90 and 5, that is the estimate.

Mr. ROONEY. Which is which?

Mr. ANDERSON. Retired 90, resigned 5.

Mr. ROONEY. How much of a lapse is provided in this?

Mr. ANDERSON. We estimate that approximately 14 judgeship vacancies will prevail throughout 1964.

ADDITIONAL JUDGES ALLOWED AND APPOINTED

Mr. ROONEY. The total additional judges allowed within the legislation in the last year or two were how many?

Mr. ANDERSON. Ten circuit court judges and 63 district judges.

Mr. ROONEY. And how many have been appointed?

Mr. ANDERSON. All the circuit judges and all but five of the district judges are on the rolls at this time.

Mr. ROONEY. And how many of the five district judges have been nominated?

Mr. ANDERSON. I have heard of no nominations, Mr. Chairman.

Judge CAMPBELL. Some of those have been appointed in the interim and are sitting. We have one such who is not yet confirmed in northern Illinois. He took an interim appointment and now his nomination has been sent to the Senate. If he is confirmed his salary will have to go back to the date he took office in early December.

Judge McGUIRE. We have had a judicial vacancy for 27 months, 28 months, as a matter of fact.

Mr. ROONEY. Are there any questions, gentlemen?

Mr. SLACK. I have one question, Mr. Chairman.

Mr. ROONEY. Mr. Slack?

JUDICIARY SALARY PLAN CHART

Mr. SLACK. Judge Campbell, this chart is not clear to me at all. What do these figures in the left column represent?

Judge CAMPBELL. Number of people.

Mr. SLACK. Number of people?

Judge CAMPBELL. Yes, sir, that would be affected.

Mr. SLACK. In other words, that is the present number of people in these various grades and then the shaded portion is the salary plan?

Mr. AIRHART. That is the effect of the application of the plan, yes.

Mr. SLACK. Which means your higher grades will be increased and your lower grades reduced?

Mr. AIRHART. What we are trying to show is the present number, for instance, of grade 3, then the number that would exist after the application of the plan in total.

Mr. SLACK. I see. Thank you.

Mr. ROONEY. Mr. Smith?

Mr. SMITH. Then you will increase the higher grades and reduce the lower grades?

Judge CAMPBELL. In number of people, yes. That is the purpose.

Mr. SLACK. In other words, this chart deals with numbers of people?

Judge CAMPBELL. Yes, sir. It shows how many people would be affected going from grade to grade.

Mr. SLACK. That is all.

SALARIES OF SUPPORTING PERSONNEL

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Personnel compensation:			
Permanent positions.....	23,136	26,008	28,891
Positions other than permanent.....	292	346	365
Other personnel compensation.....	73	74	302
Total personnel compensation.....	23,500	26,428	29,558
Direct obligations:			
11 Personnel compensation.....	23,493	26,220	29,325
12 Personnel benefits.....	1,740	1,940	2,155
Total direct obligations.....	25,233	28,160	31,480
Reimbursable obligations:			
11 Personnel compensation.....	8	208	233
12 Personnel benefits.....		15	17
Total reimbursable obligations.....	8	223	250
Total obligations.....	25,241	28,383	31,730

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	3,743	3,880	3,880
Full-time equivalent of other positions.....	73	85	85
Average number of all employees.....	3,578	3,860	3,863
Number of employees at end of year.....	3,745	3,877	3,890

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Salaries and benefits:			
Direct program.....	25,233	28,160	31,480
Reimbursable program.....	8	223	250
Total obligations.....	25,241	28,383	31,730
Financing:			
Advances and reimbursements from other accounts (-).....	-8	-223	-250
Unobligated balance lapsing.....	412		
New obligational authority.....	25,645	28,160	31,480
New obligational authority:			
Appropriation.....	25,645	27,000	31,480
Proposed supplemental due to pay increases.....		1,160	

Mr. ROONEY. The next item is entitled "Salaries of Supporting Personnel" and it is to be found beginning at page 341 of the committee print.

We shall insert at this point in the record pages 78 through 101 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Salaries of supporting personnel, the judiciary:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$27,000,000
1963 proposed supplemental due to pay increases.....	1,160,000
Base for 1964.....	28,160,000
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)
	1963 adjusted	1964 estimate	
Compensation and related benefits.....	\$28,160,000	\$31,480,000	+\$3,320,000
Total estimate for 1964.....			+3,320,000
			31,480,000

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$26,220,000	\$29,325,000	+\$3,105,000
12 Personnel benefits.....	1,940,000	2,155,000	+215,000
Total (direct) obligations.....	28,160,000	31,480,000	+3,320,000

¹ Includes \$1,160,000 proposed supplemental due to pay increases.

Analysis of increases requested by class of personnel

	Estimate 1963 ¹		Federal Salary Reform Act	Within-grade promotions	Judiciary salary plan	Other ²	Estimate 1964	
	Positions	Amount					Positions	Amount
Personnel compensation:								
Clerks of courts.....	1,412	\$9,333,000	\$400,000	\$152,300	\$890,000	\$112,400	1,412	\$10,799,700
Probation system.....	888	6,490,000	293,000	142,500	590,000	65,000	888	7,452,400
Secretaries and law clerks.....	830	5,900,000	261,000	122,700	-----	48,300	830	6,332,000
Court reporters.....	314	2,490,000	116,000	-----	-----	19,500	314	2,625,500
Criers and messengers.....	315	1,405,000	40,000	32,500	-----	11,400	315	1,488,900
Other personnel.....	121	808,000	32,000	13,000	-----	6,500	121	859,500
Total, personnel compensation.....	3,880	26,428,000	1,112,000	463,000	1,300,000	255,000	3,880	29,538,000
Personnel benefits.....	-----	1,955,000	76,000	31,000	91,000	19,000	-----	2,172,000
Total, personnel services and benefits.....	3,880	28,383,000	1,188,000	494,000	1,391,000	274,000	3,880	31,730,000
Less: Anticipated reimbursements.....	-----	-223,000	-11,000	-----	-16,000	-----	-----	-250,000
Total (direct) obligations.....	-----	28,160,000	1,177,000	494,000	1,375,000	274,000	-----	31,480,000

¹ Includes \$1,160,000 proposed supplemental due to pay increases.

² Includes \$242,000 for 2 extra compensable days and \$32,000 for a reduction of lapse (3 positions) required by reason of the creation of a new judicial district in the State of Florida.

Summary of increased requirements for 1964

Nature of expense (or savings):

	<i>Amount</i>
1. Additional amount required under the Federal Salary Reform Act of 1962.....	\$1, 177, 000
2. Provision for within-grade salary advancements.....	494, 000
3. For implementation of judiciary salary plan as approved by the Judicial Conference of the United States.....	1, 375, 000
4. Cost of 2 extra compensable days in 1964.....	242, 000
5. 3 additional positions (reduction of lapse) required by reason of the creation of a new judicial district in the State of Florida.....	32, 000
6. Continuing authority for pretrial examiner division of the U.S. District Court for the Southern District of New York with an increase in the amount authorized from \$38,000 to \$38,855 augmented also to the extent of increases in salary authorized pursuant to the Federal Salary Reform Act of 1962.....	
Increase, 1964 over 1963.....	3, 320, 000

JUSTIFICATION

Language changes

The limitations of \$15,950 and \$21,305 on the aggregate salaries of secretaries and law clerks to circuit and district judges have been increased, consistent with the provisions of the Federal Salary Reform Act of 1962, to \$17,670 and \$23,465, respectively. The new limitations reflect the second phase salary increases to take effect on January 6, 1964.

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 prohibition system. The estimate for 1964 provides for pay increases under the Federal Salary Reform Act of 1962; the regrading of deputy clerks in the U.S. district courts and officers and employees in the probation system consistent with new classification standards prescribed in the judiciary salary plan as approved by the Judicial Conference; within-grade salary advancements to be granted court personnel; and for an extension of the authority for a pretrial examiner and staff for the U.S. District Court for the Southern District of New York.

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

Courts of appeals

Cases filed in the courts of appeals during the fiscal year 1962 increased for the fourth consecutive year to a record 4,823 cases. Excluding cross appeals and consolidations, it represents an increase of 279 cases, or approximately 7 percent, over the previous year. During the year the courts disposed of 4,167 cases, which, exclusive of cross appeals and other duplicate appeals, is 118 less than in 1961. The pending backlog thus increased to 3,031 cases on June 30, 1962, which, excluding the cross appeals, represents an increase of 552 over the number pending on June 30, 1961.

The pending backlog thus increased to 3,031 cases on June 30, 1962, or 450 more than were pending on June 30, 1961.

The following table shows caseload data for the U.S. courts of appeals for the past 10 years:

Fiscal year	Filed	Terminated	Pending	Fiscal year	Filed	Terminated	Pending
1953.....	3, 226	3, 240	1, 845	1959.....	3, 754	3, 753	2, 034
1954.....	3, 481	3, 192	2, 134	1960.....	3, 899	3, 713	2, 220
1955.....	3, 695	3, 654	2, 175	1961.....	4, 204	4, 049	2, 375
1956.....	3, 588	3, 734	2, 029	1962 ¹	4, 823	4, 167	3, 031
1957.....	3, 701	3, 687	2, 043		(4, 483)	(3, 931)	(2, 927)
1958.....	3, 694	3, 704	2, 033				

¹ Prior to 1962 all cross appeals, companion and other duplicate appeals were eliminated from the count of cases commenced except for 1 control case for each group. This resulted in smaller published figures for cases commenced, as well as cases terminated and pending. In the interest of conformity, beginning with 1962 all cases filed have been accounted for. For comparative purposes, the number of cases filed, terminated, and pending, exclusive of cross appeals and consolidations, is shown in parentheses.

The district courts

Civil cases.—There were a total of 61,836 civil cases filed in the U.S. district courts during fiscal year 1962 as compared with 58,293 cases filed in the previous year, an increase of 3,543 or 6.1 percent. During 1962 there were 57,996 cases terminated, 2,580 (4.7 percent) more than in 1961 but 3,840 less than the number filed in 1962. Consequently, the pending caseload increased from 64,128 a year ago to 67,968 on June 30, 1962.

An unusual group of cases were filed during the fiscal year 1962 as a result of the antitrust criminal convictions of a number of electrical manufacturing companies. There were 1,741 such cases filed during 1962 and all but 2 of these cases were still pending at the end of the year. Excluding these cases for comparative purposes, the increase in filings actually amounted to only 3.1 percent in 1962 and the ordinary pending load increased only 3.3 percent.

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
1952.....	58, 428	53, 150	51, 861	60, 362
1953.....	64, 001	57, 490	56, 011	60, 873
1954.....	59, 461	57, 903	56, 381	68, 431
1955.....	59, 375	58, 974	57, 269	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	67, 968 ²

¹ Civil and private cases in 1960 and prior years have been adjusted by subtracting terminations for the District Court of Alaska. These were local cases and in the transfer of jurisdiction to the State courts in February 1960, these cases became State cases and therefore should not be used in a comparison of district court work with the 1961 and 1962 figures.

² Includes 1,739 electrical contracting cases.

Additional judgepower

The act of May 19, 1961, authorized the appointment of 63 additional judges for the U.S. district courts. Forty-nine were appointed and entered on duty prior to the end of the calendar year 1961. Examining the duty status of all the new judges appointed during fiscal year 1962, it is estimated that the judgepower available in 1962 was 10 percent more than in 1961. With this in mind, it is interesting to note that there was a 4.7 percent increase in the number of trials reported in 1962 as compared with 1961, but that there was 10.1 percent increase in trial days. There actually was no increase at all in the number of trials or trial work in the first half of fiscal year 1962 but during the second half the number of trials increased 11 percent and trial days increased 19 percent. The statistics indicate that the district courts were able to accomplish in trial work exactly what could be expected in terms of the amount of new judgepower made available during the year.

Criminal proceedings.—The number of defendants prosecuted in the U.S. district courts has remained relatively constant for the past several years. However, during fiscal year 1962, there was an increase of about 1,000 or 2.8 percent, compared with the number prosecuted in the previous year. The number of criminal defendants whose proceedings were terminated was 235 more than in the previous year but 1,470 less than the number filed on in 1962. Consequently, the defendants in pending criminal cases rose from 11,440 a year ago to 12,910 as of June 30, 1962. 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 5 years:

Fiscal year	Com- menced	Termi- nated	Pending
1957.....	35,015	34,778	9,948
1958.....	35,517	34,744	10,558
1959.....	35,017	34,567	10,845
1961.....	35,139	34,403	11,440
1962.....	36,108	34,638	12,910

Passport Applications.—The number of passport applications that the district courts processed during the fiscal year 1962 showed a substantial increase over the previous year. During 1962, 249,655 passport applications were processed, compared with 220,699 in 1961, an increase of 28,956 or 13 percent.

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

Fiscal year	Total passport applica- tions filed	Number of passport ap- plications filed in the district courts	Percentage of applica- tions 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

Despite an increase in the number of separate passport offices maintained by the Department of State, the number of passport applications processed by the district courts during the past 5 years has increased by 78,000 or more than 45 percent.

Naturalization.—The number of petitions for naturalization filed during 1962 decreased 2 percent over 1961. Naturalization petitions in 1962 numbered 101,804, compared with 104,352 in 1961. The number of aliens naturalized also dropped slightly, from 101,002 in 1961 to 98,573 in 1962.

Probation system.—The average supervision load of the probation officer was 70 cases. In addition, he conducted an average of four complete presentence investigations per month.

Despite the addition of 16 probation officers in fiscal year 1962, the average workload per officer increased for the third consecutive year. The following table shows the workload for the past 6 years expressed in terms of units. One unit is given for each person supervised and 4 units for each presentence investigation made per month:

End of fiscal year	Number of probation officers	Average workload unit		
		Supervision	Presentence investigation	Total
1957.....	481	69	16	85
1958.....	487	69	17	86
1959.....	508	67	16	83
1960.....	506	68	16	84
1961.....	506	69	16	85
1962.....	522	70	16	86

During 1962 a total of 21,921 persons were received for supervision compared with 20,356 in the previous year, an increase of 1,565, or 7.7 percent. At the close of fiscal year 1962, there were 36,663 persons under supervision compared with 35,065 at the end of 1961, an increase of 1,598 or 4.6 percent. Probation officers also were required to conduct a greater number of investigations, 31,867 in 1962 compared with 31,082 in 1961, an increase of 785, or 2.5 percent.

In 1962 the daily per capita cost of probation was 56 cents a day, compared with \$5.35¹ a day for Federal prisoners in Federal institutions, or a yearly cost of \$206 compared with \$1,953. Both probation and parole help to lower the institutional population and, ultimately, the cost to the taxpayer. More significant than these savings are the social benefits of probation which cannot be measured in dollars and cents. The following tables show the cost of Federal probation compared with the cost of Federal imprisonment, fiscal year 1953 through 1962:

	Cost per day		Cost per year	
	Probation	Imprisonment	Probation	Imprisonment
1953.....	\$0.26	\$3.55	\$96.41	\$1,295.75
1954.....	.27	3.41	98.26	1,243.19
1955.....	.27	3.08	97.37	1,343.20
1956.....	.32	3.97	118.14	1,449.05
1957.....	.41	4.38	150.74	1,598.70
1958.....	.43	4.36	156.75	1,591.40
1959.....	.51	4.82	184.81	1,759.30
1960.....	.62	5.12	190.58	1,873.00
1961.....	.67	5.26	208.00	1,919.00
1962.....	.56	5.35	206.00	1,953.00

Detailed justifications

An appropriation of \$31,480,000 is requested for fiscal year 1964, which is \$3,320,000 over the amount appropriated for 1963 adjusted to include a proposed supplemental of \$1,160,000 for "pay costs" under the Federal Salary Reform Act of 1962 (Public Law 87-793, approved Oct. 11, 1962). The increase in budgetary requirements is explained below.

Requirements under the Federal Salary Reform Act of 1962

An additional \$1,177,000 will be required in fiscal year 1964 to cover the full-year cost of pay increases granted supporting personnel of the U.S. courts of appeals and the U.S. district courts effective October 15, 1962, and approximately one-half of the annual cost of increases in salary, including related benefits, which are scheduled to take effect on January 6, 1964. The following is a breakdown by fiscal year of the total cost of pay increases under the Federal Salary Reform Act of 1962:

	1963 proposed supplemental	1964 budgetary requirements	1965 budgetary requirements	Total cost
1st phase (effective Oct. 15, 1962):				
Compensation.....	\$1,086,000	\$440,000		\$1,526,000
Benefits.....	74,000	30,000		104,000
Total.....	1,160,000	470,000		1,630,000
2d phase (effective Jan. 6, 1964):				
Compensation.....		662,000	\$695,000	1,357,000
Benefits.....		45,000	48,000	93,000
Total.....		707,000	743,000	1,450,000
Grand total.....	1,160,000	1,177,000	743,000	3,080,000

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

¹ Including Federal prisoners confined at local jails under contract, the per capita daily cost is \$4.99.

from the pay increases, that is, amounts to be reimbursed from other agencies or accounts.

Pay costs in the fiscal year 1963 will be absorbed to the maximum extent possible. Any savings realized in 1963 would be the result of a delay in appointment of law clerks, secretaries and other supporting personnel by new judges appointed or to be appointed pursuant to the omnibus judgeship legislation and, consequently, the savings would not be of a recurring nature. Pay costs in 1964 cannot be absorbed without seriously affecting the execution of essential functions, particularly in view of the increased workload of the courts of appeals and district courts and the fact that no additional positions have been requested.

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 \$494,000 of which \$463,000 represents increases in compensation and \$31,000 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 1964 is somewhat higher than the estimate for 1963 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 timing of within-grade increases.

