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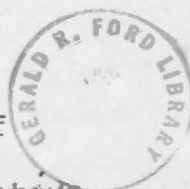
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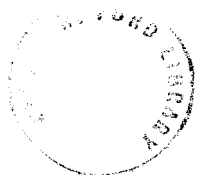
The Federal Pay Comparability Act (5 U.S.C. 5301-5308) requires me to adjust the rates of pay of each statutory system in accordance with prescribed criteria, after considering the report of my agent under the Act and the findings and recommendations of the Advisory Committee on Federal Pay. Adhering to those criteria, and in light of that report and those findings and recommendations, I have no choice but to increase the present rates of pay beginning October 1, 1975, by 8.66 percent.

In my view, however, such an increase is inconsistent with the serious responsibility of the Federal Government to exercise leadership in ^{preserving} ~~restoring~~ our economy ^{on} ~~to~~ a sound and uninflationary footing. It is clear that in the months ahead both the President and the Congress will have to call upon the people for genuine sacrifices in order to preserve the economic independence and economic stability of the Nation. It will be unfair, and may be ineffective, to issue such a call when we have failed to exercise a modest degree of economic restraint within our own house. A wage increase of almost 9 percent for the entire Federal work force, and the resulting increase of the Federal budget by \$ _____ will contribute substantially to the inflationary spiral--not only because of its immediate economic effect but because of the example which it presents. In my view, therefore, the salary increase adjustments for the period beginning October 1, 1975 should be held to a rate of 5 percent.

5 U.S.C. 5305(c) purports to give the President the power to adopt an alternative pay plan, containing a rate of pay adjustment which he considers appropriate. Such ^{an} ~~an~~ alternative plan, however, is made subject to the veto of a single House of the Congress. During the year that I have been President, I



have indicated, as have my predecessors in office, that a provision for a One-House veto is an unconstitutional encroachment on the powers and responsibilities of the President, and contravenes the fundamental principle of the Separation of Powers. Moreover, recent litigation has indicated that the very existence of the One-House veto will subject the validity of the alternative plan to attack, even if neither House of Congress should disapprove it. I am therefore refraining from exercising an authority which is subject to unconstitutional restraint. I am instead attaching to this message a draft bill which would achieve the desired effect of restricting the pay increases to 5 percent through the constitutionally prescribed route of legislation. I urge the Congress to enact this legislation before the pay raises at the higher level become effective.



JOHN J. RHODES
1ST DISTRICT, ARIZONA

Office of the Minority Leader
United States House of Representatives
Washington, D.C. 20515

June 25, 1974

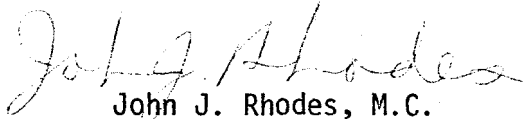
The Honorable Oren Harris
District Judge
U.S. District Court
Eastern & Western Districts
of Arkansas
P.O. Box 1733
El Dorado, Arkansas 71730

Dear Oren:

Thank you for your letter and the enclosed copy of your correspondence with the Speaker. I share your concern and am hopeful that something can be done to adjust the pay for members of the judiciary.

As I am sure you are aware, this will be a very political year. While some adjustment must be made in judiciary salaries, it probably won't be done before the next Congress. On the whole, most Members of Congress are aware of the salary problem in the judiciary branch, but unfortunately the legislation dealing with their increase was not divorced from the battle over legislative and executive salaries.

Yours sincerely,


John J. Rhodes, M.C.
Minority Leader

JJR/tc

JUL 1 - REPT

The Speaker's Rooms
U. S. House of Representatives
Washington, D. C. 20515

June 20, 1974

The Honorable Oren Harris
United States District Judge
Eastern & Western Districts of Arkansas
Post Office Box 1733
El Dorado, Arkansas 71730

Dear Oren:


It was good to get your letter regarding the possibility of a salary adjustment. I, of course, do not think you presumptuous; as a matter of fact your letter was most welcome.

There is no hope whatever, in view of the action which the Senate took earlier in the year, to get any kind of pay raise through between now and election day. Whether it might be done after election this year is questionable. I understand that the Administration wants to make another push on this matter and is working on it. In my judgment, if the President sends up a reasonable adjustment effective next January, the Congress will not veto it; certainly I shall be for the raise as I have supported every raise that has come to the Congress since I have been a Member.

I agree with you that the submission of this by the President in this Congress, during this period of high inflation and in this election year, was untimely. You may know that the Senate is having hearings on the levels established by the Executive Schedule and comparative positions in the legislative and judicial branches. My understanding, however, is that this does not deal with Members of Congress or United States Judges but Cabinet members, etc.

Hope everything is going well with you.

Sincerely,



The Speaker



CA/pg

JUN 24 1974

United States Senate

WASHINGTON, D.C. 20510

PERSONAL

June 26, 1974

Honorable Oren Harris
Judge
U. S. District Court for the
Eastern & Western District of Arkansas
P. O. Box 1733
El Dorado, Arkansas 71730

Dear Oren:

Thank you so much for your letter regarding the prospects of a salary adjustment and the urgent need for it.

As you know, I was one of those who steadfastly supported a salary adjustment in the past and I expect to again.

I am hopeful that remedial action will be taken early next year. It is shameful to think that the current situation would be allowed to continue. We have in our Pennsylvania U. S. District Courts several outstanding younger men who are serving at a considerable sacrifice.

We are not far from the point where the situation becomes a matter which legitimately affects the continuity of the Court system.

You may be sure of my best efforts.

With kindest regard,

Sincerely,


Hugh Scott
United States Senator

HS/mcl

THOMAS P. O'NEILL, JR.

MASSACHUSETTS
MAJORITY LEADER

Congress of the United States
House of Representatives
Office of the Majority Leader
Washington, D.C. 20515

1 July 1974

The Honorable Oren Harris
District Judge
Eastern & Western Districts of Arkansas
P.O. Box 1733
El Dorado, Arkansas 71730

Dear ~~Oren~~ *Judge*:

It's always a pleasure to hear from you and I certainly appreciate your position relative to a salary adjustment.

I'm probably the only man in the leadership on either side of the aisle who feels that while we are being blocked members of the Judiciary should get a raise. They are most deserving and worthy to receive one, in my estimation.

But, I am sure you can appreciate the problem -- the members want to be kept in line with the Federal Court and feel as though they should be treated the same, which I know you can understand.

I don't know what the possibilities might be after the election, but I will continue to be for it.

With every good wish,

Sincerely,

"Tip"

Thomas P. O'Neill, Jr.



JUL 5 - REC'D

United States Senate
Office of the Majority Leader
Washington, D.C. 20510

June 19, 1974

Honorable Oren Harris
District Judge
United States District Court
P.O. Box 1733
El Dorado, Arkansas 71730

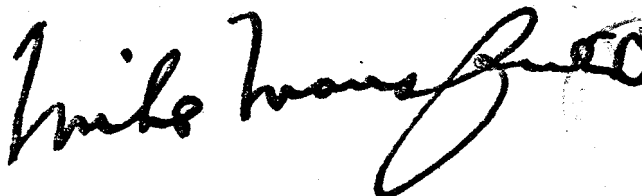
Dear Oren:

Your good letter of the seventeenth has just been received and I was delighted to hear from you. I have been in contact with Senator McGee, Chairman of the Post Office Committee in the Senate, urging him to go into the matter of pay raises on a more equitable basis than was the case some months ago.

As a fellow colleague, Oren, you are well aware, as most judges are not, of the difficult and delicate position in which the Congress finds itself when its membership is a part of the legislation under consideration. It is my understanding that, when in a few days, Senator McGee intends to conduct hearings on this matter, hopefully out of those hearings will come a solution to this problem. However, because of the closeness to the election, it would be my belief that it will not be considered until the end of this Congress or at the first part of the next.

It was good to hear from you, Oren, and if anything develops I will do my best to keep you informed. With best personal wishes, I am

Sincerely yours,

A handwritten signature in dark ink, reading "Mike Mansfield". The signature is written in a cursive, flowing style. To the right of the signature, there is a faint, circular postmark or stamp, partially obscured by the ink.

Federal Judges

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
JAMES D. FELLERS
AMERICAN BAR CENTER
CHICAGO, ILLINOIS 60637
TELEPHONE: 312/493-0533

F. J. Fellers

December 10, 1974

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As I advised Phil Buchen this morning, when the Board of Governors of the American Bar Association met yesterday in Chicago, great concern was expressed that the salaries of federal judges have not yet been increased. By adoption of the enclosed resolution, the Board asked me to call to your attention the fact that federal judges' salaries have not been raised since 1969 and to ask you to recommend an increase to the Congress, either in your budget message or in other ways.

Your prompt attention to this important matter is earnestly solicited.

Sincerely yours,

James D. Fellers
James D. Fellers

JDF:alj

Enclosure

cc: Philip Buchen, Esquire, Counsel to the President



Adopted by the Board of Governors
December, 1974

WHEREAS there have been no increases in federal judicial salaries since March 1, 1969; and,

WHEREAS the Commission on Executive, Legislative and Judicial Salaries in 1973 made recommendations to the President of the United States with regard to federal judicial salaries but those recommendations were not adopted; and,

WHEREAS resignations of United States District Judges reached unprecedented proportions during 1974 and in more than 80% of these resignations inadequate compensation has been cited; and,

WHEREAS substantial numbers of Federal District and Court of Appeals Judges are voicing increased concern about their ability to remain on the bench unless adequate compensation is provided; and,

WHEREAS it has become increasingly difficult to interest the best qualified lawyers in accepting appointments to the bench in view of the great financial sacrifices which in many cases would be required; and,

WHEREAS since March 1, 1969, the date of the last increase in federal judicial salaries, the consumer price index has increased 42%, salaries paid to general schedule federal employees has increased 38%, the salaries of the state judiciary have increased 42%, and the income of lawyers generally has increased 43%; and,

WHEREAS the high quality of the federal judiciary is essential to the proper maintenance of the administration of justice in this free society and reasonable increases in judicial compensation are essential to the continued high quality of the federal judiciary,

NOW THEREFORE BE IT RESOLVED, that the American Bar Association urges the President of the United States to present to the Congress a recommendation for increases in compensation for members of the federal judiciary, taking into account that federal judges have not had a salary increase since March 1, 1969.

BE IT FURTHER RESOLVED, that the President of the American Bar Association be authorized and directed to communicate this resolution to the President of the United States.

Wednesday 2/26/75

2:30 Mark Cannon had called yesterday to talk with you.

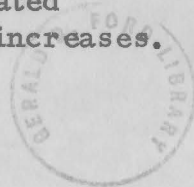
393-1640

Ext. 413

I called back to see if someone else could help --
since you won't be back until Friday.

He had a letter which they wanted to deliver to the President from the Chief Justice relating to questions of additional judges and judges salaries. Said he knows there has been a good deal of concern about political implications about judges' salaries. In your absence, they sent the letter through Don Rumsfeld's office.

Mr. Cannon will be sending you a packet of duplicated editorials which strongly endorse judicial salary increases.



Tuesday, February 25 4:00 p.m.

Mr. Mark Cannon would like a call from
Mr. Buchen upon his return. 393-1640 x413

(Supreme Ct.)



