The original documents are located in Box 21, folder "Judicial Salaries (2)" of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

Judicial pay raises

Wednesday 3/5/75

Meeting
3/10/75
2 p.m.

4:45 Warren Rustand advises the meeting in the Oval Office with Chief Justice Berger, Mansfield, Scott, Albert, Rhodes, Marsh and Lynn -- on judicial pay raises -- is now scheduled for Monday 3/10 at 2 p.m. --- instead of Tuesday.

Supreme Court of the United States

Memorandum

March 6, 1975

Mr. Philip W. Buchen--

I am enclosing two copies of the Chief Justice's address to the American Bar Association for your information.

Mark W. Cannon

P. S. I am also enclosing "A Case For An Immediate Salary Increase For Federal Judges" and the most recent editorials and articles.

ANNUAL REPORT
ON
THE STATE OF THE JUDICIARY

Remarks of

WARREN E. BURGER
CHIEF JUSTICE OF THE UNITED STATES

AMERICAN BAR ASSOCIATION
MID-WINTER MEETING
CHICAGO, ILLINOIS

FEBRUARY 23, 1975

Since 1970 you have invited me each year to report to you on the problems and progress of the Judicial branch and I welcome this invitation to meet with you again. In the past I have made this report at the annual meeting, but it was not possible to do so last summer. One compensation, however, of meeting with a smaller group at the mid-winter meeting in February, rather than the much larger group in August, is that problems calling for legislative action may be pursued by you with the Congress early in its first session rather than at its end. As the most representative organization and spokesman for the legal profession of our Nation, you have played the major role on behalf of the profession and the courts before the public and the Congress of the United States.

Many of the problems of the courts are closely related to the quality and competence of the principal participants—the contending lawyers and the judges—and the standards of professional conduct that govern in the courts.

The great increase in the demand for lawyers in the administration of criminal justice can be traced in large part to several desirable developments. Various enactments of Congress and decisions of the courts have sought to make more certain that justice will be administered in an even-handed way, and that there will be faithful compliance with the statutes and Constitutional provisions for the protection of the rights of accused persons.

These developments have occurred in a period of rising crime, and of mounting public concern over crime. Taken together these factors have materially increased the burdens on the federal courts, and not all aspects of those added burdens are readily apparent. Even a casual review of the figures, however, shows that the number of criminal cases in federal courts rose 25 percent between 1964 and 1974. Much less well known to

the public is the fact that civil case filings have increased at more than double this rate, that is, by 55 percent. The total combined increase in civil and criminal filings in that 10-year period was 45 percent, outstripping the increased number of federal judges. And the most recent figures suggest a continuing upturn in district court filings.

An even more significant trend is that the proportion of federal criminal defendants actually going to trial has grown by one-fourth. In 10 years the number of criminal trials has increased more than 60 percent, and this was accompanied by an increase in the length of criminal trials. We see, therefore, that there are new and substantial upturns in the burdens of trial courts that have not been clearly perceived.[1]

[1] In 1967 at Ripon College I called attention to the interaction of the Criminal Justice Act and the Bail Reform Act in the following terms:

"It sometimes happens that a development in the law which is highly desirable, standing alone, interacts with an equally desirable improvement and produces a result which is largely or even totally lacking in social utility. Let me give one example: the bail reforms of recent years were long overdue and helped to give meaning to the constitutional provisions on bail; similarly the decisions and statutes assuring a lawyer to every person charged with serious crime, were long overdue. Now look at the interaction: every person charged has a lawyer supplied to him and at the same time he has enlarged rights to be released without posting a conventional bail bond.

"We can now see that in a great many cases, no matter how strong the evidence against him, or how desirable the long range value of a guilty plea and the benefits of reduced charges and more moderate sentencing, the two 'good' things—bail reform and free defense—interact to discourage a guilty plea because the 'jail house grapevine' tells the accused that the thing to do is enter a not guilty plea, demand release without bond, and then use every device of pretrial motions, demands for a new lawyer, and whatnot to delay the moment of truth of the trial day. This means up to two years' freedom during which witnesses might die, or move, or forget details while the case drags on the calendar and consumes untold time of judges, lawyers and court staffs to process motions and continuances. This is one of the large factors in the congestion of the

There has also been a substantial increase in the work of courts of appeals. In 1964 approximately 33 percent of all persons convicted at trial took advantage of the statutory right to appeal. In 1974 almost 75 percent of those convicted appealed. These figures serve to underscore the urgent need for more courts of appeals judgeships. Few people know, for example, that there have been no increases in judgeships for the courts of appeals since 1968, and this has brought about an extraordinary 80 percent increase in cases per judgeship. Having been a Court of Appeals judge for 14 years, I assure you I can understand what an 80 percent increase means.

My purpose in presenting these figures to you is not to question the absolute right of every accused person to require the Government to prove guilt in an adversary proceeding or to take an appeal. What I am saying is that when the system is changed in a way that brings more cases into the courts, we must be given the tools.

This increase in criminal trials and appeals generated not only a large increase in public defenders but also in prosecutors. In this 10-year period staff attorneys in the 94 offices of United States Attorneys increased from about 700 to more than 1,200. While the district courts were trying to cope with a larger increase in cases, they were also trying to adjust to the infusion of this host of new lawyers, many of whom had had little experience in litigation and a minimum of training for the difficult and exacting task of prosecuting or defending a criminal case. Countless training seminars have been held, many of them sponsored by bar associations, including this Association, and by the Department of Justice, but the average tenure of lawyers in the office of United States Attorneys and on public defender staffs is relatively brief.

---

criminal dockets. Here, to repeat, two basically good things combine to produce a result never intended and wholly lacking in social utility or any meaningful relationship to the proper administration of criminal justice, in short an excess of a basic principle."

The on-the-job training of these new lawyers will be enormously valuable to them and, I would hope, ultimately, for our profession. But the short-range impact has created serious problems for trial judges. No private law firm could function effectively, and perhaps could not even survive, with that kind of rapid turnover of personnel.

The standards for selection and the tenure and compensation of these lawyers, on whom the system of justice must depend, should be made sufficiently attractive so that the federal courts will not continue to be used as a "bush league" facility to train trial lawyers for private practice.

No other developed country in the world operates with the casual attitude we exhibit toward the need for qualified advocates on both sides of the table in the administration of criminal justice. This has placed on federal trial judges an enormous additional burden in terms of guiding a large proportion of both the prosecutors and the defense counsel on how to try a case. I urge all state and local bar associations to cooperate with the courts to establish a screening process so that no lawyer appears in federal court unless certain minimum standards of training and experience are met. Several federal districts are developing an examining and screening process for Criminal Justice Act attorneys and that concept should be broadened and developed for all federal courts.

The problem of regulating and disciplining the conduct of lawyers is far more complex in the United States, where we train lawyers in more than 150 law schools, as compared with a country like England, for example, where there is a centralized and comprehensive training facility for all trial lawyers. In England there are, as we know, two associations, one embracing all the barristers and one for the solicitors. The admission of lawyers to practice in the courts of general jurisdiction is also centralized and coordinated in a central governing

body. In this country admission power is distributed among more than 50 independent state bodies and in 94 federal districts. England has a total of only about 33,000 lawyers—barristers and solicitors—and we have more than 300,000. (Parenthetically, our law schools graduated approximately 33,000 in the past year!) Our diversity has many advantages but it also presents a staggering problem of enforcing standards, and we have hardly scratched the surface of the problem.

Paralleling the lack of litigation training and experience of many of the lawyers appearing in the courts is the absence of adequate education in standards of professional ethics and conduct. This is not confined by any means to the trial of cases—it is pervasive throughout our profession and it is a subject we have treated with a mixture of apathy and inertia. The 1970 report of the Association's Committee on Disciplinary Enforcement, chaired by my distinguished colleague Justice Tom Clark, is one of the few bright spots in this area. The problem is complicated because of the sheer magnitude of the task of convincing 150 law schools and more than 50 bar associations—to say nothing of more than 50 courts of last resort—to embark on a program of education and enforcement of the professional standards this association has announced. Those standards were brought up-to-date in 1970 after five years of careful study by a distinguished committee under the chairmanship of Edward L. Wright. They were supplemented in 1971 by a comprehensive report adopted as part of the monumental ABA Criminal Justice Standards Project and specifically directed to the standards for the prosecutors and defense counsel.

The Association's Center for Professional Discipline has now recommended rules for disciplinary proceedings and about half of the States have responded. This is an excellent beginning. Each of the 50 States and the District of Columbia should give a very high priority to implementing these recommendations and broadening their

scope to deal with violations of professional standards in the day-to-day practice in the courts as well as in professional relations with clients. I submit that the Association's efforts, and more especially the efforts of state and local bar associations, should be multiplied and the States must provide adequate staffing and financial resources for this important work.

The ultimate function of the lawyer, to provide the lubricant for satisfactory disposition of controversies and for the gradual change and evolution in the law so as to avoid self-help or collective violence, cannot be performed by our profession unless we enforce the standards we profess.

Comments that lawyers need more training in professional skills than law schools presently provide are sometimes met by the response that some judges also fall short of the minimum qualifications for their duties. That is a fair criticism. Of course judges, like lawyers, should continue the educational process and should comply with prescribed standards of judicial conduct. And there has been tremendous growth in continuing education seminars for judges during the past two decades. The National College of the State Judiciary at the University of Nevada, the seminars of the Federal Judicial Center, the Appellate Judges Seminars at New York University, and the developing programs of the new National Center for State Courts all show that judges are trying to improve the quality of their own work.[2] On another occasion, I hope to discuss with you the broad range of problems created by those few judges who do not measure up. In a country with more than 20,000 judges of various kinds and rank, that subject merits our careful attention.