Judiciary salary plan

The Judicial Conference of the United States in furthering a program which commenced in 1958 of reviewing, as time would permit, the classification standards of all judiciary personnel, directed "the Administrative Office to proceed as expeditiously as possible with a survey and the preparation of a report with respect to the appropriate grading and classification of personnel in the clerks' offices, the probation offices, and the referees' offices of the district courts to the end that a proper and equitable classification be made for the various positions in these offices."

The material available in the Administrative Office pertinent to this problem was studied and 17 district courts were surveyed. Prior to the visits, position descriptions, personnel organization charts, experience and qualification statements and functional charts were requested from each district. This material was carefully studied in advance by the survey teams each of which was composed of two members of the staff of the Personnel Division. A study of the data collected clearly indicated that an attempt should not be made to either adopt or adapt any of the classification systems used by the Civil Service Commission, the Atomic Energy Commission, the Navy Department, the Post Office Department or others which are available. This was true because of the unique nature of the judicial function, the independence and autonomy of the courts, the wide variation in the organizational arrangements among the courts and the lack of uniformity in the assignment of duties and responsibilities to each of the employees. Each of these characteristics was considered in the development of a classification and salary plan which was specifically designed to fit the Federal judiciary and which in September 1961 was approved by the Judicial Conference of the United States subject to the availability of funds.

Briefly, the purpose and objectives of the plan as approved by the judicial conference are:

- (1) Establishing an equitable general salary level for the courts which is commensurate with the nature and importance of the function of the judicial branch of the Government.
- (2) Providing educational and experience requirements for all positions.
- (3) Providing duty and responsibility statements for all positions.
- (4) Providing standards which are valid for the positions to be classified.
- (5) Reducing the disparities in the internal salary alignment in relation to the difficulty and importance of the work performed.
- (6) Reducing or eliminating the inequities in the present system.
- (7) And, finally, by providing a basis for furthering the concept of a career service for supporting personnel.

The basic salary plan is designed around functions which are common to all the courts. Each of the functions which are designated as "landmarks" are placed in alignment with others and assigned to compensation categories. Within this framework each compensation category for each function is further divided into two, three, or four grade or salary levels. The four-level compensation category applies only to probation officers and represents the time and development essential to achieve the full professional level of probation officer. This four-level category includes a basic trainee level, an assistant level, and associate level and a journeyman level. The three-level compensation categories apply to the technical or semiprofessional types of positions and include an entrance level, an associate or intermediate level, and a journeyman level. The two-level categories apply to positions which are primarily clerical in nature, and include an entrance level and a journeyman level. A schedule showing landmark functions as key positions; the grade levels associated with these key positions; and the alignment of the various key positions into compensation categories is included in this document as exhibit A.

The budgetary requirements for implementation of the plan are as follows:

	Compensation	Benefits	Total
Deputy clerks (district courts).....	\$785,000	\$55,000	\$840,000
Probation officers and clerk-stenographers.....	500,000	35,000	535,000
Clerks to referees.....	257,500	17,500	275,000
Total.....	1,542,500	107,500	1,650,000

¹ The request for funds included under the appropriation heading "Expenses of referees."

The cost estimates were derived by establishing for the courts as a whole the number of employees expected to be placed in the various grade levels consistent with a pattern which was developed by application of the new standards in 13 of the districts surveyed by the Administrative Office.

Approximately 50 percent of the positions will be affected by the new standards and the median and average grades expected to prevail for those positions will be as follows:

	Median grade		Average grade	
	Current	Proposed	Current	Proposed
Deputy clerks, district courts.....	GS-6.....	GS-8.....	6.6	8.4
Probation system:				
Officers.....	GS-11.....	GS-12.....	10.9	12.0
Clerk-stenographers.....	GS-5.....	GS-5.....	4.7	5.1
Bankruptcy system: Clerks to referees.....	GS-5.....	GS-6.....	4.9	6.2

Cost of 2 extra compensable days in 1964

The sum of \$242,000 (\$225,000 for personnel compensation and \$17,000 for related personnel benefits) has been included to cover regular pay in excess of 52 weeks. Employees will be compensated, on a biweekly basis, for 262 days in fiscal year 1964 as compared with only 260 compensable days in 1963.

New judicial district in the State of Florida

The act of June 30, 1962 (Public Law 87-562) which created an additional judicial district for the State of Florida to be known as the middle district, and which also established two new places of holding court, Live Oak and St. Petersburg, necessitated the appointment of a clerk of court and two additional deputy clerks as follows:

	Per annum
Clerk of court (ungraded).....	\$15,525
Chief deputy clerk (GS-12).....	9,475
Financial deputy (GS-7).....	5,540
Total.....	30,540

It is requested that the sum of \$30,000 be provided to cover the salaries of these three positions (reduction of lapse) and an additional \$2,000 for related personnel benefits—Government contributions to the retirement fund, and premiums for group life insurance and health benefits. The amount requested

herein is consistent with the estimate furnished to the Committee on the Judiciary, House of Representatives, when it was giving consideration to the bill.

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

The Congress in fiscal year 1963 granted a 1-year extension of the authority and the funds (\$38,000) 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 with an increase in the amount authorized from \$38,000 to \$38,855 augmented also to the extent of increases in salary (including related benefits) under the Federal Salary Reform Act of 1962 effective on October 15, 1962, and those which are scheduled to take effect on January 6, 1964.

Mr. ROONEY. These pages indicate that the request is in the amount of \$31,480,000, which would be an increase of \$4,480,000 over the amount appropriated for this item in the current fiscal year and an increase of \$3,320,000 when anticipated Pay Act increases are included.

It might be well if we called attention to the new members of the subcommittee, that at the beginning of the committee print is to be found a chart which would indicate what they received prior to last October, what they received beginning October 1962, and what they will receive beginning January 1964 under the Classification Act, Public Law 87-793 of October 11, 1962.

INCREASES REQUESTED

With regard to this request for "Salaries of supporting personnel" you will find at page 81 a chart giving a list of increases requested.

Would it be correct to say that of the \$3,320,000 increase requested all of this with the exception of \$1,375,000 for the so-called judiciary salary plan and \$32,000 in connection with the creation of a new judicial district in the State of Florida is required by existing law?

JUDGE CAMPBELL. I think that would be a correct statement, Mr. Chairman.

Mr. ROONEY. This page 81, particularly with regard to the \$1,375,000 for the so-called judiciary salary plan, is further broken down at pages 98 and 99.

GRADE DISTRIBUTION UNDER PROPOSED JUDICIARY SALARY PLAN

It occurs to us, with regard to this chart of the so-called judiciary salary plan, that this information might better be set up by way of a chart showing the figures with regard to the exact number of grades and the exact number of those grades that will be promoted to an advanced grade or grades. Can you do that for us?

Judge CAMPBELL. Yes, sir.

Mr. AIRHART. It would still have to be an estimate because we could not give you an exact figure until we have actually done this.

Mr. ROONEY. We want the exact figure that comes to this \$1,650,000.

Judge CAMPBELL. Certainly we can give you that.

Mr. ROONEY. How could you arrive at \$1,650,000 if you did not have the numbers?

Mr. AIRHART. By taking the 17 courts in which we did a detailed review and applying it overall. But it is an estimate.

Judge CAMPBELL. But we can show, and should, the number that we allocate in each grade in each court that add up to the \$1,650,000 we are asking for. That is what the chairman wants and we will get it.

(The information requested follows:)

Present and proposed grade distribution of employees to be classified under the judiciary salary plan and the total cost of reclassifications

Grade	Deputy clerks (district courts)				Probation system				Clerks to referees				
	Present		Proposed		Present		Proposed		Present		Proposed		
	Positions	Salary	Positions	Salary	Positions	Salary	Positions	Salary	Positions	Salary	Positions	Salary	
GS-15			2	\$29,162	1	\$15,494	7	\$113,547					
GS-14			9	117,730	11	162,698	33	449,966					
GS-13			34	382,242	68	830,357	80	694,669			3	\$33,509	
GS-12		\$132,980	69	657,259	40	418,704	311	3,032,682			6	57,533	
GS-11		175,788	129	1,049,794	225	2,021,864	60	483,246			11	89,086	
GS-10		150,654	118	881,469	97	770,640					14	105,863	
GS-9		69	682,666	249	1,722,859	79	561,267						
GS-8		61	476,216	189	1,196,354	7	48,880	30	292,562				
GS-7		80	563,347	182	1,027,603	7	82,493	12	82,493	14	97,302	63	442,374
GS-6		267	1,694,659	115	602,222	33	206,114	94	575,682	95	597,480	80	505,648
GS-5		280	1,690,048	83	391,622	104	1,051,627	67	383,328	93	383,328	90	511,035
GS-4		240	1,226,410	28	118,622	126	552,760	50	200,560	133	671,268	111	525,637
GS-3		142	643,448	3	13,333	7	30,555	7	30,555	156	697,133	108	482,332
GS-2		17	71,698							141	582,150	54	215,583
		3	12,501							7	27,643		
Total	1,210	7,300,271	1,210	8,190,271	888	6,662,736	888	7,162,736	633	3,210,520	633	3,453,020	

	Deputy clerks (district courts)	Probation system	Clerks to referees
Total salary increases.....	\$800,000	\$500,000	\$242,500
Related benefits.....	56,000	35,000	16,500
Reimbursable services.....	—16,000	—	16,000
Net cost.....	\$840,000	535,000	275,000
Recapitulation:			
Deputy clerks (district courts).....	\$840,000	—	—
Probation system.....	—	535,000	—
Clerks to referees.....	—	—	275,000
Total.....	—	—	1,650,000

NOTE.—The cost of the judiciary salary plan originally was estimated at \$1,500,000 which estimate was approved by the Judicial Conference of the United States. The cost of the plan will be higher by reason of the passage of the Federal Salary Reform Act of 1962, and its provisions relating to the granting of not less than the equivalent of 2 step increases in salary to any officer or employee who is promoted or transferred to a position in a higher grade.

EMPLOYEES RECEIVING MORE THAN ONE-STEP ADVANCE IN GRADE

Mr. ROONEY. Now, in connection with the judiciary salary plan, are there any employees that could receive more than a one-step advance in grade?

Judge CAMPBELL. Yes. I think some of the deputy clerks would go from GS-6 to GS-8.

Mr. AIRHART. There are other instances of that. For instance, as you remember, we found bankruptcy docketing clerks by and large were grade 3 against other docketing clerks grade 5.

Judge CAMPBELL. There would be some that would go from GS-3 to GS-5, and some from GS-6 to GS-8. Others would be advanced one grade.

Mr. ROONEY. Am I to understand this chart at page 99 of the justifications, which would indicate the jumps in grade, only applies to part of the \$1,650,000?

Judge CAMPBELL. Approximately 50 percent or even more of the positions covered.

Mr. AIRHART. This is intended, Mr. Chairman, to give the new overall average grades in these various groups after we have applied the plan to the positions. In other words, the professional probation area we are changing from a 6-year term from grade 9 to grade 11, to a 3-year, and this gives the resulting median grade.

AUTHORITY IN LAW FOR PROPOSAL

Mr. ROONEY. By the way, what is the authority in law for this proposal? Why would not a successful point of order lie against it?

Mr. AIRHART. In section 604 of title 28 and elsewhere is authority for the Director, under the supervision of the Judicial Conference, to set the compensation of these groups of employees.

Mr. ROONEY. Will you please set that statute forth at this point in the record?

Mr. AIRHART. Yes, sir.

(The information supplied follows:)

Title 28 U.S.C. 604(a):

"The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States, shall:

* * * * *

"(5) Fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law; * * *."

Also under 18 U.S.C. 3656:

"The Director of the Administrative Office of the United States Courts, * * * shall, under the supervision and direction of the Judicial Conference of the United States, fix the salaries of probation officers * * *."

Also under 11 U.S.C. 102(a)(2):

"The actual and necessary office and other expenses of referees shall be allowed when authorized and approved by the Director, including compensation of clerical, stenographic and other assistants of referees at rates to be fixed by the Director, * * *."

DIFFICULTIES IN OBTAINING QUALIFIED PERSONNEL

Mr. ROONEY. Do any of you gentlemen present have any further information with regard to the difficulty in obtaining qualified personnel in the area covered by the \$1,650,000?

Judge CAMPBELL. I think the survey indicated that; the study made by the Committee on Supporting Personnel. We can get that. I can tell you, and so can the other judges here, as to our own districts and circuits, but as to the overall country, that is available through the Committee on Supporting Personnel and we can make that available to you.

Mr. ROONEY. How voluminous is that?

Judge CAMPBELL. It is voluminous because it goes into detail in each district and then applies to that general area. But we can boil it down.

Mr. ROONEY. Will you please see that each member of the committee is handed a copy of that document at your earliest opportunity?

Judge CAMPBELL. Yes, sir.

PASSPORT APPLICATIONS

Mr. ROONEY. At pages 86 and 88 are to be found various workload figures with regard to district courts, and at page 89 is a chart with regard to number of passport applications filed in these district courts.

Gentlemen, it might be well to remember at a future point when we hear the justifications of the Department of State, that while the passport applications filed in the district courts increased by 28,956 in fiscal 1962 over 1961, the total increase in total passport applications, which includes courts other than the district courts and the passport agencies, increased in 1962 over 1961 by only 20,256.

What persuasion do you have on the public in using the district courts for passport applications rather than the passport agencies?

Judge CAMPBELL. In my own district they have a passport office in Chicago. We do issue some in our Western Division at Freeport, which I am sorry to say is still with us, but other than that they all go to the passport office, and I am unable to answer the question as to my district. I do not think any persuasion exists in the overall picture except the convenience of the district court offices, having deputies in an area where there has been an increase in travel. I think it is a matter of convenience of the clerk's offices.

Do any of the other judges have that problem?

Judge McGUIRE. We do not have that problem because we do not issue them.

Mr. Bow. They can go to the county clerk too.

Judge WEINMAN. Yes, but they go to the district courts usually.

Mr. ROONEY. In New York we have the county clerk's office, we have the Federal court, and we have the passport office.

Judge CAMPBELL. You use all three, then.

Mr. ROONEY. Any questions, gentlemen? If there are no questions we thank you, Judge Campbell, Judge McGuire, and gentlemen.

FEES OF JURORS AND COMMISSIONERS

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Fees of U.S. commissioners.....	810	818	818
Fees of jury commissioners.....	10	10	10
Fees of jurors.....	2,662	2,910	2,910
Total personnel compensation.....	3,482	3,738	3,738
12 Personnel benefits.....	32	32	32
21 Travel and transportation of persons (jurors).....	1,523	1,665	1,665
25 Other services (meals and lodging furnished jurors).....	63	65	65
Total obligations.....	5,100	5,500	5,500

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities:			
Fees and related benefits of U.S. commissioners.....	843	850	850
Fees of jury commissioners.....	10	10	10
Fees, expenses, and costs of jurors.....	4,248	4,640	4,640
Total obligations.....	5,100	5,500	5,500
Financing:			
1963 appropriation available in 1962.....	-300	300	
New obligational authority (appropriation).....	4,800	5,800	5,500

Mr. ROONEY. We will proceed to the next item, which is entitled "Fees of jurors and commissioners." This is to be found at page 344 of the committee print and is a request for \$5,500,000, which would be a decrease of \$300,000 below the amount appropriated for this item for the current fiscal year. However, \$300,000 of the 1963 appropriation was available for fiscal 1962 obligations. Is that correct?

Judge CAMPBELL. That is correct.

JUSTIFICATION MATERIAL

Mr. ROONEY. We shall insert at this point in the record pages 102 through 109 of the justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

Fees of jurors and commissioners, U.S. courts:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$5,800,000
Base for 1964.....	5,800,000
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or de- crease (-)	
	1963 appro- priated	1964 estimate		
Jury costs.....	\$4,650,000	\$4,650,000		
Commissioners' fees and related benefits.....	850,000	850,000		
1963 appropriation available 1962.....	300,000		-300,000	
Gross requirements.....	5,800,000	5,500,000	-300,000	-300,000
Total estimate for 1964.....				5,500,000

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation:			
Fees of U.S. commissioners.....	\$818,000	\$818,000	
Fees of jury commissioners.....	10,000	10,000	
Fees of jurors.....	2,910,000	2,910,000	
12 Personnel benefits.....	32,000	32,000	
21 Travel and transportation of persons (jurors).....	1,665,000	1,665,000	
25 Other services (meals and lodging furnished jurors).....	65,000	65,000	
Total obligations.....	5,500,000	5,500,000	

JUSTIFICATION

Language changes

The amount provided in 1963 for the liquidation of obligations incurred in 1962 has been deducted in establishing the budgetary requirements for 1964. Accordingly, the proviso, which is quoted below, with respect to the payment of prior year obligations may be deleted.

"Provided, That \$300,000 of the foregoing amount shall be available for the payment of obligations incurred under the appropriation for similar purposes for the preceding fiscal year."

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 authority, 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 depends 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 7 years, the amount appropriated for 1963 and the estimate for 1964:

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.....	4,196,300	¹ +12.5	783,700	² +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	831,404	+3.5
1962.....	4,259,612	+13.0	840,388	+1.1
1963 (estimated).....	4,650,000	+9.2	850,000	+1.1
1964 (estimated).....	4,650,000	0	850,000	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.

Fees paid jurors for services rendered in fiscal year 1962 were \$492,000 or 13 percent more than in the previous year but only \$50,000 more than the total paid in 1959. The savings of almost a half million dollars accomplished in 1960 and 1961, due primarily to the program conducted by the courts to develop and install improved and more effective systems of calendar control and juror utilization, has been offset by reason of the activities of the additional district judges appointed pursuant to the omnibus judgeship legislation. Only 51 of the 63 new district judgeships were filled during the fiscal year 1962 and a review of the dates of entry on duty of each of the new judges revealed that they served and were in a pay status for a grand total of 12,899 days, or the equivalent of 36 man-years. With the appointment of new judges to fill the remaining new judgeship vacancies and taking into account the full-year serve of the judges appointed in 1962, it is expected that jury costs in 1963 will reach \$4,650,000. No increase is requested for fiscal year 1964.

