

The
Laying of the Cornerstone
United States Courthouse
for the
District of Columbia



Washington, D. C.
June twenty-seventh, nineteen hundred and fifty

CHIEF JUSTICE FRED M. VINSON

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

CHAMBERS OF
CHIEF JUDGE STEPHENS

July 1, 1952

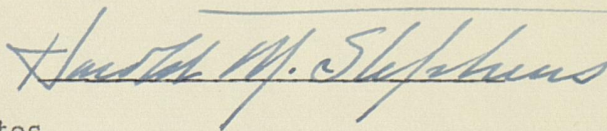
My dear Mr. Chief Justice Vinson:

In Volume 87 of the official reports of the decisions of the United States Court of Appeals for the District of Columbia Circuit, the West Publishing Company printed, in respect of the Laying of the Cornerstone of the new United States Court House for the District of Columbia, the following: A photograph of the Court House; photographs of the members of the Courts which will occupy the building, to wit, the United States Court of Appeals, above referred to, and the United States District Court for the District of Columbia; a list of other court officials who will also be located in the building; the program of the ceremony at the Laying of the Cornerstone; a list of the articles placed in the cornerstone; the inscription on the trowel used by the President of the United States in laying the cornerstone; the names of members of the Committee of the Bar who assisted in arrangements for the ceremony; and the proceedings, which include addresses by the President and by members of the Bench and Bar.

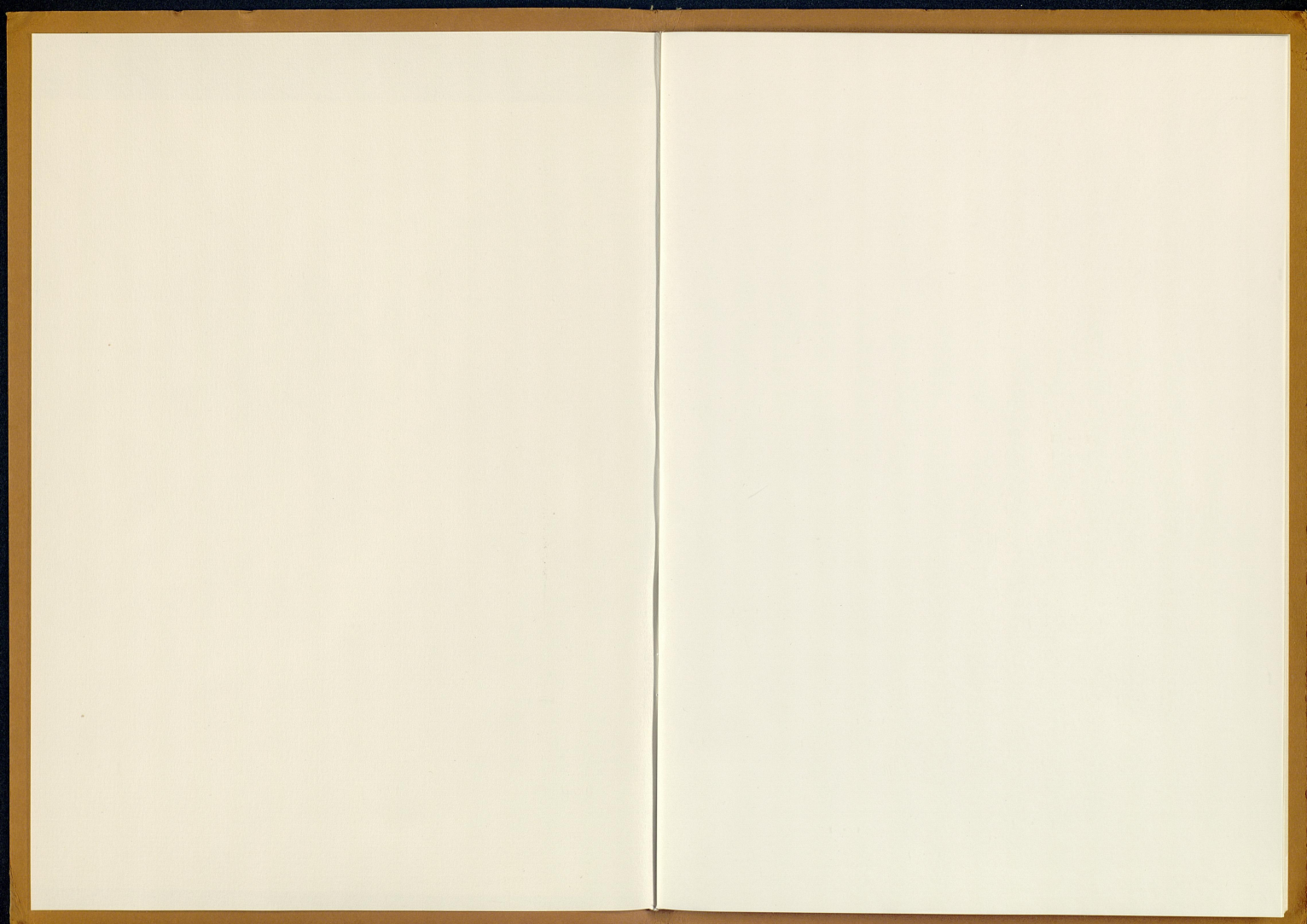
As a compliment to the Courts above mentioned, the West Publishing Company has generously prepared and furnished to me a limited number of reprints of the foregoing, suitably bound in memento form, for distribution to the judges and to officials and friends who aided or were interested in the work which finally accomplished the construction of the new Court House.

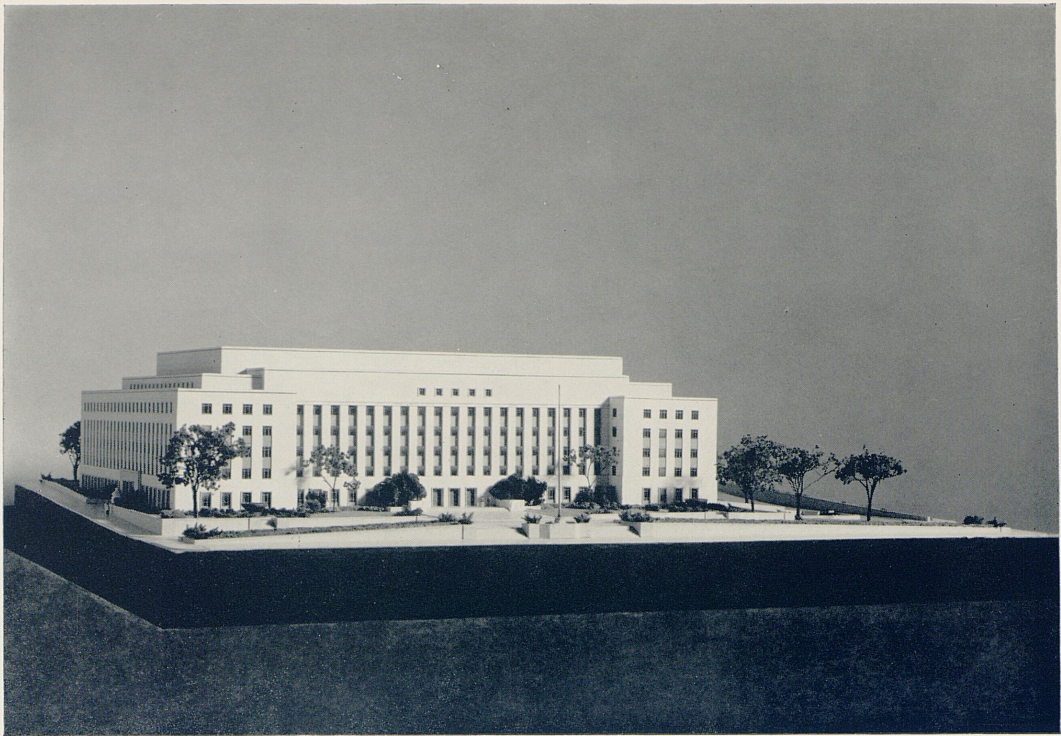
I am therefore pleased to be able to send you the enclosed memento of the Laying of the Cornerstone.

