

Corp. have manufactured the heavy expanded mobility tactical trucks—or HEMTT—that have done such a great job under combat conditions in the Persian Gulf. Some of these trucks are rolling off the assembly line right now, and being placed on the C-5 transport aircraft that will bring them to Saudi Arabia.

Our soldiers deserve every possible advantage we can give them. Oshkosh Truck is doing its part to make their lives easier—and these hard-working Wisconsinites, led by company President R. Eugene Goodson, deserve our recognition and our praise.●

DOUBLE JEOPARDY FOR RETIRED SENIOR CITIZENS

● Mr. McCAIN. Mr. President, I am pleased to join my colleague, the Senator from Nevada, in taking steps to correct a situation of double jeopardy for many of our Nation's senior citizens. The situation to which I refer is some States' practice of taxing the retirement income of people who are not residents of those States. Twelve States now tax the pensions of people who have moved elsewhere. Furthermore, some of these States go so far as to base their tax not only on pension income, but on the total income of their former residents.

Mr. President, I come from a State that attracts retirees. One of the many reasons that people choose to spend their golden years in the State of Arizona—and I must say the list is long—is that Arizona has a relatively low rate of taxation on pension incomes. S. 257 would make sure that the nest egg of these retirees is not shattered by a practice of taxation that often comes as a surprise to them—a practice that takes a great toll on Americans who live on a fixed income. This bill would finally prohibit a State from imposing an income tax on the pension income of individuals who are no longer residents of that State.

I would suggest, Mr. President, that the status quo for many unfortunate retirees amounts to nothing less than taxation without representation, a situation that our Forefathers fought a revolution over. Clearly, this practice must end. In a time when fighting for what is right weighs heavily in the minds of all Americans, I would commend the leadership of the Senator from Nevada [Mr. REID] in righting this wrong. There is simply no justification for making these pensioners pay taxes for services they no longer receive, in States where they no longer live.

Mr. President, I am confident that this body will see fit to take steps to correct this wrongful taxation. As James Otis, an American Revolutionary statesman said, "Taxation without representation is tyranny."●

IMPLEMENTING THE CIVIL JUSTICE REFORM ACT

● Mr. BIDEN. Mr. President, on December 1, 1990, President Bush signed into law the Judicial Improvements Act of 1990. Title I is the Civil Justice Reform Act, which was praised by the President as making valuable suggestions for improving the management of the civil justice system. The act addresses the monumental problems of costs and delay in civil litigation by mandating a series of sweeping steps at the local and national level to make Federal civil litigation more affordable, more accessible, and less time consuming.

A principal feature of the act is the requirement that every district court develop and implement a civil justice expense and delay reduction plan. The district court shall do so based on the recommendations of a local advisory group. Section 478 mandates that within 90 days after the date of enactment of this chapter, the advisory group required in each United States district court shall be appointed by the chief judge of each district court, after consultation with the other judges of such court.

The function of the advisory groups is to formulate individual plans to implement the principles of the bill in each district court. The obvious importance of these groups should be reflected in the quality of their membership. It is vital for the advisory groups to be comprised of a wide range of individuals with broad experience in Federal litigation. This will help ensure that effective and fair plans are developed and implemented.

I would like to take this opportunity to bring to the attention of my colleagues two districts that have already appointed advisory groups: the Southern District of Florida, located in Miami, and the Eastern District of New York, located in Brooklyn. The extremely high quality and the wide range of expertise represented by the members of these appointed groups is exactly what I envisioned when drafting the legislation. I am impressed and encouraged by the first steps that have been taken by these two district courts to implement the Civil Justice Reform Act. I hope other district courts will use the Southern District of Florida and the Eastern District of New York as role models.

Chief Judge James Lawrence King of the Southern District of Florida has appointed the following distinguished individuals as members of his district court's advisory group: Chesterfield Smith, former president of the American Bar Association and attorney with Holland & Knight; Ana Barnett, Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A.; Randall C. Berg, Jr., executive director, Florida Justice Institute, Inc.; Richard Capen, vice president, Knight-Ridder, Inc.; Robert Coords, chief executive officer, Sun Bank; Dean Mary Doyle, University of Miami School of Law; Robert L.

Dube, Dube & Wright, P.A.; Elizabeth Du Fresne, Southeast Financial Center; Alan G. Greer, Floyd Pearson Richman Greer Weil Zack & Brumbaugh, P.A.; James Jay Hogan, Hogan, Greer & Shapiro, P.A.; Robert Krawcheck, assistant county attorney; Ira J. Kurzban, Kurzban, Kurzban & Weinger, P.A.; Henry Latimer, Fine Jacobson Schwartz Nash Block & England, P.A.; Dexter Lehtinen, U.S. attorney; Edward A. Moss, Anderson, Moss, Parks & Russo, P.A.; Aaron S. Podhurst, Podhurst, Orseck Josefsberg Meadow Olin & Perwin, P.A.; Raul L. Rodriguez, AIA, Rodriguez & Quiroga; Thomas E. Scott, Steel Hector & Davis; Charlene H. Sorrentino, U.S. magistrate judge; and T.G. Cheleotis clerk of the court.