Petit jury administration

During 1962 the district courts chose 5,732 petit juries, an increase of 266 over the previous year. In these jury selection operations 340,701 days of juror service were required, an increase of 7 percent over the previous year. Juror-days used in actual jury service or challenged were 240,175 while 100,526 remained in reserve. This established a juror utilization figure of 70.5 percent for the year, compared with 71.9 percent in 1961. Utilization for the first day of trial only (second and subsequent days of trial excluded) was 51.2 percent, compared with 52.7 percent the previous year.

A comparison of the administration of the petit jury system in the district courts during the last 3 years is as follows:

Petit jurors serving in the U.S. district courts during the fiscal years 1960, 1961, and 1962

	Fiscal year		
	1960 ¹	1961	1962
Number of juries chosen.....	5,719	5,466	5,732
Average panel present on the first day of trial.....	30.2	30.7	29.7
Days panels present and no new trial begun:			
Number of days.....	825	778	992
Number of jurors.....	27,108	27,576	31,975
Days of juror service:			
Total.....	322,769	318,175	340,701
Serving:			
First day of trial.....	70,825	67,349	69,971
Subsequent days of trial.....	129,241	129,143	134,917
Challenged.....	32,632	32,261	35,287
In reserve.....	90,070	89,422	100,526
Percent serving or challenged.....	72.1	71.9	70.5
Percent serving or challenged excluding second and subsequent days of trial.....	53.5	52.7	51.2

¹ The figure for 1960 does not include Alaska, Guam, and the Virgin Islands.

A summary of the number of days petit juror panels were called and not used and the number of jurors therein, during the fiscal year ending June 30, 1962, by district, is included as exhibit B.

Fees and related benefits of U.S. commissioners for services rendered during fiscal year 1963 are estimated at \$850,000 an increase over 1962 of approximately \$10,000 or 1 percent. This anticipated increase is due to some extent to the higher taxes payable, effective January 1, 1963, under the Federal Insurance Contributions Act, as amended.

No increase in the appropriation has been requested. On the contrary, the sum of \$300,000 provided in 1963 to liquidate obligations incurred in 1962 has been deducted in establishing the budgetary requirements for 1964.

OBLIGATIONS

Mr. ROONEY. What have been the obligations for the first 6 months of 1963 as compared with 1962?

Mr. ANDERSON. The obligations—and this is cash payments—through December, fiscal year 1963, were \$1,716,616 as compared with \$1,490,468 for the previous year. Those are cumulative payments for 6 months and they represent a 15-percent increase.

May I say in this area that percentage increase will not prevail the rest of the year, we believe, for the reason these figures are those which compare currently with a greater number of judges on the rolls than for the 6 months of the previous fiscal year. For the rest of this fiscal year the number of judges are comparable, so we do not expect the increase to continue.

Mr. ROONEY. Are there any questions with regard to this item of "Fees of jurors and commissioners"?

INCREASE IN RATE OF FEES

Mr. Bow. How long has it been since there has been an increase in fees of U.S. commissioners?

Judge CAMPBELL. 1950, was it not, was the last increase?

Mr. GARABEDIAN. The last increase was 1958, Congressman.

Mr. ANDERSON. An increase in the rate of fees.

Mr. Bow. To what extent was that?

Mr. GARABEDIAN. The increase was effective September 2, 1957. I do not remember the exact increase in fees although I recall it was in the vicinity of between 20 and 25 percent, in the basic fees.

Mr. ROONEY. Page 106 of these justifications seems to indicate the percentage increase was 27 percent in 1958.

Mr. SMITH. Mr. Chairman, I have one question.

Mr. ROONEY. Mr. Smith?

Mr. SMITH. What do jurors receive now?

Mr. ANDERSON. \$7 per day and 10 cents a mile from place of residence to place of holding court.

Mr. SMITH. Were the people who were interested in the salaries of supporting personnel also interested in the fees paid to jurors?

Judge CAMPBELL. Yes; but that was considered by a different committee of the Judicial Conference and they have not made their report yet. When they do, I hope they go into that field and also in the field of allowing U.S. commissioners in the larger areas to go on a salary basis. The present fees for commissioners in a large city are inadequate and they have to sit practically all the time.

Mr. SMITH. And if he has a family he has to penalize his family?

Judge CAMPBELL. Yes. We try to reduce the amount of time jurors have to spend as much as we can. They never have to sit for more than a month and we try our best to sell them on the idea, which is the truth, that this is a duty of citizenship and not something for which they receive a fee commensurate with the time they spend.

Mr. ROONEY. Is it not true that jurors also consider they are performing a patriotic duty?

Judge CAMPBELL. That is true. We still have the problem of farmers having to come in where it is a great hardship. But it is an obligation of citizenship. I tell every juror I impanel that the fee they receive is not the estimate of the Congress of the value of their services, or the estimate of our court of the value of their services, that they are contributing their part as citizens to the government of the people and for this they should not expect to be paid on a time basis.

The commissioners, now, are a little different in a large city. In Chicago there was a case last year that was intolerable, where a commissioner made \$3,500. In fact, he would like a job in the clerk's office. To live on that in Chicago is ridiculous.

Judge McGUIRE. In the District of Columbia he is entitled to \$10,500 a year but he works around the clock and he has no Government insurance and none of the benefits that would be his if he were employed on a salary basis. So I would think in the larger cities the commissioner should be put on a salary basis.

Judge CAMPBELL. It is very necessary. I do not see how they can continue to exist under the present system and to ask them to continue as a public service any longer is almost disgraceful.

Mr. Bow. There is no other system that could be used other than the commissioner system? Is it antiquated?

Judge McGUIRE. We also use judges of the court of general sessions but our volume is very large in the District.

ATTITUDE OF EMPLOYERS

I might say, in connection with what Judge Campbell has said about jurors, we have had very well known firms in the District of

Columbia say to an employee that if he sits on a jury in the District his services will be terminated. They are not very patriotic. That has been my experience.

Judge CAMPBELL. I must say in defense of some of the firms who have taken that attitude in Chicago, I have sent for the head of the firm and he has not had this attitude.

Mr. ROONEY. I can say as a former prosecutor in Brooklyn our best jurors came from employees of utility companies and they were encouraged to serve by their employers. They were for law and order.

Judge CAMPBELL. There is a case coming up from one of the circuits saying that is an unfair selection of jurors, that too great a percentage of jurors are coming from utility companies and banks and in criminal cases this supposed to work against the defendants.

Mr. SMITH. You do not get a fair average of your peers when a large percentage comes from utility companies and banks or any particular segment.

Mr. ROONEY. For a person having a small one-man or family business it is a terrific hardship.

Judge MCGUIRE. It is.

Judge CAMPBELL. And it is a hardship on the farmer at certain times of the year. But you have to have the farmer and the little businessman or you do not have the cross section that the statute anticipates.

Mr. ROONEY. If there are no further questions the committee will now stand adjourned until 2 o'clock, when we will proceed with "Travel and miscellaneous expenses."

AFTERNOON SESSION

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

TRAVEL AND MISCELLANEOUS EXPENSES

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Direct obligations:			
21 Travel and transportation of persons.....	1,705	1,890	1,890
22 Transportation of things.....	51	36	36
23 Rent, communications, and utilities.....	645	708	779
24 Printing and reproduction.....	265	260	270
25 Other services.....	92	122	122
Transcripts ordered by courts.....	116	110	200
26 Supplies and materials.....	252	255	285
31 Equipment:			
General office.....	306	172	127
Furniture.....	668	-----	-----
Lawbooks, accessions.....	630	437	153
Lawbooks, continuations.....	487	600	678
Total direct obligations.....	5,218	4,600	4,550
Reimbursable obligations:			
23 Rent, communications, and utilities.....	-----	1	1
24 Printing and reproduction.....	9	10	10
25 Other services.....	-----	1	1
26 Supplies and materials.....	1	6	6
31 Equipment.....	-----	2	2
Total reimbursable obligations.....	10	20	20
Total obligations.....	5,228	4,620	4,570

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Travel and miscellaneous expenses:			
Direct program.....	5,218	4,600	4,550
Reimbursable program.....	10	20	20
Total obligations.....	5,228	4,620	4,570
Financing:			
Advances and reimbursements from other accounts (-).....	-10	-20	-20
Unobligated balance lapsing.....	220		
New obligational authority (appropriation).....	5,438	4,600	4,550

Mr. ROONEY. The next item is entitled "Travel and miscellaneous expenses," and is to be found on page 346 of the committee print.

The justifications with regard thereto begin at page 110 of the justification book, which page we shall insert at this point in the record, together with pages 111 through 123.

(The justification pages follow:)

Statement relating appropriation estimate to current appropriation

Travel and miscellaneous expenses, U.S. courts:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$4,600,000
Base for 1964.....	
Net difference, 1964 over 1963:.....	4,600,000

	Requirements		Difference, increase (+) or decrease (-)
	1963 appropriated	1964 estimate	
Travel expenses.....	\$1,890,000	\$1,890,000	
Miscellaneous expenses.....	2,710,000	2,660,000	-\$50,000
Total.....	4,600,000	4,550,000	-50,000
Total estimate for 1964.....			4,550,000

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
21 Travel and transportation of persons.....	\$1,890,000	\$1,890,000	
22 Transportation of things.....	36,500	36,500	
23 Rent, communications, and utilities.....	708,000	779,000	+\$71,000
24 Printing and reproduction.....	269,000	279,000	+10,000
25 Other services.....	122,500	122,500	
Transcripts ordered by court.....	110,000	200,000	+90,000
26 Supplies and materials.....	255,000	285,000	+30,000
31 Equipment:			
General office.....	172,000	172,000	-45,000
Lawbooks, accessions.....	437,000	153,000	-284,000
Lawbooks, continuations.....	600,000	678,000	+78,000
Total (direct) obligations.....	4,600,000	4,550,000	-50,000

Summary of increased requirements for 1964

Nature of expense (or savings):

DEDUCTION

Nonrecurring expenses authorized for fiscal year 1963 for new judges appointed pursuant to the act of May 19, 1961.....	Amount —\$330,000
---	----------------------

ADDITIONS

1. To provide for modernization and expansion of telephone facilities to efficient operating levels in new and existing buildings.....	42,000
2. To cover increases in the annual cost of printing records in forma pauperis for the Supreme Court.....	10,000
3. To cover increased volume of photocopying supplies being consumed by the courts.....	30,000
4. To cover increased volume of transcripts in forma pauperis..	90,000
5. For additional continuation material required to maintain the court libraries and to cover contractual rate increases for such material.....	78,000
6. To cover increased postal rates.....	30,000
Net decrease, 1964 over 1963.....	—50,000

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 1962 the courts of appeals received a record 4,823 new appeals, an increase of 279 cases or 6.6 percent over the previous year. Civil cases filed in the U.S. district courts increased 6.1 percent, from 58,293 to 61,836. There also was an increase of 2.8 percent in the number of defendants prosecuted for criminal offenses in the district courts. During 1962 the number of passport applications processed by the district courts increased 13 percent, from 220,699 to 249,655. Probation officers were called upon to conduct a greater number of investigations and received a greater number of persons for supervision. 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 \$4,550,000 will be required in 1964, which is \$50,000 less than the sum available for the fiscal year 1963. Anticipated increases in budgetary requirements have been more than offset by a deduction for the nonrecurring expenses authorized for the fiscal year 1963 for new judges appointed pursuant to the act of May 19, 1961, Public 87-36.

Deduction for nonrecurring expenses authorized for fiscal year 1963

The following expenses which were authorized for fiscal year 1963 for new judges and their staffs were of a nonrecurring nature and, accordingly, have been deducted in establishing the budgetary requirements for fiscal year 1964:

Nature of expense

Installation of telephone equipment.....	\$1,000
General office equipment.....	45,000
Lawbooks, accessions.....	284,000
Total.....	330,000

Modernization and expansion of telephone facilities

It is requested that an additional \$42,000 be provided for the modernization of telephone equipment and services and for the installation of telephone facilities in new court quarters:

Several years ago a program of improving and expanding the telephone facilities in the offices of the U.S. circuit and district judges, the clerks' offices, and the probation offices was commenced. Considerable progress has been made in this area; however, the program is not quite complete. In addition to the continuation of this program which embraces existing facilities, additional telephone equipment and services will be required incident to the occupancy of new buildings.

Increased cost of printing records in forma pauperis for the Supreme Court

By reason of changes in the basic concepts for allowances of proceedings in forma pauperis resulting from the decisions in *Johnson v. U.S.*, 352 US 565; *Farley v. U.S.*, 354 US 521; *Ellis v. U.S.*, 356 US 674; and more recently, *Coppedge v. U.S.*, 369 US 438, a marked increase has occurred in the number of appeals where the defendant is permitted to proceed in forma pauperis, receive transcript, and have a record or joint appendix printed at Government expense. The following table shows the amount available and the actual cost of printing records in forma pauperis for the Supreme Court since prior to the *Johnson* decision:

Fiscal year	Amount available	Amount obligated	Fiscal year	Amount available	Amount obligated
1956.....	\$2,000	\$5,535	1960.....	\$18,000	\$14,743
1957.....	2,000	15,275	1961.....	18,000	21,465
1958.....	2,000	17,929	1962.....	18,000	22,393
1959.....	10,000	13,369			

¹ Johnson opinion of Mar. 4, 1957.

In view of the *Coppedge* decision of April 30, 1962, it is anticipated that a greater number of defendants will be allowed to appeal in forma pauperis and that the total cost of records or joint appendixes provided at Government expense will approximate \$28,000. A contributing factor is an increase in the cost of printing at the Government Printing Office. The Public Printer, under date of February 14, 1962, announced that there would be an overall increase in charges to departments of approximately 3 percent. However, the actual increase in the cost of printing records has been 14 percent or, from \$7 to \$8 a page.

Increase in the volume of photocopying supplies

The consumption of photocopying supplies by the courts continues to increase. During 1962, 40 additional photocopying machines were installed in judges' chambers, clerks' offices and in probation offices. By reason of the installation of such equipment, the demand for photocopying paper, chemicals, etc. has increased and it is estimated that an additional \$30,000 will be required for this purpose in 1964. Fees paid by parties requesting copies of any record or paper to some extent offset the cost of reproduction, however, such fees are not available inasmuch as they are covered into the general fund of the Treasury as miscellaneous earnings.

Increased volume of transcripts in forma pauperis

In *Coppedge v. U.S.* the Supreme Court held "If from the face of the papers filed in a Federal court of appeals by a defendant convicted of crime in a Federal district court who seeks leave to appeal from his conviction in forma pauperis, following the denial of such relief by the district court, which certified that the appeal was not taken in good faith, it is apparent that the applicant will present issues for review not clearly frivolous, the court of appeals should grant leave to appeal in forma pauperis, appoint counsel to represent the appellant, and proceed to consideration of the appeal on the merits in the same manner that it considers paid appeals; but if the claims made or the issues sought to be raised by the applicant are such that their substance cannot adequately be ascertained from the face of the defendant's application, the court of appeals must provide the applicant with the assistance of counsel and a record of sufficient completeness to enable him to attempt to make a showing that the district court's certificate of lack of good faith is in error and that leave to proceed with the appeal in forma pauperis if the applicant, with the aid afforded him, presents for the court's determination

any issue that is not clearly frivolous. Unless the issues raised by an indigent seeking leave to appeal in forma pauperis are so frivolous that the appeal would be dismissed in the case of a nonindigent litigant under rule 39(a) of the Federal Rules of Criminal Procedure, the request of an indigent for leave to appeal in forma pauperis must be allowed, in order to assure equality of consideration for all litigants."

The effect of this decision has been to increase greatly allowances by the courts of appeals to indigents to receive transcripts at the expense of the Government. Obligations during the first 3 months of fiscal year 1963 were 160 percent greater than for the comparable period in 1962. If this trend were to continue, based on the obligations incurred prior to the Coppedge decision, the annual cost could conceivably exceed \$300,000. However, 3 months' experience would not be considered a basis for establishing a firm estimate of budgetary requirements and for that reason, it is requested that the allotment at this time be increased only \$90,000, from \$110,000 to \$200,000, pending further experience as to the effect of the Coppedge decision.

Continuation material for court libraries

It is estimated that in 1964 an additional \$78,000 will be required for court libraries as follows:

1. For the procurement of a new edition of AMJUR to be known as American Jurisprudence, 2d, \$22,000.

2. To cover price increases effective July 1, 1962, under contracts entered into by the General Services Administration and the Administrative Office of the U.S. Courts, \$26,000, and

3. For additional continuation material required to maintain newly acquired sets of lawbooks, and to cover a general increase in the volume of material required due to the expanding body of the law, \$30,000.

The Lawyer's Cooperative Publishing Co. recently announced the publication of AMJUR 2d. This work is to be published and issued at the rate of 7 or 8 volumes a year. This is an entirely new and additional expense not provided for in prior years. The amount heretofore required for pocket parts for the first edition will gradually decline, however, the saving will be offset by increases in the cost of furnishing pocket parts for the new volumes. It will take from 6 to 7 years to completely replace the first edition of AMJUR at a cost of approximately \$22,000 a year.

A review of the contracts entered into by the General Services Administration and by the Administrative Office revealed a 5-percent increase in the cost of subscriptions. On this basis an additional \$26,000 will be required in 1964 for the procurement of pocket parts and other continuation material required to keep court libraries up to date.

In addition to price increases, it is estimated that \$30,000 will be required to cover an increase in the volume of continuation material required for court libraries. This increase is due primarily to the expansion of existing libraries and the establishment of new libraries for judges other than those appointed pursuant to the omnibus judgeship legislation. The increase in the volume of continuation material also is due, obviously, to the increasing body of the law.