Sincerely yours,



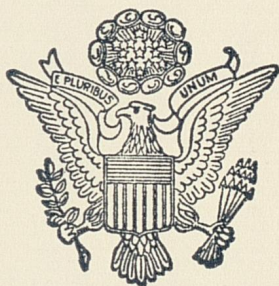
Chief Justice Fred M. Vinson
Supreme Court of the United States
Washington 13, D.C.





The United States Courthouse for the District of Columbia

The
Laying of the Cornerstone
United States Courthouse
for the
District of Columbia



Washington, D. C.
June twenty-seventh, nineteen hundred and fifty



The United States Court of Appeals, District of Columbia Circuit

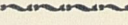
Standing, left to right: Charles Fahy; David L. Bazelon; E. Barrett Prettyman; Wilbur K. Miller; James M. Proctor; George T. Washington.

Seated, left to right: Henry W. Edgerton; Harold M. Stephens (Chief Judge); Bennett Champ Clark.

*The United States Judges
for the
District of Columbia Circuit*

THE CIRCUIT JUSTICE

The Chief Justice of the United States, FRED M. VINSON

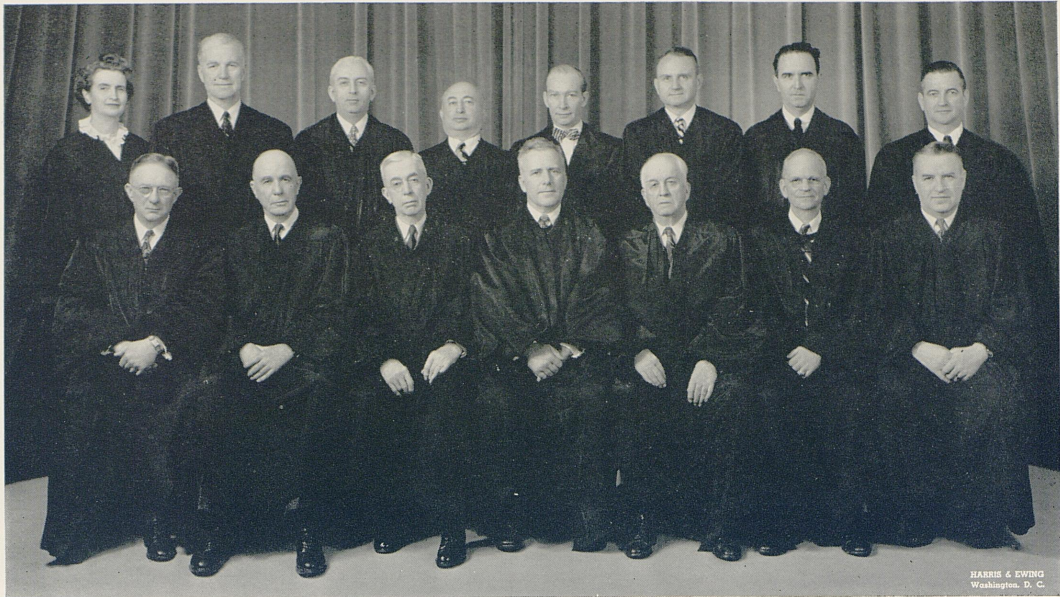


THE UNITED STATES COURT OF APPEALS

The Chief Judge, HAROLD M. STEPHENS

The Circuit Judges

HENRY WHITE EDGERTON	JAMES M. PROCTOR
BENNETT CHAMP CLARK	DAVID L. BAZELON
WILBUR K. MILLER	CHARLES FAHY
E. BARRETT PRETTYMAN	GEORGE THOMAS WASHINGTON
D. LAWRENCE GRONER, <i>Retired</i>	



The United States District Court, District of Columbia

Standing, left to right: Mrs. Burnita Shelton Matthews; Charles F. McLaughlin; Edward M. Curran; Alexander Holtzoff; Henry A. Schweinhaut; Richmond B. Keech; Edward A. Tamm; James R. Kirkland.

Seated, left to right: David A. Pine; T. Alan Goldsborough; Jennings Bailey; Bolitha J. Laws (Chief Judge); F. Dickinson Letts; James W. Morris; Matthew F. McGuire.

*The United States Judges
for the
District of Columbia Circuit*

THE UNITED STATES DISTRICT COURT

The Chief Judge, BOLITHA J. LAWS

The District Judges

JENNINGS BAILEY,	ALEXANDER HOLTZOFF
F. DICKINSON LETTS	RICHMOND B. KEECH
T. ALAN GOLDSBOROUGH	EDWARD M. CURRAN
JAMES W. MORRIS	EDWARD A. TAMM
DAVID A. PINE	CHARLES F. McLAUGHLIN
MATTHEW F. MCGUIRE	JAMES R. KIRKLAND
HENRY A. SCHWEINHAUT	BURNITA SHELTON MATTHEWS

JESSE C. ADKINS, *Retired*

The United States Officials
for the
District of Columbia

United States CommissionerCYRIL S. LAWRENCE
United States AttorneyGEORGE MORRIS FAY
Referee in BankruptcyJOHN A. BRESNAHAN
Probation OfficerEDWARD W. GARRETT
Domestic Relations CommissionerPHILIP M. HAMILTON
Register of WillsTHEODORE COGSWELL
Mental Health CommissionTHOMAS GILLESPIE WALSH, *Chairman*
Clerk of the United States Court of AppealsJOSEPH W. STEWART
Clerk of the United States District CourtHARRY M. HULL
United States MarshallW. BRUCE MATTHEWS

Program of Ceremonies



HAROLD M. STEPHENS

Chief Judge of the United States Court of Appeals
For the District of Columbia Circuit
Presiding

Invocation

THE REVEREND JOSEPH MORAN

Address and Introductions

THE PRESIDING OFFICER

Address on behalf of the District of Columbia Bar

WALTER C. CLEPHANE

Address on behalf of the Judiciary

BOLITHA J. LAWS,
Chief Judge of the
United States District Court
for the District of Columbia

Address by the President of the United States

Laying of the Cornerstone

Benediction

THE REVEREND ARIEL NATHANIEL WARNER

Articles Placed in the Cornerstone

Photograph of the President of the United States.

Photograph of the Vice President of the United States.

Photograph of the Chief Justice of the United States.

Photograph of the Speaker of the House of Representatives.

Photograph of the Judges of the United States Court of Appeals for the District of Columbia Circuit, 1950.

Photograph of the Judges of the United States District Court for the District of Columbia, 1950.

Copy of the plans of the new courthouse.

Photograph of the model of the new courthouse.

A metallic sheet inscribed with the names of the past and present judges of the United States Courts of the District of Columbia.

A metallic sheet supplied by the Bar Association of the District of Columbia and inscribed with the names of its past presidents.

A metallic sheet supplied by the Federal Bar Association and inscribed with the names of its past presidents.

A metallic sheet supplied by the Washington Bar Association of the District of Columbia and inscribed with the names of its past presidents.

A metallic sheet supplied by the Women's Bar Association of the District of Columbia and inscribed with the names of its past presidents.

Articles Placed in the Cornerstone — continued

A copy of each of the special courthouse editions, dated June 27, 1950,
of the following newspapers:

The Washington Daily News.