Supreme Court of the United States
Washington, D.C. 20543



STOP 28

Mr. Philip W. Buchen

The White House



NATION'S PRESS SUPPORTS FEDERAL JUDGES' SALARY INCREASE

In the past year, the plight of the Federal Judiciary has received attention in the nation's press. There has been extraordinary editorial support for an immediate and substantial increase in the salaries of all Federal judges. This is especially significant in light of the present economic situation. The newspapers object to protracted inequity and are concerned about preserving a strong judiciary. The 42 per cent inflation since the previous salary increase in 1969 has precipitated an unprecedented number of resignations for salary reasons. The newspapers think that higher pay for Federal judges is a small price to pay to insure the continued excellence of the Federal bench.

Editorials supporting a pay increase have come from an impressive array of newspapers, as varied in political outlook as they are in geographic location. Forty-five (45) newspapers in twenty-four (24) states and the District of Columbia have published favorable editorials, including many with major national circulation and readership such as the New York Times, the Washington Post, the Chicago Tribune, the Wall Street Journal, and the Los Angeles Times, as well as regional papers with intermediate circulations from diverse states such as Alabama, Arizona, Colorado, Indiana, Nebraska, New Mexico, Tennessee, and Texas. The total circulation of all forty-five newspapers exceeds 13 million, with an estimated readership of 40 million.

Nationally syndicated articles, including ones by Evans and Novak, Linda Matthews, Richard Spong and Robert S. Allen, focusing on the pressing need for congressional approval of higher salary levels, have also appeared in other newspapers throughout the nation. The Evans and Novak article, for instance, was published in about 250 newspapers. Further discussion of the salary question has appeared recently in the national news weekly, Time.

Undoubtedly, numerous other newspapers have printed favorable editorials that have not been incorporated in this compilation. Nevertheless, the assembled brigade of editorial copies and excerpts indicates that a pay raise for Federal judges is regarded enthusiastically and favorably by the nation's press.

February, 1975

Alabama	Alabama Journal	280,053
	Birmingham Post Herald	73,456
Arizona	Arizona Republic (Sunday)	299,130
	Phoenix Gazette	107,936
California	Los Angeles Times	1,009,719
	San Francisco Examiner	186,024
	Sacramento Bee	179,291
Colorado	Rocky Mountain News	218,695
Delaware	Wilmington Evening Journal	89,931
Florida	Miami Herald	406,341
	Jacksonville Journal	211,837
	Hollywood Sun-Tattler	42,730
Georgia	Atlanta Journal/Constitution	573,223
Illinois	Chicago Tribune	745,210
	Chicago Sun Times	567,617
Indiana	Evansville Press	45,780
	Terre Haute Tribune	26,175
Iowa	Des Moines Tribune	105,586
Michigan	Flint Journal	111,390
Missouri	St. Louis Globe	284,110
	Kansas City Star	308,862
Nebraska	Omaha World-Herald	130,224
New Mexico	Albuquerque Tribune	37,103
New York	New York Times (Sunday)	1,433,908
	Wall Street Journal	1,249,095
North Carolina	Charlotte Observer	172,758
Ohio	Cleveland Press	373,917
	Columbus Citizen-Journal	118,735
Pennsylvania	Philadelphia Bulletin	600,809
	Philadelphia Inquirer	454,741
	Pittsburgh Press	341,118
	Wilkes-Barre Times-Leader News	73,142
Tennessee	Memphis Press-Scimitar	125,738
	Knoxville News-Sentinel	108,750
Texas	Houston Chronicle	295,207
	Houston Post	289,301
	San Antonio Express	144,217
	San Antonio Light	126,574
	El Paso Times	64,042
	El Paso Herald Post	47,450
	Fort Worth Press	44,684
Virginia	Norfolk Ledger-Star	104,715
Washington	Seattle Times	236,866
Wisconsin	Milwaukee Journal	347,689
District of Columbia	Washington Post	532,806

Total Circulation: 13,326,325

JUDICIAL SALARIES: EDITORIAL COMMENT

"Congress...must give top priority to the salary question. Its refusal to increase the salaries of high-level government officials since 1969 is now beginning to cripple the judiciary. ...A continuation of the present situation is going to force more judges, particularly younger ones, off the bench and make it increasingly difficult to find first rate replacements."

WASHINGTON POST (Jan. 1, 1975)

"We favor a cut, rather than further increase, in total government spending. But one of the dangers in the government's trying to use its budget to reform society is that truly essential government services may be starved. The Judicial Branch, dependent on the other two branches for its budget, is particularly vulnerable and particularly deserving of protection."

WALL STREET JOURNAL (Jan. 31, 1975)

"The Constitution specifically prohibits Congress from lowering the salaries of judges while they are in office; inaction, however, accomplishes precisely that result and in so doing violates the spirit if not the letter of the Constitution."

ALABAMA JOURNAL (Dec. 24, 1974)

"The raise was justified. It should be reconsidered and acted upon favorably. The nation cannot expect to attract and hold the best qualified men for the federal judiciary if they are not adequately compensated."

ST. LOUIS GLOBE-DEMOCRAT (Dec. 25, 1974)

"The federal judiciary certainly stands in need of more adequate compensation if competent judges are to be retained."

MIAMI HERALD (Feb. 13, 1974)

"The country wants its best lawyers on the bench, not those who would be willing to work for a substandard salary. Congress should realize this and act as soon as possible to raise the judicial pay scale."

OMAHA WORLD-HERALD (Mar. 20, 1974)

"...without sufficient financial incentive to keep good judges and attract qualified people to the federal bench, the quality of justice will ultimately suffer."

HOUSTON POST (Jan. 8, 1975)

"If the average salaried American in private enterprise had not received a raise through these five years of high inflation he would be screaming bloody murder."

SAN FRANCISCO EXAMINER (Dec. 16, 1974)

"...the federal judges' pay lag obviously has become a serious concern. In the nation's interest, as well as the judges, the inequity ought to be eliminated--and without undue delay."

NORFOLK LEDGER-STAR (Jan. 13, 1975)



"Lawyers of high ability have traditionally made substantial financial sacrifices to serve on the Federal bench. But the combination of soaring inflation and Congressional inaction--even to take care of increases in the cost of living--has imposed a double sacrifice on those upon whom the country depends so heavily for the quality of justice. ...The need for Congressional action is urgent."

(June 15, 1974)

"The injustice of Federal judicial pay scales is obvious when measured against the salaries of other Federal employees. ...Federal judgeships are for life; fairness, as well as maintenance of quality, demands that they receive equitable compensation."

(Dec. 31, 1974)

"Congress has held back increases for the judges with unconscionable shortsightedness--unfairly and improperly linking proposed raises for Congressional and judicial salaries. Each should be decided on its merits; and the judges should come first."

NEW YORK TIMES (Feb. 6, 1975)

"Letting experienced jurists get away and failing to attract outstanding lawyers to the bench (due to low salaries) is extremely short-sighted public policy. Eventually it will have a detrimental impact on the quality of justice in this country."

KANSAS CITY STAR (Dec. 9, 1974)

"There is undoubtedly a connection between the frozen salaries and growing workloads, and the increased rate of resignations."

JACKSONVILLE JOURNAL (Dec. 30, 1974)

"...Chief Justice Burger has called attention to a problem which Congress can continue to ignore only at great peril to the quality of justice in the federal courts--judicial salaries. ...how many more resignations will it take before Congress moves to save the federal bench from wholesale depletion of first-rate judges?"

PHILADELPHIA INQUIRER (Jan. 2, 1975)

"If the federal judicial system is to be saved from severe and lasting damage, Congress must act quickly to raise the pay of federal judges."

PHOENIX GAZETTE (Jan. 15, 1975)

"...if the congressmen want to apply that restraint to themselves, let them, but also let them separate the pay increases for the federal judges and other officials and adopt those."

WILMINGTON EVENING JOURNAL (Feb. 13, 1974)

"In these times we would like to see the government hold the line on expenses but there are exceptions and one is the case of the federal judges. ...We need good judges as seldom before and we're not going to be able to recruit them for the federal bench under the present pay scale."

ATLANTA JOURNAL/CONSTITUTION (Jan. 19, 1975)

"By rights, federal judges should receive salary hikes of about 50 percent."

EL PASO TIMES (Dec. 23, 1973)

"More money for judges is clearly in order. The alternative--a federal bench of gradually declining competence--would be infinitely more costly."

(June 11, 1974)

"Congress will not find it politically popular to raise judicial salaries in the midst of recession and rising unemployment. But the alternative is a certain decline in the quality of justice in the federal courts. In the end...that could prove to be far more costly."

LOS ANGELES TIMES (Jan. 1, 1975)

"Clearly, Senate refusal to permit any judicial salary increases since 1969 is out of step, and jeopardizes the quality of justice being demanded by the people. ...Various pay proposals have been advanced. But one which seems fair is a \$10,000 increase which would promptly overcome the ravages of inflation for the past five years, and make federal judgeships more inviting for qualified appointees."

ARIZONA REPUBLIC (Jan. 12, 1975)

"The Congressional parsimony is as unrealistic as it is unfair, particularly in light of the sharp rise in the cost of living in recent years; and not all judges have been able to grin and bear it."

PHILADELPHIA EVENING BULLETIN (Jan. 15, 1975)

"If the judiciary system is to resolve the issues put before it, it needs more judges, not fewer. It needs dedicated judges capable of respecting the nation's traditions, yet able to interpret them to meet the demands of contemporary affairs. The prevailing salaries will not attract enough such men to the federal bench."

CHARLOTTE OBSERVER (Jan. 5, 1975)

"Not only has the value of the salaries of these judges seriously decreased, the loads placed on these judges have been greatly increased. To continue to deny them salaries at least within sight of the sort of wages these men could get in private practice would be the worst sort of penny-wise and dollar-foolish thinking."

FLINT JOURNAL (Dec. 27, 1974)

"Congress has an obligation to boost judicial pay at least to keep pace with the cost of living. The price of not doing so will be costly deterioration in the quality of the federal judiciary."

DES MOINES TRIBUNE (Dec. 31, 1974)

"But the point that Burger makes in this and others of his year-end suggestions--including the appointment of new judges and the increasing of salaries--is that the courts are a bastion of protection on both civil and criminal fronts."

CHICAGO SUN TIMES (Dec. 30, 1974)

"We urge the President and Congress, in the best interest of keeping and attracting our best qualified lawyers to the federal bench, to grant a deserved pay increase."

(Dec. 3, 1973)

"The federal judiciary is past due for a sizable pay raise, and the 94th Congress should grant the raise as a priority."

SAN ANTONIO LIGHT (Jan. 6, 1975)

"...a case can be made for the increases, especially those for judges and civil service officials. If the raises are rejected, there will not be another chance for them until 1977, meaning that all those concerned would be without a raise for eight years. Few wage earners can claim to have suffered that indignity. ...it would be a shame if the legitimate needs of the judiciary and the executive were sacrificed because of the lawmakers' political fears."

CHICAGO TRIBUNE (Feb. 11, 1974)

"Federal judges are seeking a pay increase, and the Chronicle believes an adjustment is in order. ...We should economize on government at every level; at the same time, we need to be realistic. When the pay a judge receives is not enough to attract highly qualified individuals, it is the public that will be the loser."