[2] The ABA has embarked on an important process of rethinking the problems of legal education with its distinguished Task Force on Advanced Judicial and Legal Education and its Standing Committee on Continuing Education of the Bar.

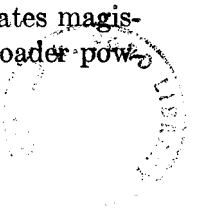
On several occasions, I have referred to the need to bring essential legal services within the means of middle income families by modernizing and simplifying the legal processes commonly used by millions of Americans in such matters as acquiring and financing a home, settling estates, recovering damages for injuries, and for other common problems. The Association's support of these measures must continue. We must not close our eyes to the public disenchantment with legal institutions—a disenchantment which is described in a survey by a special committee of the Association and the American Bar Foundation. That survey is by no means a broadside indictment of our profession, but it should recall to us Bobby Burns' classic line: If we could "see ourselves as others see us." Reading that report should also remind us that the restricted right accorded to members of the bar to perform defined legal services and to appear in the courts as attorneys for others, carries with it a high public duty that our profession has acknowledged since its beginnings. That public obligation must be both recognized and performed.

There are many other problems that call for attention by the Association and in many cases action by Congress, and I will refer to only a few of them to remind you that they remain unsolved:

(1) The Congress should limit diversity jurisdiction of federal courts along the lines proposed by the American Law Institute in its 1969 Report.

(2) Three-judge district courts should be substantially reduced or eliminated and direct appeals to the Supreme Court should be eliminated. These changes would confirm and restore the Supreme Court's power, established by law 50 years ago, to select for review only the most important cases of broad general importance.

(3) The statutes relating to United States magistrates should be clarified to give them broader pow-



ers, subject to final decision by a district judge, in order to release district judges for full-scale trials.

(4) A "pool" of federal judges should be created along lines proposed by Chief Justice Taft 50 years ago for assignment to meet emergencies in particular United States courts and to meet the needs of courts during the long delays that habitually attend the filling of vacancies. Delay in filling vacancies sometimes runs as long as two or three years, and this seriously impedes the work of a court.

(5) The very inequitable treatment of the salaries of federal judges has placed them 50 percent behind the great bulk of civil service personnel who have received regular in-grade increases in addition to cost-of-living increases given during the past six years to maintain their real income. That inequity must be corrected if we are to retain the able younger judges appointed in the past decade, who are of an age where their family burdens are at a peak. Correcting this serious inequity is also important if the Nation is to attract the ablest lawyers to the federal bench. The Judiciary, along with the Congress and the upper level members of the Executive branch, are among the very few segments of the economy who are being asked to meet 1975 costs of living on 1969 incomes.

Specifically, I now ask you to take the leadership, through state and local bar associations, in support of immediate congressional action as follows:

(1) To provide an immediate 20 percent increase in federal judicial salaries as the first step to remedy the six-year salary "freeze";

(2) To create a new statutory procedure to make an equitable long-range salary adjustment so as to provide federal judges with treatment comparable to that of other career federal personnel;

(3) To place future salary adjustments on an

automatic annual cost-of-living basis once equitable comparability has been achieved.

This is more than a matter of simple fairness and equity; it is a matter of preserving a strong and independent judiciary and maintaining the spirit of the Constitutional prohibition against reduction of salaries of federal judges during their terms of office.

Before turning to another immediate and pressing problem faced by the courts, I remind you that even when remedies will call for increased appropriations, we are dealing with a branch of government whose total budget represents less than one-tenth of one percent of the annual federal budget.

Two months ago Congress enacted the Speedy Trial Act, the first phase of which takes effect July 1 this year. It is a very complex piece of legislation. So far as we can learn, it was drafted without prior consultation with federal judges or court administrative officials, and it passed the Senate by a voice vote without debate, and without dissent. Before the House acted, the Judicial Conference of the United States expressed its view that the legislation was unnecessary. It did so because the Judicial branch had anticipated the underlying idea of the legislation by carefully worked-out pilot programs beginning with one large district from which our own Speedy Trial Rule was evolved. Our Speedy Trial Rule calls for the disposition of criminal cases within six months after indictment but it has not yet had enough time to have a major impact. It was the view of the Judicial Conference, therefore, that more time was needed to work out the problems of administering our own rule, which has precisely the same objective as the Speedy Trial Act. We are fully in accord with Congress that the disposition of cases must be expedited. We agree that the swift disposition of criminal charges is a major deterrent to crime that has not had sufficient attention in the administration of justice. There is, therefore, no

disagreement whatever between the Judiciary and the Congress on the need for speedier trials in criminal cases. But caution must be observed so that in the pursuit of speedier justice in criminal matters we do not do violence either to individual rights or to the public interest. Nor should we risk increasing the delays in disposing of civil matters which likewise have their rightful place in the law.

At this point, I must go back to events preceding the passage of the Speedy Trial Act, and recall that by statute Congress requires the Judicial branch to maintain certain records and conduct studies so the need for additional judges can be evaluated and anticipated every four years. Such an evaluation was completed in 1972, and the Judicial Conference of the United States, acting on reports of the Committee on Court Administration, called on Congress for the creation of 52 new district judgeships and 13 circuit judgeships.

Senator Eastland, chairman of the Senate Committee on the Judiciary, and Senator Burdick, chairman of the Senate subcommittee, promptly set in motion comprehensive studies and hearings in which the views of 36 Chief Judges were heard, along with staff members of the Administrative Office of the United States Courts. In 1973 the subcommittee determined that 29 additional district judges were needed. For present purposes we can accept as reasonable the Senate subcommittee figures as to the need for 29 additional trial judges as of 1973. Adequate or not, the Congress has taken no action on the subcommittee's recommendation.

It was subsequent to the Senate subcommittee's recommendation for these 29 additional district judgeships that the Congress proceeded to pass the Speedy Trial Act without any advance evaluation of the needs that would be brought on by that Act. The Speedy Trial Act is a matter of the highest priority since it will go into effect July 1 in its first phase, approximately four months

from now. In the short span of two months since the Act was passed, the Administrative Office of the Courts has not been able to make a final evaluation of staff and equipment needs to meet the new Act. But our best estimates show they will call for a large amount of computer equipment and personnel in the Administrative Office and the offices of clerks of court in the 94 federal districts. Not less than 100 additional employees, who must be carefully trained, will be needed. The Chief Judges of the 25 Metropolitan District Courts will meet in March to consider the adjustments that must be made in procedures to meet the provisions of the new Act. Meanwhile, the Administrative Office now estimates that substantially more than the previously requested 52 district judgeships will be required. Since the Congress undertook no "impact study" as to the effects of this Act on the district courts, we have undertaken to do so and the tentative estimate is that the total additional cost for personnel and computer equipment will be upwards of $10 million. A supplemental appropriation request is being prepared for submission to Congress within the next week.

If we are not given the tools to meet the demands of the Speedy Trial Act, with its first phase effective approximately 120 days from now, and its next phase July 1, 1976, the federal courts may be confronted with a crisis, particularly in the larger districts. The Administrative Office, the Federal Judicial Center, and the Committee on Court Administration have done all that could be done in the short time allowed, in terms of planning to meet the burdens of the Act. But it must be remembered that a substantial period of lead time is essential to train personnel and secure equipment.

I therefore urge the Association to give its full support to an urgent request to the Congress for:

(1) Immediate action on the pending Omnibus District Judgeship bills. Whether 29 new judges is

the proper number is not as important as the necessity of giving the most over-burdened courts additional help without more delay.

(2) Immediate action to provide additional appropriations for equipment and personnel to comply with the Act.

We are encouraged that some members of Congress have indicated they recognize the needs created by this Act and have expressed their support for meeting those needs. Very recently one Senator stated:

> "In passing this measure [the Speedy Trial Act], Congress is saying to the Federal Courts: Tell us what you need to clear away this backlog of untried cases and we will give it to you. But when we give you the tools, we will expect results."

Similar views have been expressed by other members of both Houses and federal judges agree fully.

We in the Judiciary find ourselves in a position not unlike that expressed by Winston Churchill in writing to President Roosevelt during World War II when Churchill said: "Give us the tools, and we will finish the job."

It is now up to you—see to it that Congress gives "us the tools" and we will do the job.

ANNUAL REPORT
ON
THE STATE OF THE JUDICIARY

Remarks of

WARREN E. BURGER
CHIEF JUSTICE OF THE UNITED STATES

AMERICAN BAR ASSOCIATION
MID-WINTER MEETING
CHICAGO, ILLINOIS

FEBRUARY 23, 1975

Since 1970 you have invited me each year to report to you on the problems and progress of the Judicial branch and I welcome this invitation to meet with you again. In the past I have made this report at the annual meeting, but it was not possible to do so last summer. One compensation, however, of meeting with a smaller group at the mid-winter meeting in February, rather than the much larger group in August, is that problems calling for legislative action may be pursued by you with the Congress early in its first session rather than at its end. As the most representative organization and spokesman for the legal profession of our Nation, you have played the major role on behalf of the profession and the courts before the public and the Congress of the United States.

Many of the problems of the courts are closely related to the quality and competence of the principal participants—the contending lawyers and the judges—and the standards of professional conduct that govern in the courts.

The great increase in the demand for lawyers in the administration of criminal justice can be traced in large part to several desirable developments. Various enactments of Congress and decisions of the courts have sought to make more certain that justice will be administered in an even-handed way, and that there will be faithful compliance with the statutes and Constitutional provisions for the protection of the rights of accused persons.