The Washington Evening Star.

The Washington Law Reporter.

The Washington Post.

The Washington Times-Herald.

A copy of this program.

A copy of the invitation to the ceremonies.

A copy of each of the addresses at the ceremonies.

A copy of the architect's plans for the arrangements of seats and
stands for the ceremonies.

A copy of the latest volume of reports of decisions of the United States
Court of Appeals for the District of Columbia Circuit.

Reports of recent decisions of the United States District Court for the
District of Columbia.

A replica of the Seal of the United States Court of Appeals.

A replica of the Seal of the United States District Court.

The current Congressional Directory of the 81st Congress, 2d Session.

A copy of the Report of the Judicial Conference of the United States,
1949, and the Annual Report of the Director of the Admin-
istrative Office of the United States Courts, 1949.

Two editions of the history of the United States courts of the District
of Columbia and the present District Courthouse entitled "The
Courthouse of the District of Columbia," the first by F. Reg-
is Noel and Margaret Brent Downing covering the period
from 1800 to 1920 A. D., and the second a continuation until
1939 A. D. by F. Regis Noel

Articles Placed in the Cornerstone—continued

Copies of legislative documents in reference to the new Courthouse:

Act of May 29, 1947 (Public Law 80, 80th Congress) authorizing the acquisition of the site and the preparation of plans for the new courthouse.

Act of May 14, 1948 (Public Law 527, 80th Congress) authorizing the construction of the new courthouse.

Act of July 30, 1947 (Public Law 271, 80th Congress) making an appropriation for the site and plans for the new courthouse.

Act of June 25, 1948 (Public Law 785, 80th Congress) making an appropriation for the construction of the new courthouse.

Act of August 24, 1949 (Public Law 266, 81st Congress) making an appropriation for the construction of the new courthouse.

S. 2412, 79th Congress, by Mr. Andrews, to provide for plans and a site for the new courthouse.

H. R. 6917, 79th Congress, by Mr. Lanham, to provide for plans and a site for the new courthouse.

S. 450, 80th Congress, by Mr. Revercomb, to provide for plans, a site, and construction of the new courthouse.

S. 2284, 80th Congress, by Mr. Cain, to provide for the construction of the new courthouse.

H. R. 3029, 80th Congress, by Mr. Dondero, to provide for plans and a site for the new courthouse.

H. R. 5963, 80th Congress, by Mr. Dondero, to authorize construction of the new courthouse.

Silver replica of the seal of the National Capital Sesquicentennial Commission.

A block of the first edition of the special United States Postage Stamp issued in June 1950 to commemorate the National Capital Sesquicentennial.

The Holy Bible.

Inscription on the Trowel



THIS TROWEL WAS USED BY THE PRESIDENT OF THE UNITED STATES IN LAYING THE CORNERSTONE OF THE UNITED STATES COURTHOUSE FOR THE DISTRICT OF COLUMBIA ON JUNE THE TWENTY-SEVENTH, NINETEEN HUNDRED AND FIFTY.

The trowel is presented by the Bar Association of the District of Columbia in honor of its former presidents (1871-1950).

It is of antique silver and has a handle of aged yellow pine from the present building of the United States District Court for the District of Columbia, dating about 1872.

*Committee of
the Bar of the District of Columbia
Appointed to Assist in
Arrangements for the Ceremonies*

For the Bar Association of the District of Columbia:

JOHN L. LASKEY

PRESTON C. KING, JR.

JOHN J. WILSON

For the Federal Bar Association:

JAMES E. PALMER, JR.

For the Junior Bar of the District of Columbia:

JOHN L. GRABBER

For the Washington Bar Association of the District of Columbia:

LEROY H. MCKINNEY

For the Women's Bar Association of the District of Columbia:

OLIVE G. FAIRCLOTH

United States Court of Appeals
for the
District of Columbia Circuit

The Laying of the Cornerstone
of the
United States Courthouse
for the
District of Columbia

*Washington, D. C.
June twenty-seventh, nineteen hundred and fifty*

PROCEEDINGS

(The proceedings commenced at 3:00 p. m.)

CHIEF JUDGE STEPHENS: The invocation for this occasion will be by the Reverend Joseph M. Moran, Pastor of the St. Thomas Apostle Roman Catholic Church of Washington.

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INVOCATION

FATHER MORAN: Almighty God, Kindly Creator and All-wise Ruler of this world, we beg Thee to shower Thy blessings on all who are gathered here today for the laying of the cornerstone of this new Citadel of Law and Justice. Grant the special protection of Thy all-wise Providence to all who enter here, and keep them mindful of the sovereignty of Thy Supreme Government.

Bless our Judges with the participation of Thy divine wisdom in the decisions so momentous that they will be called upon from time to time to make; and bless our citizens with some measure of the obedience to law shown by Thy Divine Son, Jesus Christ.

This we beg of Thee in His name. Amen.

ADDRESS AND INTRODUCTIONS BY THE HONORABLE
HAROLD M. STEPHENS, CHIEF JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

CHIEF JUDGE STEPHENS: There is an ancient Latin proverb which, translated, is to the effect:

"Let justice be done though the heavens fall."

In view of the temperature and the inconstancy of Washington weather, I think the proverb should be altered to read:

"Let justice be done lest the heavens fall."

Accordingly, I shall be very brief in justice to you in the audience and my fellow speakers.

This building is to house the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia, together with the officials and agencies which assist the Courts in the administration of justice; namely, the United States Attorney, the United States Commissioner, the Referee in Bankruptcy, the Probation Officer, the Domestic Relations Commissioner, the Register of Wills, the Mental Health Commission, the Clerks of the Courts, and the United States Marshal. The total personnel, not attempting to count the large numbers of jurors, witnesses, lawyers, and litigants who transiently occupy the building, is some 540 persons.

New United States Courthouse

The present United States District Court building proper dates back in its original construction almost a century and a third, and it has undergone no substantial enlargement since 1916. The Court of Appeals building proper is less ancient. But the increased responsibilities and case load of the two Courts have so far enlarged their personnel that it has erupted from the two court buildings into some portions of nine others; and the efficient functioning of the Courts has been impeded by lack of space and of appropriate facilities. The Congress and the President took note of this, and by an Act approved May 29, 1947, authorized the preparation of plans for a new building to be located upon this site, and by an Act of May 14, 1948, provided funds for the project. Construction commenced August 1, 1949. It is expected that the building will be ready for occupancy by November 1, 1951.

The plans for the building were prepared by the Supervising, Assisting, and Contracting Architects of the Public Buildings Service under the direction of and subject to the approval of a committee of six created by Congress, composed of three Judges, a member of the Board of Commissioners of the District of Columbia, the Commissioner of Public Buildings Service, and the Architect of the Capitol. The design of the building has been approved, also under the requirement of Congress, by the Commission of Fine Arts. It is believed by those who have thus been concerned with the preparation of the plans that the building will not only have a beauty and dignity appropriate to judicial use, but will also in room arrangement, furnishings, lighting, and acoustics function for the needs of judges, jurors, witnesses, lawyers, litigants, and the public more efficiently than any other court building thus far constructed in the United States. The building site is not only accessible, and fitting in outlook, but is historically appropriate in that upon it was the home of Chief Justice John Marshall and nearby the homes of Chief Justice Roger B. Taney and of Chief Justice Salmon B. Chase.