HOUSTON CHRONICLE (Jan. 12, 1975)

"All persons interested in the federal courts and the quality of justice they dispense should be aware of the urgent need for public support for federal judicial salary increases."

JUDICATURE (Dec., 1973)

"Burger makes a valid point about judicial pay, which has been frozen at \$40,000 for nearly six years--despite the soaring cost of living and six salary increases for other federal employees."

MILWAUKEE JOURNAL (Jan. 6, 1975)

"We think that opponents of pay hikes for U.S. judges are wrong. ...Federal judges have not had a pay raise in five years, a period when other federal employees have received pay raises averaging 38 percent, and the cost of living has risen 42 percent."

(Jan. 8, 1975)

FORT WORTH PRESS
ROCKY MOUNTAIN NEWS
PITTSBURG PRESS
CLEVELAND PRESS
EL PASO HERALD-POST
MEMPHIS PRESS-SCIMITAR
COLUMBUS (Ohio) CITIZEN-JOURNAL
ALBUQUERQUE TRIBUNE
EVANSVILLE (Ind.) PRESS
HOLLYWOOD (Fla.) SUN-TATTLER
KNOXVILLE NEWS SENTINEL
BIRMINGHAM POST-HERALD

THE WALL STREET JOURNAL, FRIDAY, JANUARY 31, 1975

REVIEW & OUTLOOK

The Judges' Pay

The State of the Judiciary

could earn much more money as lawyers than they are

THE WASHINGTON POST *Wednesday, Jan. 1, 1975*
R

Los Angeles Times

HARRISON GRAY OTIS, 1882-1917

HARRY CHANDLER, 1917-1944

NORMAN CHANDLER, 1944-1960



OTIS CHANDLER, Publisher

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6—Part II

WEDNESDAY MORNING, JANUARY 1, 1975

The Chief Justice Is Worried

THE KANSAS CITY STAR

KANSAS CITY, MO.

D. 308,862 SUN. 400,110

DEC 9 1974



A Policy That Saps the Judiciary

THURSDAY, FEBRUARY 6, 1975

The New York Times

Paying for Justice

MILWAUKEE JOURNAL
JANUARY 6, 1975

Federal Courts Need Help *file*

Federal judges in recent years — nearly six years — despite the

CHARLOTTE OBSERVER
JANUARY 5, 1975

Federal Judges' Pay Falls Behind

1-5-75 *Classen*

In his annual message on the state of the court system had experienced in the



PHILADELPHIA
The Evening Bulletin

Established 1847, William L. McLean, President and Publisher, 1895-1931
AN INDEPENDENT, LOCALLY OWNED NEWSPAPER SERVING THE
GREATER PHILADELPHIA AND SOUTH JERSEY AREA
PUBLISHED EVENING AND SUNDAY BY BULLETIN COMPANY, PHILADELPHIA, PA. 19101

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10

WEDNESDAY, JANUARY 15, 1975

A

Federal judges' salaries

Pocketbook justice

ROCKY MOUNTAIN NEWS
DENVER, COLORADO
January 8, 1975

Burger's program

IT IS CLEAR by now that U.S. Chief Justice Burger's program is wrong on both points. Federal

NORFOLK (VA) LEDGER-STAR
JANUARY 13, 1975

Federal judges' pay bind

The Phoenix Gazette

Eugene C. Pulliam, Publisher

"Where The Spirit Of The Lord Is, There Is Liberty"
II Corinthians 3:17

PAGE 6 Section A

WEDNESDAY, JANUARY 15, 1975

Raise U.S. Judges' Pay

TIME MAGAZINE
FEBRUARY 10, 1975

Broke on the Bench

ALABAMA JOURNAL
DECEMBER 24, 1974

Punishing The Judges

AS THE YEAR draws to a close, Congress, at least some members

San Francisco Examiner

D. 203,026

DEC 16 1974

S. Keller

Raises justified

Judge 12/16/74

TODAY'S Inside Report on this page di

Tues., Dec. 31, 1874

THE MASSACHUSETTS HERALD

7-A

\$40,000 a Year— And Underpaid

By FREDERIC SHERMAN

Of Our Editorial Board

THE new year's resolutions, like those of the

They decided to pass up the building of bigger and better residences, to

DES MOINES TRIBUNE
DECEMBER 31, 1974

Threat to Judiciary

HOUSTON CHRONICLE

Page 22, Section 3

Sunday, January 12, 1975

Editorials

Pay hike for judges justified

JACKSONVILLE (FLA) JOURNAL
DECEMBER 30, 1974

Burger Is Persuasive



San Antonio Light

FIRST IN TEXAS COMMUNITY SERVICE

WILLIAM B. BELLAMY
Publisher

KENNETH R. BYRD
Managing Editor

Monday, January 6, 1975

Page 4-D

More Judge Pay

IN THIS DAY of inflationary wage...

22A St. Louis Globe-Democrat Wed., Dec. 25, 1974

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*The Globe-Democrat is an independent newspaper printing the news impartially,
supporting what it believes to be right and opposing what it believes to be wrong
without regard to party politics.*

Fair Pay for Federal Judges

20 Section 1 Chicago Tribune, Monday, February 11, 1974

CHICAGO TRIBUNE
JAN 29 1975
LIBRARY SERVICES

Chicago Tribune

THE WORLD'S GREATEST NEWSPAPER

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JOHN MCCUTCHEON, *Editorial Page Editor*

... faces (shudder!) a pay raise

The Atlanta Journal

★ AND ★

THE ATLANTA CONSTITUTION

James M. Cox, Chairman 1939-1957—James M. Cox Jr., Chairman 1957-1974

Jack Spalding, Editor

Jack Tarver, President

Reg Murphy, Editor

The Atlanta Journal

Atlanta Newspapers

The Atlanta Constitution

22-A

JANUARY 5, 1975

A Raise for the Judges

OVERLOADED COURTS are a problem on the federal as well as the local level. Inasmuch as this situation delays the process of justice and inasmuch as today of all days demands speedy justice, proposals to remedy this situation deserve serious attention.

Chief Justice Warren Burger has proposed some moves to expedite justice in the federal courts which include 52 new district and 11 new circuit judgeships. He also questioned the fairness of the salary of federal

judges having been frozen for nearly six years, noting that as many district judges have resigned to return to the practice of law in the last 13 months as during the preceding 34 years.

Justice Burger's office as well as the rising crime rate indicate his proposals be given serious consideration. We suggest, however, that the raise for the judges be a separate bill in order to free Congress from the temptation of giving its members another raise at the same time.

The Judges' Pay

JANUARY 19, 1975

IN THESE times we would like to see the government hold the line on expenses but there are exceptions and one is the case of the federal judges.

These judges work hard and on them we depend for fair treatment and interpretation of the laws of the land. The federal bench historically is an honorable place and some of our greatest Americans have been found there.

Today, however, judges are resigning at an unprecedented rate and it is

difficult to find competent younger lawyers to replace them. Why?

The answer is finances. Federal judges have not had a pay raise since 1969 while the cost of living has gone up enormously since. Perhaps the recession will make these posts look more attractive as they are certainly secure, but the recession can't last forever, we hope, and the federal judiciary should be strong regardless of economic conditions.

Federal judges make relatively little compared with the ranks of successful lawyers from which they are drawn and the time lag on the pay raise is such that 20 states now pay their judges as much or more than the U.S. government.

Respect for law and order means respect for the courts and respect for the courts comes when and if the courts and those who operate them are worthy of respect. We need good judges as seldom before and we're not going to be able to recruit them for the federal bench under the present pay scale.

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*

Tuesday Dec. 31, 74

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*

Justice for the Judges

For the first time in its 184-year history, the docket of new and old cases handled in the most recent term of the United States Supreme Court passed the 5,000 mark. Yet the Federal courts face serious problems—the increased caseload with too few judges, a need to broaden the role of United States magistrates and reduce the

Jersey Times--January 14, 1975

Federal Judges Want Raise

**Congress, Others
Shun Plan for Jurists'
First Hike Since '69**

By ROBERT S. ALLEN

Everybody's for it but no one's

Emphatically, they are not sponsoring it.

One of the ironies of the judiciary's dilemma is that a sizable pay increase was before the last Congress for most of the two years of its duration

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RELEASE:

8:00 p.m. (EST) January 10

CONTACT:

Tom Gradel

ABA PRESIDENT WARNS QUALITY OF JUSTICE MAY SUFFER
IF FEDERAL JUDGES' SALARIES ARE NOT RAISED

AKRON, Ohio, Jan. 10 -- The president of the American Bar Association tonight warned that "if salaries of federal judges are not raised soon, the quality of justice in our society may suffer."

James D. Fellers said, "A significant number of judges presently on the bench are reported to be considering resigning during 1975, if salary increases are not forthcoming.

"Their rumored discontent is especially meaningful," Fellers said, because five of the six federal judges who resigned during 1974 found it necessary to do so because of the current inadequate level of compensation." During the last 100 years, resignations from the federal bench averaged only one judge every two years.

In December, the ABA Board of Governors passed a resolution calling for increased compensation for federal judges.

- more -

In his address at the 100th anniversary observance of the Akron Bar Association tonight, Fellers strongly endorsed the board's position and he again presented the reasons why the pay raises are needed now.

"In March, 1969, federal judges saw their last pay raise," Fellers said. "Their salaries remained constant during a period when the consumer price index increased almost 45 per cent.

"And, although federal employees as a whole have not kept pace with this index, general schedule federal employees (GS 3 through GS 18) have received pay increases of a little more than 38 per cent.

"It seems," the Oklahoma City attorney said, "that we are making a critical error in asking persons who six years ago agreed to serve on the bench to take, in effect, 10 per cent salary cuts each year of their service. Public service is one thing, but public imposition is another.

"Federal judges handle a wide diversity of cases, from complex multi-plaintiff and multi-defendant civil suits to simple, yet very important, criminal cases.

"To handle this assignment effectively, without tremendous waste of taxpayers' money, we must have a qualified person knowledgeable in the law with a clean background and with good judicial temperament," the ABA president said.

"People with these qualities are not going to accept appointment to the federal bench if they are not adequately compensated. Similar people now on the bench are not going to remain if their incomes are continuously eroded.


Fellers said he realized that now is not a good time to be asking for pay raises, since many persons are unemployed and the President is asking Congress and the public to hold the line on expenditures and even to make cuts in many sensitive areas.

"There have to be some exceptions," Fellers said. "It must be recognized that federal judges are being required to make inequitable financial sacrifices in order to serve. It is not right to make these 500 dedicated individuals make such sacrifices."

"I hope that our request does not fall on deaf ears," Fellers said. "High quality and independent federal judges are essential to the proper maintenance of the administration of justice in our society. Reasonable increases in their compensation are essential if the excellence of our judiciary is to continue."

There are 497 active U.S. district court judges, 95 jurists on the U.S. Circuit Court of Appeals, and 9 U.S. Supreme Court justices.

Since March, 1969, annual salaries have been frozen at these levels: district judges, \$40,000; appellate judges, \$42,500; associate justices of the Supreme Court, \$60,000, and Chief Justice of the United States, \$62,500.