Increased postal rates

The budget estimate for 1964 includes an additional \$30,000 to cover higher postal rates authorized by Public Law 87-793, approved October 11, 1962. This represents an increase of approximately 25 percent in postage and fees (penalty mail) to be paid to the Post Office Department.

Mr. ROONEY. These pages indicate that the request is in the amount \$4,550,000, a decrease of \$50,000 below the appropriation for these purposes in the current fiscal year.

This is due, is it not, to nonrecurring expenses in fiscal 1963?

Mr. AIRHART. Yes, sir.



INCREASES REQUESTED

Mr. ROONEY. It might be well if we turn to page 112 of these justifications, which indicates the alleged increased requirements for fiscal year 1964.

Have all nonrecurring expenses been deducted from the base?

Mr. AIRHART. Yes, sir.

EFFORTS TO REDUCE TRAVEL

Mr. ROONEY. It would appear from page 110 of these justifications that the amount requested for travel expenses in the coming fiscal year, to wit, \$1,890,000, is the same as the amount allowed for travel expenses in fiscal year 1963.

Judge CAMPBELL, what is the present situation with regard to travel?

Could you give us a summary of what if anything has been done to tighten up on travel?

Judge CAMPBELL. Yes, sir. The Budget Committee, Mr. Chairman, of the Judicial Conference, has taken unto itself with the permission of the Conference a very careful scrutiny of these items, particularly in view of the situation with reference to intercourt assignments and also the situation with reference to senior judges or retired judges working.

We have exhausted the subject, I think, at an expenditure of a great deal of time by the members of the committee, particularly with reference to senior judges and intercourt assignments. We have gone into this very carefully. The Chief Justice has only recently stopped all intercourt assignments of active judges until we can see what the effect of the new judges in their particular districts will be in picking up the need of additional judicial manpower.

Mr. ROONEY. I believe that was Mr. Bow's suggestion.

Judge CAMPBELL. Yes, it was.

Mr. ROONEY. It sounds like a pretty sensible one to me.

Judge CAMPBELL. Yes.

Mr. ROONEY. Where we have added 73 judges and their staffs it might be well to find out whether or not we need travel to any extent at all.

Judge CAMPBELL. Mr. Bow expressed that suggestion to me as chairman of the budget committee and I can say that we have gone into it very carefully, fully approved of it, submitted our suggestions, or rather the Congressman's suggestion thereon to the Chief Justice, who has taken the action that I have just indicated. I believe his letter was for a period of 1 or 2 years to try it out because a shorter period would not give us the information that we needed. My discussion about it was to the effect that it probably would take 2 years to find out. We are indebted to Congressman Bow for his suggestion, and we readily adopt it. As to the other matter on senior judges, we have very carefully gone into that. We are at the point where we have seen to it that both as to their staffs and as to their travel the Government is getting a great deal more than it is expending and if I may be pardoned at this point, Mr. Chairman, one observation off the record, I would like to make it to the members.

Mr. ROONEY. Very well.

(Discussion off the record.)

TRAVEL OF JUDGES ON ASSIGNMENT TO OTHER DISTRICTS

Mr. ROONEY. Do you have the usual table with regard to travel of judges on assignment to other districts?

Judge CAMPBELL. Yes, sir.

Mr. ROONEY. May we have it, please?

It would appear from these sheets that the amount of travel has been cut down considerably.

We shall insert at this point in the record the three sheets.

(The chart follows:)

Service by senior judges in circuit courts or district courts within circuits, July 1, 1961, to June 30, 1962

Circuit or district	Name of judge	Place of service	Service		Cost of travel					Total	
			Circuit cases heard	District courts		Law clerk	Secretary	Reporter	Orler		
				Number of trials	Number of trial days						
COURTS OF APPEALS											
1st circuit	Magruder, Calvert	1st circuit	4	4	5	\$1,162					\$2,069
Do	do	Puerto Rico	30	199		\$126		\$937			446
2d circuit	Hinecks, Harold C.	1st circuit	48								
Do	Medina, Harold R.	do	26								
Do	Swan, Thomas W.	do	19			237	7	68			312
3d circuit	Forman, Phillip	3d circuit	111			56					56
4th circuit	Soper, Morris H.	4th circuit	21			1,491	1,181	1,230			3,902
6th circuit	Simons, Charles C.	6th circuit	12			470	304	441			1,215
7th circuit	Major, J. Earl	7th circuit	72			210	230	230			440
8th circuit	Samborn, John B.	8th circuit	3			1,082					1,082
Do	Woodrough, Joseph W.	do	9			42					42
9th circuit	Bone, Homer T.	9th circuit	36			726					726
Do	Mathews, Clifton	do	9								
Do	Orr, William E.	do	36			131	139				270
Do	do	Nevada	16			(^c)	515				515
Do	Pope, Walter L.	9th circuit	30			574	480	1,260			2,314
10th circuit	Stephens, Albert L.	do	27			532	436				968
Do	Bratton, Sam G.	10th circuit	22			438					438
Do	Huxman, Walter A.	do	38			323					323
Do	do	Kansas	18			8					8
Do	Phillips, Orle L.	10th circuit	3			1,862					1,862
Do	do	Colorado	1								
DISTRICT COURTS											
1st circuit: Massachusetts	McCarthy, William T.	Massachusetts	6								
2d circuit:											
New York (eastern)	Byers, Mortimer W. ⁹	New York (eastern)	6								
New York (southern)	Clancy, John W.	New York (southern)	18								
Do	Conger, Edward A.	do	9			198					198
Do	Dinocek, Edward J. ⁴	do	6								
Do	do	do	5								
Do	Knox, John C.	do	5								
3d circuit:											
Delaware	Leahy, Paul C.	Pennsylvania (eastern)	3			1,204	91				1,295
Do	Rodney, Richard S.	Delaware	2								
Pennsylvania (eastern)	Grim, Alban K. ⁷	Pennsylvania (eastern)	14			1,044					1,044
Do	Kirkpatrick, William H.	do	1			1,329	711	316			2,556
4th circuit:											
Maryland	Chesnut, W. Calvin	Maryland	60								
North Carolina (middle)	Hayes, Johnson J.	North Carolina (middle)	2			823					823

Virginia (eastern)	Hutchison, Sterling	Virginia (eastern)	12	9	11	332	263	332	332
Virginia (western)	Barksdale, Alfred D.	4th Circuit	12	8	256	256	263	256	332
Do.	do.	Virginia (western)	1	1	89	89	112	89	201
Do.	Paul, John	Virginia (eastern)	1	2	173	173	36	173	173
Do.	do.	Virginia (western)	1	1	32	32	36	32	68
5th circuit:									
Florida	DeVane, Dozier A.	5th Circuit	30	7	297	297		297	297
Do.	do.	Florida (northern)	15	15	117	117		\$132	337
Do.	do.	Florida (southern)	15	19	1,177	1,177		1,177	1,177
Do.	Whitehurst, George W.	do.	17	27	1,565	1,565	531	330	2,426
Florida (northern and southern)									
Florida (southern)	Barker, William A.	do.	1	1	16	16	27		43
Georgia (middle)	Davis, T. Hoyt.	Georgia (middle)	1	1	316	316		161	477
Mississippi (northern)	Cox, Allen	Mississippi (northern)	1	1					
6th circuit:									
Michigan (eastern)	Pleurd, Frank A.	Michigan (eastern)	24	24	562	562	320	300	1,462
Michigan (western)	Starr, Raymond W.	6th circuit	27	1	363	363	346		709
Do.	do.	Michigan (western)	1	3					
Ohio (southern)	Druftel, John H.	Ohio (southern)	5	5	9	9			
Tennessee (eastern)	Darr, Leslie R.	6th circuit	53	3	769	769	575	88	1,344
Do.	do.	Tennessee (eastern)	3	3	130	130			218
7th circuit:									
Illinois (northern)	LaBuy, Walter J.	Illinois (northern)	4	4	12	12			1,067
Illinois (eastern)	Wham, Fred L.	do.	6	6	17	1,067			1,067
8th circuit:									
Iowa (northern)	Graven, Henry N.	8th circuit	33	1	516	516	225		740
Do.	do.	Iowa (southern)	1	19	39	39	36		136
Do.	Delchant, John W.	North Dakota	11	11	623	623	615		1,238
Do.	do.	Iowa (northern)	2	2	8	2,032	1,038		3,070
Do.	do.	Nebraska	8	8	17				17
9th circuit:									
California (northern)	Roche, Michael J.	California (northern)	31	31	44	44			
California (southern)	Weinberger, Jacob	California (southern)	20	20	63	63			
Nevada	Foley, Roger T.	9th circuit	2	3	214	214			314
Do.	do.	California (northern)	3	3	760	760			760
Do.	Bowen, John C.	Nevada	1	1	17				
Washington (western)	do.	Arizona	4	4	9				
Do.	do.	California (southern)	5	5	10				
Do.	do.	California (southern)	3	3	10				
Do.	do.	Nevada	3	3	10				
Do.	do.	Oregon	4	4	8				
Do.	do.	Washington (eastern)	17	17	27				
Do.	do.	Washington (western)	8	8					
District of Columbia circuit:									
District of Columbia	Schweinhaut, Henry	District of Columbia	58	58	134	134		33	4,657
OTHER COURTS									
Court of Customs and Patent Appeals.	Jackson, Joseph R.	Court of Customs and Patent Appeals.	11 1, 2						
Total			693	426	1,058	27,794	4,496	9,760	583
									1,913
									44,546

See footnotes at end of table, p. 84.

Service by senior judges in circuit courts or district courts within circuits, July 1, 1961, to June 30, 1962—Continued
SUMMARY

Circuit or district	Number of judges	Place of service	Service				Cost of travel						
			Circuit court cases heard	District court		Judge	Law clerk	Secretary	Reporter	Clerk	Total		
				Number of trials	Number of trial days								
Senior circuit judges.....	18	Circuit courts.....	524	23	16	\$8,373	\$2,673	\$3,350					\$14,396
Do.....	4	District courts.....				1,200	515	937					2,652
Total.....	22		524	23	16	9,573	3,188	4,287					17,048
Senior district judges.....	6	Circuit courts.....	157	403		2,414	225	1,184					3,823
Do.....	33	District courts.....				15,807	1,053	4,289	583	1,913			23,675
Total.....	39		157	403		18,221	1,308	5,473	583	1,913			27,498
Senior judges, other.....	1	Special courts.....	112										
Grand total.....	62		693	426	1,058	27,794	4,496	9,760	583	1,913			44,546

¹ Included in summary under "Place of service as district court."

² No travel or subsistence expenses claimed.

³ Includes cost of travel (1 way) Missoula, Mont., to San Francisco. Going portion

of trip in prior year. No claim for subsistence while in Missoula.

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

⁵ Died Mar. 5, 1962.

⁶ Retired July 28, 1961.

⁷ Retired Nov. 1, 1961.

⁸ Retired Aug. 15, 1961.

⁹ Retired Sept. 30, 1961.

¹⁰ Retired Aug. 31, 1961.

¹¹ Cases heard on U.S. Court of Customs and Patent Appeals.

Assignments of senior judges for service in special courts and circuit courts or district courts of other circuits, July 1, 1961, to June 30, 1962

Contributing court	Name of judge	Court visited	Period of designation		Actual days assigned on assignment cases heard	Service		Cost of travel					
			From—	To—		Chircuit courts heard	District courts—Number of trials	Judge	Law clerk	Secretary	Porter	Total	
			Trials										Days
COURTS OF APPEALS													
1st circuit	Calvert Magruder	6th circuit—Emergency Court of Appeals	Oct. 2, 1961	Dec. 16, 1961	10	20		\$295		\$115			\$410
Do	do	Illinois (northern)		(^e)				90					90
3d circuit	Albert B. Maris	Emergency Court of Appeals	July 1, 1961	June 30, 1962	(^e)	2		45		\$17	14		76
Do	do	Illinois (northern)											
7th circuit	J. Earl Major	Louisiana (eastern)	Oct. 9, 1961	Nov. 24, 1961	26		9	791		567			1,358
Do	do	Florida (southern)	Feb. 15, 1962	Apr. 15, 1962	54		7	1,577		1,031			2,608
9th circuit	Walter L. Pope	5th circuit	Dec. 4, 1961	Dec. 16, 1961	8	17		434		377			811
10th circuit	Orle L. Phillips	District of Columbia circuit	Jan. 1, 1962	May 15, 1962	17	10		568					568
DISTRICT COURTS													
3d circuit: Pennsylvania (eastern)	William H. Kirkpatrick	Court of Customs and Patent Appeals	Oct. 1, 1961	June 30, 1962	54	109		1,058	180				1,238
5th circuit: Florida (southern)	John W. Holland	Oregon—California (southern)	Aug. 1, 1961	Oct. 7, 1961	4								
Do	do	Court of Claims	Oct. 9, 1961	Nov. 8, 1961	102		2	2,606					2,606
6th circuit: Tennessee (eastern)	Leslie R. Darr		Oct. 30, 1961	Nov. 4, 1961	5	25		348					348
7th circuit: Illinois (eastern)	Fred L. Wham	Colorado—New York (southern)	July 10, 1961	Aug. 31, 1961	36		6	700					700
Do	do	Florida (southern)	Apr. 30, 1962	May 25, 1962	29		8	976					976
8th circuit: Missouri (western)	Albert L. Reeves	Florida (southern)	Jan. 8, 1962	Feb. 5, 1962			14			1,504			4,041
Do	do	California (southern)	Apr. 1, 1962	June 30, 1962	94								
9th circuit: Washington (western)	John W. Delehant John C. Bowen	California (southern)—New York (southern)	Oct. 1, 1961	Nov. 2, 1961	4			244					244
			Sept. 24, 1961	Oct. 31, 1961	22		2	513					513
OTHER COURTS													
Court of Customs and Patent Appeals	Joseph R. Jackson	District of Columbia	July 1, 1961	Dec. 31, 1961	160		14						
Total					629	181	62	12,782	197	3,608			16,587

Assignments of senior judges for service in special courts and circuit courts or district courts of other circuits, July 1, 1961, to June 30, 1962—Continued

SUMMARY

Contributing courts	Number of judges	Courts visited	Actual days on assignment	Service			Cost of travel					Total									
				Circuit courts—Cases heard	District courts—Number of trials		Law clerk	Secretary	Reporter	Crier	Judge										
					Trials	Days															
Circuit courts.....	3	Circuit courts.....	35	47	16	41				\$1,297										\$1,789	
Do.....	2	District courts.....	80							2,368											3,956
Do.....	2	Special courts.....	4							135											166
Subtotal.....	7		119	47	16	41				3,800	17	2,104									5,921
District courts.....	5	District courts.....	291		32	112				7,576											9,080
Do.....	2	Special courts.....	59							1,406	180	1,504									1,886
Subtotal.....	7		350	134	32	112				8,982	180	1,504									10,666
Special courts.....	1	District courts.....	160		14	40															
Grand total.....	15		629	181	62	193				12,782	197	3,608									16,587

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.
 3 Permanent designation.
 4 Serving as special master in Lake Michigan water diversion cases.
 5 No claim received for travel to New York.

Assignments of judges for service in special courts and circuit courts or district courts of other circuits, July 1, 1961, to June 30, 1962

Contributing court	Name of judge	Court visited	Period of designation		Actual days ¹ on assignment	Services			Cost of travel				
			From—	To—		Cir- cuit cases heard	District courts— Number of trials	Days	Judge	Secre- tary	Re- porter	Crier	Total
COURT OF APPEALS													
1st circuit.....	Aldrich, Bailey.....	3d circuit (Virgin Is- lands).....	Jan. 29, 1962	Feb. 2, 1962	6	3			\$203				\$203
Do.....	Woodberry, Peter.....	do.....	do.....	do.....	6	2			\$200				400
3d circuit.....	Ganey, J. Cullen.....	1st circuit (Puerto Rico).....	Feb. 5, 1962	Feb. 10, 1962	5	8			\$135				135
Do.....	Smith, William F.....	do.....	do.....	do.....	6	8			\$159				159
6th circuit.....	Martin, John D Sr.....	District of Columbia (district court).....	Nov. 7, 1961	Nov. 24, 1961	18		1	10	430	340	\$340		3,072
Do.....	do.....	Florida (southern).....	Feb. 5, 1962	Mar. 16, 1962	40		2	4	1,091	1,028	953		1,110
9th circuit.....	McAllister, Thomas F.....	Emergency Court of Appeals.....	May 14, 1962	June 30, 1962 ²	2				149				149
District of Columbia cir- cuit.....	Wright, J. Skelly.....	Louisiana (eastern).....	May 14, 1962	June 30, 1962 ²	3				237				237
Do.....	Faby, Charles.....	Court of Claims.....	Oct. 4, 1961	Oct. 4, 1961	1	5							
DISTRICT COURTS													
1st circuit: Maine.....	Gignoux, Edward T.....	District of Columbia.....	Feb. 2, 1962	Mar. 9, 1962	33		6	19	1,098	641	\$695		2,434
4th circuit: North Caro- lina (western).....	Craven James B Jr.....	New York (southern).....	Feb. 26, 1962	Mar. 16, 1962	20		2	12	627				627
5th circuit: Alabama (southern).....	Thomas, Daniel H.....	do.....	July 17, 1961	July 20, 1961	11		3	8	458				458
Texas (eastern).....	Sheehy, Joe W.....	do.....	Jan. 29, 1962	Feb. 9, 1962	7		1	2	438				438
6th circuit: Michigan (eastern).....	Knaess, Fredrick W.....	New York (western).....	June 11, 1962	June 29, 1962	6			(¹)	262	115	76		453
OTHER COURTS													
Customs court.....	Rao, Paul P.....	Florida (southern).....		(¹)	8				622	347			969
Total.....					172	26	15	55	6,109	2,671	1,369	695	10,844

See footnotes at end of table, p. 88.