It is not necessary to emphasize to this audience the importance of the functions of the United States Courts. As said by the late Mr. Justice Sutherland: Liberty and order are the most precious possessions of man, and the essence of the problem of government

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is in reconciliation of the two; order must not be sacrificed in the name of liberty, for that would be anarchy; liberty must not be lost in the name of order, for that would be despotism. The judicial branch of government must protect society against the individual who attempts to interfere with its peace and order and must, at the same time, be fearless and independent to protect the individual against unjust demands of society. It is an independent judiciary which preserves for the people, in whom ultimate sovereignty rests, the structure and functions of the Government as expressed in the Constitution, and the rights of the individual as recognized and guaranteed in that instrument.

It is fitting, therefore, that the United States Court of Appeals for the District of Columbia Circuit and the District Court of the United States for the District of Columbia—whose jurisdiction in national and local matters combined transcends in extent and importance that of any of the other Courts, either State or Federal, except the Supreme Court itself—should be housed in a manner suitable for both the efficiency and the importance of their function. They will be so housed in this new building, the cornerstone of which we lay today.

Before presenting the speakers, I take occasion in behalf of the Judges of both Courts to thank the Chief Justice of the United States for attending the ceremony as our Circuit Justice and for his characteristically generous waiver of rank in order that those of lesser seniority might speak for themselves and their Court at this ceremony.

We thank the Chief Justice's Chief Justice—Judge D. Lawrence Groner—retired on account of ill health, for appearing here today.

We thank the Bar Associations and their committees and members for their aid.

We thank Mr. Henry P. Chandler and Mr. Leland Tolman of the Administrative Office of the United States Courts for managing the details of today's arrangements, and Mr. Thomas E. Waggoner, Marshal of the Supreme Court of the United States, for his assistance.

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and that they completely agree with the courts. What is still more remarkable, there is no dissenting opinion by any of the Judges. Furthermore, the laity, who have contributed their time and effort to make possible the happiness we all experience at the culmination of the labor which has entered into this building, unite with us in the feeling of satisfaction that the business is well in hand. And so, I express the gratitude of the Bar of this District to the laity for the able manner in which they have done their part, to the Members of Congress who have recognized our needs and provided for them, and to you, Mr. President, who by a stroke of the pen have transformed a dream into a law.

Among all those who have so effectively labored it is difficult and perhaps unjust to single out one for special mention, but I feel sure that the Bar would never forgive me if I should not refer to our beloved Chief Judge Bolitha J. Laws, who has worked in season and out of season, sacrificing his time and endangering his health, to make possible this courthouse. (Applause.) To him unanimously and enthusiastically we voice our gratitude.

History informs us that 130 years ago, when our present courthouse was dedicated, the orator of the day was one John Law, an Englishman. It seems quite a coincidence that on this occasion another Law of English descent and possibly a relative should be a prominent figure. The addition of the letter "s" to his name is immaterial. This is due, no doubt, to the fact that the laws are more complicated in these days.

In August of 1820 a parade of frock-coated and silk-hatted men climbed the hill from Pennsylvania Avenue over a road no longer existent, and dedicated our present courthouse. This statement may be a trifle misleading, because that building was not then known as or expected to be used for a courthouse. It was called City Hall and intended to house the administrative offices of the District of Columbia. Its use as a courthouse was an afterthought. When it became necessary to move the Court from its then location on Capitol Hill the city government leased to it two rooms in the building for court purposes. The tenant gradually outgrew the landlord and the latter eventually was forced to secure quarters elsewhere. I well remember, and it was not so long

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We thank Mr. W. E. Reynolds and Mr. Allan S. Thorn of the Public Buildings Service, Mr. Louis Justement, the contracting architect, and the Charles Tompkins Company, building contractors, for their cooperation.

We thank Mr. Regis Noel and Mr. Julius Peyser for furnishing, in honor of the presidents of the District of Columbia Bar Association, the trowel with which the President will spread mortar for the cornerstone. The wood of the trowel is from an ancient timber in the United States District Court building.

We thank the Police Department and the Secret Service for their protection.

Finally, we thank the Marine Band for its music. It is of interest to note that at the ceremony of August 22, 1820, when the cornerstone of the present United States District Court building was laid, the Marine Band was present and furnished the music—then as today, *Semper Fidelis*.

The first speaker, Colonel Walter Collins Clephane, has been a member and a leader of the Bar of the District of Columbia for 61 years. He is an author of legal treatises of recognized merit, has been a member of the Faculty of The George Washington University Law School, of the National Railway Labor Panel, and of many Railway Arbitration and Presidential Emergency Boards, as well as a Judge Advocate in the United States Army in the First World War. In his high character, distinguished ability, and extended experience he fittingly speaks for the Bar of this jurisdiction.

I am pleased to present Colonel Clephane. (Applause.)

ADDRESS OF WALTER C. CLEPHANE, ESQUIRE.

Mr. President, Mr. Chief Justice of the United States, Mr. Chairman and Justices and Judges of our courts, and distinguished guests who have honored this occasion by your presence, we of the Bar of the District of Columbia extend to you a hearty welcome.

This is the day when dreams come true! It is noteworthy also, because of all the lawyers present, that they are in entire accord

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ago, when some of the administrative offices were still lodged in that building.

(It is said that one early English writer, in communicating with his home, described that building as the District of Columbia Hospital for the Insane; but it is believed that this description was not wholly accurate.)

The early judicial records contained in that old building are interesting as contrasted with those of today. Instead of now concerning ourselves, as our ancestors did, with litigation pertaining to runaway slaves and rights of their owners, we find the descendants of those slaves occupying, most honorably, seats on the bench of the courts throughout the land and high positions in the United Nations. We are not now disturbed with indictments and convictions of women for being common scolds, punishable by subjecting them to the ducking stool. On the contrary, we find women also seated in the judicial chairs, making the men behave, and likewise participating in the activities of the United Nations in adjusting international affairs of moment. This old world in its writhings and twistings has turned completely upside down, a rather undignified posture, by the way, and one suggesting and provoking a good sound spanking; and believe me, it has been spanked, or more accurately speaking, thrashed; and that thrashing has been administered in some degree by the descendants of those who 130 years ago were at the bottom of the heap.

It has been suggested that a change in judicial procedure consists of the increasing tendency to file dissenting opinions. Without attempting to argue whether this is good or bad, any candid observer must admit that throughout those dissents there has been manifested a spirit of almost crusader-like zeal in the effort to insist that the law should be decided to be what the dissenter believed it should be. As long as this spirit asserts itself in these dissents and as long as they are not animated by selfish interests, no fear need be felt that the supremacy of the law is being endangered from this source.

But there is danger from another quarter, and that may be found among the lawyers themselves. There are certain immut-

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able, intangible values, principles of right and wrong, which are the same today as they were 130 years or 1300 years ago, and will be the same when, generations hence, this cornerstone which is being laid today will be opened for the purpose of discovering what manner of men and women we people of 1950 were.

I well remember the day, 61 years ago, when I, in company with others who had passed the bar examination (now all gone to the Great Beyond except myself), appeared before the bar of our court and took the oath of office as attorneys and counselors at law, an oath which has been taken by every lawyer practicing here. We vowed that we would demean ourselves as members of this bar, uprightly and according to law, and that we would support the Constitution of the United States. I wonder what proportion of us have analyzed the elements of that oath. I think I never did so as searchingly as when I saw the oath of office administered to the great Chief Justice of the United States on the South Portico of the White House a few years ago, and heard his response: "I do, so help me God." From that moment I have known that the administration of justice is in competent hands.