Chicago Sun-Times
Monday
December 30, 1974

Burger on court reform

EDITORIAL, HOUSTON POST,
JANUARY 8, 1975

Post / commentary

Shortchanging justice

SEATTLE TIMES
DECEMBER 30, 1974

... to sustain a well-ordered society'

The Philadelphia Inquirer

An Independent Newspaper

Published Every Morning by Philadelphia Newspapers, Inc.
400 N. Broad Street, Philadelphia, Pa. 19101

FREDERICK CHAIT, President

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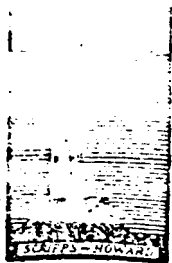
EUGENE L. ROBERTS, Jr., Executive Editor

Thursday, January 2, 1975

Page 6-A

Shabby treatment for judges

EL PASO HERALD-POST
JANUARY 7, 1975



El Paso Herald-Post

A SCRIPPS HOWARD NEWSPAPER

ROBERT W. LEE, Editor

Mills avenue and Kansas street

Phone 532-1661

SECTION A, PAGE 4

TUESDAY, JANUARY 7, 1975

Burger's Program

FORT WORTH PRESS
JANUARY 8, 1975

8-The Fort Worth Press

Wednesday, January 8, 1975



The Fort Worth Press

A SCRIPPS-HOWARD NEWSPAPER

Delbert Willis, Editor

Leslie E. Yates, Business Manager

GIVE LIGHT AND THE PEOPLE
WILL FIND THEIR OWN WAY

Federal court needs

1-8-75

FLINT JOURNAL
DECEMBER 27, 1974

Thaw this wage freeze



Phoenix, Sunday, Jan. 12, 1975

THE ARIZONA REPUBLIC

EUGENE C. PULLIAM, Publisher

Where The Spirit Of The Lord Is, There is Liberty—II Corinthians 3:17

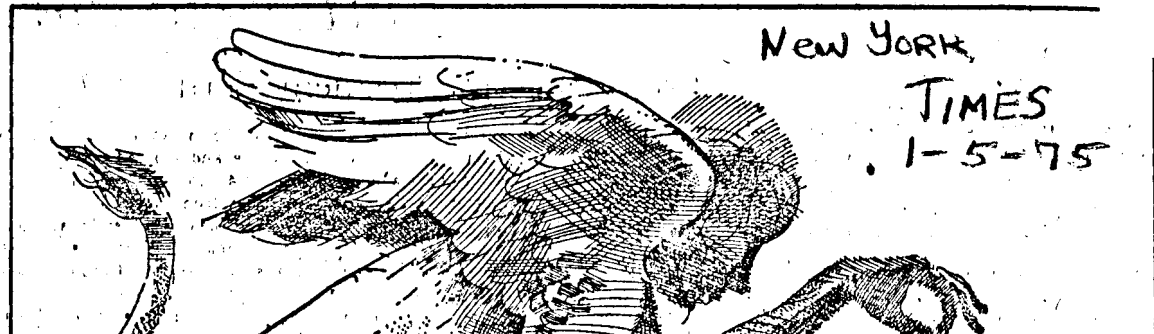
Editorials

Paying for the best

Federal Judge Sidney G. Smith's remarks should be taken from among many

So You Want to Be A Judge?

By George V. Higgins



richard spong

2500 Virginia Ave., N.W.
Washington, D.C. 20037
(202) 338-9295

HEAR ME OUT

STATE OF THE JUDICIARY

FEDERAL JUDGES IN THE UNITED STATES are increasingly overworked and substantially underpaid.

This is the gist of what Chief Justice Warren E. Burger may be expected to tell attorneys of the American Bar Association in Chicago on Sunday, Feb. 23. The Chief Justice's address, a "Report on the Judiciary," will highlight the six-day midyear meeting of the ABA and affiliated groups.

Chief Justice Burger's year-end report of late last December suggests the basis of his Chicago speech. By no means a cheerful document, the report states bluntly that the federal courts are in trouble. It presses again for quick action by Congress on an omnibus judgeship bill in response to a two-year-old federal judiciary request for 63 new judges. Such a bill would create 52 new district judgeships (increasing them to 454) and 11 new circuit judgeships (now 97).

The need is scarcely disputed. District court judges in fiscal year 1974 confronted another 1.6 per cent rise in the number of cases already flooding their courtrooms. The total of new cases was 143,284. By dint of "resourcefulness, efficiency, and dedicated work," the Chief Justice reported, a corps of 400 trial judges, who had disposed of 120,000 cases four years earlier, in FY 1974 managed to increase the number of cases decided to 139,159, about 4,000 fewer than those filed.

The number of new appellate cases reached an all-time high of 16,436. This was 80 per cent more than the same corps of 97 appeals judges faced six years earlier. With the help of procedural streamlining, including a "somewhat draconian" curtailment of oral argument, these appeals judges managed to handle 87 per cent more cases than they had six years earlier.

The crowding of the dockets is rather appalling, but it should yield highest priority to the salary bind. Federal judges under a system rather curiously tied to the salaries of congressmen themselves -- and top government executives -- are paid exactly what they got six years ago. Since March 1969, annual salaries have been frozen



at these levels: district judges, \$40,000; appellate judges, \$42,500; associate justices of the Supreme Court, \$60,000, and Chief Justice of the United States, \$62,500.

During this interim, the average civil servant's pay has been increased more than 50 per cent. The cost of living has gone up more than 42 per cent.

The pay of judges, legislators, presidential appointees and supergrade federal employees are supposed to be decided by a presidential commission. But the latest commission recommendation, which would have raised judges' pay by only 22 per cent, foundered in the Senate early last year, when election-wary senators refused to support any measure which would have increased their own salaries as well. The Chief Justice observes: "Fair-minded citizens will ask if it is equitable to reduce judges' purchasing power each year when many salaries and wages are adjusted to the Consumers' Price Index."

THAT'S PUTTING IT judicially mildly. ABA President James D. Fellers recently made the same case more emphatically. In a speech in Salem, Ore., Fellers observed: "It seems that we are making a critical error in asking persons who six years ago agreed to serve on the bench to take, in effect, salary cuts each year of their service...People with these qualities /a clean background and good judicial temperament/ are not going to accept appointment to the federal bench if they are not adequately compensated. Similar people now on the bench are not going to remain if their incomes are continuously eroded. I hope Congress will authorize increased compensation for federal judges immediately."

Chief Justice Burger makes the point that six federal judges had resigned in the past 13 months. That came to "as many resignations for such reasons" -- to return to private or corporate practice of law -- "as in the previous 34 years." In commenting on this part of the Burger annual report, the Washington Post noted that one of those judges who resigned is thought to have more than tripled his \$40,000 income by leaving the bench.

The highest paid judges in the United States are no longer the members of the U.S. Supreme Court, as was the case in 1969, but rather the Court of Appeals of New York State. California, Michigan, New York, and even Virginia -- a state not noted for the generosity of its purse -- pay their state court trial judges more than federal district judges.

ABA President Fellers said he recognizes that the timing is difficult "when there are so many unemployed and when the President is calling on Congress and the public to hold the line on expenditures and to cut them in so many sensitive areas." We agree with Fellers, however, that there have to be some exceptions.

The whole idea of tying federal judges' salaries -- and salaries of other top government people -- to the salaries of members of Congress was supposed to be that this would make it easier for the law-givers to escape public criticism when they raised their own stipends. We thought it wrong-headed and stupid at the time, and sure enough, it backfired. Now the salaries of judges and others are frozen because the legislators are just too chicken to give themselves a raise in an election year -- or, as it now seems, in any other year. If Congress doesn't have the guts to vote its own members a pay hike, it ought in all fairness to break the bonds between congressional salaries and those of civil servants and judges.

THE SUBJECTS of caseloads and salaries are only two of the recommendations of Chief Justice Burger's year-end report. Among his other major recommendations is one urging congressional action to reduce or do away with three-court judges, as recommended by prestigious legal bodies as far back as 1968. This is a reform that is long overdue. So is the need of legislation to define and broaden the responsibilities of U.S. magistrates to relieve district judges of numerous time-consuming tasks. The recommendation of the Chief Justice for the creation of a new federal court of appeals -- to relieve the burden on the Supreme Court -- to our mind deserves more discussion and consideration.

Few people other than attorneys and judges are fully aware of the Chief Justice's responsibility to manage, so to speak, the federal judiciary. This is one area in which Warren E. Burger already has established a record that is pretty close to revolutionary. The image of the Warren Court remains to be drawn, but Chief Justice Burger has surely shown himself by now to be a friend and supporter of the working federal judge.

FEBRUARY 1975



Rowland Evans and Robert Novak

Low Pay for High

WASH. POST

DEC. 14, 1974

Government Jobs



5 U.S. judges quit over salary

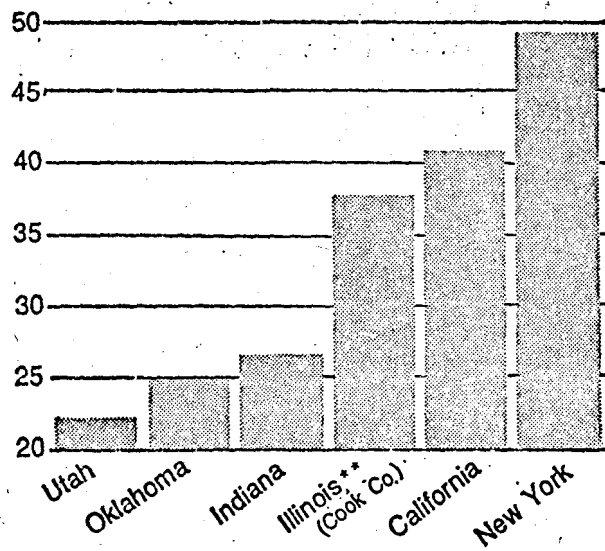
By Jack Fuller

FIVE FEDERAL District

the five judges resigned to return to lucrative private practices.

Sample of judge's salary*

Thousands of dollars



*Top pay for general trial court judge (circuit court).

**\$5,000 increase passed by legislature, but not signed by governor.

Tribune Chart

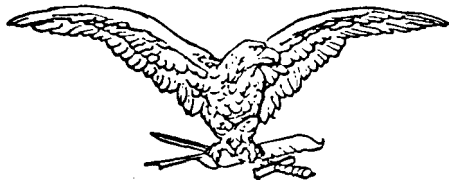


Los Angeles Times

HARRISON GRAY OTIS, 1881-1917

HARRY CHANDLER, 1917-1944

NORMAN CHANDLER, 1944-1960



OTIS CHANDLER, Publisher

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TUESDAY MORNING, JUNE 11, 1974

More Pay for Federal Judges

New York Times

June 9, 1974

**Federal Bench
Is Hurt—By
Low Wages**

The Philadelphia Inquirer

An Independent Newspaper

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CREED C. BLACK, Editor

EUGENE L. ROBERTS Jr., Executive Editor

Monday, February 11, 1974

Page 10-A

After 5 years, raises are due

Omaha World-Herald 3/20/74

Editorials

Unsigned articles on this page are the opinion of The World-Herald

Underpaid Federal Judges

WILMINGTON EVENING JOURNAL
Politics of Pay Raises

Exam. Council

Adm. Sec. 2/12/74

THE TERRE HAUTE TRIBUNE
TERRE HAUTE, IND.
D, 27,304

MAR 16 1974

R. J. Hall

Pay Problem in Judiciary

JUDICATURE DEC. 1973

EDITORIAL

Raise Federal Judicial Salaries Now

All persons interested in the federal courts and the quality of justice there



San Antonio Light

FIRST IN TEXAS COMMUNITY SERVICE

FRANK A. BENNACK JR.
Publisher

WILLIAM B. BELLAMY
Executive Editor

MONDAY, DEC. 3, 1973

Page 6-B

Judge Pay Need

Philadelphia Enquirer
PHILADELPHIA, PA.
D. 463.503 SUN. 867,810

APR 23 1974 *Sylvia*

'The way we treat our judges...'