These developments have occurred in a period of rising crime, and of mounting public concern over crime. Taken together these factors have materially increased the burdens on the federal courts, and not all aspects of those added burdens are readily apparent. Even a casual review of the figures, however, shows that the number of criminal cases in federal courts rose 25 percent between 1964 and 1974. Much less well known to

the public is the fact that civil case filings have increased at more than double this rate, that is, by 55 percent. The total combined increase in civil and criminal filings in that 10-year period was 45 percent, outstripping the increased number of federal judges. And the most recent figures suggest a continuing upturn in district court filings.

An even more significant trend is that the proportion of federal criminal defendants actually going to trial has grown by one-fourth. In 10 years the number of criminal trials has increased more than 60 percent, and this was accompanied by an increase in the length of criminal trials. We see, therefore, that there are new and substantial upturns in the burdens of trial courts that have not been clearly perceived.[1]

[1] In 1967 at Ripon College I called attention to the interaction of the Criminal Justice Act and the Bail Reform Act in the following terms:

"It sometimes happens that a development in the law which is highly desirable, standing alone, interacts with an equally desirable improvement and produces a result which is largely or even totally lacking in social utility. Let me give one example: the bail reforms of recent years were long overdue and helped to give meaning to the constitutional provisions on bail; similarly the decisions and statutes assuring a lawyer to every person charged with serious crime, were long overdue. Now look at the interaction: every person charged has a lawyer supplied to him and at the same time he has enlarged rights to be released without posting a conventional bail bond.

"We can now see that in a great many cases, no matter how strong the evidence against him, or how desirable the long range value of a guilty plea and the benefits of reduced charges and more moderate sentencing, the two 'good' things—bail reform and free defense—interact to discourage a guilty plea because the 'jail house grapevine' tells the accused that the thing to do is enter a not guilty plea, demand release without bond, and then use every device of pretrial motions, demands for a new lawyer, and whatnot to delay the moment of truth of the trial day. This means up to two years' freedom during which witnesses might die, or move, or forget details while the case drags on the calendar and consumes untold time of judges, lawyers and court staffs to process motions and continuances. This is one of the large factors in the congestion of the

There has also been a substantial increase in the work of courts of appeals. In 1964 approximately 33 percent of all persons convicted at trial took advantage of the statutory right to appeal. In 1974 almost 75 percent of those convicted appealed. These figures serve to underscore the urgent need for more courts of appeals judgeships. Few people know, for example, that there have been no increases in judgeships for the courts of appeals since 1968, and this has brought about an extraordinary 80 percent increase in cases per judgeship. Having been a Court of Appeals judge for 14 years, I assure you I can understand what an 80 percent increase means.

My purpose in presenting these figures to you is not to question the absolute right of every accused person to require the Government to prove guilt in an adversary proceeding or to take an appeal. What I am saying is that when the system is changed in a way that brings more cases into the courts, we must be given the tools.

This increase in criminal trials and appeals generated not only a large increase in public defenders but also in prosecutors. In this 10-year period staff attorneys in the 94 offices of United States Attorneys increased from about 700 to more than 1,200. While the district courts were trying to cope with a larger increase in cases, they were also trying to adjust to the infusion of this host of new lawyers, many of whom had had little experience in litigation and a minimum of training for the difficult and exacting task of prosecuting or defending a criminal case. Countless training seminars have been held, many of them sponsored by bar associations, including this Association, and by the Department of Justice, but the average tenure of lawyers in the office of United States Attorneys and on public defender staffs is relatively brief.

---

criminal dockets. Here, to repeat, two basically good things combine to produce a result never intended and wholly lacking in social utility or any meaningful relationship to the proper administration of criminal justice, in short an excess of a basic principle."

The on-the-job training of these new lawyers will be enormously valuable to them and, I would hope, ultimately, for our profession. But the short-range impact has created serious problems for trial judges. No private law firm could function effectively, and perhaps could not even survive, with that kind of rapid turnover of personnel.

The standards for selection and the tenure and compensation of these lawyers, on whom the system of justice must depend, should be made sufficiently attractive so that the federal courts will not continue to be used as a "bush league" facility to train trial lawyers for private practice.

No other developed country in the world operates with the casual attitude we exhibit toward the need for qualified advocates on both sides of the table in the administration of criminal justice. This has placed on federal trial judges an enormous additional burden in terms of guiding a large proportion of both the prosecutors and the defense counsel on how to try a case. I urge all state and local bar associations to cooperate with the courts to establish a screening process so that no lawyer appears in federal court unless certain minimum standards of training and experience are met. Several federal districts are developing an examining and screening process for Criminal Justice Act attorneys and that concept should be broadened and developed for all federal courts.

The problem of regulating and disciplining the conduct of lawyers is far more complex in the United States, where we train lawyers in more than 150 law schools, as compared with a country like England, for example, where there is a centralized and comprehensive training facility for all trial lawyers. In England there are, as we know, two associations, one embracing all the barristers and one for the solicitors. The admission of lawyers to practice in the courts of general jurisdiction is also centralized and coordinated in a central governing

body. In this country admission power is distributed among more than 50 independent state bodies and in 94 federal districts. England has a total of only about 33,000 lawyers—barristers and solicitors—and we have more than 300,000. (Parenthetically, our law schools graduated approximately 33,000 in the past year!) Our diversity has many advantages but it also presents a staggering problem of enforcing standards, and we have hardly scratched the surface of the problem.

Paralleling the lack of litigation training and experience of many of the lawyers appearing in the courts is the absence of adequate education in standards of professional ethics and conduct. This is not confined by any means to the trial of cases—it is pervasive throughout our profession and it is a subject we have treated with a mixture of apathy and inertia. The 1970 report of the Association's Committee on Disciplinary Enforcement, chaired by my distinguished colleague Justice Tom Clark, is one of the few bright spots in this area. The problem is complicated because of the sheer magnitude of the task of convincing 150 law schools and more than 50 bar associations—to say nothing of more than 50 courts of last resort—to embark on a program of education and enforcement of the professional standards this association has announced. Those standards were brought up-to-date in 1970 after five years of careful study by a distinguished committee under the chairmanship of Edward L. Wright. They were supplemented in 1971 by a comprehensive report adopted as part of the monumental ABA Criminal Justice Standards Project and specifically directed to the standards for the prosecutors and defense counsel.

The Association's Center for Professional Discipline has now recommended rules for disciplinary proceedings and about half of the States have responded. This is an excellent beginning. Each of the 50 States and the District of Columbia should give a very high priority to implementing these recommendations and broadening their

scope to deal with violations of professional standards in the day-to-day practice in the courts as well as in professional relations with clients. I submit that the Association's efforts, and more especially the efforts of state and local bar associations, should be multiplied and the States must provide adequate staffing and financial resources for this important work.

The ultimate function of the lawyer, to provide the lubricant for satisfactory disposition of controversies and for the gradual change and evolution in the law so as to avoid self-help or collective violence, cannot be performed by our profession unless we enforce the standards we profess.

Comments that lawyers need more training in professional skills than law schools presently provide are sometimes met by the response that some judges also fall short of the minimum qualifications for their duties. That is a fair criticism. Of course judges, like lawyers, should continue the educational process and should comply with prescribed standards of judicial conduct. And there has been tremendous growth in continuing education seminars for judges during the past two decades. The National College of the State Judiciary at the University of Nevada, the seminars of the Federal Judicial Center, the Appellate Judges Seminars at New York University, and the developing programs of the new National Center for State Courts all show that judges are trying to improve the quality of their own work.[2] On another occasion, I hope to discuss with you the broad range of problems created by those few judges who do not measure up. In a country with more than 20,000 judges of various kinds and rank, that subject merits our careful attention.

---

[2] The ABA has embarked on an important process of rethinking the problems of legal education with its distinguished Task Force on Advanced Judicial and Legal Education and its Standing Committee on Continuing Education of the Bar.

On several occasions, I have referred to the need to bring essential legal services within the means of middle income families by modernizing and simplifying the legal processes commonly used by millions of Americans in such matters as acquiring and financing a home, settling estates, recovering damages for injuries, and for other common problems. The Association's support of these measures must continue. We must not close our eyes to the public disenchantment with legal institutions—a disenchantment which is described in a survey by a special committee of the Association and the American Bar Foundation. That survey is by no means a broadside indictment of our profession, but it should recall to us Bobby Burns' classic line: If we could "see ourselves as others see us." Reading that report should also remind us that the restricted right accorded to members of the bar to perform defined legal services and to appear in the courts as attorneys for others, carries with it a high public duty that our profession has acknowledged since its beginnings. That public obligation must be both recognized and performed.

There are many other problems that call for attention by the Association and in many cases action by Congress, and I will refer to only a few of them to remind you that they remain unsolved:

(1) The Congress should limit diversity jurisdiction of federal courts along the lines proposed by the American Law Institute in its 1969 Report.

(2) Three-judge district courts should be substantially reduced or eliminated and direct appeals to the Supreme Court should be eliminated. These changes would confirm and restore the Supreme Court's power, established by law 50 years ago, to select for review only the most important cases of broad general importance.

(3) The statutes relating to United States magistrates should be clarified to give them broader pow-

ers, subject to final decision by a district judge, in order to release district judges for full-scale trials.

(4) A "pool" of federal judges should be created along lines proposed by Chief Justice Taft 50 years ago for assignment to meet emergencies in particular United States courts and to meet the needs of courts during the long delays that habitually attend the filling of vacancies. Delay in filling vacancies sometimes runs as long as two or three years, and this seriously impedes the work of a court.