I applaud the efforts of Judge King in selecting a group that is diverse and experienced. Members of the community with intimate knowledge of the local legal system are part of this group. From trial attorneys to professors of law, from leaders in business to district court judges—all of those who use the courts will have a role to play in the implementation of the plan. That was precisely the intent of this legislation.

Chief Judge Thomas C. Platt of the Eastern District of New York has also taken a strong, positive lead in appointing his advisory group. The members include: as chairman, Edwin J. Wesely, Winthrop, Stimson, Putnam & Roberts; as deputy chair, Stephen P. Hoffman, of Pomerantz Levy Haudck Block & Grossman; Bruce Barton, District Executive of the Eastern District of New York; Robert L. Begleiter, Chief, Civil Division, U.S. Attorney's Office; Joel Berger, Senior Litigator, corporation counsel; Prof. Margaret A. Berger, Brooklyn Law School; Bertram Bronzaf, Garwin, Bronzaf Cerstein & Fisher; Raymond L. Casey, as reporter, Prof. Edward D. Cavanagh, St. John's University School of Law; Prof. Oscar G. Chase, New York University School of Law; Thomas F. Clause, Jr., Winthrop, Stimson, Putnam & Roberts; Ellen M. Coin, Graubard Mollen Horowitz Pomerantz & Shapiro; Thomas Concanon, Legal Aid Society; Jo Davis, Kaye, Scholer, Fierman & Hays; Hon. Sandra J. Feuerstein, district court judge; Barbara Flicker, director, Institution of Judicial Administration, New York University School of Law; Cherie A. Gaines, executive director, Bedford Stuyvesant Community Legal Services Corp.; Thomas L. Genovese, vice president and general counsel, Grumman Corp.; John C. Gray, Jr., project director, Brooklyn Legal Services Corp.; Robert C. Heinemann, clerk of the court, Eastern District of New York; Peter Herbert, Cowan, Liebowitz & Latman, P.C.; Stephen Hochhauser, Bertine, Hufnagel, Headley & Zeltner; George F. Hritz, Davis, Markel & Edwards; Prof. Beryl R. Jones, Brooklyn Law School; V. Anthony Maggipinto;

Peter Reilly, Jr.; Paul D. Rheingold, Rheingold & McGowan; Sol Schreiber, Milberg, Weiss, Bershad, Specthrie & Lerach; Ann Shields, Skadden, Arps, Slate, Meagher & Flom; and Guy Miller Struve, Davis Polk & Wardwell.

These individuals fairly represent the wide spectrum of interests involved in civil litigation in the Eastern District of New York. There is no doubt that they can provide a fair and thorough assessment of how best to develop a civil justice expense and delay reduction plan for their district court.

Mr. President, I am greatly encouraged by the constructive steps taken by Chief Judge King and Chief Judge Platt. I look forward to following the implementation of the Civil Justice Reform Act in their districts. I also eagerly anticipate learning about other districts who have appointed the members of their advisory groups. This initial step in implementing the law is critical to the success of civil justice reform. While these are but two districts and this is but one step, what I have seen thus far in these two courts is encouraging and exciting. I commend the members of the Southern District of Florida and the Eastern District of New York, and the leadership exercised by Chief Judge King and Chief Judge Platt. ●

THE 1990 YEAR-END REPORT OF THE FEDERAL JUDICIARY

● Mr. PRYOR. Mr. President, each year the Chief Justice of the Supreme Court issues an annual report on the state of the Federal judiciary. I have always found this report very informative and I share it with the legal community throughout my State.

Chief Justice Rehnquist provided the latest installment of this useful report and I ask that the text of this report for 1990 follow my remarks. I commend this report to my colleagues.

The text of the report follows:

THE 1990 YEAR-END REPORT OF THE FEDERAL JUDICIARY

(By William H. Rehnquist, Chief Justice of the United States)

STATE OF THE JUDICIARY

A theme of the judicial activities of 1990 has been that of the collaboration of efforts and ideas among the three Branches and among various segments of the national and international judiciary. The year has seen joint meetings and conferences at which representatives of the three Branches, representatives of the various levels of federal and state judiciaries, and even representatives of the judicial systems of other countries have combined their energies to seek creative solutions to problems of mutual concern.

The business of the federal courts continued to multiply during 1990, fueled by drug cases and an ever-rising tide of personal bankruptcies. Criminal case filings in the district courts rose 6 percent to nearly 49,000, doubling the growth recorded last year and marking the tenth consecutive increase in filings. New drug filings were up 6 percent, while filings for violations of weapons and immigration laws climbed more

than 23 percent each as the Immigration and Naturalization Service and the Bureau of Alcohol, Tobacco and Firearms used their expanded resources to attack drug networks.

Drug cases were also a factor in the 3 percent rise in the caseload of the courts of appeals, which reached nearly 41,000 filings this year. Appeals of drug cases increased 29 percent and accounted for 60 percent of all criminal appeals filed this year. Appeals of sentences imposed under the sentencing guidelines added 1,750 cases to the criminal appeals workload in 1990.