The Miami Herald

JOHN S. KNIGHT, Editorial Chairman
LEE HILLS, Publisher ALVAN H. CHAPMAN, Jr., President DON SHOEMAKER, Editor BEVERLY R. CARTER, Gen. Mgr.
GEORGE BEEBE, Associate Publisher LARRY JINKS, Executive Editor JOHN D. PENNEKAMP, Associate Editor
RON MARTIN, Managing Editor

6-A

Wednesday, February 13, 1974

There is another catch of quite another kind. This is the fact that other elected or appointed persons, especially judges, have had no increase since 1969. Not even the 1971 wage control act has been that oppressive.

The federal judiciary certainly stands in the need of more adequate compensation if competent judges are to be retained. The same solicitude should apply to some administrative pay schedules, which have been held down to unreasonable levels since 1969. The two needs, in short, should be separated and should be legislated individually and positively.

President's Page

Chesterfield Smith



NEW YORK TIMES 6-15-74

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*

Paying for Justice

While many in Congress fear to address themselves to the reality of the situation, we continue to lose many of our most experienced and talented individuals who have devoted a greater portion of their lives to public service.

The situation has reached the point where it is more lucrative for a public servant to retire today, than it is for him to continue his work in Government service. He stands to lose for every year he remains in Government service.

As Chief Justice Warren Burger has warned—

The American Judicial system is endangered by massive early retirements because of a five-year salary freeze.

The top-level talent in the Federal bureaucracy is leaving Government in droves. We have reached a point where it has become virtually impossible to replace this talent. Thus, we all pay a price for playing politics with this issue rather than facing the stark fact that unless the situation is remedied, we will have to settle for mediocrity in many cases and virtual paralysis in others.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 14, 1974]

LOW PAY FOR HIGH GOVERNMENT JOBS

(By Rowland Evans and Robert Novak)

Despite a critical warning from Chief Justice Warren Burger delivered privately to President Ford that the "American judicial system" is endangered by massive early retirements because of a five-year salary freeze, the President and fearful congressional leaders agreed on Wednesday to postpone action until next year at the least.

That burying of what some politicians view as a national crisis extending far beyond Burger's judicial domain was probably inevitable, given the deepening recession and mounting unemployment.

It was President Ford himself who raised the matter behind the closed doors of his Wednesday morning session with congressional leaders. After thrashing the highly-politicized issue from all its aspects, the congressional leaders left Mr. Ford with this message: if he would publicly ask Congress to unfreeze top-grade government career salaries, established when the cost of living was 42 per cent less than today, and promise not to veto any pay-raise bill passed by Congress, the combustible issue might be pushed in Congress next year after passage of anti-recession bills.

President Ford made no promise, fully aware that he is loaded down with too many political problems as it is to add the fury of voters over higher government pay at a time of national belt-tightening.

Yet both Burger's warning and the deepening problem of resignations by top-level federal bureaucrats frozen at \$36,000 a year, combined with critical recruitment gaps stemming from the pay freeze, are not taken lightly either inside the White House or on Capitol Hill.

Chief Justice Burger told Mr. Ford in his long White House talk late last month that seven federal judges had quit prematurely in the past 13 months, more than at any time in the last 100 years. The main reason: the five-year pay freeze had reduced their \$40,000 salary to an effective level of \$25,000.

First-rate U.S. attorneys, the bedrock of the criminal justice system, are becoming hard to recruit, the Chief Justice believes,

because of vastly higher-paying law partnerships. Burger's warning: without higher salaries, already overburdened courts will dangerously decline in talent and production.

The salary problem is compounded by the Rube Goldberg system that pays regular cost-of-living allowances to retired federal employees but denies built-in escalation to the highest grade officials while they stay on the government payroll.

That explains the startling 50 percent increase in top-level executive branch retirements since 1970. These are career bureaucrats who, in the words of Democratic Sen. Gale McGee of Wyoming, chairman of the Senate Post Office and Civil Service Committee, "kept this government running during the Watergate vacuum of power."

One case in point is the frozen \$42,500 salary for the Director of Management and Budget (OMB), the top management job in the vast federal bureaucracy. When the President decided to name Housing and Urban Development Secretary James Lynn to replace OMB Director Roy Ash, Lynn's acceptance guaranteed him a 30 percent cut in pay. The reason: Congress has always refused to give any presidential staff job a salary higher than its own.

Indeed, a quiet White House effort to raise the OMB director's salary to Cabinet level (\$60,000) when George Shultz resigned as Secretary of Labor to become OMB director in 1970 met disaster.

A bill quietly drafted inside OMB paired the chairman of the Federal Reserve Board (\$42,500) with the director of OMB, raising both salaries to \$60,000. Before the bill ever was sent to Congress, former White House aide Charles Colson inadvertently got wind of the secretly-drafted bill and used it as a club to attack Chairman Arthur Burns of the Fed for trying to raise his own salary. Burns was not even aware the bill had been drafted.

Lynn will now take his 30 percent salary cut. Top-grade career bureaucrats, federal judges and Congress increase, given the balance of political terror inside the White House and on Capitol Hill over so sensitive an issue.

Yet Burger's warning to Mr. Ford and the decline of top-level talent in the much-maligned federal bureaucracy are too important to be treated frivolously much longer.

PAY FOR KEY FEDERAL EMPLOYEES

Mr. McGEE. Mr. President, the issue of pay for key Federal employees continues to plague the ability of Government to attract and retain those most qualified for these positions of responsibility.

What is involved in our present set of circumstances was aptly noted in a column written by Rowland Evans and Robert Novak which appeared in last Saturday's Washington Post.

San Antonio Express

EDITORIALS

Rupert Murdoch
Chairman

Charles O. Kilpatrick
Editor and Publisher

Unfreezing Federal Judges' Pay
After an Intolerable Time Lag

The El Paso Times

PUBLISHED EVERY DAY IN THE YEAR

BY EL PASO TIMES, INC.

MEMBER OF THE GANNETT GROUP

Dorrance D. Roderick, President and Publisher

William I. Latham, Editor

Page 6-A

Sunday, December 23, 1973

Judges Pay Hike



The Evening Bulletin

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8

MONDAY, MARCH 4, 1974

A

If it were up to me—and if I could do it—I would pull a truck up to the gates of the White House and give them (Judiciary, Special Prosecutor) every damn memo they want—give them the works and let them use what isn't classified.—Senate Republican Leader Hugh Scott.

More pay for federal judges

WILKES-BARRE, PA.
TIMES-LEADER NEWS
RECORD
D. CIRC. N. AVAIL

AUG 22 1973



Federal Judges' Pay

The Federal Judicial Center and

ash and other minerals but that no one was supplying the technical assistance to remedy this.

Per acre yields that were two or 1.8 tons four years ago are down to 1.4 to 1.3 tons even in Punjab's richest district of Ludhiana. Mrs. Gandhi's economists talk about procuring seven million tons to keep the urban public food distribution system going. They will be lucky to get four or five million. The wheat harvest just threshed, hoped to be 30 million tons, may reach less than 23 million tons. Although Mrs. Gandhi has raised the procurement price per 100 kilos from \$9.88 to \$13.65, farmers angrily say this is still too high to offset high fuel and fertilizer costs; they demand "parity." Many are hoarding their wheat at home for the first time. Food is politics in India and if Delhi, Bombay, Madras and Calcutta and such deficient states as Kerala cannot get enough to avoid shortages and runaway prices, Mrs. Gandhi will be in real trouble by September. And needlessly.

A few days before the nuclear blast Dr. M. S. Swaminathan, director of the Indian Council of Agricultural Research and perhaps the leading farming authority in India, told me India could raise food production from the present 105 million tons to 220 million tons within 15 years provided it had the water, power, cash, credit and technical assistance. Swaminathan, an old-fashioned technocrat, said he was looking forward to the World Food Conference in Rome this fall; he wistfully recalled President Kennedy's 1961 prediction that America not only had the means to set foot on the moon but the technology to totally eradicate hunger from the earth. Swaminathan was full of schemes to triple fertilizer production, irrigate the vast Gangetic plain and ensure water control with cheap \$3.10 bamboo tube-wells, introduce special new grain varieties for the three-fourths of India's total acreage that is not irrigated and so on. Implicit in what he said was a return of American aid and technology.

The inflation rate of the past 12 months is somewhere between 22 and 29 percent; a kilo of rice can be bought for 13 cents at government fair price shops in the cities but out in the villages costs up to 26 cents. Mazdoors or landless laborers make 26, 39 or 52 cents a day when they can get work—power shortages and loss of water has dried up crops in parts of once irrigated areas. The arithmetic is such that landless laborers with the national average of 5.6 children cannot possibly feed their families. One can visit starving villages two or three hours from Delhi.

Nutritionists say an average Indian adult consumes 170 kilos of grain a year, a South-east Asian 182, a Chinese 200 and an American 1000. When an Indian laborer with a family of eight has to feed them on 70 ounces a day, this is slow starvation.

Besides the Russian wheat, India has bought about one million tons abroad so far, 200,000 tons from the US. But it cannot buy much more. India faces a \$2.4 billion balance of payments deficit this year and the World Bank-sponsored Aid India Consortium, even before Japan and other countries threatened to cut off aid after the nuclear blast, had seen only \$1.3 million in aid and a 50 percent debt rescheduling as the maximum achievable target. And \$200 to \$300 million of this was hoped to come from Congress replenishing the International Development Association (IDA), the World Bank's soft loan arm. Congress has yet to act. Meanwhile, India has drawn a few hundred million from the International Monetary Fund (IMF), but not on concessional terms and while it won \$200 million in immediate relief on oil payments to Iran, the money still has to be paid with interest, within five years. With exports doubling to five billion dollars since 1972, imports expected to make

no more than \$3.2 billion and only \$1.4 billion in foreign exchange reserves, India badly needs more liquidity to import spare parts, fertilizer, fuel and food. It probably won't get it since the nuclear explosion gave the West and Japan the justification needed to turn their backs.

Yet if India loses, so does everybody. American grocery prices will keep on going up as long as world food grain prices do, and it will be hard to avoid a global recession if the world's seventh biggest industrial power collapses.

Somehow Mrs. Gandhi has got to realize that the transfer of American farm technology to India must take precedence above all else. To allow her advisers to convince her otherwise, at a time the Russians are eagerly seeking American industrial technology themselves, is tragic. Three years have been lost already.

INFLATION CLAIMS ANOTHER JUDGE

Mr. HUGH SCOTT, Mr. President, an editorial in today's Philadelphia Inquirer entitled, "Inflation Claims Another Judge" cites the fact that many Federal judges are finding they simply cannot afford to continue on the bench. In the last 5 years the salaries of Federal judges have not been increased, yet during this same time period inflation has risen by 30 percent. I bring this problem to the attention of my colleagues and ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INFLATION CLAIMS ANOTHER JUDGE

Another Federal judge, Arnold Bauman of the prestigious Southern District of New York, has resigned "because it is economically impossible for me to stay."