(5) The very inequitable treatment of the salaries of federal judges has placed them 50 percent behind the great bulk of civil service personnel who have received regular in-grade increases in addition to cost-of-living increases given during the past six years to maintain their real income. That inequity must be corrected if we are to retain the able younger judges appointed in the past decade, who are of an age where their family burdens are at a peak. Correcting this serious inequity is also important if the Nation is to attract the ablest lawyers to the federal bench. The Judiciary, along with the Congress and the upper level members of the Executive branch, are among the very few segments of the economy who are being asked to meet 1975 costs of living on 1969 incomes.

Specifically, I now ask you to take the leadership, through state and local bar associations, in support of immediate congressional action as follows:

(1) To provide an immediate 20 percent increase in federal judicial salaries as the first step to remedy the six-year salary "freeze";

(2) To create a new statutory procedure to make an equitable long-range salary adjustment so as to provide federal judges with treatment comparable to that of other career federal personnel;

(3) To place future salary adjustments on an

automatic annual cost-of-living basis once equitable comparability has been achieved.

This is more than a matter of simple fairness and equity; it is a matter of preserving a strong and independent judiciary and maintaining the spirit of the Constitutional prohibition against reduction of salaries of federal judges during their terms of office.

Before turning to another immediate and pressing problem faced by the courts, I remind you that even when remedies will call for increased appropriations, we are dealing with a branch of government whose total budget represents less than one-tenth of one percent of the annual federal budget.

Two months ago Congress enacted the Speedy Trial Act, the first phase of which takes effect July 1 this year. It is a very complex piece of legislation. So far as we can learn, it was drafted without prior consultation with federal judges or court administrative officials, and it passed the Senate by a voice vote without debate, and without dissent. Before the House acted, the Judicial Conference of the United States expressed its view that the legislation was unnecessary. It did so because the Judicial branch had anticipated the underlying idea of the legislation by carefully worked-out pilot programs beginning with one large district from which our own Speedy Trial Rule was evolved. Our Speedy Trial Rule calls for the disposition of criminal cases within six months after indictment but it has not yet had enough time to have a major impact. It was the view of the Judicial Conference, therefore, that more time was needed to work out the problems of administering our own rule, which has precisely the same objective as the Speedy Trial Act. We are fully in accord with Congress that the disposition of cases must be expedited. We agree that the swift disposition of criminal charges is a major deterrent to crime that has not had sufficient attention in the administration of justice. There is, therefore, no

disagreement whatever between the Judiciary and the Congress on the need for speedier trials in criminal cases. But caution must be observed so that in the pursuit of speedier justice in criminal matters we do not do violence either to individual rights or to the public interest. Nor should we risk increasing the delays in disposing of civil matters which likewise have their rightful place in the law.

At this point, I must go back to events preceding the passage of the Speedy Trial Act, and recall that by statute Congress requires the Judicial branch to maintain certain records and conduct studies so the need for additional judges can be evaluated and anticipated every four years. Such an evaluation was completed in 1972, and the Judicial Conference of the United States, acting on reports of the Committee on Court Administration, called on Congress for the creation of 52 new district judgeships and 13 circuit judgeships.

Senator Eastland, chairman of the Senate Committee on the Judiciary, and Senator Burdick, chairman of the Senate subcommittee, promptly set in motion comprehensive studies and hearings in which the views of 36 Chief Judges were heard, along with staff members of the Administrative Office of the United States Courts. In 1973 the subcommittee determined that 29 additional district judges were needed. For present purposes we can accept as reasonable the Senate subcommittee figures as to the need for 29 additional trial judges as of 1973. Adequate or not, the Congress has taken no action on the subcommittee's recommendation.

It was subsequent to the Senate subcommittee's recommendation for these 29 additional district judgeships that the Congress proceeded to pass the Speedy Trial Act without any advance evaluation of the needs that would be brought on by that Act. The Speedy Trial Act is a matter of the highest priority since it will go into effect July 1 in its first phase, approximately four months

from now. In the short span of two months since the Act was passed, the Administrative Office of the Courts has not been able to make a final evaluation of staff and equipment needs to meet the new Act. But our best estimates show they will call for a large amount of computer equipment and personnel in the Administrative Office and the offices of clerks of court in the 94 federal districts. Not less than 100 additional employees, who must be carefully trained, will be needed. The Chief Judges of the 25 Metropolitan District Courts will meet in March to consider the adjustments that must be made in procedures to meet the provisions of the new Act. Meanwhile, the Administrative Office now estimates that substantially more than the previously requested 52 district judgeships will be required. Since the Congress undertook no "impact study" as to the effects of this Act on the district courts, we have undertaken to do so and the tentative estimate is that the total additional cost for personnel and computer equipment will be upwards of $10 million. A supplemental appropriation request is being prepared for submission to Congress within the next week.

If we are not given the tools to meet the demands of the Speedy Trial Act, with its first phase effective approximately 120 days from now, and its next phase July 1, 1976, the federal courts may be confronted with a crisis, particularly in the larger districts. The Administrative Office, the Federal Judicial Center, and the Committee on Court Administration have done all that could be done in the short time allowed, in terms of planning to meet the burdens of the Act. But it must be remembered that a substantial period of lead time is essential to train personnel and secure equipment.

I therefore urge the Association to give its full support to an urgent request to the Congress for:

(1) Immediate action on the pending Omnibus District Judgeship bills. Whether 29 new judges is

the proper number is not as important as the necessity of giving the most over-burdened courts additional help without more delay.

(2) Immediate action to provide additional appropriations for equipment and personnel to comply with the Act.

We are encouraged that some members of Congress have indicated they recognize the needs created by this Act and have expressed their support for meeting those needs. Very recently one Senator stated:

> "In passing this measure [the Speedy Trial Act], Congress is saying to the Federal Courts: Tell us what you need to clear away this backlog of untried cases and we will give it to you. But when we give you the tools, we will expect results."

Similar views have been expressed by other members of both Houses and federal judges agree fully.

We in the Judiciary find ourselves in a position not unlike that expressed by Winston Churchill in writing to President Roosevelt during World War II when Churchill said: "Give us the tools, and we will finish the job."

It is now up to you—see to it that Congress gives "us the tools" and we will do the job.

CHRISTIAN SCIENCE MONITOR

Wednesday, February 26, 1975 **The Monitor's view**

State of the courts, 1975

Chief Justice Warren Burger is performing an important service

scratched the surface of the problem."

The New York Times

March 3, 1975

Quality of Justice

Chief Justice Burger's recent gloomy assessment of the

The Washington Post

February 27, 1975

Help for the Federal Courts

BOSTON HERALD
FEBRUARY 14, 1975

Weight of the Evidence

Editorials

The Washington Star and Daily News

A-8

FEBRUARY 28, 1975

Judicial Pay

THURSDAY, MARCH 6, 1975

The New York Times

Founded in 1851

ADOLPH S. OCHS, *Publisher 1896-1935*
ARTHUR HAYS SULZBERGER, *Publisher 1935-1961*
ORVIL E. DRYFOOS, *Publisher 1961-1963*

ARTHUR OCHS SULZBERGER
Publisher

JOHN B. OAKES, *Editorial Page Editor*
A. H. RASKIN, *Assistant Editorial Page Editor*
A. M. ROSENTHAL, *Managing Editor*
SEYMOUR TOPPING, *Assistant Managing Editor*
MAX FRANKEL, *Sunday Editor*
JACK ROSENTHAL, *Assistant Sunday Editor*
CHARLOTTE CURTIS, *Associate Editor*
CLIFTON DANIEL, *Associate Editor*
TOM WICKER, *Associate Editor*

Quality in Government

gear increases in their scales to those regularly made for the rest of the Government's civilian and military

Honolulu Star-Bulletin

Tuesday, February 25, 1975

Pay for Judges

A CASE FOR AN IMMEDIATE SALARY INCREASE FOR FEDERAL JUDGES

A STUDY PREPARED FOR THE JUDICIAL CONFERENCE
COMMITTEE ON JUDICIAL COMPENSATION

FACTS RELATIVE TO PRESENT STATUS OF JUDICIAL SALARIES
UNDER THE POSTAL REVENUES AND FEDERAL SALARY ACT
OF DECEMBER 16, 1967

Salaries of Justices and judges of the United States federal courts have been frozen since March 1969 at $40,000 for judges of the district courts, $42,500 for judges of the courts of appeals and $60,000 for Associate Justices of the Supreme Court.

The Consumer Price Index has increased 42 percent from March 1969 through September 1974, and is projected to increase to 48 percent by March 1975.[1] The freeze on judicial salaries, coupled with the escalating inflationary spiral (Consumer Price Index), has reduced judicial purchasing power by 32 percent.[2]

It must be recognized that judges have lost purchasing power each year since March 1969. This has resulted in a cumulative loss of $53,480 for district judges and $56,830 for circuit judges.[3] Even if the 1969 purchasing power of judicial salaries is restored, these losses will never be recovered.

In contrast, General Schedule federal employees have received 38.1 percent comparability pay increases during this same period of time.[4] The inequitable and discriminatory result of freezing judicial salaries for five years, while annually raising the salaries of General Schedule employees, is further accentuated by the fact that in addition, these federal employees have also received step increases, mandated under the grade system, that have been calculated at 14.2 percent when considered with the comparability increases on these step increases. Thus, the aggregate pay increase since 1969 for an average federal employee is calculated to be 52.3 percent, excluding improvements in fringe benefits. If federal judges had received the same increases, the current salaries would be: district judges--$60,920; court of appeals judges--$64,728; and, Associate Justices of the Supreme Court--$91,380.