May I detain you for a few moments to briefly analyze the lawyer's oath? We as attorneys have pledged ourselves to demean ourselves uprightly. How much meaning is contained in that word "Uprightly"! A clergyman perhaps would give it one signification, a judge another, and the average man on the street still another; but all would agree that it requires of us considerably more than obedience to any man-made law. It will be noticed that the obligation to live uprightly is mentioned first. Secondly, with all that is implied in that word, we must conduct ourselves lawfully; and the framer of the oath singled out among the various laws one which he evidently considered as of paramount importance, namely, the obligation to support the Constitution of the United States. All of this is followed by an invocation for help from Almighty God, without which the recital of the vows would be a hollow mockery. Have we lived up to our pledge? If not, then we inevitably incur the danger to which I have heretofore alluded. If we deviate in our professional conduct from a single element of that oath, then the foundations of the temple of the administration of the law will tremble; and if

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we disregard them all, it may be that this building whose cornerstone we are laying today, no matter how well planned and built, will utterly fail of its purpose.

Any applicant for admission to the Bar whose beliefs and actions make it impossible for him to consistently and conscientiously take this oath must be barred from admission; and any already admitted who have demonstrated by their professional conduct that they have become indifferent to these obligations must be disbarred, and in this every lawyer and judge must cooperate.

I commend this thought to my fellow members of the Bar for your earnest consideration today when we are about to transfer our activities from the old courthouse to the new. Is it not an appropriate time to re-evaluate the meaning of these vows which we took on our admission and reappraise our professional conduct in order that we may determine whether and how far the latter had diverged from the former; and if there has been such divergence, then to make every endeavor to bring the two into harmony? I invite my colleagues at the Bar to join me in the solemn pledge that **THIS WE WILL DO.**

(Applause.)

CHIEF JUDGE STEPHENS: The second speaker is the Honorable Bolitha J. Laws, a member of the Bar of this jurisdiction since 1913, a Judge of the United States District Court for the District of Columbia since 1939, of the United States Emergency Court of Appeals since 1943, and Chief Judge of the United States District Court for the District of Columbia since 1945. While he has had the assistance of others, including members of the Bench and Bar, and of the Board of Commissioners of the District of Columbia and of the Board of Trade, to him, more than to any other single individual or official, must be extended the credit for the effective presentation to the Congress of the needs of the two courts for this new building.

I am honored to present Chief Judge Laws. (Applause.)

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ADDRESS OF THE HONORABLE BOLITHA J. LAWS, CHIEF JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mr. President, Chief Justice, fellow members of the Bench and Bar:

This is an important event to the city of Washington. In a larger sense, it is an important event to the nation. The two courts which will occupy this building when it is completed have the broadest jurisdiction of any in the nation except the Supreme Court of the United States. Situated at the seat of the Government of the United States, we are called upon to decide cases the types of which usually are heard in the state courts and also those which are customarily heard in the United States courts; and in the latter class there are brought to our attention some that are of the most vital concern to the nation itself. The Cabinet officers are called before our courts in a challenge to the actions of those of their departments. The Attorney General of the United States institutes in our courts some of the major litigation, both civil and criminal, which comes under his control. We are called upon daily, almost, to hear and determine the validity of Acts passed by the Congress of the United States. When we find any litigant in the courts, we are faced by a momentous problem; but when we are confronted by a challenge between an individual and his Government, the case takes on an import which often reaches to every point in the nation. Cases of this type are not rare in our courts.

In recognition of the national character of this event, we are delighted to have present today the Chief Executive of the United States and the Chief Justice of the United States; also Members of the Congress of the United States. Seldom in history is it that the leaders of our nation gather together on one occasion. We are grateful to them and honored by their presence today; and we want to express to them our profound thanks for the part which they played in bringing about the granting of this building. And at this moment I want to pause to join with Chief Judge Stephens in paying thanks to our modest Chief Justice of the United States, who has forced himself into oblivion today, for his unflagging in-

New United States Courthouse

terest and his inspiration to us as we carried forward our efforts to bring this building to a state of realization.

(Applause.)

We are grateful also to the high officials and the prominent citizens of the District of Columbia who assisted us in this project. We cannot let this occasion pass without expressing to them our thanks. In behalf of our courts, officials of the City of Washington, and laymen who helped on this project, we express our thanks.

In the construction of this building we have not forgotten the layman and the fact that he is the central figure in the court process. His fortune as a litigant, his family interests, his liberty, indeed sometimes his life, are at stake in the courts. As a witness his testimony will guide the court to a just or unjust decision. As a juror he passes upon some of the most important questions—those of fact—which in many instances resolve the controversy.

On occasions, we have heard complaints from the layman. It has been said by litigants that delays have occurred in the courts and that trials have been expensive. We have found jurors sometimes reluctant to serve, by reason of the quarters which have been turned over to them and by reason of the fact that they have been forced to spend long hours of waiting in idleness without being able to attend to their business. We have heard that witnesses have said never again will they come into court voluntarily, because of the long, tiresome waits which they have suffered. These complaints are not new. They have existed as long as the courts themselves. Some of them are not well founded, but others are; and when they are, an enlightened judiciary must meet them and deal with them.

In Washington our courts have pioneered in dealing with the laymen. We have brought them into cooperation with judges and lawyers in improving the court machinery. Five years ago there was organized, and now exists in a full state of activity, a group of leading laymen and laywomen from every branch of business in the District of Columbia, who meet with the judges and lawyers to work on the vast business problems and great humanitarian problems of the courts. They have served, and have served well,

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working with us on these projects. They have come to understand some of our vicissitudes and difficulties. They have been helping to correct some of our faults. We have originated this organization in the District of Columbia and now it has begun to spread through the United States.

One of the most momentous contributions of the layman in this field of endeavor in cooperation with the courts and lawyers has been his part in bringing about this structure; and when the happy news came that the structure was authorized, we called upon him to have a part in planning the building. He has had a material part in it. In this building we have had in mind prominently his interests.

From the point of view of the juror who has had difficulties and who often has hesitated to serve and has been full of excuses from service, sometimes coming from the most well equipped prospective jurors, we have heard complaint of lack of housing accommodations. But in this new building we have provided for him a luxurious waiting room, one comparable to those in club quarters. We have provided parking for his automobile, which is no small item. We have provided for him during the necessarily enforced periods of his idleness, which no court system has been able to work out a means to prevent, a private, soundproof room, where he can bring his secretary or his associates and carry on business uninterruptedly, perhaps for hours in the day, until he is called as juror to serve in a specific case. We have provided for him a message center, where a message can be delivered to him by an officer of the court at any time. We have provided for him private sleeping quarters, where he can spend in comfort the overnight sessions which jurors oftentimes are compelled to hold. With this lessening of inconveniences and burdens of jury service in the building of the new structure, we are hopeful that jury service in the future will not be so obnoxious and that we shall not hear so many excuses from outstanding men and women called for jury service.

And we have not forgotten the witness layman. In each case he is provided a room near the court where he is to be called to serve; but when he is an expert or has to spend a long period of time in working out statistics or in figuring our accounts during

New United States Courthouse

the course of the trial, he may have a private room to himself, where he can work in comfort and without interruption. He too may have access to this message center provided by the court. It will be possible to work out a program, now being worked on by some of the laymen of Washington, to have many of the witnesses called to court on short notice through this message center, so that those long waits may be obviated.

These works of designing this building are pioneering efforts in the United States and exist, I am sure, in no other court structure in the entire nation; and coming as they do to supplement the comfortable quarters of the judges, the lawyers who are engaged in practicing, and the court attachés, we feel there has been and is being provided for us the finest physical structure of any courthouse in the United States. We want to thank the architect of the building and the Public Buildings Administration for a job well done in this connection.

