

Vol. 1

The United States Senate

Report of Proceedings

Hearing held before

Committee on the Judiciary

H.R. 2516

PROPOSED CIVIL RIGHTS BILL ACT OF 1967

EXECUTIVE SESSION

Wednesday October 25, 1967

Washington, D. C.

WARD & PAUL

OFFICIAL REPORTERS

25 K STREET, N. E.

Washington, D. C. 20002

(202) 625-4266

Phone (Area 202) 628-4266

1 The Chairman. What is it, a private bill?

2 Senator Bayh. Yes, it is a private immigration bill.

3 The Chairman. Is there any objection?

4 Senator Bayh. Would it be possible to get the approval of
5 the full committee on this pending the approval of the subcom-
6 mittee?

7 The Chairman. Is there objection?

8 The Chair hears none.

9 Senator Tydings. Mr. Chairman, while we are waiting, would
10 it be in order to bring up the bill which Senator Thurmond asked
11 to hold over for a week, the Judicial Center bill, H.R. 6111,
12 which was unanimously reported out by the subcommittee? That
13 is the Federal Judicial Center bill.

14 Senator Thurmond. I did not know you were going to call it
15 up this morning.

16 Senator Tydings. This was the bill, Mr. Chairman, which
17 was recommended by the President in his Message on Crime, on
18 which we held hearings from May to September. It was reported
19 unanimously by the subcommittee. It is endorsed by the Judicial
20 Conference, the Federal Bar. There is no opposition to it.

21 Basically it establishes a research and development center
22 within the judicial branch of the government, one which will
23 work further in the development of and in the adoption of
24 improved administration in the Federal court system.

25 The functions of the center would be research into adminis-
tive problems of Federal courts, development of recommended

WARD & PAUL

25 K Street, N.E., Washington, D.C. 20002

1 solutions as to the type of research and development. It would
2 formulate recommendations for the modernization and improvement
3 of judicial functions, and the presentation of them to the
4 Judicial Conference for their implementation.

5 It would create and conduct training and continuing educa-
6 tion programs for the Federal judiciary much as some of the
7 foundations have done for the State judiciary. The Fleischmann
8 Foundation, Kellogg Foundation now have this National College of
9 Trial Judges which meets every summer and which has done great
10 things with respect to the State judiciary, and we hope to have
11 the same type of training and education programs for Federal
12 judicial personages, both judges and supporting personnel.

13 It was reported out by the House some time ago. We have
14 held hearings, and it is a measure which I think will put the
15 courts in a position to really improve their administration.
16 They need it.

17 The Chairman. What about your salary schedules in the bill
18 now?

19 Senator McClellan. May I ask a question?

20 Senator Tydings. Yes.

21 Senator McClellan. What will they do that the courts
22 cannot do themselves? Can't they get -- they get a good salary,
23 and half of them loaf -- why can't they get out and do something?
24 They are just simply creating more and more things here to be
25 financed.

Phone (Area 202) 628-4266

WARD & PAUL

25 K Street, N.E., Washington, D.C. 20002

1 Senator Tydings. John, there is no structure, there is no
2 facility, to do research or to improve techniques or improve
3 administration in the judicial system. There is no provision
4 for any type of research or any type of study.

5 Senator McClellan. What does this Judicial Council do?
6 We created it.

7 Senator Tydings. They adopt rules, John. They meet twice
8 a year, they leave the Bench--

9 Senator McClellan. Are we going to set up this to tell
10 them what kind of rules they ought to adopt?

11 Senator Tydings. The purpose of this will be to get some
12 people to actually do studies and do some of the research, and
13 come up with -- for instance, John, in some of the State courts
14 now as a result of studies and grants they have gone on with
15 where they have large dockets, they have gone on computer sys-
16 tems of administration, and they have been able to save a great
17 deal of time and a great deal of money and reduce dockets. But
18 no one has been able to conduct any type of study such as that
19 in the Federal system.

20 You cannot expect a judge himself to take -- who is the
21 chief judge, and these are the members of the Judicial Confer-
22 ence, who have to run their own courts, to try cases and, at
23 the same time, studying and making research and development in
24 administration.

25 This will merely provide some staff and basic research and

Phone (Area 202) 628-4266

WARD & PAUL

25 K Street, N.E., Washington, D.C. 20002

1 development, a field which needs it very badly.

2 Senator McClellan. What is the annual cost?

3 Senator Tydings. The authorization in the bill is--

4 The Chairman. Joe, the point has been raised that this is
5 an exclusive session.

6 Senator McClellan. Who raised it? I did not raise it.

7 The Chairman. I know you did not.

8 Senator Dirksen. I did. It was in the motion.

9 Senator McClellan. I was trying to get my bearings.

10 Here is my thought: We are up here in a terrible bind
11 now about the economy. Gentlemen, there is not but one way on
12 earth to stop it, and that is to stop creating obligations.
13 That is the only way you are ever going to stop it. I am not
14 against this necessarily, but I have come to a point here where
15 we are in an awful bind about whether to increase taxes and how
16 to cut appropriations, expenses, and that, it seems to me, a
17 court ought to -- a man who can serve as a judge ought to --
18 have sense enough to know how to administer his court.

19 I just cannot conceive -- they do not have to go out and
20 hire experts and to recommend to them how to organize their
21 courts and get their business attended to.

22 Senator Tydings. John, one of the things we have determined
23 in the past two or three years is some of our courts are being
24 run the same way now as they were run 200 years ago, and the
25 costs are far greater than if they would be operating efficiently.

Phone (Area 202) 628-4266

WARD & PAUL

25 K Street, N.E., Washington, D.C. 20002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Senator McClellan. That is the fault of us in appointing judges who do not know how to straighten things out instead of creating a commission to tell them how to run a court.

Senator Tydings. This would be a research--

The Chairman. Joe, the point has been raised that this is an exclusive session.

Senator Ervin is recognized.

Before Senator Ervin speaks, I will insert in the record a statement about the purpose of this meeting.

(The statement referred to follows:)