Furthermore, the salaries set for judges, congressmen and executive appointees in 1969 were lower than recommended by the Salary Commission. Yet it can be argued the Salary

---

1. Appendix A
2. Appendix B
3. Appendix C
4. Appendix D

Commission's carefully considered proposal represented an equitable pay relationship between judicial, legislative and executive salaries and positions classified under the General Schedule. If this relationship presently prevailed, the salaries of Justices would have to be fixed at $98,995, those of circuit judges at $76,150, and district judges at $72,343. It should be noted that these increased salaries would merely restore the level of purchasing power experienced in 1969.[5]

While federal judicial salaries have remained unchanged since March 1969, salaries of state chief judges have increased 44.2 percent.[6] Until recently, federal judicial salaries have been higher than top salaries in almost all state systems; however, this pattern is changing. Whereas in 1969 there was only one state (New York) in which judges were paid more than a United States district judge, there are now twenty states compensating judges at rates equal to or in excess of the pay of federal district court judges.

Attorneys' salaries, as surveyed by the United States Department of Labor, have risen 43.9 percent since 1969, while salaries of federal judges have not risen at all.

Thus, federal judges have been unjustly treated in comparison with General Schedule federal employees. They also have not been permitted to keep pace with their brethren on the bench in state systems or with private practitioners.

While judicial salaries have been frozen, top officials in the private sector of our economy have received salary increases averaging 59.8 percent.[7]

Such disparities have given impetus to the rise in resignations of federal judges and to reduced morale within the Federal Judiciary. An unprecedented seven federal district judges have resigned since November 1973. If a significant salary increase is not made, many other judges now in their prime, who desire to continue in the Judiciary, may also feel forced to return to private practice, at a serious loss to the ranks of the Federal Judiciary.

Another relevant consideration is the increased efficiency and productivity of the Judiciary. The average overall increase in case terminations per judgeship is 29.5 percent for the period 1968-1974. The mean processing time for civil cases has dropped 10 percent in the federal district courts and

---

5. Appendix E
6. Appendix F
7. Appendix G

12.1 percent in the courts of appeals. These improvements occurred during a period when filings increased 36 percent and what have been classified as "difficult cases" increased 300.8 percent.[8] Thus, it is apparent that in 1974 federal judges are doing more work and doing it more efficiently than they did in 1968. Moreover, even with their greater workload, it is evident that federal judges are performing at a level of quality as high or higher than ever.

It is worth noting that as increased efficiency has been taking place in the federal judicial system the percentage cost of the courts when compared with the cost of operating the government as a whole has steadily declined.[9]

One should take note of the fact that legislative and executive salaries, like judicial salaries, have not increased since March 1969. The same losses in purchasing power through inflation apply to them. In addition, because top level executive salaries have not increased since 1969, whereas General Schedule salaries have, there is a ceiling compression at the upper end of the salary scale. Over 15,000 federal executives have salaries below those to which the General Schedule would normally entitle them.

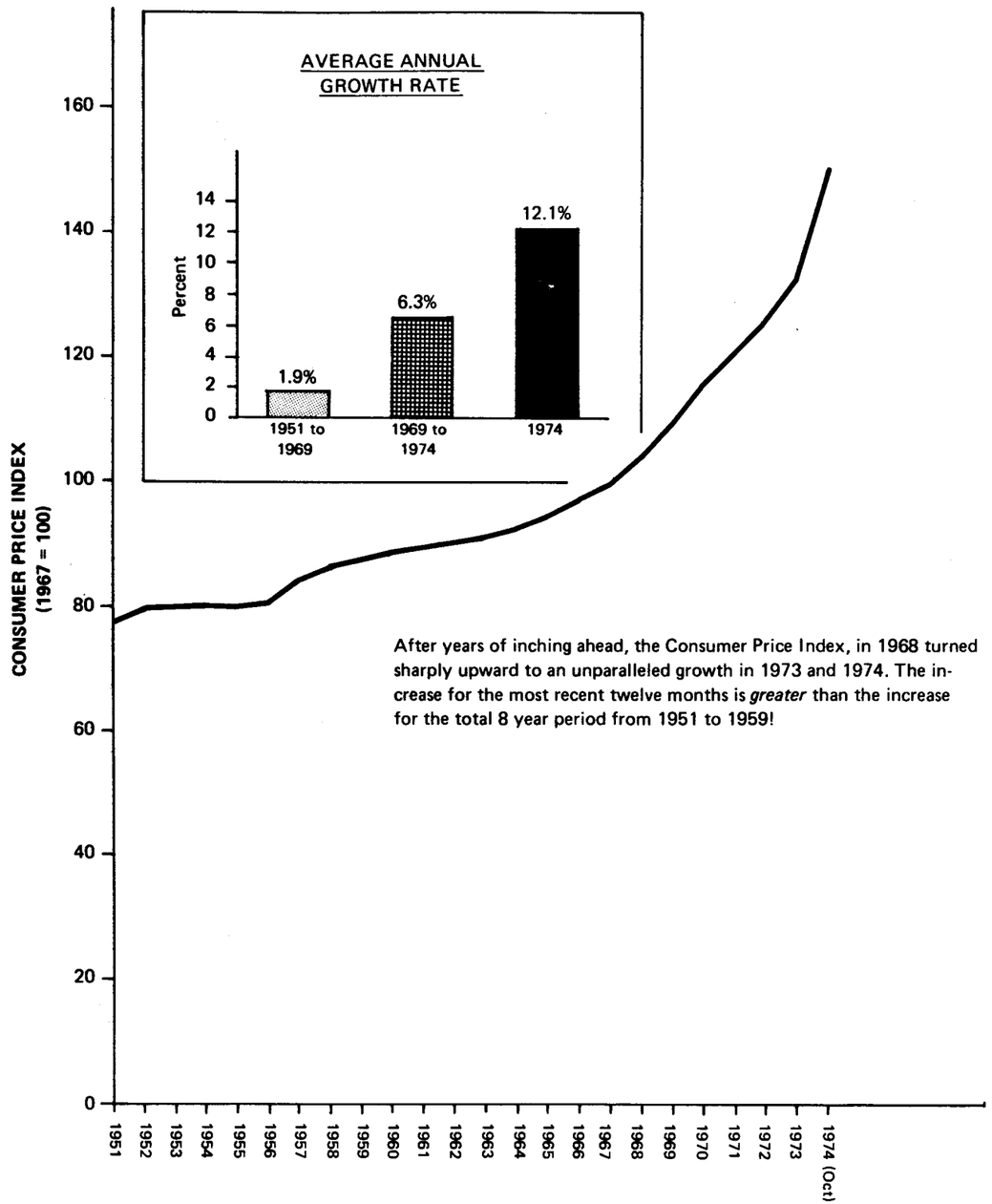
Economic considerations, fairness and concern for the quality of the Judiciary warrant a federal judicial salary increase of not less than 50 percent. Similar arguments apply to Congress and Executive appointees. The magnitude of the recent increases in the consumer price index underscores the need to adjust executive, legislative and judicial salaries on an annual basis to preclude the undue erosion of their income.

---

8. Difficult cases are those taking at least twice as much judicial time as the average case.
9. Appendix H

CONSUMER PRICE INDEX

(1967 = 100)



After years of inching ahead, the Consumer Price Index, in 1968 turned sharply upward to an unparalleled growth in 1973 and 1974. The increase for the most recent twelve months is *greater* than the increase for the total 8 year period from 1951 to 1959!

LOSS IN THE PURCHASING POWER OF CIRCUIT AND DISTRICT JUDGES' SALARIES SINCE 1969

COMPUTATION OF SALARY LOSS FOR
DISTRICT AND CIRCUIT JUDGES
1969 TO 1975

		Salary Adjusted by Consumer Price Index			
		District Judge		Circuit Judge	
March 1	CPI[1]	Annual	Cumulative	Annual	Cumulative
1969	100.0%	$40,000	$ ...	$42,500	$ ...
1970	106.3	42,520	2,520	45,180	2,680
1971	111.5	44,600	4,600	47,390	4,890
1972	115.6	46,240	6,240	49,130	6,630
1973	120.1	48,040	8,040	51,040	8,540
1974	132.2	52,880	12,880	56,190	13,690
1975	148.0[2]	59,200	19,200	62,900	20,400
Cumulative Salary Loss			$53,480		$56,830

[1]March 1, 1969 = 100.
[2]Projected at 12% based on current trend.

This tabulation shows the cumulative loss of earnings to judges since March 1969, had their salaries increased commensurate with Consumer Price Index increases instead of remaining frozen.

GENERAL SCHEDULE PAY INCREASES			Projected Salaries, If Same Increases Had Been Granted To Judges	
	(1)	(2)	(3)	(4)
Effective Date	Percentage Increase	Salary GS-15, Step 4	Circuit Judge	District Judge
July 14, 1969		$23,749	$42,500*	$40,000*
Dec. 27, 1969**	6.0%	25,174	45,050	42,400
Jan. 11, 1971	6.0%	26,675	47,753	44,944
Jan. 10, 1972	5.5%	28,142	50,379	47,416
Jan. 8, 1973	5.1%	29,589	52,948	49,834
Oct. 1, 1973	4.8%	31,089	55,649	52,376
Oct. 1, 1974	5.5%	32,800	58,709	55,256
Cumulative total	38.1%	Cumulative loss thru 1974	$36,668[1]	$34,512[1]
Projections[2]				
Oct. 1975	7.5%	35,260	63,112	59,400
Oct. 1976	7.5%	37,905	67,845	63,855
Oct. 1977	7.5%	40,748	72,933	68,644
Cumulative Increase[3]				
1974 over 1969	38.1%	9,051	16,209	15,256
1975 over 1969	48.5%	11,511	20,612	19,400
1976 over 1969	59.6%	14,156	25,345	23,855
1977 over 1969	70.0%	16,969	30,433	28,644

* Effective March 1, 1969
** Approved April 15, 1970, retroactive to Dec. 27, 1969

[1] These cumulative losses are the total dollars not received by the judges since 1969, because they did not receive the annual increases each year which were received by employees in the General Schedule. The $34,512 total for district judges, for example, reflects the total not received by those judges since 1969 -- first, the $2,400 increase indicated for them by the 6% increase awarded to the General Schedule employees on December 27, 1969 -- And this $2,400 loss was experienced for 4 3/4 years from December 27, 1969 to October 1, 1974. Secondly, the next increase, granted on January 11, 1971, was lost to the district judges for a 3 3/4 year period, beginning with the year 1971, etc.