Assignment of judges for service in special courts and circuit courts or district courts of other circuits, July 1, 1961, to June 30, 1962—Con.

SUMMARY

Contributing court	Number of judges	Courts visited	Actual days on assignment	Services			Cost of travel					Total
				Circuit courts—Cases heard	District courts—Number of trials		Judge	Law clerk	Secretary	Reporter	Crier	
					Trials	Days						
Circuit courts	4	Circuit courts	23	21	3	14	\$697	\$200				\$897
	2	District courts	61				1,758	1,868				4,419
	2	Special courts	3	5			149		\$1,293			149
Subtotal	8		87	26	3	14	2,604	1,568	1,293			5,465
District courts	5	District courts	77			41	2,883	756	76	\$695		4,410
Special courts	1	do.	8				622	347				969
Grand total	14		172	26	15	55	6,109	2,671	1,369	695		10,844

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 special courts and/or circuit courts was constructed from travel expense vouchers.

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

³ Judge also held court in Virgin Islands; therefore, no added transportation expenses incurred.

⁴ Judge Martin hospitalized in Miami from Feb. 21, 1962, to Mar. 28, 1962.

⁵ Served under permanent designation. The Emergency Court of Appeals completed its business on Dec. 6, 1961, and on Apr. 19, 1962, the dockets and other records were formally closed.

⁶ To conclude matters pending on elevation to appellate court.

⁷ No trials or trial days—sentencing criminals on pleas of guilty.

⁸ To complete unfinished matters from prior year designation.

Judge CAMPBELL. I should like to say apropos of the chairman's question that this is the direct result of the work of our budget committee in carrying out what we correctly, I am sure, assumed as the mandate of your committee in this regard.

We are asking for the same travel appropriation this year, not with the idea of lessening our alertness to the problem but with the idea of giving it a fair test for 1 year further.

We can assure you that any money not expended, if your committee sees fit to grant us what we have asked for, will, of course, be returned and the same vigilance will be exercised this year.

VIEWS OF CHIEF JUSTICE ON INTERCIRCUIT ASSIGNMENTS

Might I also ask the chairman at this point, on the subject of stopping intercourt assignments, if he would care to have the letter of the Chief Justice to the various chief judges, supplementing Congressman Bow's recommendation and perhaps care to insert it in the record at this point as evidence of our attempt to comply with the recommendations of your committee.

Mr. ROONEY. Very well. We shall insert this letter of the Chief Justice at this point in the record.

(The letter follows:)

DECEMBER 4, 1962.

HON. PETER WOODBURY,
Chief Judge, U.S. Court of Appeals,
Manchester, N.H.

MY DEAR JUDGE: On Monday, November 26, 1962, the Advisory Committee on Intercircuit Assignments met here in Washington and we reviewed together the requests so far received for intercourt assignments to be served during the calendar year 1963.

It was evident to us all that the enactment of the omnibus judgeship bill followed by the filling of most of the new positions, as well as most of the older vacancies, has materially altered the basis upon which, up to now, we have been authorizing intercourt assignments.

Heretofore and because there was a chronic shortage of judgepower in nearly all circuits, it has been generally assumed that, when the chief judge of a circuit certified as to the need for an outside judge to sit in a district or on the circuit court and consent was given by the chief judge of some other circuit to the acceptance of the assignment by an active district or circuit judge of his circuit, authorization of the assignment was desirable and should follow. The possibility of meeting the need by an assignment from within the circuit was rarely explored because the shortage of judges in all circuits was so constant that it could be safely assumed that an intracircuit assignment was impractical. The creation of 73 new judgeships and appointments, which have increased the total of Federal judges on duty by nearly one-fourth, have changed all this. It is evident that from now on, before an intercourt assignment is authorized, more attention must be given to the possibility of meeting the situation by an intracircuit assignment.

At the time of the committee meeting requests had been received in writing for service of judges on intercourt assignment during the first few months of 1963 in 16 instances, with a 17th request made orally on the Friday before the committee meeting with appropriate letters to follow. Of this number, 10 were requests for the assignment of a regular active judge and 7 for the assignment of a senior judge. In none of these instances has anything been submitted to the committee or to me indicating the impracticality of meeting the situation with an intracircuit assignment.

Furthermore, it was apparent that the relative cost to the Government had not been considered in connection with these requests. For example, requests have been received to send judges to sit in New York for only a month apiece from such distant points as Honolulu, Hawaii, Portland, Oreg., Carson City and Las Vegas, Nev., when it can certainly be assumed that available judges could be found much closer to the Southern District of New York.

I have become convinced that under these circumstances it would be a serious mistake to authorize all the inter-circuit assignments that are being requested, even though the certificates of need and the consent of the chief judges are in proper form and meet all the criteria we have been using heretofore.

The Congress has been very generous in the creation of additional judgeships and the administration has been most active in filling the positions to meet the needs of the judicial system. Congress has the right to expect that we will use the services of all Federal judges as economically as possible and that no inter-circuit assignment will be authorized if the needs of the administration of justice can be met without that expense.

In view of the criticism that would be bound to arise should all these requests for inter-circuit assignment be authorized as submitted, I have decided that I should decline to execute any of them at this time, with the following exceptions:

I intend to authorize all of the inter-circuit assignments of senior judges recommended to me by the Advisory Committee on Intercircuit Assignments because the same considerations do not apply to senior judges. A senior judge has no obligation to perform any judicial service at all, and if he is willing to serve in any court anywhere it is a clear gain to the Government and I see no reason for not authorizing such an assignment when it is recommended by the advisory committee.

I also intend to authorize the necessary assignments to continue the practice of the first and third circuits to combine forces on the annual visitation of the Court of Appeals of the First Circuit to Puerto Rico and the similar annual visitation of the Court of Appeals of the Third Circuit to the Virgin Islands, since this arrangement clearly conserves judgepower and reduces expense to the Government.

It may well be that some emergency or other extraordinary circumstance may arise which adequately justifies an inter-circuit assignment, and, of course, in any such case authorization will be given.

When the Judicial Conference meets in March the matter of inter-circuit assignments will be on the agenda and I expect we will have a report from the advisory committee.

The whole matter of inter-circuit assignments under the new conditions that now exist in the judiciary can be fully discussed. In the meantime I thought you would want to know my views on the requests for inter-circuit assignment received up to the present.

Sincerely,

EARL WARREN.

Judge CAMPBELL. May I say for the record that each chief judge of each circuit received a letter identical to this. This happens to be the one for the first circuit.

LIMITATION ON AMOUNT FOR REPAYMENT OF EXPENSES OF SUBSISTENCE

Mr. ROONEY. What is the situation with regard to the limitation on the amount that can be used for payment of expenses of subsistence?

Judge CAMPBELL. The recommendation, sir, of our Budget Committee is that the limitation is no longer necessary, due to the vigilance of our Committee and of the Administrative Office under our supervision. I think that if the limitation were removed and the statutory limit permitted in the cases where it might be necessary—we certainly need to ask for no more money and certainly I think that the psychological effect of that on the judges would be in the interest of economy rather than against it.

Mr. AIRHART. In that connection, sir, you might like to have our analysis. We go through several hundreds of travel days to find out averages and find out who is using what. The figure where judges use subsistence is \$19.70 a day, which does not indicate abuses.

Judge CAMPBELL. We have every reason to be sure that this will be followed in the future. I think the psychological effect of not having the limitation in the statute might at this time in our Budget Com-

mittee's work in furtherance of the work of your committee be helpful rather than hurtful in maintaining the economies that we have already put in, sir.

Mr. ROONEY. I want to understand this correctly. I note that in this comparative analysis of payments for subsistence of judges incident to the performance of official travel that there were 108 days of actual expenses where the amount was from \$25.01 to \$30.

Judge CAMPBELL. Yes, sir.

Mr. AIRHART. That was during the period before the limitation when the \$30 was the maximum, Mr. Chairman; the period between the passage of the amendment to the Travel Act and the passage of the appropriations act with the limitation in it.

Mr. ROONEY. Maybe we saved a bit of money with the limitation.

Judge CAMPBELL. You might have. I really think that the overall effect on permitting judges to themselves, with our assistance and watchfulness, to observe economy rather than imposing upon them a limitation which is not imposed on other similar officers of the Government would be more helpful than hurtful.

Mr. ROONEY. When was this decision of the Budget Committee arrived at? I ask that because in the committee print before me we have no suggestion of the deletion of this language at page 346 of the committee print.

Judge CAMPBELL. Our committee I think met after the print was prepared, sir, and it is our recommendation to you.

NONRECURRING ITEMS IN REQUEST

Mr. ROONEY. How much of this request for \$4,550,000 is non-recurring?

Judge CAMPBELL. Mr. Airhart?

Mr. GARABEDIAN. I believe I can answer that, sir. None of it is. It is all recurring expenses. All of the nonrecurring expenses with respect to new judgeship legislation have been deducted.

Mr. ROONEY. Are you saying that this item of \$42,000 at page 112 of the justifications, "to provide for modernization and expansion of telephone facilities," will not be recurring?

Mr. GARABEDIAN. Sir, that is an annual cost. Once you improve the facilities you have a monthly rental which will be a recurring expense. In other words, if you spend \$50 to increase or expand on your telephone facilities this year you will have that \$50 expense again next year.

Mr. ROONEY. You have already figured that the \$10,000 second item to cover increases in the annual cost of printing records in forma pauperis for the Supreme Court will not be recurring? It should be recurring. I do not want to mislead you.

Mr. GARABEDIAN. It will be recurring, to the best of our information.

Judge CAMPBELL. That is a recurring expense, Mr. Chairman.

Mr. ROONEY. You have already figured before you even get to fiscal year 1965 that you are going to need \$90,000 to cover increased buying of transcripts in the forma pauperis?

Judge McGUIRE. That is as a consequence of the *Coppedge* case. The *Coppedge* case was a District of Columbia case and the Supreme Court indicated the individuals should be given the right to file.

Mr. ROONEY. We understand that, Judge McGuire, but we are talking about these items being put in the budget to remain forever, whereas it would seem on the face of it that they are nonrecurring items, nonrecurring insofar as justification for fiscal year 1965 is concerned.

Judge MCGUIRE. That may be true, but I would think this item of \$90,000, the way we see appeals now in our court, would be larger next year.

Judge CAMPBELL. I think there has been a general extension by the Supreme Court of the right—and this of course we have no control over—the right to appeal in forma pauperis. I must say as a representative of the district judges that we are not in complete concurrence with this, but of course also as district judges we have to obey the mandates of the Supreme Court.

Judge WEINMAN. That is explained on pages 117 and 118.

MODERNIZATION AND EXPANSION OF TELEPHONE FACILITIES

Mr. ROONEY. On page 116 you refer to the program of modernization and expansion of telephone facilities.

How much is there in this budget for that purpose?

Judge CAMPBELL. Mr. Anderson?

Mr. ANDERSON. Mr. Chairman, there is \$42,000 being requested for 1964 for this purpose.

Mr. ROONEY. That is 42 additional to what?

Mr. ANDERSON. Forty-two additional to an expenditure in fiscal year 1962 of \$374,000 for fixed telephone charges. Our communication services are made up of fixed charges, long distance calls, telegraph and postage expense. The fixed charges are the items we are talking about here and the modernization of the telephone service means that when you put in an improved telephone service, it is a continuing expense and would be in 1964.

The actual situation for 6 months this year is that we have paid out \$129,000 for fixed charges as compared with \$119,000 the year before so it is a continuing growing item.

Mr. ROONEY. During the past 6 months that you refer to when you had all the new judges being added the increase was put—how much?

Mr. ANDERSON. About \$10,000 for 6 months.

Mr. ROONEY. About \$10,000, how do you account for an increase such as the one presently requested of \$42,000?

Mr. ANDERSON. The expenditure figures, sir, run a little bit behind. That is, we are talking here expenditures only and they are about 2 months behind.

Mr. ROONEY. You were the one that brought up the word "expenditures."

Mr. ANDERSON. Yes, sir, I am. I say the expenditures for 6 months are not 6 months telephone service.

Mr. ROONEY. Let me try this another way. You say that this money is for the installation of telephone facilities in new court quarters. Aren't all the new judges in their quarters by now?

Mr. ANDERSON. This is not only new judges, Mr. Chairman; it is every time there is a move within a present building and the telephone service is reinstalled. It is always improved.

Mr. ROONEY. But this would not proceed at the rate that you have been going within the past year or thereabouts, with all these new

judges. There are 73 of them. This would not be a normal thing; would it?

Mr. ANDERSON. Yes, sir. This is a normal thing.

Mr. ROONEY. That you would have these moves?

Mr. ANDERSON. This is quite a normal move, to continue to improve telephone service.

PROCEDURE FOR OBTAINING COURTROOMS

Mr. ROONEY. This brings me to this question: With whom does a chief judge of a district do business in order to get new or additional courtrooms in a courthouse?

Judge CAMPBELL. The GSA ordinarily.

Mr. ROONEY. What, if anything, does he have to do with the budget committee of the Judicial Conference?

Judge CAMPBELL. He has to submit his request for additional facilities that we are responsible for through the Administrative Office and have them passed upon both by the Administrative Office and by our budget committee, sir.

PARKING FEES

Mr. ROONEY. What parking fees, if any, have been allowed to date out of the travel money?

Mr. AIRHART. It is running at this point, Mr. Chairman, at about \$4,000 a year.

Mr. ROONEY. What do you expect it to be in the coming year?

Mr. AIRHART. About the same.

Mr. ROONEY. Mr. Slack?

Mr. SLACK. Are we discussing all of these items now?

Mr. ROONEY. Yes.

INCREASE FOR PHOTOCOPYING SUPPLIES

Mr. SLACK. Justification No. 3 for \$30,000 on photocopy supplies, in the justification on page 119, you state,

By reason of the installation of such equipment the demand for photocopy paper, chemicals, et cetera, has increased and it is estimated that an additional \$30,000 will be required for this purpose in 1964.

How much did this increase?

Mr. ANDERSON. I can give you an indication of the increase, Mr. Congressman, by saying that the obligation is for 6 months for the current year, \$62,700, as compared with \$49,000 the previous year. This has become a way of life, as you may appreciate, using photocopy machines.

DISPOSITION OF FEES FOR COPIES OF RECORDS

In the courts, in the clerk's office, where a copy goes out over the counter, for which a fee is charged, those fees go into the Treasury. They do not come into our appropriations, but they go into the Treasury so there is some income through this process.

Mr. SLACK. But you cannot pinpoint the amount of the fees that go into the Treasury?

Mr. ANDERSON. They go in among many items of fees. We cannot pinpoint that.

Mr. SLACK. Thank you.

Mr. ROONEY. Mr. Bow?

REDUCTION IN TRAVEL

Mr. BOW. I have no questions. I just want to say for the record I am happy to see this travel cut down. I think they are making some progress in it. I would like to have seen the figure cut some.

Mr. ROONEY. I think this is an invitation, is it not, to cut the figure?

Judge CAMPBELL. Certainly, but we hope you will give us 1 more year to continue the work that we have started and we can assure you it will continue.

Mr. BOW. I have had a chance to glance at your second report of the districts. I am glad to see that one circuit at least has amplified considerably what they had written to you before when they said they were satisfied and thought that was worth while, without giving us any evidence.

Judge WEINMAN. I can give you a specific illustration.

Judge Kaess was to go to New York in January and I needed him in Columbus and they canceled the New York affair. He could not come to Columbus because of the sickness of one of the other judges but at least this rule was invoked.

Mr. BOW. That is all I have now, Mr. Chairman.

APPROPRIATIONS GRANTED FOR NEW JUDGSHIPS

Judge CAMPBELL. May I make one observation on the record, Mr. Chairman, before you pass to the next item which is in respect to money for new judgeships.

I should like to say—

Mr. ROONEY. \$330,000.

Judge CAMPBELL. On page 112, for the new judges, \$330,000. My committee is most indebted, particularly to the chairman of this committee, for—and indeed on behalf of the whole judiciary I should like to state our thanks for the foresight that prompted you as chairman and your committee to allow not only this sum of money but the entire amount for this purpose. We anticipated before any appointments were made that some 50 would be made within this period. Actually, there were 52. By having given us this amount of money the Government gained the immediate use of the services of these judges at the time of their appointment and it was a great contribution to the disposal of a backlog of cases in several districts and to the improvement of the dispatch of business in several circuit courts of appeal. We feel that the foresight which prompted you to include this and to give it to us in advance, so to speak, has resulted in a greatly increased amount of service that the judiciary was enabled thereby to render.

We would like to state on the record our thanks, particularly to the chairman and also to the members of this committee for their understanding and foresight in this regard.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Personnel compensation:			
Permanent positions.....	1,078	1,163	1,238
Positions other than permanent.....	57	62	63
Other personnel compensation.....	4	10	21
Total, personnel compensation.....	1,140	1,235	1,322
Direct obligations:			
11 Personnel compensation.....	1,139	1,235	1,322
12 Personnel benefits.....	82	88	94
21 Travel and transportation of persons.....	36	70	70
22 Transportation of things.....	1	1	1
23 Rent, communications, and utilities.....	80	87	90
24 Printing and reproduction.....	21	23	23
25 Other services.....	10	14	14
26 Supplies and materials.....	23	20	20
31 Equipment.....	47	8	6
Total, direct obligations.....	1,439	1,546	1,640
Reimbursable obligations:			
11 Personnel compensation.....	1		
21 Travel and transportation of persons.....	1		
Total, reimbursable obligations.....	2		
Total, obligations.....	1,441	1,546	1,640

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	165	165	167
Full-time equivalent of other positions.....	9	7	7
Average number of all employees.....	162	167	169
Number of employees at end of year.....	163	174	176

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities:			
Direct program:			
1. General administration.....	1,358	1,436	1,530
2. Study of rules of practice and procedure.....	81	110	110
Total, direct program obligations.....	1,439	1,546	1,640
Reimbursable program.....	2		
Total obligations.....	1,441	1,546	1,640
Financing:			
Advances and reimbursements from other accounts (-).....	-2		
Unobligated balance lapsing.....	3		
New obligational authority.....	1,442	1,546	1,640
New obligational authority:			
Appropriation.....	1,442	1,500	1,640
Proposed supplemental due to pay increases.....		46	

Mr. ROONEY. The next item is titled "Administrative Office of the U.S. Courts." It appears at page 349 of the committee print and beginning at page 124 of the justifications.