At this time, while we rejoice over the culmination of a building long sought, we are mindful of the serious responsibilities laid on us by the court system. At any period the courts are concerned with momentous problems; but as in another age it was said all roads lead to Rome, today it may be said all roads lead to Washington. The eyes of the world look upon the United States, our own capital of the United States, where almost daily the courts are called upon to resolve major problems of interest not only to those in the District of Columbia, not only to those in the nation, but to those in the uttermost parts of the earth. At such a time it is imperative that the courts must meet the full measure of efficiency. No matter how adequate the court structure or how pleasant the surroundings, it is necessary in such a period as this for us to have able judges, able jurors, and able court officials. Where litigants are arrayed in conflict and represented by stalwart lawyers, intense antagonism nearly always prevails. Sometimes prejudices may arise in the course of a trial. Important issues may become threatened to be subordinated to false issues. The weak may be tempted to yield to aggression. In such an atmosphere the courts must be just. They must be strong. They must be wise. And they must function with expedition.

District of Columbia

On this occasion, then, shall not all of us who have a part in the court process rededicate ourselves to our responsibilities, determined to hold high our ideals of justice and mercy? Let us fit into the magnificence of this temple of justice spiritual strength which will well serve our nation and its citizens and be a stabilizing influence, commanding the respect and admiration of those of our city, our nation, and the people of the world.

(Applause.)

CHIEF JUDGE STEPHENS: History records that when the cornerstone of the present United States District Court building was laid, on August 22, 1820, the day was an unusually hot one. President Monroe did not attend the ceremony. President Truman, not deterred by either the heat of the day or the critical state of international affairs, is here on this occasion. His presence evidences his faith and his interest in the judicial branch of the Government and his recognition of the national as well as the local importance of the two courts which will be housed in this new building. We are grateful to him indeed for honoring us on this occasion.

The President of the United States. (Standing applause.)

ADDRESS OF THE PRESIDENT OF THE UNITED STATES

THE PRESIDENT: Thank you.

Mr. Chief Justice of the United States, Your Honor the Chairman, Mr. Chief Judge Laws, Honorable Judges of the Courts of the District of Columbia, and ladies and gentlemen:

I appreciate the privilege of being here. Judge Laws, almost thou persuadeth me to be a juror. (Laughter.)

We are meeting here today to lay the cornerstone of a new courthouse.

This building will house the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia. The increasing importance of these courts is indicated by the fact that they have long since outgrown the historic old building that served them so long.

New United States Courthouse

These courts hear cases which are not only important to the private parties concerned, but which involve issues vital to the welfare and growth of the Nation. Nowhere else, outside the Supreme Court of the United States, will so many legal questions of national magnitude be decided as in this building before us.

It is fitting that these courts should have a building which is modern and suited to their needs. Our law courts play a key part in our national life, and their surroundings should be expressive of the respect which we have for them.

But the vitality of our courts is separate and apart from the buildings we create for them. The spirit and the meaning of our courts do not lie in the material settings we provide for them, but in the living ideas which they enshrine.

To our forefathers, the courts were the distinctive symbol of the kind of government—the kind of society—which they were creating in the wilderness of this continent. This new Nation was to be a democracy based on the concept of the rule of law. It was to be a society in which every man had rights—inalienable rights—rights which were not based on creed, or rank, or economic power, but on equality. In such a society, the courts had the function not only of dealing out justice among citizens, but of preserving justice between the citizens and the state.

The founders of this country had a very clear conception of the corruptibility of power—of the innate danger in all human affairs of the selfish or arbitrary exercise of authority. To guard against this ever-present danger, they adopted the principle that there is a fundamental law—expressed in the Constitution, and particularly in the Bill of Rights—to which every exercise of power has to conform. The purpose of this fundamental law is to protect the rights of the individual. To apply this underlying law became the special task of the courts.

This concept of justice based on individual rights is so familiar to us that we take it for granted. Yet, in essence, it is a revolutionary concept. It has always been a threat to absolutism and tyranny. It was the great weapon in our own Revolution, and the basis of our Republic. Today, in a world where absolute power is again on the march, this concept of justice has tremendous

District of Columbia

strength. It is a challenge to the new forms of tyranny as it was to the old.

In our lifetime, we have witnessed a world-wide attack on this ideal of justice. Fascism, Nazism, Soviet communism, all have tried to convince people that our concern with individual human rights is false and fraudulent.

In the areas under their control, these totalitarian movements have swept away all restraints on their own power. They have subjected their own people to all the evils of tyranny—to kidnapping, torture, slavery, murder—without hope of redress or remedy. They have made a mockery of the forms of justice. Their judges are prosecutors; their prosecutors are hangmen; their defense attorneys are puppets. Their trials are coldly calculated displays of propaganda, based on torture and designed to spread falsehood.

Wherever nations or peoples have been overcome by totalitarianism, the practice of justice has been snuffed out. But the ideal remains, deep in the hearts of men. Men will always long for protection against the midnight arrest, the slave camp, the torture chamber. Men will never accept these things as right. Today, men feel more deeply than ever that all human beings have rights, and that it is the duty of government to protect them.

Today, we are participating in a great international movement for the better protection of individual rights. New methods of protecting and advancing human rights are being proposed and discussed. Across the world, men of good will are seeking new ways of making human rights triumphant over tyranny.

The first step was taken in the Charter of the United Nations. Weary of the crimes of the Axis tyrants, all the united nations pledged themselves, in the Charter, to promote universal respect for and observance of human rights and fundamental freedoms. The San Francisco conference ended with the promise that there would be, in time, an international bill of rights, which would be as much a part of international life as our own Bill of Rights is part of our life under the Constitution.

From this point, many steps have been taken toward the creation of an international law and morality which will protect human rights against the misuse of arbitrary power.

New United States Courthouse

By the judgment of the Nuremberg Tribunal, October 1, 1946, it was established that the highest officials of a government are answerable before the bar of an international court for committing war crimes, crimes against peace, and—in connection with either of these—crimes against humanity. This great principle was further confirmed by a resolution of the United Nations General Assembly of December 11, 1946.

International action is also being taken against the crime of genocide—the slaughter of entire human groups—whether committed in time of peace or in time of war. One of the most shocking examples of genocide was the Nazi attempt to exterminate an entire religious group deliberately and methodically. The General Assembly of the United Nations has denounced this terrible practice, and has affirmed that genocide is a crime under international law.

To prevent and punish the crime of genocide in the future, a multi-lateral convention on the subject was prepared and approved by the General Assembly of the United Nations in December of 1948. The convention is now before the various members of the United Nations, as well as some non-member nations, for ratification. Over half the ratifications necessary to bring the convention into force have already been deposited.

I have asked the Senate of the United States to give its advice and consent to the ratification of that convention. I am hopeful that the Senate will do so before this Congress adjourns. We must do our part to outlaw forever the mass murder of innocent peoples.

Another step toward the international protection of human rights was taken by the General Assembly of the United Nations in December, 1948, when it proclaimed the Universal Declaration of Human Rights. Like our own Declaration of Independence, this document asserts that all members of the human family are endowed with certain inalienable rights. It enumerates and describes these fundamental rights and freedoms.

But the Declaration of Human Rights is only an appeal to the conscience of the world. It offers no means of redress when rights are violated. To meet this need, a multi-lateral convention is now in preparation. This is designed to make binding law out

District of Columbia

of a number of the guiding principles of the Declaration. It will be known as the Covenant on Human Rights.

The task of obtaining general agreement on such a Covenant in the face of existing differences in legal systems and of language barriers is, of course, an arduous one. I have faith, however, that the Covenant will ultimately be adopted, and also that it will be followed by other agreements to give effect to the principles enunciated in the Declaration of Human Rights.

Thus, bit by bit, new concepts of international law and justice are taking form. Through an international society of nations, the concept is developing that the barbarous treatment of individuals by any nation is the concern of all nations. This growth of international law is most important in building for peace.