[2] Based on current and projected levels of the Consumer Price Index which has reached double digit annual growth proportions.

[3] It should be clearly understood that the percentages shown in this portion of the table are those reflecting the total increase over the period of years shown. Because of the "compounding effect," any particular cumulative percentage increase will exceed the sum of the individual annual percentage increases during the period covered.

JUDICIAL SALARIES LESS FEDERAL[1] INCOME TAXES IN TERMS OF 1969 DOLLARS

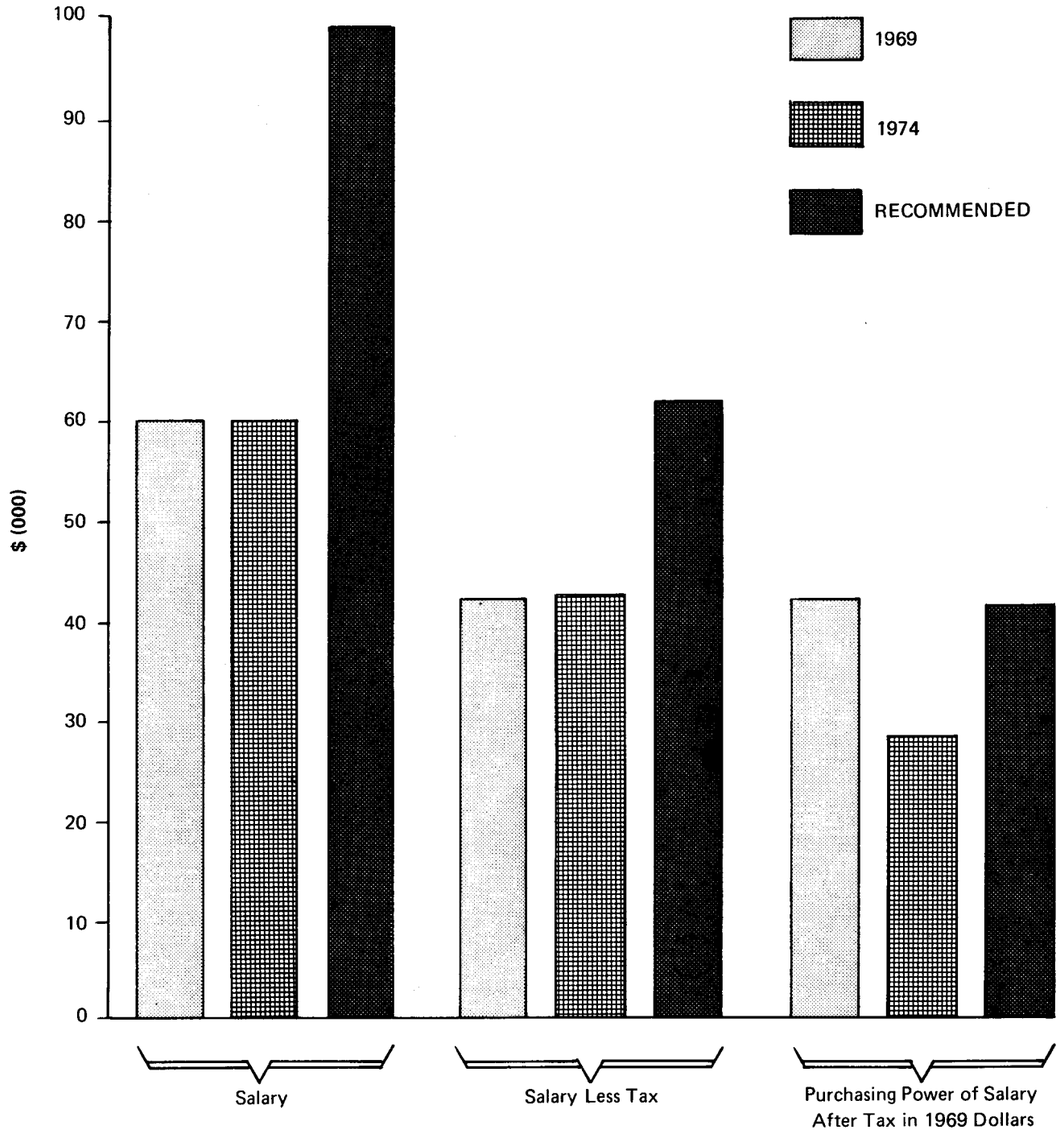
	1969	1974	Recommended
Associate Justice-Supreme Court:			
Salary.....	$60,000	$60,000	$98,995
Federal Tax[2].....	17,860	17,560	36,875
Remainder after Taxes.	$42,140	$42,440	$62,120
Remainder in 1969 Dollars.....	$42,140	$28,676	$41,973
Judges of Courts of Appeals, Court of Claims, and Court of Customs and Patent Appeals:			
Salary.....	$42,500	$42,500	$76,150
Federal Tax[2].....	10,277	10,025	25,264
Remainder after Taxes.	$32,223	$32,475	$50,886
Remainder in 1969 Dollars.....	$32,223	$21,943	$34,382
District Court Judges:			
Salary.....	$40,000	$40,000	$72,343
Federal Tax[2].....	9,332	9,080	23,418
Remainder after Taxes.	$30,668	$30,920	$48,925
Remainder in 1969 Dollars.....	$30,668	$20,892	$33,057

[1] No provision has been made for State or Local Income Taxes because of varying rates.

[2] Based on family of four and standard deduction.

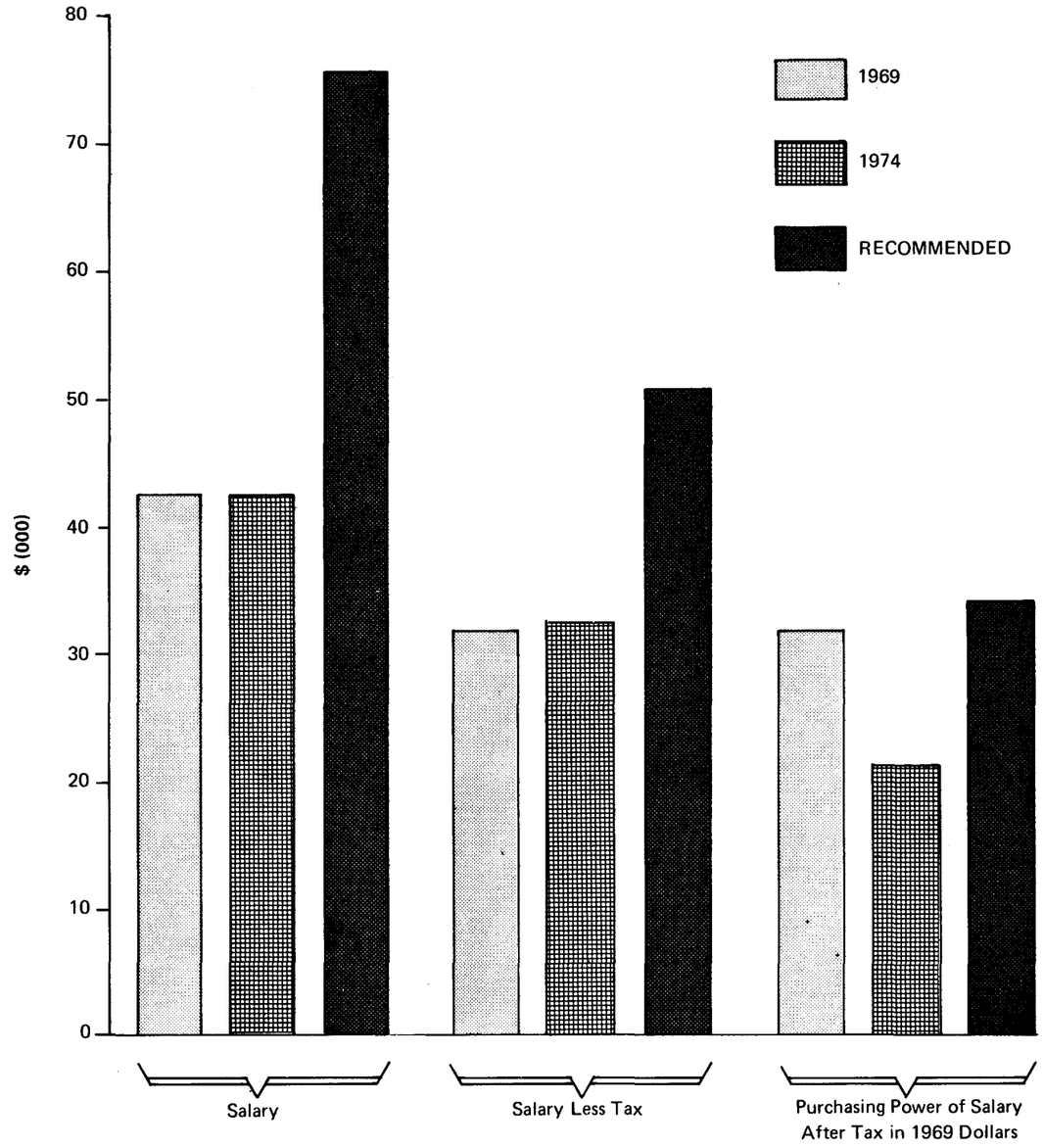
The first two columns show the net erosion in purchasing power as a result of judges' salaries being frozen since 1969. For example, the $60,000 salary for an Associate Justice in 1969 translated into purchasing power (after taxes) of $42,140. This same salary is now worth $28,676 in purchasing power...a reduction of 32%. Column 3 reflects the recommended salary of $98,995, which while appearing at first blush to be a substantial salary increase, yields $41,973 of purchasing power...less than the 1969 purchasing power of Associate Justices. Thus, even a 65% increase in salary does not enable the Associate Justice to stay abreast of the inflationary spiral since 1969. The following three charts depict these in graphic form.