Bankruptcy petitions filed in the courts during 1990 rose to 725,000, as personal bankruptcies rose 14 percent. Business bankruptcies also grew this year by 3 percent to 64,700. Despite a 7 percent rise in the number of cases closed this year, the number of bankruptcy cases pending in the courts rose to 975,000.

Filings of civil non-bankruptcy cases in the district courts fell 7 percent this year to below 218,000. This is due in part to downward trends in filings by the United States to collect overpayments of benefits and filings against the United States for denials of social security claims. The increase from \$10,000 to \$50,000 in the amount required for federal jurisdiction in diversity of citizenship cases was in effect for its first full year in 1990. This change helped to reduce diversity filings by 15 percent from 67,000 last year to 57,000 this year. The change in diversity jurisdiction had no impact on the level of asbestos personal injury case filings, which rose 66 percent in 1990 to 13,500. By year's end, the number of civil cases pending three years or more had passed 25,000, with asbestos claims accounting for 30 percent of these cases. In an effort to give this issue the priority it deserves, I have named a special Ad Hoc Committee on Asbestos Litigation of the Judicial Conference and asked the members for recommendations for handling the complex problems of case management in this area.

The total number of cases pending in the district courts (excluding bankruptcy cases) reached a new record of nearly 278,000 by year's end, while pending appeals topped 32,000, also a record high. But for the service of our dedicated senior judge corps, these numbers would have been even higher. Senior judges accounted for nearly 13 percent of case dispositions in the district courts in 1990, including 3,049 trials. They also provided 9 percent of the total case participations in appeals terminated during the past year.

IN APPRECIATION

Two retirements of special significance occurred this year. In July, after almost 34 years of distinguished service as an Associate Justice, William J. Brennan, Jr. announced his retirement. An honors graduate of the Wharton School of Finance and Commerce and the Harvard Law School, William Brennan was appointed to the Court by President Dwight D. Eisenhower to fill the seat vacated by Justice Sherman Minton. His period of service is one that has been exceeded by only five other members of the Court. His profound influence on American constitutional law is measured not only by his many years on the bench but also by the numerous no-table opinions he authored during that time. With his combination of personal warmth and keen intelligence, Justice Brennan has enriched the lives of all those who have had the pleasure of working with him.

Judge John C. Godbold retired in March as Director of the Federal Judicial Center and has returned to his responsibilities at the Eleventh Circuit Court of Appeals.

Judge Godbold was formerly Chief Judge of both the U.S. Court of Appeals for the Eleventh Circuit and the U.S. Court of Appeals for the Fifth Circuit. He brought a special dedication to the work of the Center and his enthusiasm will be missed by all.

IN MEMORIAM

On October 15, 1990, the Bar of the Supreme Court of the United States met to honor the memory of Arthur J. Goldberg, who died on January 19, 1990. Justice Goldberg served as an Associate Justice on the Court from October, 1962 through July, 1965. Arthur Goldberg also held the positions of Secretary of Labor and United States Ambassador to the United Nations. Our country is fortunate to have been served by a man of his remarkable combination of intellectual ability and willingness to hold public office.

1990 HIGHLIGHTS

I. The Supreme Court of the United States

Investiture of Justice Souter

Justice Brennan's seat on the Court was filled by David H. Souter, who served for seven years as an Associate Justice of the Supreme Court of New Hampshire and who also sat briefly on the Court of Appeals for the First Circuit prior to his nomination as Justice of the Supreme Court of the United States. Justice Souter took the Constitutional Oath at the White House on Monday, October 8, 1990. The investiture ceremony at which the Judicial Oath was administered to Justice Souter took place at the Court on October 9, 1990.

Developments

Project Hermes—In June, the Supreme Court initiated Project Hermes, a two-year pilot program to determine the feasibility of the electronic transmission of Court opinions. Project Hermes was initiated in response to requests from the press and legal publishers for access to the Court's opinions in electronic form. The computer hardware, software, and technical assistance for Project Hermes are provided by the Supreme Court Opinion Network (SCON), a not-for-profit consortium of 39 legal, media, and publishing organizations organized under the aegis of the American Bar Association. As soon as Court opinions are announced from the bench they are transmitted to Hermes' subscribers (currently 13 in number) who in turn distribute the information nationwide on a variety of computer networks. Hermes' first transmission was conducted on June 18, 1990, when four opinions, totalling 107 pages, were transmitted in approximately 22 minutes. The Court, through its Public Information Office, will also continue to distribute paper copies of the opinions.

Rules—Revised Rules of the Supreme Court of the United States were adopted December 5, 1989 and became effective January 1, 1990. Among other things, the new Rules contain important changes relating to written filings and in forma pauperis cases. The new Rules also reflect the Court's practice of one continuous annual term, thus eliminating the need for "special terms" as contemplated by the previous Rules.

Caseload—In the October Term 1989, 4,918 cases were docketed in the Supreme Court. This represents an increase of more than 100 cases over the number docketed in the October Term 1988. The Court decided 146 cases during the October Term 1989.

Bar admissions—During the October Term 1989, 3,898 attorneys were admitted to the Bar of the Supreme Court of the United States, an increase of over 100 admissions from the October Term 1988.