We shall insert at this point in the record pages 124 through 133 of these justifications.

(The justifications follow:)

Statement relating appropriation estimate to current appropriation

Salaries and expenses, Administrative Office of the U.S. Courts:	<i>Judiciary</i>
1963 appropriation in annual act.....	\$1,500,000
1963 proposed supplemental due to pay increases.....	46,000
Base for 1964.....	1,546,000
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)	
	3963 adjusted	5964 estimate		
Salaries and expenses.....	\$1,546,000	\$1,640,400	+\$94,400	+94,400
Total estimate for 1964.....				1,640,400

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$1,235,000	\$1,322,000	+\$87,000
12 Personnel benefits.....	88,000	94,400	+6,400
21 Travel and transportation of persons.....	70,000	70,000	
22 Transportation of things.....	1,200	1,200	
23 Rent, communications, and utilities.....	86,800	89,800	+3,000
24 Printing and reproduction.....	22,500	22,500	
25 Other services.....	14,500	14,500	
26 Supplies and materials.....	20,000	20,000	
31 Equipment.....	8,000	6,000	-2,000
Total obligations.....	\$1,546,000	1,640,400	+94,400

¹ Includes \$46,000 proposed supplemental due to pay increases.

Summary of increased requirements for 1964

Nature of expense (or savings):

DEDUCTIONS	<i>Amount</i>
Deductions for nonrecurring expense of providing equipment for new personnel authorized for 1963.....	-\$2,000

INCREASES REQUESTED

1. Additional amount required under the Federal Salary Reform Act of 1962.....	44,000
2. Provision for within-grade salary advancements.....	21,650
3. Cost of two extra compensable days in 1964.....	10,750
4. Two additional positions required to administer Judiciary salary plan; Personnel Officer, GS-13, at \$11,150 and a clerk-stenographer, GS-5 at \$4,565 per annum.....	17,000
5. To cover higher postal rates provided by Public Law 87-793, approved October 11, 1962.....	3,000
Net increase, 1964 over 1963.....	94,400

*Language changes*

None.

Objectives

This appropriation provides for the salaries of the Director, the Deputy 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.

General justification

The estimate for 1964 includes a request for two additional positions, a personnel officer and a clerk-stenographer, who are to be assigned to the task of administering the judiciary salary plan which plan was approved by the Judicial Conference at its meeting in September 1961. The plan provides new classification standards for deputy clerks in the U.S. district courts, officers and employees in the probation system and clerks to referees in bankruptcy. Funds for implementation of the plan are included under the appropriations "Salaries of supporting personnel" and "Expenses of referees."

Provision also has been made for increases in salary under the Federal Salary Reform Act of 1962; within-grade salary advancements to be granted under the Classification Act of 1949, as amended; the cost of 2 extra compensable days in 1964; and higher postal rates.

Detailed justification

The appropriation estimate for fiscal year 1964 is \$1,640,400, a net increase of \$94,400 over the appropriation for 1963, adjusted to include a proposed supplemental of \$46,000 for pay costs under the Federal Salary Reform Act of 1962 (Public Law 87-793, approved October 11, 1962). The requested increases, as well as deductions, are explained below:

Deduction for nonrecurring expenses

The appropriation for 1963 included the sum of \$2,000 for the procurement of equipment for new personnel. Inasmuch as this is a nonrecurring expense, it has been deducted in establishing the budgetary requirements for 1964.

Requirements under the Federal Salary Reform Act of 1962

An additional \$44,000 will be required in fiscal year 1964 to cover the full-year cost of pay increases granted employees of the Administrative Office effective October 15, 1962, and approximately one-half of the annual cost of increases in salary including related benefits, which are scheduled to take effect on January 6, 1964. The following is a breakdown by fiscal year of the total cost of pay increases under the Federal Salary Reform Act of 1962:

	1963 proposed supplemental	1964 budgetary requirements	1965 budgetary requirements	Total cost
<i>1st phase (effective Oct. 15, 1962):</i>				
Compensation	\$43,000	\$18,500	-----	\$61,500
Benefits	3,000	1,500	-----	4,500
Total	46,000	20,000	-----	66,000
<i>2d phase (effective Jan. 6, 1964):</i>				
Compensation	-----	22,500	\$23,500	46,000
Benefits	-----	1,500	1,500	3,000
Total	-----	24,000	25,000	49,000
Grand total	46,000	44,000	25,000	115,000

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 1963 will be absorbed to the maximum extent possible. However, any savings to be realized in 1963 would be the result of an abnormally high level of vacancies and would not be of a recurring nature. Pay costs in 1964 cannot be absorbed 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 \$21,650, of which \$20,250 represents increases in compensation and \$1,400 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 represents approximately 85 percent of the full potential cost of within-grade salary advancements.

Cost of two extra compensable days in 1964

The sum of \$10,750 (\$10,000 for personnel compensation and \$750 for related benefits) has been included to cover regular pay in excess of 52 weeks. Employees of the Administrative Office will be compensated, on a biweekly basis, for 262 days in the fiscal year 1964 as compared with only 260 compensable days in 1963.

Additional personnel

It is requested that the sum of \$17,000 (\$15,750 for compensation and \$1,250 for related benefits) be provided in 1964 for the employment of a personnel officer in grade GS-13 and a clerk-stenographer in grade GS-5 who are to be assigned to the task of administering the judiciary salary plan. The plan which was approved by the Judicial Conference of the United States in September 1961 provides new classification standards for deputy clerks in the U.S. district courts, clerks to referees, and officers and employees in the probation system. Funds for the implementation of the plan and justifications are included under the appropriation headings "Salaries of supporting personnel" and "Expenses of referees."

The conversion from the old standards to the new standards would in itself be a tremendous task, but, moreover, if the plan is to serve the purpose for which it was intended, the Administrative Office, on a continuing basis, must conduct field surveys of the courts and their component offices. All requests for the regrading of positions must be thoroughly examined to assure the proper application of the standards. The staff of the Administrative Office must be augmented if it is to undertake and be expected to effectively administer the judiciary salary plan.

Higher postal rates

The estimate for 1964 includes an additional \$3,000 to cover higher postal rates authorized by Public Law 87-793, approved October 11, 1962. This represents an overall increase of approximately 25 percent in postage and fees (penalty mail) to be paid to the Post Office Department.

Mr. ROONEY. They indicate that the request is in the amount of \$1,640,400, an increase of \$140,400 over the amounts appropriated to date for the current fiscal year.

These increases may be found in the table at page 126 of the justifications.

It would appear from a hasty glance at this page that two additional positions are requested to administer the judiciary salary plan, a personnel officer in GS-13 and a clerk-stenographer, GS-5.

Judge CAMPBELL. Those are requested, sir, only in the event that your committee approved the judiciary salary plan request that we spoke of this morning.

Mr. ROONEY. Suppose the committee were to approve the plan. Could not the present personnel of the office carry on?

Judge CAMPBELL. From a careful review of it by the budget committee, which we went into, concerning reassignment of functions within the Administrative Office, I think if this plan were approved that the present staff is not sufficient to properly carry it out and I think someone, such as the man we had in the group that made the survey which reports we are sending to you pursuant to your direction this morning will be needed properly to carry it out with the greatest economy.

Mr. ROONEY. Who is paying for those reports?

Judge CAMPBELL. They have already been paid for out of the funds which your committee appropriated for the use of the various committees of the Judicial Conference and the Administrative Office.

The reports were paid for at the time these people were attached to the staff of the Administrative Office. They are no longer on it.

Mr. ROONEY. How many people are presently employed in the Administrative Office?

Judge CAMPBELL. I might say that our budget committee would like an officer such as is described in this request, who would be responsible to us as well as to the Director for the proper carrying out of these reclassifications so that they are not made where they are not needed and are made where they are needed. We feel that one such person with sufficient jurisdiction is necessary for the accomplishment of that purpose.

Mr. AIRHART. If I may suggest one thing, Mr. Chairman, this is like any other salary plan. If it is not carefully and equitably applied, we are going to create problems, not solve them. It is of major interest that it be done right.

We currently have 152 people employed in the office.

EMPLOYEES ENGAGED IN PERSONNEL WORK

Mr. ROONEY. How many of those 152 people are doing personnel work?

Mr. AIRHART. Nine.

Mr. ROONEY. What are their grades and titles?

Mr. AIRHART. I do not have that here. I can give it to you for the record.

Mr. ROONEY. Please insert that at this point in the record, together with the amount of salary, as well as the title and the grade.

(The information supplied follows:)

Employees assigned to the Personnel Section of the Administrative Office of the U.S. Courts

<i>Position title and grade</i>	<i>Salary</i>
Personnel officer (GS-14).....	\$12, 845
Personnel officer (GS-11).....	8, 045
Personnel clerk (GS-7).....	6, 095
Do.....	6, 095
Do.....	5, 725
Personnel clerk (GS-6).....	5, 375
Clerk-stenographer (GS-5).....	4, 565
Do.....	4, 565
Clerk-stenographer (GS-4).....	4, 110
Total (9 positions).....	57, 420

SALARIES OF REFEREES

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Permanent positions.....	1,820	2,092	2,092
Positions other than permanent.....	375	330	330
Total, personnel compensation.....	2,195	2,422	2,422
12 Personnel benefits.....	162	178	178
Total obligations.....	2,357	2,600	2,600

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	129	142	142
Full-time equivalent of other positions.....	32	27	27
Average number of all employees.....	136	168	168
Number of employees at end of year.....	190	195	195

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Salaries and benefits (obligations).....	2,357	2,600	2,600
Financing: Unobligated balance lapsing.....	13		
New obligational authority (appropriation).....	2,370	2,600	2,600

Mr. ROONEY. The next item is titled "Salaries of Referees." It appears at page 352 of the committee print and beginning at page 135 of the justifications. We shall insert at this point in the record that page together with pages 136 through 141.

(The justification pages follow:)

SALARIES OF REFEREES (SPECIAL FUND)

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$2,422,000	\$2,422,000	-----
12 Personnel benefits.....	178,000	178,000	-----
Total obligations.....	2,600,000	2,600,000	-----

Summary of increased requirements for 1964

No increase requested.

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 in fiscal year 1961 reached another all-time high of 147,780. However, it represents an increase of only 1,137 cases over the 146,643 cases filed during the previous year, which is the smallest increase in any year since 1952. The number of cases filed, the numerical increase and the percentage increase in filings since 1952 follows:

Fiscal year	Cases filed	Numerical increase	Percentage increase
1952	34,873		
1953	40,087	5,214	15.0
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

On July 1, 1961, there were 123,690 cases pending. During the year 137,709 cases were closed as compared with 147,780 cases filed, resulting in an increase in the pending caseload of 19,766 cases or 16.8 percent. This compares with an increase in the pending caseload in 1961 of 28,700 cases or 30.2 percent. The number pending on June 30, 1962, was 133,761, a new alltime high. The number closed in 1962 (137,709) also was a new high. Exhibits C and D show the number of bankruptcy cases filed and pending, fiscal year 1905-62 and the number and ratio of business to nonbusiness bankruptcies commended, fiscal year 1940-62.

Of the total cases filed in 1962, 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). The following table shows the volume and ratio (percentages) of business to non-business filings for the past 10 years:

Fiscal year	Non-business	Percentage of total	Business	Percentage of total	Total filings
1953	33,315	83.1	6,772	16.9	40,087
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	132,135	89.5	15,655	10.5	147,780

It is estimated that the number of bankruptcy cases to be filed in 1963 and in 1964 will be under 150,000, or at relatively the same level as in 1961 and 1962.

At the beginning of fiscal year 1963 the balance of the "Referees' salary and expense fund" was approximately \$9,161,000. It is estimated that receipts to be deposited into the fund during fiscal year 1963 will aggregate \$7,340,000, bringing the total available for appropriation to \$16,501,000. Deducting the appropriations of \$2,600,000 for "Salaries of referees," \$4,850,000 for "Expenses of referees," and the proposed supplemental of \$105,000 to cover pay increases for clerks to referees under the Federal Salary Reform Act of 1962, a balance of \$8,946,000 would remain in the fund as of June 30, 1963. It is estimated that during fiscal year 1964 receipts to be deposited into the fund will aggregate \$7,340,000. Deducting the appropriation estimates for fiscal year 1964 of \$2,600,000 for salaries of referees and \$5,456,000 for expenses of referees there would be a net deficiency in 1964 of over \$700,000 and the balance in the fund at the end of the year will be approximately \$8,230,000.

Detailed justification

The appropriation request for 1964 for "Salaries of referees" is \$2,600,000. It is sufficient to pay the salaries of 142 full-time referees and 54 part-time referees. No increase has been requested.

Mr. ROONEY. They indicate that the request is in the amount of \$2.6 million for referees' salaries, the same as the amount appropriated for this purpose in the current fiscal year.

Who thought up page 137?

You must have too many personnel over there. How can you waste time with a thing like that—"Summary of increased requirement for 1964," and then, "Item, nature of expense (or savings)," "Reference to justifications" and "Amount" and then in caps, "No increase requested."

Judge CAMPBELL. I think possibly our committee may have been bragging a little bit, Mr. Chairman. We have tried for years to get to the point where we could say to you we are not asking for any increase in positions, and I am afraid possibly we have wasted a page in bragging about it.

Judge McGUIRE. You mean that is a shadow of things to come, too.

Judge CAMPBELL. I am not making a further statement. I have answered the chairman.

NUMBER OF BANKRUPTCY CASES FILED

Mr. ROONEY. It might be noted that the number of bankruptcy cases filed for fiscal years 1952 to 1962, inclusive, is to be found at page 139 of these justifications and that the estimate for 1963 and in 1964 will be under 150,000 cases, or at relatively the same level as in 1961 and 1962.

STATUS OF REFEREE'S SALARY AND EXPENSE FUND

It looks as though good times are going, not coming, if I read this paragraph at page 141 correctly:

At the beginning of fiscal year 1963, the balance of the referees' salary and expense fund was approximately \$9,161,000. It is estimated that receipts to be deposited into the fund during fiscal year 1963 will aggregate \$7,340,000, bringing the total available for appropriation to \$16,501,000. Deducting the appropriations of \$2,600,000 for "Salaries of referees," \$4,850,000 for "Expenses of referees," and the proposed supplemental of \$105,000 to cover pay increases for clerks to referees under the Federal Salary Reform Act of 1962, a balance of \$8,946,000 would remain in the fund as of June 30, 1963. It is estimated that during fiscal year 1964 receipts to be deposited into the fund will aggregate \$7,340,000. Deducting the appropriation estimates for fiscal year 1964 of \$2,600,000 for

"Salaries of referees" and \$5,456,000 for "Expenses of referees" there would be a net deficiency in 1964 of over \$700,000 and the balance in the fund at the end of the year will be approximately \$8,230,000.

Gentlemen, this is very disturbing. What have you to say about it?

Judge CAMPBELL. I think the difference is accounted for by the increase in the salaries that was approved by the Congress.

Mr. ROONEY. You are increasing the salaries to the extent we are going into the hole on this fund and have to dip into the taxpayers' pocket for it?

Judge CAMPBELL. No. We still will have a balance of \$8,230,000.

Mr. ROONEY. But you will have a deficit of \$700,000 if I read this correctly, in 1964.

Judge CAMPBELL. Mr. Jackson?

Mr. JACKSON. Mr. Chairman, that indicates that the amount paid into the fund during that year will not equal the amount we will take out by that much.

Mr. ROONEY. We are headed for bankruptcy then. Isn't that right?

Mr. JACKSON. No, sir. There will still be in the fund—

Mr. ROONEY. Won't you be \$700,000 short according to your estimate in 1964?

Mr. JACKSON. There will be \$700,000 less.

Mr. ROONEY. At the end of 1964 fiscal year.

Mr. JACKSON. Yes, sir.

Mr. ROONEY. There will be \$700,000 less. You will be in bankruptcy then, won't you?

Mr. JACKSON. No, sir.

Mr. ROONEY. Not at the end of 1964?

Mr. JACKSON. There will still be available the \$8,230,000 balance which cannot be used for any other purpose than to support bankruptcy courts.

Judge CAMPBELL. In other words, we dip slightly into our fund in order to pay the increased salaries.

Mr. ROONEY. That is right.

Judge CAMPBELL. It has got to come from somewhere.

Mr. ROONEY. And of course over all the years since we started this special fund—and I can well remember when it was done—we made money so to speak. Isn't that right?

Mr. JACKSON. Yes, sir.

Mr. ROONEY. Now we are headed toward the end of the road.

Mr. JACKSON. No, Mr. Chairman.

REVISION OF CHARGES AGAINST ASSETS OF BANKRUPT ESTATES

There is a provision in the Bankruptcy Act, in this act which created the salary system, which authorizes the Judicial Conference to adjust the charges to bring this into balance and I presume that the Judicial Conference sooner or later will consider a revision of the charges against assets of bankrupt estates.

Judge CAMPBELL. They certainly will. We will have to raise charges to meet increased salaries.

Mr. ROONEY. Why haven't you done it before now, when you have the startling story I read from page 141. Why hasn't something already been done in this regard?

Judge CAMPBELL. They do not meet until March, Mr. Chairman.

Mr. JACKSON. My thought would be this isn't the appropriate time to do it because to do so would be to ask the Judicial Conference to anticipate something which has not actually occurred. I know they would not want to increase the cost of bankruptcy to anyone if they did not have to.