PURCHASING POWER of ASSOCIATE JUSTICES SALARIES AFTER TAX IN 1969 DOLLARS



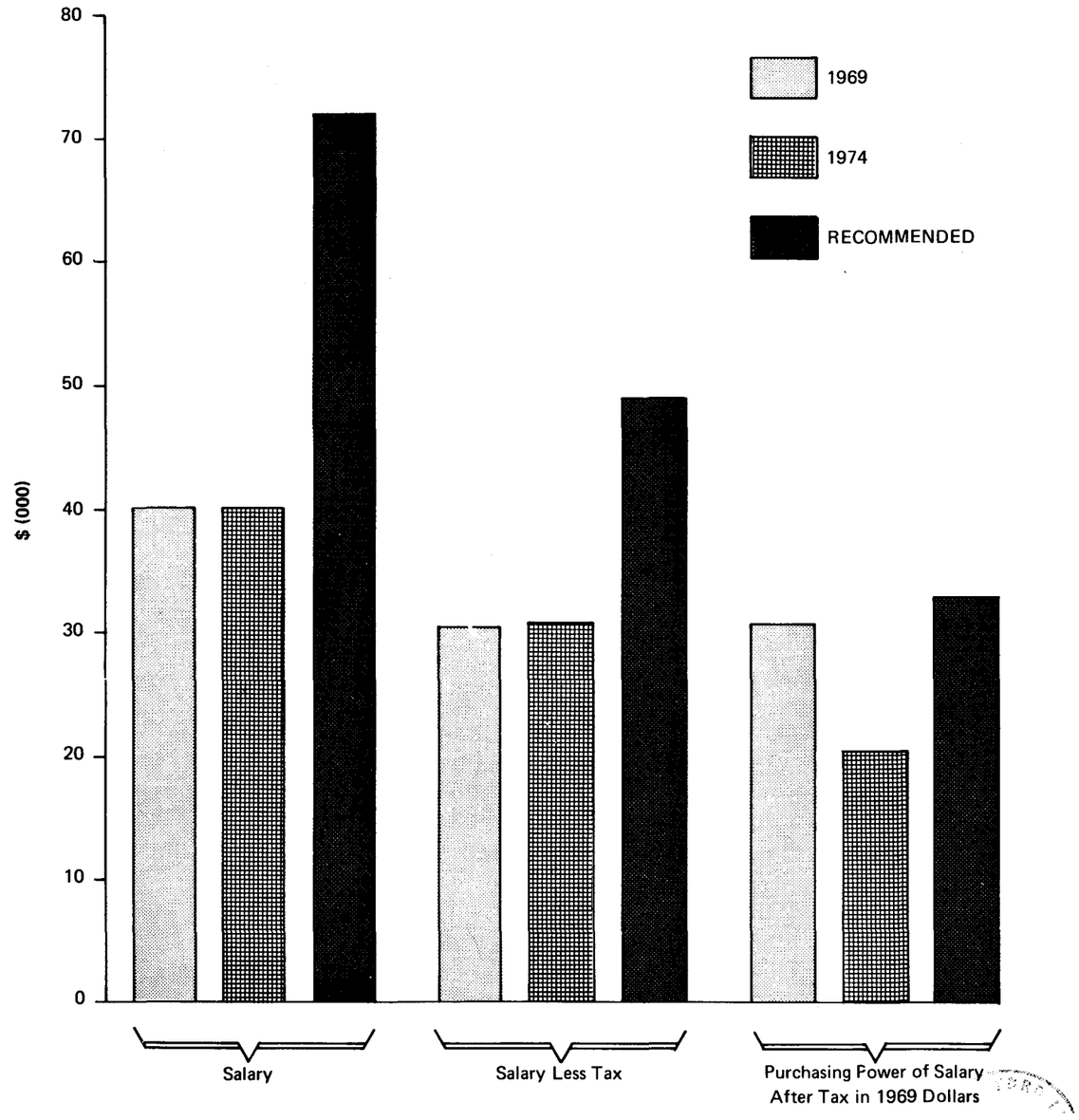
Although the first set of bar-graphs suggests a quantum increase in salary, the true picture is set forth in the last set of bar-graphs which show purchasing power easing slightly despite the large salary increase.

PURCHASING POWER of COURTS OF APPEALS JUDGES' SALARIES AFTER TAX IN 1969 DOLLARS



569-534 O - 75 - 2

PURCHASING POWER of DISTRICT COURT JUDGES' SALARIES AFTER TAX IN 1969 DOLLARS



GROWTH OF STATE SALARIES FOR CHIEF JUDGES

1969 - 1974

State	Salary of Chief Judge 1969	1974	Increase
Alabama	$ 19,500	$ 33,500	$ 14,000
Alaska	27,000	44,000	17,000
Arizona	23,500	37,000	13,500
Arkansas	22,500	30,000	7,500
California	34,000	54,841	20,841
Colorado	22,500	37,500	15,000
Connecticut	33,000	40,000	7,000
Delaware	25,000	42,500	17,500
Florida	34,000	40,000	6,000
Georgia	26,500	40,000	13,500
Hawaii	28,000	33,880	5,880
Idaho	20,000	30,000	10,000
Illinois	37,500	42,500	5,000
Indiana	22,500	29,500	7,000
Iowa	22,000	34,000	12,000
Kansas	22,500	35,000	12,500
Kentucky	26,000	31,500	5,500
Louisiana	27,500	37,500	10,000
Maine	21,500	27,500	6,000
Maryland	33,000	43,800	10,800
Massachusetts	30,800	42,236	11,436
Michigan	35,000	42,000	7,000
Minnesota	27,000	40,000	13,000
Mississippi	20,000	35,000	15,000
Missouri	26,500	31,500	5,000
Montana	18,500	28,000	9,500
Nebraska	$ 20,500	$ 35,000	$ 14,500
Nevada	22,000	35,000	13,000
New Hampshire	26,000	34,008	8,008
New Jersey	32,000	50,000	18,000
New Mexico	21,000	29,500	8,500
New York	42,000	63,143	21,143
North Carolina	28,000	39,000	11,000
North Dakota	18,500	28,500	10,000
Ohio	32,000	43,500	11,500
Oklahoma	22,500	30,000	7,500
Oregon	23,500	32,000	8,500
Pennsylvania	38,000	52,000	14,000
Rhode Island	26,000	34,000	8,000
South Carolina	25,000	41,730	16,730
South Dakota	20,500	29,000	8,500
Tennessee	25,000	41,600	16,600
Texas	27,000	40,500	13,500
Utah	17,000	24,000	7,000
Vermont	22,000	31,400	9,400
Virginia	24,200	41,300	17,100
Washington	27,500	34,825	7,325
West Virginia	22,500	32,500	10,000
Wisconsin	25,000	44,292	19,292
Wyoming	16,500	30,000	13,500
Total	$1,290,000	$1,860,055	$570,055
Average	$ 25,800	$ 37,201	$ 11,401
% Increase			44.2%

THE 15 HIGHEST PAID U.S. EXECUTIVES IN 1973 AND 1968

	1973 Total Individual Compensation	1968 Total Individual Compensation
1. Paul B. Hofmann, Former Chairman - Johnson & Johnson.....	$ 978,000	$ 532,077
2. Richard C. Gerstenberg, Chairman - General Motors.....	938,000	
(James M. Roche, Chairman 1968) - General Motors.....		652,500
3. Henry Ford II, Chairman - Ford.....	878,746	600,000
4. Lee A. Iacocca, President - Ford.....	878,746	445,000
5. Edward N. Cole, President - General Motors.....	846,500	588,750
6. Harold S. Geneen, Chairman - ITT.....	814,299	559,820
7. Thomas A. Murphy, Vice-Chairman - General Motors.....	776,125	
(George Russell, Vice-Chairman 1968) - General Motors.....		588,750
8. Lynn A. Townsend, Chairman - Chrysler.....	683,600	630,700
9. Richard B. Sellars, Chairman - Johnson & Johnson.....	678,968	
(Gustav Lienhard, President 1968) - Johnson & Johnson.....		458,554
10. John K. Jamieson, Chairman - Exxon.....	620,766	335,000
11. John J. Riccardo, President - Chrysler.....	590,987	317,900
12. William F. Laporte, Chairman - American Home Products.....	540,409	171,400
13. Rawleigh Warner, Jr., Chairman - Mobil Oil.....	530,009	300,000
14. Robert W. Sarnoff, Chairman - RCA.....	525,000	290,000
15. C. Peter McColough, Chairman - Xerox.....	506,461	276,630
TOTAL SALARY.....	$10,786,616	$6,747,081

(Percentage change from 1968 - 59.8%)

U. S. GOVERNMENT PRINTING OFFICE : 1975 O - 569-534

GROWTH IN COST OF SUPPORT OF U.S. COURTS AS COMPARED TO U.S. GOVERNMENT 1900 - 1975

Year	Expenditures For U.S. Courts	Expenditures For Government As A Whole	U.S. Courts As A % Of Government
1900	$ 2,392,574	$ 520,860,847	0.5 %
1930	8,878,199	3,641,944,364	0.25
1940	10,419,062	9,127,373,806	0.11
1950	23,967,360	40,155,799,714	0.06
1960	49,363,000	92,200,000,000	0.05
1970	132,385,000	196,600,000,000	0.07
1974	190,765,455	268,300,000,000	0.07
1975	235,092,000 (Est.)[1]	304,400,000,000 (Est.)	0.08

The cost of the support of the United States Courts has increased from $2,392,574 for 1900 to $235,092,000 in 1975. At the same time expenditures for the Government as a whole have grown from $520,860,847 to $304,400,000,000. Thus, though the cost of the courts has increased absolutely, relative to the cost of the support of the Government as a whole it has greatly decreased. Expenditures for United States Courts in 1900 represented one-half of 1 percent of the cost of the support of the Government as a whole. The U.S. Courts share declined to about one-thirteenth of 1 percent for 1975.