That makes him the third in the last year to leave the bench for financial reasons. And still a fourth, Judge Frederick Lacey of New Jersey, says he will leave for private practice at the end of this year "if no salary increase is then in prospect."

As Cyrus R. Vance, president of the Association of the Bar of the City of New York, points out, this "underscores the need for prompt action by the Congress."

It has been more than five years since the salaries of Federal judges were increased. Meanwhile, the cost of living has increased some 30 percent.

In Judge Bauman's case, the New York Times reports that when he leaves his \$40,000-a-year Federal post he is expected to join a large corporate law firm where "experienced partners . . . frequently earn \$150,000 or more a year."

The Federal government cannot be expected to match that, of course, nor do the judges expect it to do so. But it is unfair to expect the judges, many of whom made substantial financial sacrifices in going on the bench in the first place, to go through what Judge Bauman calls "precipitous inflation" with no adjustment in their salaries.

Congress made a serious mistake in killing a proposed increase for the judiciary earlier this year. How many more judges will have to leave the bench before it is corrected?

HOUSE, SENATE AGRICULTURE COMMITTEE CHAIRMEN SEE BANKRUPTCIES IN THE MEAT INDUSTRY, LEADING TO CONSUMER SHORTAGES

Mr. TALMADGE, Mr. President, today Congressman W. R. "BOB POAGE of Texas,

chairman of the House Agriculture Committee, and I, as chairman of the Senate Committee on Agriculture and Forestry, issued a joint statement concerning the current crisis in the meat industry.

I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT

In this time of runaway inflation, exorbitant interest rates, and shortages of some materials, many small businessmen are experiencing hard times. However, the livestock producer in the United States is experiencing an economic squeeze that is without parallel since the great depression.

In the past six months, the price of fed cattle has dropped over 20 percent—falling from \$47 a hundredweight in January to around \$36 this week. Hog prices have fallen even more—from about \$40 a hundredweight to under \$22, a drop of 45 percent.

Cattle feeders are losing from \$100 to \$200 a head. Hog producers are being forced to liquidate their herds.

Livestock producers are caught in the inexorable squeeze between high production costs and lower prices for their product. Clearly the smaller cattle and hog producers cannot continue to sustain such losses.

Already there have been a number of bankruptcies in the livestock industry. If this trend continues, we will see wholesale bankruptcies in the livestock producing areas of this nation. When these bankruptcies occur, the economy of rural communities and entire States will suffer.

Moreover, this damage will not be temporary. It will have a lasting and detrimental impact on the structure of our farm economy. While there are currently many big livestock producers who have the financial resources to withstand such situations, there are thousands and thousands of smaller producers—family farmers—who do not have the capital and resources to withstand the economic crisis which is currently upon them.

When they are forced to the wall, their assets will be sold, at fire sale prices.

We don't believe that the concentration of hog and cattle production in the hands of a few large corporations will mean lower prices for consumers in the long run.

Moreover, the cost-price squeeze currently being experienced by cattle and hog producers has also spread into the poultry and egg industry. Turkeys were selling for 24 percent less this May than a year ago, broilers were 13 percent less, and eggs at about 37 percent less than in January of this year.

If price declines for livestock on the farm level were reflected in lower meat prices, we might take some comfort from the situation. But it is clear that consumers are not getting the full benefit of the break in livestock prices.

Of course, it is the responsibility and the desire of the Committees in Congress which represent agricultural producers, and which write farm legislation, to do whatever is possible to alleviate the current crisis.

To their credit, livestock producers are a fiercely independent breed. They have never wanted government assistance or government controls. However, we are currently receiving thousands of complaints from livestock producers who can no longer cope with the economic catastrophe which has befallen them.

Several bills have been introduced and referred to the House and Senate Committees which would provide emergency relief for livestock producers.

It is the desire of our Committees to do anything within our power to assist our livestock producers. However, if we are to move quickly and if we are to achieve a solution that will be helpful to the livestock producers and to the nation, we will need the support

NY Times 3/1/74 #28
Games Congress Plays

REPRINTED FROM THE LOS ANGELES TIMES, SUNDAY, MARCH 10, 1974

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U.S. JUDGES HARD TO GET; PAY CITED

BY LINDA MATHEWS

Times Staff Writer

THE PHILADELPHIA INQUIRER
February 28, 1974

Inflation hits officials, too

JUDICATURE - November 1974

Money was among the main motives for the resignations of five federal district judges this year, although too much travel and a too-cavalier Congressional attitude toward court needs also figured high on the list of judicial frustrations.¹ Five federal resignations in one year, according to Chief Justice Burger, sets a 100-year record.

The monetary/lobbying problems of the federal judiciary parallel the frustrations of the state and local judiciary who make even less money. However, many of these non-federal judges received \$5,000 raises this year.

The 497 active federal district judges are appointed for life, retire on full salary and currently receive \$40,000. They would have received a \$10,000 pay raise pro rated over three years, if the Senate, led by majority leader Mike Mansfield, D Montana, had not killed the bill in March by a vote of 71 to 26.

The five district judges who resigned are: Hiram Cancio, 54, eight years as United States District Judge for the Territory of Puerto Rico, resignation effective January 31, 1974; Sidney O. Smith, 50, nine years service as a federal district judge and former Chief Judge of the United States District Court for effective June 1, 1974; David L. Middlebrooks, Jr., 48, four years service as United States District Judge for the Northern District of Florida, resignation effective August 1, 1974; Arnold Bauman, 60, two years as United States District Judge for the Southern District of New York, resignation effective August 15, 1974; and Anthony T. Augelli, 72, 12 years service as United States District Judge for the District of New Jersey, resignation effective August 31, 1974.

Otto Kerner, 66, six years service as a judge in the U.S. Court of Appeals, 7th Circuit, Chicago, resigned effective July 22, 1974. But his resignation was triggered by criminal conviction for conspiracy to assist racing interests while he was governor of Illinois. He is currently serving a prison term in Lexington, Ky. Kerner's salary as a federal judge was \$42,500.

Four of the five resigned judges returned to lucrative private sector. Cancio currently serves the ad hoc committee of the Commonwealth of Puerto Rico and could not be reached by telephone. Smith, 50, joined the Atlanta, Ga., law firm of Alston, Miller & Gaines. The firm sprawls over six pages in the Martindale Hubbel Law Directory and lists the following representative clients: Aetna Life Insurance Company; American Oil Co.; Atlanta Braves, Inc.; and Eastman Kodak, among others. Salary "wasn't the sole consideration" for Smith. He hadn't had a vacation in three years; he couldn't get a clear direction from the appellate courts, particularly with respect to civil rights cases;² and the backlog kept building—"it doubled last year in spite of everybody just killing themselves down there," Smith said. On top of that, Congress was alternately deaf and cavalier to the desperate need for more federal judges. So, Smith resigned. It took eight and one-half months to appoint his successor.

Middlebrooks, 48, joined the 14-man Pensacola law firm of Levin, Warfield, Middlebrooks, Graff, Mabie, Rosenbloum, & Magie, P.A. Money wasn't Middlebrooks' reason for resigning—he didn't like spending three months at a time away from his family, nor riding a 375 mile circuit, nor leading the restricted social life of a judge, nor contemplating the prospect of spending the rest of his life bogged down with administrative agency cases. But Middlebrooks concedes he's making at least \$60,000 a year, suggests that men competent to become federal judges can earn \$60,000 to \$100,000 a year practicing law, and predicts that many more judges will resign if inflation's rapid pace continues. Middlebrooks said his purchasing power declined 40 per cent during the four years he was in office.

Bauman, 60, joined the Wall Street firm of Shearman & Sterling. The firm has offices in

1. Miller, Edward B., *The Tangled Path to an Administrative Judgeship*. LABOR LAW JOURNAL, Jan. 1974, Vol. 25, no. 1, p. 2; deals with similar non-salary frustrations of National Labor Relations Board Judges.

2. Smith, Sidney O., speech, "The cruelest words in the legal language are: 'This case is remanded for proceedings not inconsistent with this opinion,' when neither the trial judge nor trial counsel can figure out what the opinion means. At least twice, in my frustration, I have taken the liberty of contacting the appellate judge for direction to be met with the exclamation, 'Oh, I thought that case would be settled after we issued our opinion.' Often, regretfully, they are not."

Paris, France, and London, England, and *Juris Doctor, Magazine for the New Lawyer* lists it as the second largest law firm in the U.S.³ A senior partner there can expect to earn between \$100,000 and \$200,000, said Terry Kramer, staff director of economics, American Bar Association. Bauman's letter of resignation, written June 6, 1974, hammers on the problems of inflation, reduction of real income, and the absence of raises. Not even a cost-of-living increase was granted to the federal judiciary in the last five years.

So, although Bauman intended to serve for life when he was appointed in December 1971 by former President Nixon, he reluctantly resigned, writing: "Federal judges do not have available income from the practice of professions or the conduct of business. They do not assume their office for limited periods anticipating their return to private life and its lucrative pursuits. As such their problems are unique and require special and speedy consideration and action. I hope, therefore, that you will impress upon the Congress the need for a prompt solution of this situation." The same cost-squeeze problems confront state judges.

Augelli, 72, is now a judge for General Motors. He is based in Newark, N.J., and judges disputes between dealers and the company. "I'm somewhat like an arbitrator, but not exactly," he said. Augelli is blunt and to the point, peppering his conversation with the unnerving question, "What the hell else do you want?" But Augelli will tell you that General Motors pays him more than \$40,000 a year, that when former President Kennedy appointed him to the federal bench in 1961 (at a salary of \$22,500), he paid more in income taxes than he drew in federal salary, and that his resignation was triggered by the fact that Congress didn't approve a salary increase.

"It was such a niggardly increase too," Augelli said, "\$10,000 over three years. That's ridiculous, stupid. But I guess Mansfield's Montana standards are different from metropolitan standards.

"There's good judicial material out there among practicing lawyers, but if you want

high caliber men, you've got to offer satisfactory wages." Augelli suggested a 1974 lump sum raise of \$10,000 (to a salary of \$50,000 for district judges) would attract that talent. "When they voted down the raise, I just said the hell with it. I had this offer from General Motors, I had something else to go to . . ."

As a point of reference, the Chief Justice of the U.S. Supreme Court now makes \$62,500; the 1974 World Almanac lists the chief executive of General Motors, Richard Gerstenberg, at a salary of \$875,000.

Augelli believes there will be increased resignations if inflation continues. He describes his colleagues as "a very patient lot of dedicated men, hoping that someday they'll be justly compensated."

The insufficient salary/continuing inflation/ultimate resignation bind is less acute at the state level. But it is a problem. Small counties have many judicial vacancies because it's more profitable to stand and argue before the bench than it is to sit on it, argued the 1972 Ohio Elected Official and Judicial Compensation Review Commission. Ohio county court judges earn \$8,000.

Hawaii, after a Judicial Council comparison study, proposed a bill to achieve salary parity between its judges and lawyers. The study showed a \$13,000 gap between the two professions. Circuit judges earn \$30,250; the bill proposed salaries of \$43,990. However, the bill (H.B. 2758) was defeated and Hawaii judges received no salary increases. The bill will be reintroduced next year.