Mr. ROONEY. Are we to understand that you would like to have the amount requested to which we are now addressing ourselves, plus an increased salary plan for personnel in the Bankruptcy Division, without some assurance that the fees are going to be increased?

Mr. JACKSON. We are asking for this appropriation and at the appropriate time we will ask the Judicial Conference to reconsider the charges.

Mr. ROONEY. What recommendation will you have with regard to the charges?

Mr. JACKSON. There are several sources of income which support this fund. Filing fees go into it, the special charges for filing petitions for review, reclamation petitions, the percentage charges, so-called, against the assets the bankrupt estates can be adjusted. They now run one and one-half percent and they can be adjusted upward by a very slight fraction. It would have a great effect on this amount.

Mr. ROONEY. What would be the income from that?

Judge CAMPBELL. If they were adjusted upward what would you make?

Mr. ROONEY. I mean in dollars.

Mr. JACKSON. It would depend on how much adjustment was made.

Judge CAMPBELL. What do you have in mind?

Mr. JACKSON. Perhaps raising it to 2 percent. We have the charges against the bankrupt estates—

Mr. ROONEY. What would the increase to 2 percent provide moneywise?

Mr. JACKSON. I do not believe I could give you that.

Judge CAMPBELL. Your best estimate?

Mr. JACKSON. Probably a million dollars. It would more than offset this increase.

Judge CAMPBELL. If 2 percent would yield a million dollars, it would equal this \$700,000.

Mr. JACKSON. More than equal it. We have had the charge at that rate in the past. We reduced it when this fund came up to approximately the level it is now.

Judge CAMPBELL. This might be the time to raise it again in view of the increased salaries. Certainly we are going to bring it to the attention of the Judicial Conference when it meets in March.

Mr. ROONEY. Do you think that now at a time when you are faced with a deficit in this fund it is a good time to go through with the salary increase plan insofar as bankruptcy employees are concerned?

Judge CAMPBELL. May I speak to that, sir?

Mr. ROONEY. Yes.

Judge CAMPBELL. I do, because I think the adjustment of salaries is necessary to promote efficiency and fair treatment to all of the employees and the deficit of \$700,000 that will be occasioned in the bankruptcy fund in 1 year's operations, if we find after a year's operations for example that that is going to continue, it can be met just as we met a surplus a few years ago by reducing the charges;

it can be met now by increasing the charges but I think that the time is now to take care of the unjust differential in salaries of the employees.

We reduced them a few years ago when the surplus became too much. There is no reason they cannot be increased again.

Mr. ROONEY. We should have grabbed that money when we had it a few years ago and put it in the Treasury.

Judge CAMPBELL. You have still \$8 million of it.

Mr. CEDERBERG. That is not enough.

Judge CAMPBELL. As against \$700,000? You run a business better than that, will you?

EXPENSES OF REFEREES

Object classification

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
11 Personnel compensation:			
Permanent positions.....	2,807	3,077	3,477
Positions other than permanent.....	310	320	335
Other personnel compensation.....	1	202	266
Total personnel compensation.....	3,119	3,598	4,068
12 Personnel benefits.....	221	262	294
21 Travel and transportation of persons.....	102	120	120
22 Transportation of things.....	16	10	10
23 Rent, communications, and utilities.....	373	577	577
24 Printing and reproduction.....	60	72	72
25 Other services.....	21	19	19
26 Supplies and materials.....	112	78	112
31 Equipment.....	227	219	184
Total obligations.....	4,251	4,955	5,456

Personnel summary

	1962 actual	1963 estimate	1964 estimate
Total number of permanent positions.....	640	633	633
Full-time equivalent of other positions.....	75	60	60
Average number of all employees.....	670	737	737
Number of employees at end of year.....	704	715	715

Program and financing

[In thousands of dollars]

	1962 actual	1963 estimate	1964 estimate
Program by activities: Clerk hire and miscellaneous expenses of referees (obligations).....	4,251	4,955	5,456
Financing: Unobligated balance lapsing.....	59		
New obligational authority.....	4,310	4,955	5,456
New obligations authority:			
Appropriation.....	4,310	4,850	5,456
Proposed supplemental due to pay increases.....		105	

Mr. ROONEY. The last item is the one entitled "Expenses of referees," and is to be found at page 354 of the committee print.

This is a request in the amount of \$5,456,000, which would be an increase of \$606,000 over the appropriation to date in the current fiscal year.

We shall at this point insert pages 142 through 152 of the justification book.

(The justification pages follow:)

Statement relating appropriation estimates to current appropriation

Expenses of referees, U.S. courts (special fund):	<i>Judiciary</i>
1963 appropriation in annual act.....	\$4,850,000
1963 proposed supplemental due to pay increases.....	105,000
Base for 1964.....	4,955,000
Net difference, 1964 over 1963:	

	Requirements		Difference, increase (+) or decrease (-)
	1963 adjusted	1964 estimate	
Clerk hire compensation and benefits.....	\$3,880,000	\$4,361,500	+\$501,500
Miscellaneous expenses.....	1,095,000	1,094,500	-500
Total.....	4,955,000	5,456,000	+501,000

Total estimate for 1964..... 5,456,000

Statement showing analysis by object

Object	1963 estimate	1964 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$3,598,500	\$4,068,000	+\$469,500
12 Personnel benefits.....	261,500	293,500	+32,000
21 Travel and transportation of persons.....	119,500	119,500	
22 Transportation of things.....	10,000	10,000	
23 Rent, communications, and utilities.....	577,000	577,000	
24 Printing and reproduction.....	72,000	72,000	
25 Other services.....	19,000	19,000	
26 Supplies and materials.....	78,500	112,500	+34,000
31 Equipment.....	219,000	184,500	-34,500
Total obligations.....	4,955,000	5,456,000	+501,000

Summary of increased requirements for 1964

Nature of expense (or savings):

DEDUCTIONS

Nonrecurring expenses authorized for 1963..... *Amount*
-\$69,000

INCREASES REQUESTED

1. Additional amount required under the Federal Salary Reform Act of 1962..... 123,000
2. Provisions for within-grade salary advancements..... 72,000
3. For implementation of judiciary salary plan as approved by the Judicial Conference of the United States..... 275,000
4. Cost of 2 extra compensable days in 1964..... 31,500
5. Furniture and furnishings required incident to the occupancy of new buildings scheduled to be completed during fiscal year 1964 or 90 days thereafter..... 34,500
6. Increase in the volume of supplies being consumed in the offices of referees..... 34,000

Net increase, 1964 over 1963..... 501,000

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

It is estimated that in 1963 and in 1964 filings will be under 150,000 or at relatively the same level as in the past 2 years. Caseload data appear in the account for "Salaries of referees."

The estimate for 1964 includes provisions for increases in compensation and related benefits under the Federal Salary Reform Act of 1962; within-grade salary advancements; the regrading of employees consistent with standards approved by the Judicial Conference; furniture and furnishings required incident to the occupancy of new buildings; and an increase in the volume of supplies being consumed in the offices of referees. In view of the apparent leveling off of bankruptcy filings, no new positions have been requested.

Detailed justifications

The appropriation request for 1964 is \$5,456,000, or \$501,000 in excess of the obligational authority granted for 1963 adjusted to include a proposed supplemental of \$105,000 for pay costs under the Federal Salary Reform Act of 1962 (Public Law 87-793, approved October 11, 1962). The increases requested as well as the deductions are explained below:

Deduction for nonrecurring expenses

The following nonrecurring expenses authorized for fiscal year 1963, have been deducted in establishing the budgetary requirements for 1964:

<i>Nature of expense</i>	<i>Amount deducted</i>
Equipment and furniture for new referees.....	\$35, 000
Furniture and equipment for new clerks to referees.....	16, 500
Furniture and furnishings required incident to the occupancy of new buildings.....	17, 500
Total deductions.....	69, 000

Requirements under the Federal Salary Reform Act of 1962

In addition to the proposed supplemental of \$105,000 for the fiscal year 1963, \$123,000 will be required in 1964 to cover the full-year cost of pay increases effective October 15, 1962, and approximately one-half of the annual cost of increases in salary, including related benefits, which are scheduled to take effect on January 6, 1964. The following is a breakdown by fiscal year of the total cost of pay increases under the Federal Salary Reform Act of 1962:

	1963 proposed supplemental	1964 budgetary requirements	1965 budgetary requirements	Total cost
<i>1st phase (effective Oct. 15, 1962):</i>				
Compensation.....	\$98, 500	\$41, 500		\$140, 000
Benefits.....	6, 500	3, 000		9, 500
Total.....	105, 000	44, 500		149, 500
<i>2d phase (effective Jan. 6, 1964):</i>				
Compensation.....		73, 500	\$76, 500	150, 000
Benefits.....		5, 000	5, 500	10, 500
Total.....		78, 500	82, 000	160, 500
Grand total.....	105, 000	123, 000	82, 000	310, 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 1963 will be absorbed to the maximum extent possible. Any savings would, however, be the result of a delay in the appointment of new personnel authorized for 1963 and would not be of a recurring nature. Pay costs in 1964 cannot be absorbed without seriously affecting the execution of essential functions.

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 \$72,000, of which \$67,500 represents increases in compensation and \$4,500 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, is net of anticipated savings due to turnover of personnel and the filling of vacancies at lower rates of pay.

Judicial salary plan

The sum of \$275,000 (\$257,500 for personnel compensation and \$17,500 for related benefits) will be required for the regrading of clerks to referees consistent with the standards prescribed in the judiciary salary plan as approved by the Judicial Conference in September 1961. For a description of the plan, its purpose and objectives, reference is made to page 95 of this document which contains the justifications in support of a similar request for funds under the heading "Salaries of Supporting Personnel."

Cost of 2 extra compensable days in 1964

The sum of \$31,500 (\$29,500 for compensation and \$2,000 for related benefits) has been included to cover regular pay in excess of 52 weeks. Clerks to referees will be compensated, on a biweekly basis, for 262 days in fiscal year 1964 as compared with only 260 compensable days in 1963.

Furniture requirements incident to the occupancy of new buildings

The General Services Administration in fiscal year 1963 assumed budgeting for all of the furniture requirements of the courts. An exception was made with respect to the requirements of referees in bankruptcy in view of the fact that the bankruptcy system is financed out of a special fund in the Treasury.

Furniture and furnishings required by referees in bankruptcy incident to the occupancy of new buildings scheduled for completion during fiscal year 1964 or within 90 days thereafter are as follows:

Location	Scheduled completion date	Amount
Denver, Colo.....	March 1964.....	\$16,974
Marianna, Fla.....	do.....	545
Clarksdale, Miss.....	do.....	545
North Platte, Nebr.....	April 1964.....	2,500
New Orleans, La.....	June 1964.....	10,000
Bismarck, N. Dak.....	July 1964.....	3,500
Gainesville, Fla.....	do.....	545
Total.....		\$34,600

¹ Rounded \$34,500.

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 were prepared by the General Services Administration's regional offices subject to review and summarization by the central office of the General Services Administration.

Increased consumption of supplies

It is estimated that an additional \$34,000 will be required in fiscal year 1964 to cover the cost of supplies and materials to be consumed in the offices of the

referees in bankruptcy. This increase in large measure is due to the installation and use of photocopy equipment in the offices of referees 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 AND FURNISHINGS

Mr. ROONEY. What is the total you have in here for furniture and furnishings as expenses of referees in the current year?

Mr. JACKSON. It is \$184,500.

Mr. ROONEY. And you want to make that—

Judge CAMPBELL. It was \$219,000. We are reducing it to \$184,000.

Mr. ROONEY. This looks to me like a request for an increase.

Judge CAMPBELL. That is in supplies and materials.

Mr. ROONEY. Furniture and furnishings, I am referring to. It looks like an increase of \$34,500 in the coming year.

Judge CAMPBELL. I am sorry. I am looking at the wrong page. Mr. Jackson, what is that for?

Mr. ROONEY. That would make your total for furniture and furnishings in the coming year how much?

Mr. GARABEDIAN. I believe I can answer that. At the present time we have \$50,000 in the appropriation for recurring furniture requirements of referees. In addition we have asked for \$34,500 which represents a nonrecurring expense of providing furniture for new court quarters being furnished by the General Services Administration, being constructed at the present time or to be constructed and completed in fiscal 1964.

BREAKDOWN OF REQUEST FOR FURNISHINGS IN NEW BUILDINGS

Mr. ROONEY. Do you have a breakdown of this request for \$34,500?

Mr. GARABEDIAN. The General Services Administration, at my request several days ago, had addressed a wire to each of its regional offices in an attempt to secure the details in regard to these estimates. I did not receive these details prior to the hearing. However, I believe they will be available and can be submitted.

Mr. ROONEY. Be sure the breakdown is detailed and submitted at this point in the record.

Judge CAMPBELL. Very well.

(The information requested follows:)

Summary statement of funds required for the procurement of furniture and furnishings for referees in bankruptcy incident to the occupancy of new buildings, fiscal year 1964

	GSA estimate	Approved by the Administrative Office, U.S. Courts
Denver, Colo.....	\$16,974	\$10,000
Marianna, Fla.....	545
Clarksdale, Miss.....	545	300
North Platte, Nebr.....	2,500	1,400
New Orleans, La.....	10,000	7,000
Bismarck, N. Dak.....	3,500	1,400
Gainsville, Fla.....	545	300
Total.....	34,609	20,400

Referee in bankruptcy

BUILDING: DENVER, COLO.

Item	Unit cost	GSA estimate		Approved by the Administrative Office, U.S. Courts	
		Number of units	Total cost	Number of units	Total cost
Desk, judges, executive walnut.....	\$280.00	3	\$840.00	2	\$560.00
Desk, typewriter, secretarial, steel.....	74.00	14	1,036.00	11	798.00
Chairs, rotary, with arms, judges, upholstered, executive walnut.....	123.00	5	615.00	4	564.00
Chairs, straight, with arms, upholstered, executive walnut.....	46.00	12	552.00	12	552.00
Chairs, jurors, fixed base, executive walnut.....	62.00	2	124.00	2	124.00
Chairs, steno, padded, steel.....	28.00	13	365.00	11	308.00
Chairs, straight, with arms, steel.....	36.00	16	576.00	10	360.00
Chairs, straight, without arms, steel.....	30.00	10	300.00	4	120.00
Chairs, rotary, with arms, steel.....	47.00	3	141.00		
Table, office, steel.....	43.00	10	430.00	10	430.00
Cabinet, telephone, executive walnut.....	53.00	3	159.00	2	106.00
Costumer, wearing apparel, steel.....	11.00	1	11.00	1	11.00
Rack, wearing apparel, steel, 6-hat capacity.....	11.00	1	11.00	1	11.00
Rack, wearing apparel, steel, 12-hat capacity.....	20.00	3	60.00	3	60.00
Cabinet, file, upright, 4/5 drawer, legal, walnut.....	60.00	9	540.00	9	540.00
Cabinet, file, upright, 4/5 drawer, legal, grey.....	58.00	19	1,102.00	19	1,102.00
Cabinet, file, upright, 2-drawer, legal, grey.....	32.00	2	64.00	2	64.00
Cabinet, file, card file, 3- by 5-inch size, 8 double-drawer, grey.....	100.00	2	200.00	2	200.00
Cabinet, file, card file, 3- by 5-inch size, 10 double-drawer, grey.....	110.00	2	220.00	2	220.00
Cabinet, file, card file, 3- by 5-inch size, 2-drawer-grey.....	2.00	2	10.00	2	10.00
Stand, typewriter, without casters, steel.....	26.00	2	52.00	2	52.00
Stool, step, with casters, Kik-Step.....	10.00	1	10.00	1	10.00
Stool, filing, straight, 14 inches high, with casters.....	6.00	1	6.00	1	6.00
Bookcase, cabinet type, executive walnut.....	146.00	3	438.00	2	292.00
Lectern, wood, walnut.....	300.00	1	300.00	1	300.00
Mat, floor, composition.....	3.00	3	9.00	3	9.00
Wastebaskets.....	3.00	17	51.00	12	36.00
Safe, combination.....	200.00	1	200.00		
Shelving, sectional.....	84.20	13	1,095.00	10	842.00
Carpet, padding, installation.....			616.00		616.00
Drapery.....			2,040.00		1,300.00
Total, furniture and furnishings.....			12,173.00		8,603.00
Add 5 percent for possible price rise.....			635.00		
Transportation (estimated cost).....			3,991.00		1,397.00
Uncrating and placement (estimated cost).....			175.00		
Total.....			16,974.00		10,000.00

BUILDING: NORTH PLATTE, NEBR.

Hearing room:					
Judges chair.....	\$141.00	1	\$141.00	1	\$141.00
Tables.....	72.50	2	145.00	2	145.00
Chairs.....	57.50	8	460.00	8	460.00
General office:					
Desk.....	280.00	1	280.00	1	180.00
Rotary chair.....	60.00			1	60.00
Table.....	72.00	1	72.00	1	72.00
Chairs.....	30.00	2	60.00	2	60.00
Secretarial desk.....	180.00	1	180.00		
Steno chair.....	50.00	1	50.00		
File cabinets.....	50.00	3	150.00		
Steel shelving.....	100.00	2	200.00		
Miscellaneous.....			562.00		100.00
Transportation, crating, placement, etc.....			200.00		182.00
Total.....			2,500.00		1,400.00

1 2 windows at \$150 each.

Referee in bankruptcy—Continued

BUILDING: BISMARCK, N. DAK.