---

[1] For comparability purposes, excludes appropriations transferred from General Services Administration in 1975 for "Space and Facilities" and "Furniture and Furnishings".

Saturday 3/8/75

Meeting
3/10/75
2 p.m.

11:25 Mr. Friedersdorf's office called to invite you to a meeting in the Oval Room on Monday 3/10 at 2 p.m. with the "Big Five" -- Albert, Rhodes, Scott, Mansfield and Tip O'Neill.

Told her that you were already invited to the meeting and would plan to attend.

Eva: Do we have briefing papers for this meeting

Personnel - Pay

THE WHITE HOUSE

WASHINGTON

March 11, 1975

MEMORANDUM FOR: KEN LAZARUS

FROM: PHILIP BUCHEN P.W.B.

SUBJECT: Executive, Legislative and Judicial Pay

Following our conversation about the President's desire to have our office and OMB develop further alternative proposals regarding the compensation situation of the judiciary, I enclose copies of the memo from Jim Lynn to the President which preceded the meeting with Chief Justice Burger and a copy of the earlier memo from Roy Ash to the President.

Attachments

THE WHITE HOUSE

WASHINGTON

TO: Mr. Buchen

FROM: JERRY WARREN

FYI

KMOL-TV

San Antonio Texas

Editorial

Presented By
EDWARD V. CHEVIOT
Vice President/General Manager

KMOL Television believes in expressing its opinions. When the subject of a KMOL Television editorial is controversial, we shall make time available for other points of view.

March 25, 1975

A PROBLEM OF THE FEDERAL BENCH

The judicial system in America ... that unique system which provides equal justice in our country ... is facing a major problem.

The present law ties salary increases for the Congress, federal judges and the executive branch all together. The last pay raise was six years ago.

But the Congress has increased its own compensation through added fringe benefits and increased expense allowances ... no such fringe benefits have been given to the U.S. district judges and no salary adjustments have been made.

As a result of this freeze, Chief Justice Burger noted that "as many federal judges have resigned to return to the practice of law in the last 13 months as during the preceding 34 years." We would call this a crisis.

When members of the U.S. Congress decided it would be risky politics to push through a pay raise for themselves last year, they did not separate the pay issue for federal judges from themselves, and thus they penalized a branch of the government that should be insulated from politics.

If we continue to lose competent jurists or have top-flight lawyers refuse to serve, then the quality of justice will be downgraded.

The men and women who serve on the federal bench do so for public trust and honor, but they deserve a better shake than they are now getting ... and so do the people they serve!

AVCO BROADCASTING CORPORATION
P.O. Box 2641 San Antonio, Texas 78299 Telephone (512) 226-4251

OFFICE OF THE VICE PRESIDENT

WASHINGTON

March 31, 1975

MEMORANDUM FOR PHILIP BUCHEN

FROM: Peter J. Wallison Peter

SUBJECT: Salaries of Federal Judges

It has recently come to the attention of the Vice President that there has been a rather substantial increase in the number of Federal judges who have resigned from the bench before normal retirement age. A number of these retirees have cited financial considerations as the principal reason for their action.

The Vice President asked me to communicate to you his feeling that the question of adequate compensation for the Federal Judiciary appears to be a serious one, with which the Administration should be concerned.

As you know, Associate Justices of the Supreme Court receive annual salaries of $60,000 (the Chief Justice receives $62,500); Circuit Court Judges receive $42,500; and District Court Judges $40,000. Because of inflation in recent years, the expendable income of judges at all levels has declined substantially, and they are no doubt being placed under substantial financial pressure in meeting their families' needs.

This is especially true for judges in the middle age range, from 40 to 55, who must meet growing expenses for the education of their children.

While this is serious for judges presently on the bench, it poses even more severe problems in the recruitment of qualified individuals who will maintain the high standards which have always been associated with the Federal Judiciary.

Ceilings on permissible compensation have created serious recruitment problems for the Executive Branch, but the difficulties are even more severe for judges, who would ordinarily not expect their public service to be a temporary period of reduced income, followed by a return to more remunerative private practice.

To compel judges to enter upon their duties with the thought that they may someday be required to retire from the bench in order to pursue private practice would adversely affect the appearance, and perhaps the fact, of their neutrality in making judicial decisions. In a very real sense, it would vitiate the intended effect of lifetime appointments.

With these considerations in mind, it does seem that there are good arguments to relieve the Federal Judiciary of the restrictions -- imposed, I assume, by political considerations -- which apply to the compensation of Congressmen, Senators and members of the Executive Branch.

The Vice President hopes that you will give this matter your consideration, and asked me in particular to request your advice as to whether he should communicate his concern directly to the President.

Judicial Salaries

THE WHITE HOUSE

WASHINGTON

April 1, 1975

MEMORANDUM FOR: PETER J. WALLISON

FROM: PHILIP W. BUCHEN P.W.B.

SUBJECT: Salaries of Federal Judges

This subject has been brought to the attention of the President most recently in connection with a meeting held on March 10th when Chief Justice Burger presented to the President and to Senators Scott and Mansfield and Representatives Albert and Rhodes an account of the difficulties in retaining and attracting qualified Federal judges.

He made a very convincing presentation but the Congressional Leaders expressed very qualified views as to the feasibility of getting a substantial pay raise through the Congress. If I read the sense of the meeting correctly, it appeared that the Congress was looking for some device to relieve them of having to make decisions which would affect not only judicial salaries but those of the Congress and of persons holding Executive level positions in the government.

In other words, they are thinking of some device such as the quadrennial commission mechanism which exists now but which would not become operative again until several years hence. It may mean that we should consider amending the Act which provides for the quadrennial commission so as to make it become operative for Fiscal Year 1976.

OMB has done certain work on this subject already and I believe the Domestic Council staff may have the subject under consideration. I suggest that we consolidate these

efforts and develop promptly a memo for the President after first receiving the views of the Vice President.

The Vice President could then talk to the President on the basis of a specific proposal so as to expedite an early decision.

I will ask Ken Lazarus of my office to initiate a meeting with representatives from OMB and the Domestic Council and you might also like to participate.

cc: Ken Lazarus

OFFICE OF THE VICE PRESIDENT

WASHINGTON

March 31, 1975

MEMORANDUM FOR PHILIP BUCHEN

FROM: Peter J. Wallison

SUBJECT: Salaries of Federal Judges

It has recently come to the attention of the Vice President that there has been a rather substantial increase in the number of Federal judges who have resigned from the bench before normal retirement age. A number of these retirees have cited financial considerations as the principal reason for their action.

The Vice President asked me to communicate to you his feeling that the question of adequate compensation for the Federal Judiciary appears to be a serious one, with which the Administration should be concerned.

As you know, Associate Justices of the Supreme Court receive annual salaries of $60,000 (the Chief Justice receives $62,500); Circuit Court Judges receive $42,500; and District Court Judges $40,000. Because of inflation in recent years, the expendable income of judges at all levels has declined substantially, and they are no doubt being placed under substantial financial pressure in meeting their families' needs.

This is especially true for judges in the middle age range, from 40 to 55, who must meet growing expenses for the education of their children.

While this is serious for judges presently on the bench, it poses even more severe problems in the recruitment of qualified individuals who will maintain the high standards which have always been associated with the Federal Judiciary.

Ceilings on permissible compensation have created serious recruitment problems for the Executive Branch, but the difficulties are even more severe for judges, who would ordinarily not expect their public service to be a temporary period of reduced income, followed by a return to more remunerative private practice.

To compel judges to enter upon their duties with the thought that they may someday be required to retire from the bench in order to pursue private practice would adversely affect the appearance, and perhaps the fact, of their neutrality in making judicial decisions. In a very real sense, it would vitiate the intended effect of lifetime appointments.

With these considerations in mind, it does seem that there are good arguments to relieve the Federal Judiciary of the restrictions -- imposed, I assume, by political considerations -- which apply to the compensation of Congressmen, Senators and members of the Executive Branch.

The Vice President hopes that you will give this matter your consideration, and asked me in particular to request your advice as to whether he should communicate his concern directly to the President.

Make "FYI" copies
for Peter Wallison &
Ken Lazarus.

Ben
4/2

Judges' Pay Raise Drive Is in Trouble

By Lyle Denniston
Washington Star Staff Writer

Led by Chief Justice Wea

meeting, Senate Majority Leader Mike Mansfield, D-Mont., apparently came

and still am," Mansfield said yesterday. He refused to discuss what was said at

won't sit still for two more years."

are now eager to deal with their own salary situation, without regard to what any