However, the bench and the bar, represented by retired Supreme Court Justice Tom C. Clark and former ABA President, Chesterfield Smith, publicly agree that the threat to judicial excellence isn't so much from resignations as in difficulty attracting top flight lawyers to the bench.

"We don't have problems with judges leaving the bench because of low salaries," said William K. Sahr, secretary-treasurer of the State Bar of South Dakota, "We have trouble with threats but nobody leaves.

"Obviously, higher salaries would bring out better candidates. The people [contending] for federal judge here are, generally speaking, a better class than those running for the lower

3. *Money Talks: Why It Shouts to Some Lawyers and Whispers to Other,* *Juris Doctor*, January 1972, Vol. 2, no. 4, p. 54.

salaried state positions." The chief justice of the South Dakota Supreme Court earns \$29,000; associates earn \$28,000. Judges of South Dakota's general trial court are paid \$26,000.

These statistics place South Dakota below the national average salaries for supreme court associate justices and general trial court judges. Those averages are: \$36,117.06 for associate supreme court justices and \$32,484.80 for general trial court judges. These figures are up from the \$30,316.46 and \$27,518.82 reported in the 1972 American Judicature Society Salary Survey.

The 1974 survey shows the average pay check of both general trial court judges and supreme court justices jumped by \$5,000 or more; 23 states awarded such raises to their general trial courts, 26 made such awards to their associate supreme court justices. However, inflation punctured the pleasure of this pay increase, since most judges cannot count on automatic annual salary reviews as can their counterparts in the private sector. Only five states—California, Maryland, Massachusetts, Pennsylvania, and Tennessee—have automatic cost-of-living salary clauses based on per capita income and/or the consumer price index. Wisconsin has a more limited, negotiable clause, § 16.085. Many more states have cost of living provisions in their retirement plans. (See summary table of retirement plans on page 197). Citations to the five floating salary statutes are as follows: California, Gov. Code Ann. §§ 68203; implemented Sept. 1, 1968, 2B Maryland Code, Art 26 § 47, Salaries of Judges, p. 576, implemented July 1, 1972; Mass. General Laws Ann. ch. 30 § 46, implemented in 1973; Pennsylvania S.B. No. 1651 § 1(a) introduced April 23, 1974; and 3 Tenn. Code Ann. ch. 23, Compensation of State Officers and Employees, § 8-2303, pp. 281-282, implemented July 1, 1974.

The effect of these cost-of-living clauses is significant. Tennessee's statute resulted in a \$14,400 increase for associate supreme court justices and a \$14,500 increase for general trial court judges between the 1972 and the 1974 salary surveys. Caution: the statute raised base salaries by \$6,000 and \$7,500 respectively, for associate supreme court jus-

tices and for judges of trial courts of unlimited jurisdiction, thus qualifying the seemingly astronomical effect of the clause. Tennessee ranked 50th in general trial court salaries in 1972 and ranks 25th today; similarly, it ranked 43rd in terms of appellate court salaries in 1972 and ranks 17th today.

In 1971 Tennessee obtained legislative approval for base salaries (containing \$6,000 raises for supreme court associates and \$7,500 raises for general trial court judges) which were to be made effective three years later, plus a provision that these base salaries would be augmented by a three-year accumulated increment based on the per capita income of Tennessee citizens.

The three year increment totalled 28 per cent and the legislature has now changed the formula for annual adjustment from the per capita income figures to the Consumer Price Index figures of the Department of Labor. These annual adjustments will be made on July 1 of each year, reports T. Mack Blackburn, executive secretary of the Supreme Court of Tennessee.

California adjusted its judicial salaries via the Consumer Price Index on Sept. 1, 1974. The change in each judge's salary amounted to about \$3,000. But when using this figure as a point of reference, one must remember that California salaries were already at the \$35,000 to \$50,000 level. Naturally, a fixed percentage of a high salary will yield a greater adjustment than the same percentage applied to a lower salary.

Those who favor escalator clauses have an ally in Milton Friedman, University of Chicago economist and *Newsweek* columnist. In the July 1974 issue of *Fortune*, "Using Escalators to Help Fight Inflation," Friedman explains his support of indexation. However, he does qualify his support of escalators, stating:

Escalator clauses are not a good thing in and of themselves. They are simply a lesser evil than a badly managed money. The widespread use of escalator clauses would not by itself either increase or decrease the rate of inflation. But . . . it would reduce the adverse side effects that effective measures to end inflation would have on output and employment.

The Sept. 7 issue of *Business Week* reports

SACRAMENTO BEE - March 15, 1974

Playing Fair On Federal Pay Raises

NY TIMES
Monday, March 18
1974 - Page 19

MORE PAY SOUGHT FOR U.S. JUDGES

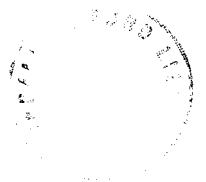
Lawyers Forming Citizens
Group to Push Congress

By WARREN WEAVER Jr.

Special to The New York Times

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

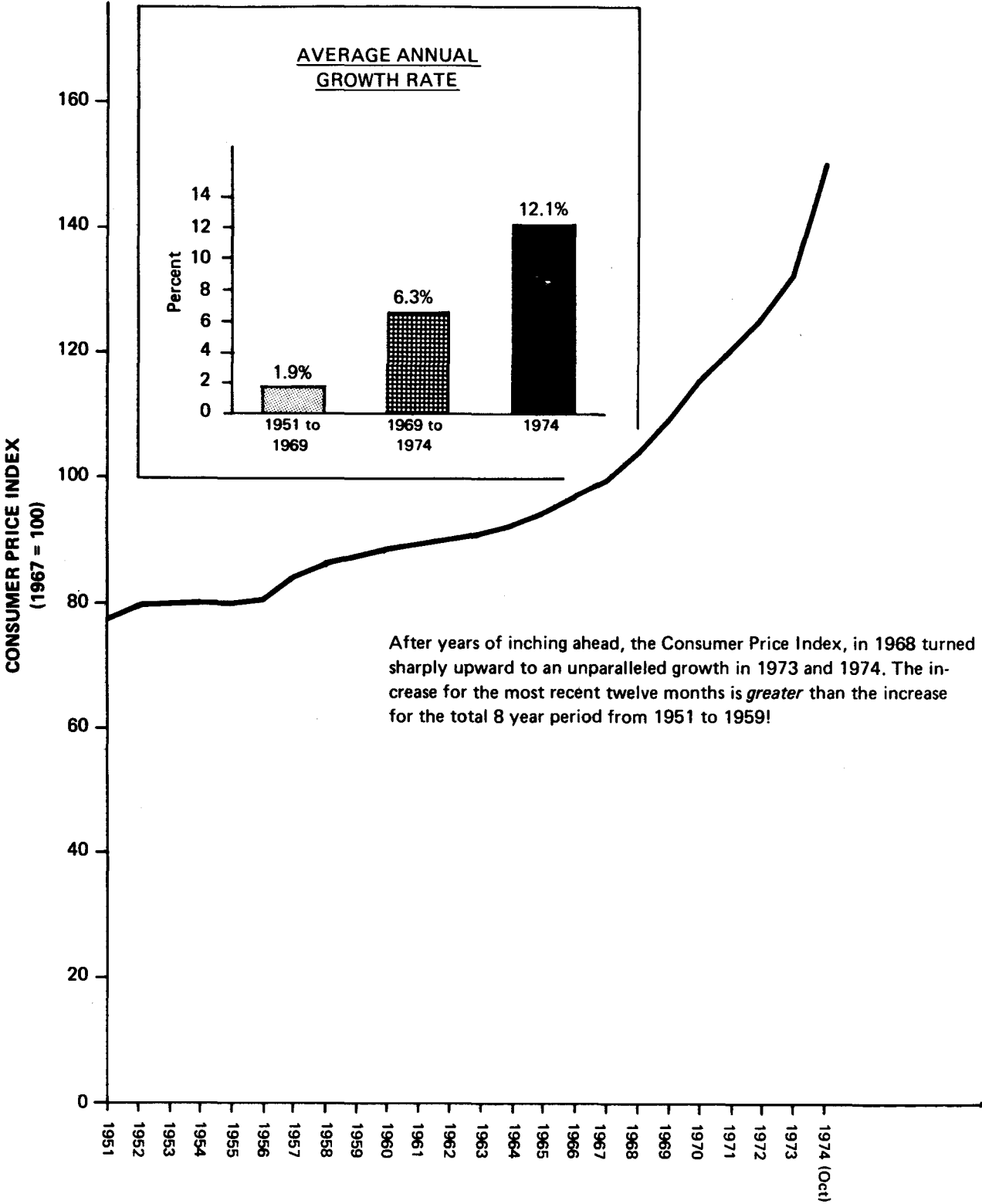
One should take note of the fact that legislative and executive salaries, like judicial salaries, have not increased since March 1969. The same losses in purchasing power through inflation apply to them. In addition, because top level executive salaries have not increased since 1969, whereas General 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)



**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

March 1	CPI ¹	Salary Adjusted by Consumer Price Index			
		District Judge		Circuit Judge	
		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	<u>19,200</u>	62,900	<u>20,400</u>
Cumulative Salary Loss			<u>\$53,480</u>		<u>\$56,830</u>

¹March 1, 1969 = 100.

²Projected 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.

APPENDIX D

GENERAL SCHEDULE PAY INCREASES			Projected Salaries, If Same Increases Had Been Granted To Judges	
Effective Date	(1) Percentage Increase	(2) Salary GS-15, Step 4	(3)	(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 FEDERAL¹ INCOME TAXES
IN TERMS OF 1969 DOLLARS