It is a mistake to underestimate the significance of these developments. In our divided world, it is easy to point to the tremendous gulf between the concept of individual human rights and the attainment of conditions which will insure their enjoyment. It is easy to be discouraged by the difficulty of creating international safeguards against the infringement of these rights.

But we must remember that it is our belief that governments are created to serve human rights. We must understand clearly that our belief in human rights is shared today by peoples all over the world. We must have faith and vision sufficient to realize that this belief is the rock on which the people of the world can build a better and a peaceful future.

In its beginnings, this world movement toward the protection of human rights may not appear particularly impressive. But the courts of the District of Columbia were not very impressive, either, when they were first set up, one hundred and fifty years ago. They were without buildings or physical equipment, and uncertain of their jurisdiction. These courts have grown strong, because they are based on a living truth. And so it will be with the quest for the international protection of human rights. It, too, will succeed, because it is based upon the same great concept.

On us, as a Nation, rests the responsibility of taking a position of leadership in the struggle for human rights. We cannot turn

New United States Courthouse

aside from the task if we wish to remain true to the vision of our forefathers and the ideals that have made our history what it is.

Above the outward forms of our Government, above our laws and the Constitution itself, there is an eternal law of justice. This is the justice of a God who created mankind to live together in brotherly love. This is the justice by which all the deeds of men are judged. The fundamental purpose of our lives is to strive toward it, to the best of human ability.

As a Nation, we must devote ourselves to that struggle. In the words of the ancient Hebrew prophet, we should say, "Let judgment run down as waters, and righteousness as a mighty stream."

In no other way can the nations of the earth endure.

(Standing applause.)

CHIEF JUDGE STEPHENS: Mr. President, for myself and my colleagues, I thank you for being here today and for your speech for freedom according to law and reason, and against force and fear.

The President, the Chief Justice, Chief Judge Laws, and I will now move to the adjoining platform, where the President will lay the cornerstone. Thereafter we will hear the National Anthem played by the Marine Band. Benediction and adjournment will follow.

(The cornerstone of the New United States Courthouse for the District of Columbia was then laid by the President of the United States.)

(The National Anthem was then played by the United States Marine Band.)

CHIEF JUDGE STEPHENS: The Benediction will be pronounced by the Reverend Ariel Nathaniel Warner, Associate Pastor of the Mount Vernon Place Methodist Church.

BENEDICTION

DOCTOR WARNER: Now unto Him Who is able to keep you from falling and to present you faultless before the Presence of

District of Columbia

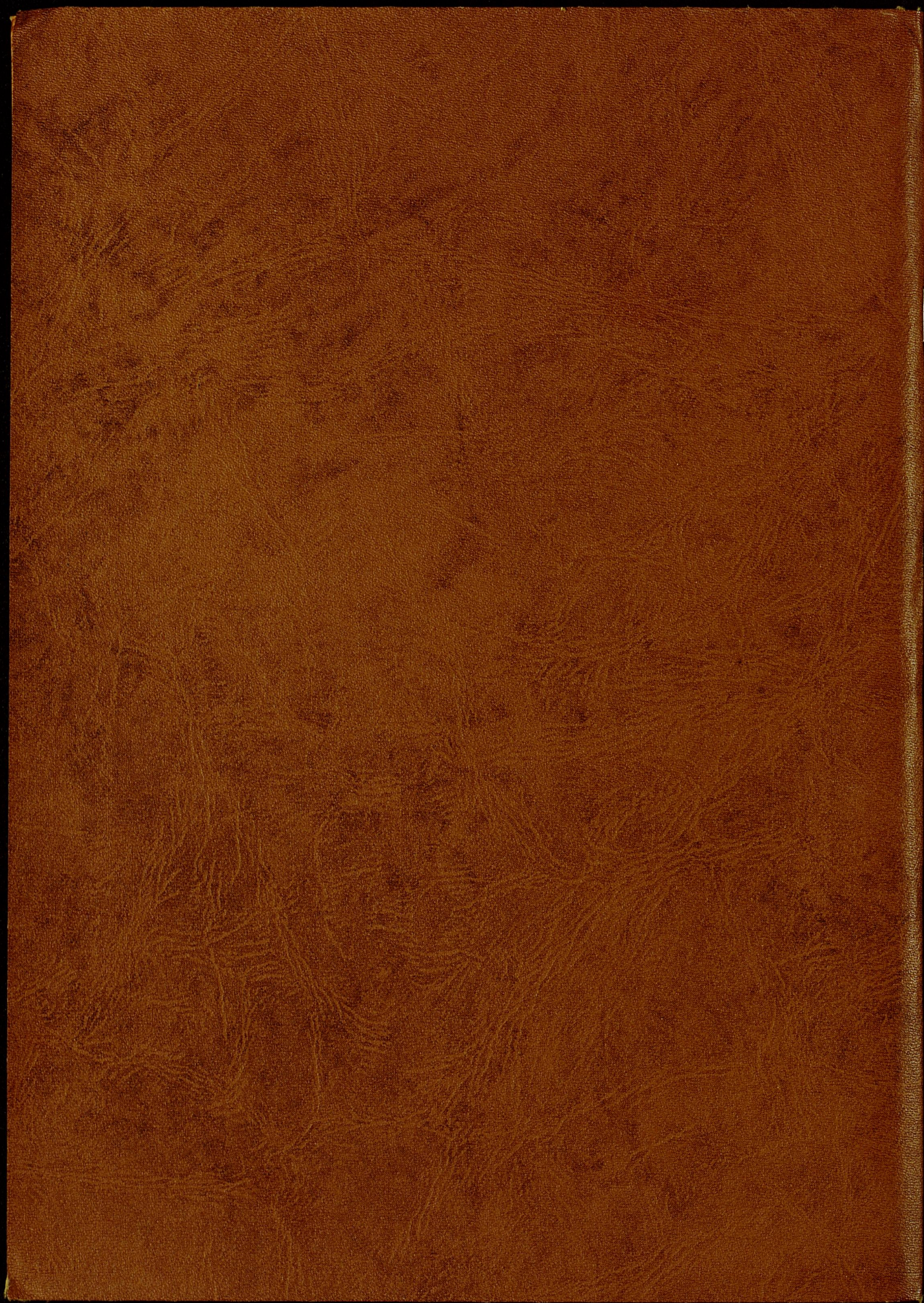
His Glory with exceeding joy, to the only wise God, Our Saviour, eternal, immortal, invisible, be glory and majesty, be dominion and power, both now and forever more. Amen.

ADJOURNMENT

CHIEF JUDGE STEPHENS: The ceremony is concluded.

(At 4 o'clock p. m., the ceremony was concluded.)

†



C. J. saw Judge Shaw - 5/12/49 - 3:00 P.M. -

UNITED STATES DISTRICT COURT
CHICAGO 4

Shaw

OK

CHAMBERS OF
JUDGE ELWYN R. SHAW

May 10, 1949.

RECEIVED

MAY 11 9 51 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

Hon. Fred M. Vinson
Chief Justice,
U. S. Supreme Court,
U. S. Supreme Court Bldg.,
Washington, D. C.

Dear Judge Vinson:

For the last nine months I have had a new grandson in Washington whom I have never seen, and the family have convinced me of the necessity of coming down there. They say the boy looks like me, for which I am very sorry, but nothing can now be done about it.

I shall be in Washington Thursday afternoon, Friday and Saturday of this week, and will be staying at the Willard.

On my arrival I shall telephone your secretary to see if it is convenient for you to have me call and pay my respects while I am in your city. I am also extremely anxious to pay my respects to Judge Byrnes, but do not know whether or not he is in Washington. If he is in Washington, it will be a great favor to me if you would have your secretary telephone me and tell him of my desire.