Item	Unit cost	GSA estimate		Approved by the Administrative Office, U.S. Courts	
		Number of units	Total cost	Number of units	Total cost
Hearing room:					
Judges chair.....	\$141.00	1	\$141.00	1	\$141.00
Reporters chair.....	60.00	1	60.00	1	60.00
Side chairs.....	60.00	8	480.00	8	480.00
Tables.....	72.00	2	144.00	2	144.00
General office:					
Flattop desk.....	280.00	1	280.00	1	97.00
Secretarial desk.....	180.00	1	180.00		
Table.....	53.00	1	53.00	1	53.00
Rotary chair.....	60.00	1	60.00	1	60.00
Steno chair.....	50.00	1	50.00		
Side chairs.....			276.00	2 at \$30	60.00
File cabinets.....	50.00	3	150.00		
Steel shelving.....	100.00	2	200.00		
Miscellaneous.....			726.00		100.00
Transportation, uncrating, and handling.....			700.00		205.00
Total.....			3,500.00		1,400.00

BUILDING: MARIANNA,¹ FLA.

Table, 60 by 34 inches.....	\$43.00	1	\$43.00		
Rack, wearing apparel, gray steel.....	10.95	1	10.95		
File cabinet, 5-drawer, with/lock legal, gray steel.....	59.00	1	59.00		
Desk, flattop, double pedestal.....	97.00	1	97.00		
Chair, swivel, upholstered.....	42.50	1	42.50		
Chair, leg type, with/arms.....	28.00	2	56.00		
Chair, typist.....	30.50	1	30.50		
Desk, left pedestal.....	106.00	1	106.00		
Stand, smoking.....	5.77	2	11.54		
Do.....	4.26	2	8.52		
Total furniture and furnishings.....			465.01		
Transportation (estimated cost).....			50.00		
Uncrating and placement (estimated cost).....			30.00		
Total.....			545.01		

BUILDING: CLARKSDALE, MISS.

Table, 60 by 34 inches.....	\$43.00	1	\$43.00	1	\$43.00
Rack, wearing apparel, gray steel.....	10.95	1	10.95	1	10.95
File cabinet, 5-drawer, with lock legal, gray steel.....	59.00	1	59.00		
Desk, flat top, double pedestal.....	97.00	1	97.00	1	97.00
Chair, swivel, upholstered.....	42.50	1	42.50	1	42.50
Chair, leg type, with arms.....	28.00	2	56.00	2	56.00
Chair, typist.....	30.50	1	30.50		
Desk, left pedestal.....	106.00	1	106.00		
Stand, smoking.....	5.77	2	11.54		
Do.....	4.26	2	8.52		
Total furniture and furnishings.....			465.01		249.45
Transportation (estimated cost).....			50.00		} 50.55
Uncrating and placement (estimated cost).....			30.00		
Total.....			545.01		300.00

¹ Marianna is not designated as a place of holding bankruptcy court and, therefore, no facilities will be required.

Referee in bankruptcy—Continued

BUILDING: NEW ORLEANS, LA.

Item	Unit cost	GSA estimate		Approved by the Administrative Office, U.S. Courts	
		Number of units	Total cost	Number of units	Total cost
Hearing room:					
Table, 144 by 48 inches.....	\$399.36	2	\$798.72	2	\$798.72
Chair, rotary, arm.....	97.70	15	1,465.50	15	1,465.50
Chair, rotary, judges.....	140.83	1	140.83	1	140.83
Flag, U.S., nylon, and stand.....	43.75	1	43.75	1	43.75
Rack, wearing apparel.....	20.05	1	20.05	1	20.05
Table, 48 by 30 inches.....	69.68	1	69.68	1	69.68
Chair, typist, posture.....	30.50	1	30.50	1	30.50
Referee's chambers:					
Desk, executive, flat-top, 76 by 48 inches.....	304.72	1	304.72	1	304.72
Chair, rotary, judges.....	140.83	1	140.83	1	140.83
Credenza, walnut.....	255.84	1	255.84		
Davenport.....	280.28	1	280.28		
Chair, easy.....	133.90	1	133.90		
Chair, straight, with arms.....	53.26	4	213.04	4	213.04
Cabinet, telephone.....	86.32	1	86.32	1	86.32
Costumer, walnut.....	38.34	1	38.34	1	38.34
Flag, U.S., nylon, and stand.....	43.75	1	43.75		
Reception room (general office):					
Desk, typist.....	246.48	1	246.48	1	106.00
Chair, typist.....	30.50	1	30.50	1	30.50
Costumer, walnut.....	38.34	1	38.34	1	38.34
Credenza, walnut.....	255.84	1	255.84		
Table, 72 by 36 inches.....	87.36	1	87.36	1	87.36
Chair, straight, with arms.....	53.26	8	426.08	8	426.08
Cabinet, file.....	72.50	4	290.00	4	290.00
Cabinet, storage.....	41.40	1	41.40	1	41.40
Davenport.....	280.28	1	280.28		
Miscellaneous items.....			97.67		97.67
Carpeting, including underlay and installation cost (referee's office and reception room)..... square yards.....	10.00	155	1,550.00	155 at \$8	1,240.00
Draperies, including material fabrication and installation cost (referee's office, hearing room and reception room)..... windows.....	360.00		2,500.00	3 at \$150	450.00
Subtotal.....			10,000.00		6,159.63
Transportation, uncrating, placement, etc. (estimate).....					840.37
Total.....			10,000.00		7,000.00

BUILDING: GAINESVILLE, FLA.

Table, 60 by 34 inches.....	\$43.00	1	\$43.00	1	\$43.00
Rack, wearing apparel, grey steel.....	10.95	1	10.95	1	10.95
File, cabinet, 5-drawer, with lock, legal, grey steel.....	59.00	1	59.00		
Desk, flat top, double pedestal.....	97.00	1	97.00	1	97.00
Chair, swivel, upholstered.....	42.50	1	42.50	1	42.50
Chair, leg type, with arms.....	28.00	2	56.00	2	56.00
Chair, typist.....	30.50	1	30.50		
Desk, left pedestal.....	106.00	1	106.00		
Stand, smoking.....	5.77	2	11.54		
Do.....	4.26	2	8.52		
Total furniture and furnishings.....			465.01		249.45
Transportation (estimated cost).....			50.00		50.55
Uncrating and placement (estimated cost).....			30.00		
Total.....			545.01		300.00

DEVELOPMENT OF ESTIMATES BY GENERAL SERVICES ADMINISTRATION

Mr. Bow. If the chairman will yield, you say the General Services Administration will furnish that. I notice, on page 150 of your justifications, you say:

The General Services Administration in fiscal year 1963 assumed budgeting for all of the furniture requirements of the courts. An exception was made with respect to the requirements of referees in bankruptcy in view of the fact that the bankruptcy system is financed out of a special fund in the Treasury.

Do you not know how much you will spend on that since you are handling it direct?

Mr. GARABEDIAN. These estimates are developed by the General Services Administration in the field just as they do for the courts of appeals and district courts.

Mr. Bow. It says here:

An exception was made with respect to the requirements of referees in bankruptcy.

Mr. GARABEDIAN. Only in terms of financing. We reimburse them for what they buy.

Mr. Bow. Do you authorize it or do they authorize it?

Mr. GARABEDIAN. They authorize it.

CONTROL OVER ESTIMATES OF GSA

Mr. Bow. Do you not have control over it?

Mr. OLNEY. We have control over it.

Mr. ROONEY. Of course you have control over it.

Mr. OLNEY. They authorize it and it comes out of our money but we do not attempt to duplicate their organization.

Mr. Bow. When the General Services Administration comes to you with their list, do you go ahead and do what they suggest or recommend or do you review it?

Mr. OLNEY. We review it.

Mr. Bow. You seem to be doing the same thing regardless of the exception.

Mr. GARABEDIAN. I could answer your question as to whether we have control over it in this way: We did enter into an agreement with the General Services Administration, whereby they would develop the estimates and submit the estimates to us for budgetary purposes. However, prior to reimbursing GSA for any furnishings or furniture, they must submit a detailed list for approval and for certification that the funds are available.

Mr. Bow. How often have you cut the GSA recommendation?

Mr. GARABEDIAN. This is the first time we have worked under that agreement.

Mr. ROONEY. It seems to me it would be better, since this is a special fund, to expend money from this fund for the referees.

Mr. Bow. I think so too, but I think somebody should take a look at it.

Mr. ROONEY. I never had an idea that somebody here would give up and say, "GSA knows all about it" when the responsibility rests with the Administrative Office, with your office.

Mr. OLNEY. That is true, and it is a responsibility we exercise, particularly when it comes to the purchases. But when it comes to the estimates of what it will cost, we do have to rely on the General Services Administration.

(Discussion off the record.)

Judge CAMPBELL. The result will not be that what we have asked for will actually be spent without any review of the situation.

Mr. ROONEY. Let us go back to the answer of Mr. Garabedian. When you got the figure with regard to Denver of \$16,974, you just got a bare figure without any detail?

Mr. GARABEDIAN. Yes, sir. I regret the timing of the budget estimates is such that when these things are submitted to the Bureau of the Budget we do not have the details.

Mr. ROONEY. When did you get the figure of \$16,974?

Mr. GARABEDIAN. Approximately 60 days ago.

Mr. ROONEY. When were you down at the Bureau of the Budget?

Mr. GARABEDIAN. We submitted the budget on November 1.

Mr. ROONEY. That is approximately 90 days ago, and in 90 days you do not have any further information than the figure \$16,974?

Mr. GARABEDIAN. As I said, before we came to the hearings I asked the General Services Administration to obtain the details.

Mr. ROONEY. Perhaps we can go back further than 90 days. When did you prepare this budget down in your shop?

Mr. GARABEDIAN. Late in September, in time to submit it to the Judicial Conference.

Mr. ROONEY. And that figure was submitted to the Judicial Conference?

Mr. GARABEDIAN. We used a preliminary figure that was subsequently revised after obtaining an estimate from the General Services Administration.

Mr. ROONEY. What was the first figure?

Mr. GARABEDIAN. I do not know exactly. It was very close to \$34,500.

Mr. Bow. This next paragraph is interesting, on page 151:

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 were prepared by the General Services Administration's regional offices, subject to review and summarization by the Central Office of the General Services Administration.

It looks to me as if this has been delegated over to General Services Administration and you have lost control.

(Discussion off the record.)

Judge CAMPBELL. These are only the estimates. This does not mean we have to spend this money to buy this furniture.

Mr. ROONEY. No, but you have to ask for the money. This is your budget.

Judge CAMPBELL. That is right, and we have no intention of spending anything that is not needed. This will be reviewed before any expenditures are made, but for the purpose of asking for the money we need for this year, we have to take the estimates of the General Services Administration of what the furniture will cost. We have no way of getting that ourselves.

Mr. AIRHART. You may recall, a year or 2 ago, when we turned up with \$30 wastebaskets on General Services Administration lists, it was

firmly suggested by the committee that we get our heads together on such items. I think it might be well to file the agreement we have with the General Services Administration.

Mr. ROONEY. You mean you have an agreement?

Mr. AIRHART. Yes.

Mr. ROONEY. What does the agreement provide?

Mr. AIRHART. That we use their facilities—

Mr. ROONEY. This is an overall agreement. Is that what you are talking about?

Mr. AIRHART. Yes.

Mr. ROONEY. I am talking about an agreement with regard to \$16,974. Is there such an agreement?

Mr. AIRHART. The agreement covers this.

LACK OF INFORMATION ON FUNDS REQUESTED

Mr. ROONEY. It is incredible that this could have been pending as far back as September, and the Administrative Office not have the details of what they will get for the \$16,974 of whose money? Of money to be handled through the Administrative Office.

Mr. CEDERBERG. Will the chairman yield? There has been a change in general policy in regard to the General Services Administration in budgeting for furniture requirements of the courts. This is an exception. But when this furniture is ultimately purchased, you will issue a check to General Services Administration, and they will do it the same as for everybody else?

Judge CAMPBELL. In effect; yes.

Mr. ROONEY. But who will decide what the spittoon will cost and what the draperies will look like?

Judge CAMPBELL. The Administrative Office.

Mr. ROONEY. But you are asking for \$17,000 and there are no details. There is nothing wrong with the exception, which would come out of fees in the bankruptcy fund. That is a proper exception if administered by the Administrative Office.

Mr. CEDERBERG. Otherwise you have no control over what this expenditure would be for. I agree with the chairman this \$16,974 for Denver, I would hope, came in here on some firm prices for furniture.

Mr. OLNEY. Mr. Chairman, under our agreement with the General Services Administration on these items we do review them and we have to approve every purchase before it is made. That is where our control is.

Mr. ROONEY. Do you think it is unfair to the taxpayer to suggest when you come in for an odd amount such as \$16,974 that you have the details as to what the taxpayer will get for that \$16,974?

Judge CAMPBELL. I do not think that is unreasonable at all.

Mr. OLNEY. There is no possibility of our doing anything else. We do not have the manpower capable of making these estimates. We have to get them from General Services Administration and if they cannot give more than a general estimate, that is the best we can do.

Mr. ROONEY. You have a GSA estimate of \$16,974. Can you not say how many desks and how many partitions and the extent of the partitions and all this detail included in the figure of \$16,974? It seems incredible you would take a figure of \$16,974 without any details.

Mr. OLNEY. The General Services Administration do not get an estimate of what they need from the Administrative Office. They get it from the field.

Mr. ROONEY. Is it not your job to know what is going on? Suppose we have a judge who wants gold-plated gaboons. Who will determine that? I thought that was a duty of the Administrative Office.

Mr. OLNEY. That is true, and no gold-plated gaboons can be purchased without the approval of the Administrative Office.

Mr. ROONEY. How do you know they will not be purchased?

Mr. OLNEY. We review the items and have to approve every purchase before it is made.

Mr. ROONEY. Do you think we should waive our responsibilities as representatives of the taxpayer and approve that \$16,974 without any knowledge as to what it is for? You would not agree to that, would you?

Mr. OLNEY. I think I would.

Mr. ROONEY. You would?

Mr. OLNEY. As long as there are some satisfactory controls on the expenditure of the money.

Mr. ROONEY. Would you not expect this committee, as would this committee expect you, to go into details as to what makes up the \$16,974? I am putting the answer in your mouth.

Judge CAMPBELL. Certainly.

Mr. ROONEY. Of course.

Judge CAMPBELL. And, as I understand, that is what you will do when you get the details from the General Services Administration.

Mr. ROONEY. Now you are bailing him out.

Judge CAMPBELL. I watch him and I have to get my oar in here.

Mr. ROONEY. This is pretty hard to understand. All the time it took to set this budget up, it seems that some GS-4 would ask what you would get for that \$16,974.

Judge CAMPBELL. We will get it.

Mr. ROONEY. It could be very interesting. If you looked at it you might find it interesting, and if we looked at it we might find it interesting, but otherwise we will not write a blank check for \$16,974.

Any questions?

TRAVEL AND TRANSPORTATION OF PERSONS

Mr. Bow. You have the same amount for 1964 as for the current fiscal year for "Travel and transportation of persons." Is this the travel of referees to various places to hold court?

Mr. OLNEY. Yes.

Mr. Bow. Has a careful study been made of that to determine if the referees are going to areas where it is not justified, where litigants could come to the referees and save some money?

Mr. JACKSON. The referees and their clerks have to have prior authorization from our office each quarter before they go. They have designated places where they are supposed to go. Vouchers then come in and we audit them, so we know where they go.

Mr. Bow. I understand that, but perhaps there are some authorizations that take them from their home bases and take them elsewhere that might be consolidated to some extent.

Mr. JACKSON. They have been asked all the 15 years we have had this system to consolidate their hearings and to have a calendar that would require as few trips as possible, and I believe most referees follow this.

Judge CAMPBELL. Is it regularly followed up by your office to see that they do?

Mr. JACKSON. Yes.

Mr. BOW. I know in my district the referee—and he has said nothing to me about it—travels to three or four places and most of them are pretty close together and I wondered if the litigants could not come to a place only a short distance away and save time and money.

Mr. JACKSON. There might be cases in which they have to hold hearings in certain places in emergencies. I know a full-time referee does not want to be out of his office more than he has to be, and a part-time referee does not want to be out of his office because he is a practicing lawyer and he would lose money if he had to be out of his office very much.

INCREASED CONSUMPTION OF SUPPLIES

Mr. BOW. Is this item of \$34,000 for increased consumption of supplies a nonrecurring item?

Mr. ANDERSON. It is a recurring item.

Mr. BOW. By putting in this photocopy machine we are getting in a position where we will have to pay more money for supplies?

Mr. ANDERSON. The use of the photocopy machine leads to increased expense for photocopy paper, but there is a fee charged for copies.

Mr. BOW. This \$34,000 increase in consumption of supplies will be repaid by fees charged for copies?

Mr. ANDERSON. There will be an offset there.

Mr. BOW. That is all.

Mr. ROONEY. Thank you, gentlemen and judges.

Judge CAMPBELL. May I say a word in conclusion. I want to thank you for the help you have given our committee in the past, particularly in regard to our efforts, which I can assure you are sincere, (1) to plug any loopholes we can, and (2) to economize wherever possible. I would like to express my appreciation and the appreciation of my committee for the cooperation you have given the judiciary in the past.

One personal note: I would like particularly to thank you and members of the committee last January for the personal consideration you extended to me in last year's hearings in regard to my absence due to the unfortunate illness of my wife. I am very appreciative of the consideration you gave me personally at that time and I would like to thank you on the record for it.

Mr. ROONEY. Judge Campbell, I feel, and I know I express the opinion of all members of this committee, that from what we know of you and what the new members have heard today, you make sense. You are trying to do a good job and you are fully appreciated. We know that the judges are all human, but you and Judge McGuire do a good job.

Judge CAMPBELL. Thank you. We appreciate it.

The first part of the book is devoted to a general survey of the history of the subject, and to a discussion of the various theories which have been advanced to explain the phenomena observed.

The second part is devoted to a detailed description of the various experiments which have been performed, and to a discussion of the results obtained.

The third part is devoted to a discussion of the various theories which have been advanced to explain the phenomena observed, and to a comparison of these theories with the experimental results.

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