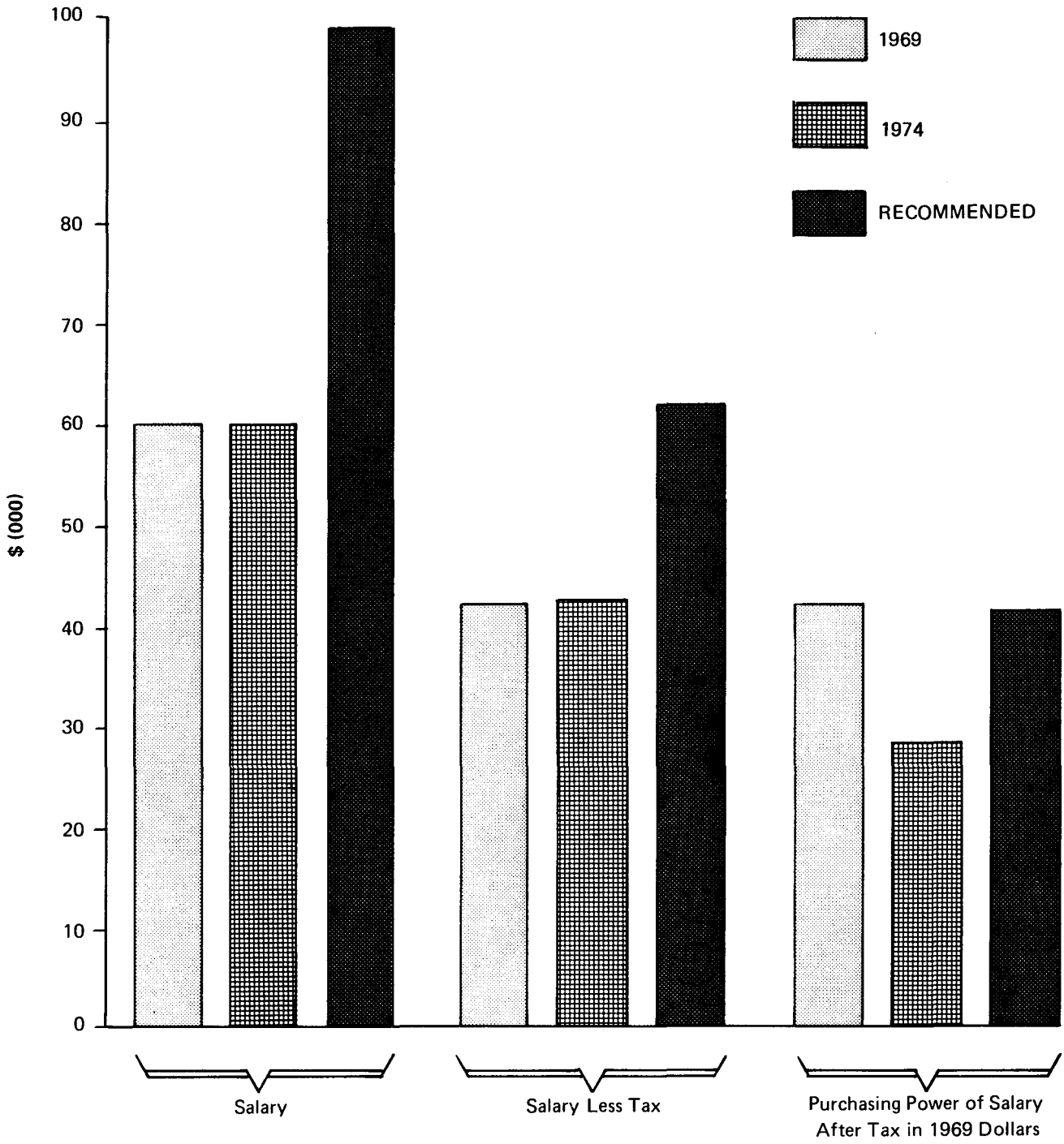
	<u>1969</u>	<u>1974</u>	<u>Recommended</u>
Associate Justice-Supreme Court:			
Salary.....	\$60,000	\$60,000	\$98,995
Federal Tax ²	<u>17,860</u>	<u>17,560</u>	<u>36,875</u>
Remainder after Taxes.	<u>\$42,140</u>	<u>\$42,440</u>	<u>\$62,120</u>
Remainder in 1969 Dollars.....	<u>\$42,140</u>	<u>\$28,676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

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.

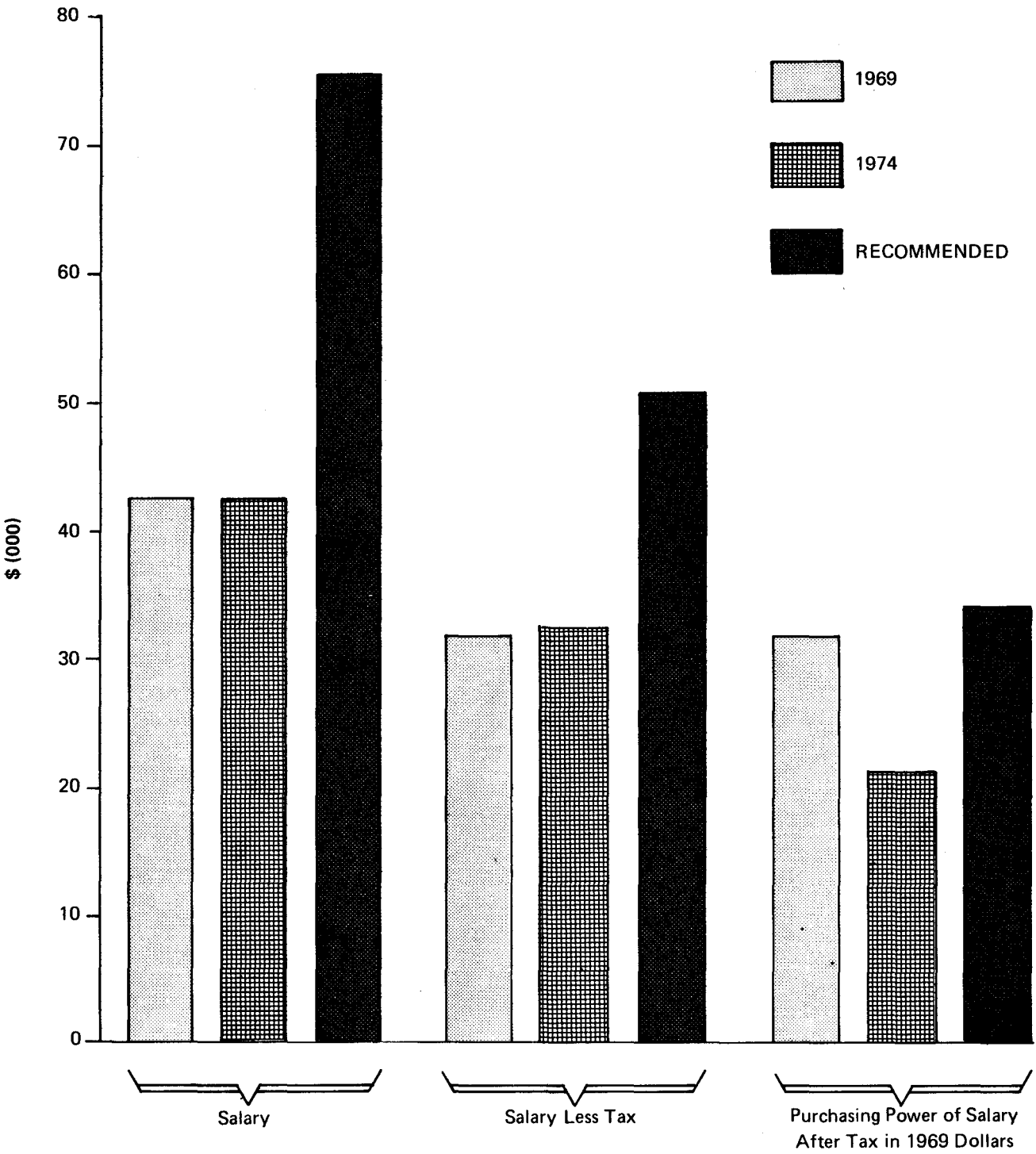
The first two columns show the net erosion in purchasing power as a result of judges' salaries being frozen since 1969. For example, the \$60,000 salary for an Associate Justice in 1969 translated into purchasing power (after taxes) of \$42,140. This same salary is now worth \$28,676 in purchasing power...a 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

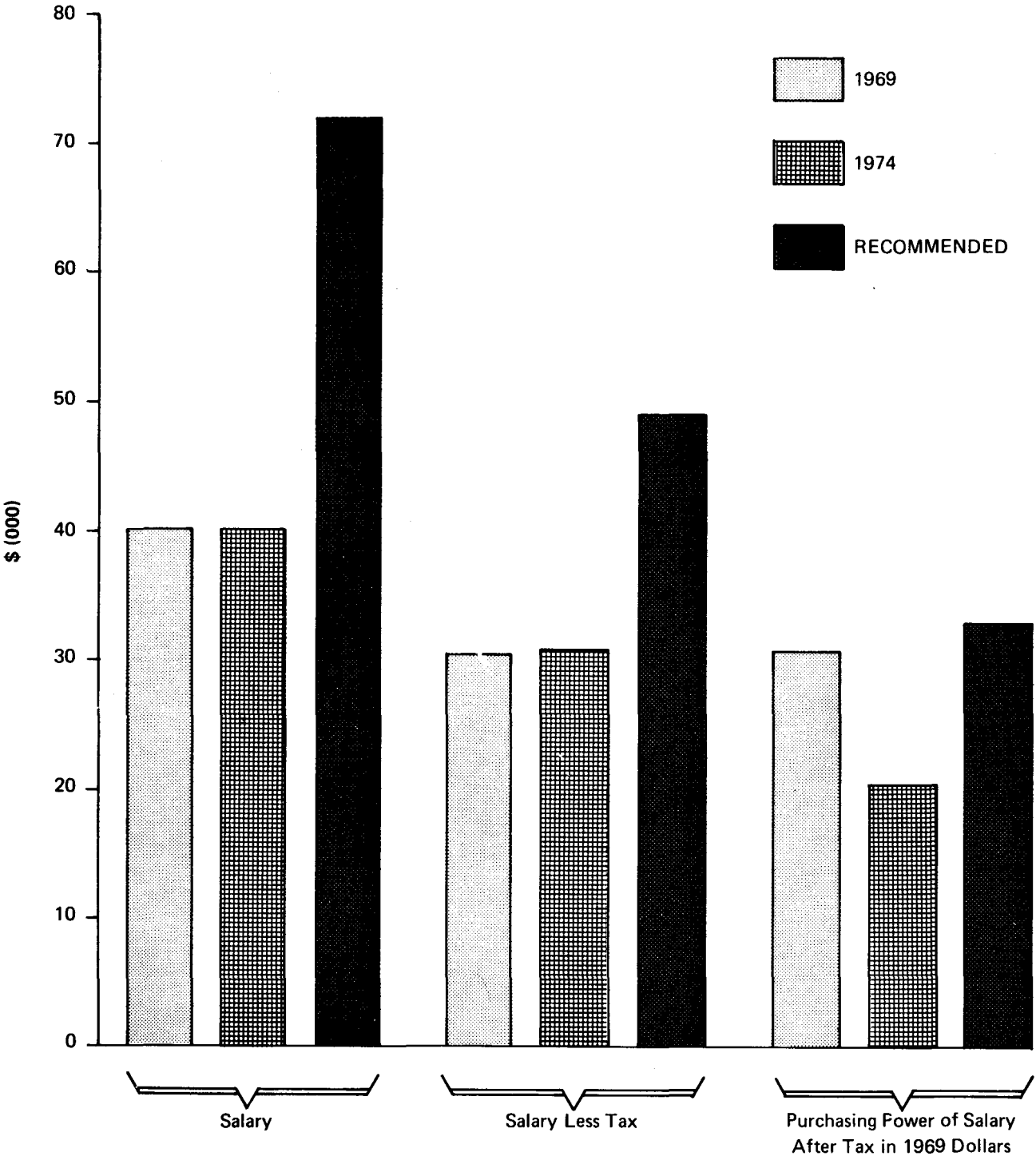


Although the first set of bar-graphs suggests a quantum increase in salary, the true picture is set forth in the last set of bar-graphs which show purchasing power easing slightly despite the large salary increase.

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



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



APPENDIX F

GROWTH OF STATE SALARIES FOR CHIEF JUDGES

1969 - 1974

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

APPENDIX G

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.....	<u>\$10,786,616</u>	<u>\$6,747,081</u>

(Percentage change from 1968 - 59.8%)

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

Year	Expenditures For		U.S. Courts As A % Of Government
	U.S. Courts	Government As A Whole	
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".