I have not had a chance to see you since the day I was married in Washington over five years ago, which is a long, long time. I am sincerely hoping you will find a couple of minutes to spare for me.

Sincerely yours,

Elwyn R. Shaw

Elwyn R. Shaw

S:n
Airmail

Shaw

UNITED STATES DISTRICT COURT
CHICAGO 4

CHAMBERS OF
JUDGE ELWYN R. SHAW

RECEIVED

May 24, 1949

MAY 25 9 18 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson
Chief Justice of the United States Supreme Court
Washington, D. C.

Dear Judge Vinson:

I wish to express my appreciation for the time you gave me in a personal interview last week, and assure you that it was indeed a great pleasure to renew an old acquaintance and be so cordially received.

I have just read with great interest the various opinions in your No. 272, Arthur Terminiello vs. City of Chicago, and feel sorry that your views and those of the other dissenting Justices could not have prevailed.

It may be of some interest to you to know that there is a strong probability that your Court will find, on further investigation, that it was without jurisdiction in this case. I had the same thing happen to me when I was Chief Justice in Illinois and wrote the opinion of *Swing vs. American Federation of Labor*, which very nearly blocked my appointment to my present position. I have held my breath for the last ten years for fear that someone would discover that I and my entire Court may have blundered.

The law in Illinois is that the validity of municipal ordinances can only be reviewed by the Supreme Court of Illinois and then only upon a jurisdictional certificate, i.e., a certificate by the Trial Judge that the validity of a municipal ordinance is involved and public interest requires the appeal to be taken directly to the Supreme Court.

In the *Terminiello* case the appeal was taken directly to the Illinois Supreme Court, but on January 22, 1947, in 396 Ill. 41, the Illinois Supreme Court, by an opinion reported in the above citation, held that it did not have jurisdiction of the appeal and transferred the cause to the Appellate Court. At that point in the proceeding the judgment was final in so far as the validity of the ordinance was concerned, and if *Terminiello* wished to proceed further he should have asked certiorari from your Court on that opinion. Instead of doing so, he allowed that opinion to remain final and followed the cause to the Illinois Appellate Court which has no jurisdiction whatever to pass on the validity of a municipal ordinance. That opinion is reported

UNITED STATES DISTRICT COURT

CHICAGO 4

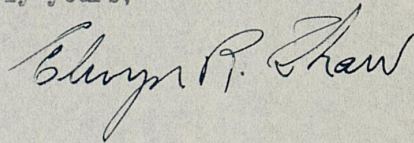
CHAMBERS OF
JUDGE ELWYN R. SHAW

Page 2

in 332 Ill. App. 17. Thereafter, in 400 Ill. 23, the Supreme Court erroneously took jurisdiction on a leave to appeal and passed upon the validity of the ordinance which it never had any jurisdiction to pass upon in the absence of a jurisdictional certificate from the Trial Court.

Maybe your law clerk will be interested in all of this, but it looks to me very much as if your Court had reviewed a void judgment, and if it ever becomes necessary to consider a similar problem it may be convenient to remember this tricky Illinois procedure.

Sincerely yours,

A handwritten signature in cursive script, reading "Elwyn R. Shaw". The signature is written in dark ink and is positioned to the right of the typed name "Elwyn R. Shaw".

ERS:EC

Re: Appeals of Cases involving Constitutional Questions.

Appellant who takes a cases involving constitutional questions to the Appellate Court of Illinois waives the constitutional questions and they cannot be raised in the Supreme Court on review of judgment of the Appellate Court.

People v. Board of Supervisors of Du Page Co. Ill.
309 Ill. App. 609;
People vs. Even, 370 Ill. 244;
People vs. Billow, 377 Ill. 236;
People vs. McDonnell, 377 Ill. 568.

Cases involving constitutional questions, either State or Federal, are to be taken directly to the Supreme Court, not the Appellate Court of Illinois.

Van Dyke vs. Ill. Commercial Mens' Assn.
358 Ill. 458;
Groome vs. Freyn Engineering Co.
374 Ill. 113.

Where validity of an ordinance is involved it is necessary that the record contain a certificate of the trial judge that in his opinion the public interest requires that the appeal be taken directly to the Supreme Court.

The City of Litchfield vs. Hart, 372 Ill. 457;
Ill. Rev. Statutes, Chap. 110, §199.

An order entered by a court that is without jurisdiction is coram non judice and ineffectual for any purpose.

People vs. Kingery, 368 Ill. 205;
Wright vs. Risser, 378 Ill. 72;
People vs. Goldman, 223 Ill. 540.

ROBERT G. SIMMONS
CHIEF JUSTICE

State of Nebraska
Supreme Court
LINCOLN
September 29, 1949

RECEIVED
OCT 3 9 20 AM '49
CHAMBERS OF THE
CHIEF JUSTICE

The Honorable Fred M. Vinson
Chief Justice of the Supreme Court
Washington, D. C.

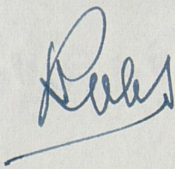
Dear Fred:

I am doing some checking to find out if I can the qualifications for admission to the bar and qualifications for judges and the judicial situation generally behind the Iron Curtain, including the status of the lawyer. One of my friends in the east suggested that it would be interesting to make a study and a comparison between the qualifications required now of the lawyers under the Soviet law and the qualifications required of ours at the time of the formation of our government.

ck | I do not expect you to answer this letter personally. I shall appreciate it, however, if you can have someone in your office check and advise me of the qualifications established for practice before the Supreme Court of the United States at the time of the organization of our court under the Constitution.

Kindest personal regards.

Sincerely,



RGS/k

OFFICE OF THE CLERK,
Supreme Court of the United States,
Washington 13, D.C.

October 20, 1949.

My dear Mr. Chief Justice:

To facilitate your response to the letter to you from Judge Simmons, which was sent to me from your office on October 18th, I have assembled the following data from original sources which, with extended comments on the subject of Judge Simmons' letter, are submitted to you.

The basic qualification of lawyers for admission to practice before this Court has remained unaltered throughout the history of the Court. The first term of the Court, as you know, convened February 1, 1790. On the third session of that term, February 5, 1790, the following Rule was promulgated:

"ORDERED, That (until further orders) it shall be requisite to the admission of Attorneys or Counsellors to practice in this Court, that they shall have been such for three years past in the Supreme Courts of the State to which they respectively belong, and that their private and professional characters shall appear to be fair."

Compare the pertinent paragraph of the present Rule 2, which follows:

"It shall be requisite to the admission of attorneys or counsellors to practice in this Court, that they shall have been such for three years past in the highest court of a State, Territory, or Insular Possession, and that their private and professional characters shall appear to be good."

Except for extension of the qualifying courts and minor changes in verbage, the qualification for admission as originally promulgated stands.

Originally, and for a number of years, this Court made a distinction between Counsellors and Attorneys. This was made clear by an additional rule also promulgated February 5, 1790, as follows:

The Chief Justice, page 2.

"ORDERED, That Counsellors shall not practice as Attorneys, nor Attorneys as Counsellors, in this Court."

On August 12, 1801, the Court passed a rule which was the first step toward eliminating the distinction by permitting Counsellors to be admitted as Attorneys. That Rule follows:

"ORDERED, That Counsellors may be admitted as Attorneys in this Court on taking the usual oath."

While the data submitted was taken from original sources, the Rules quoted above were reprinted in 1 Howard, Appendix, which I cite for convenience.

The Rules, so far as admission is concerned, apparently were not changed until the general revision at the December Term, 1858. Rule 2 was then amended to read as follows:

"It shall be requisite to the admission of attorneys and counsellors to practice in this court, that they shall have been such for three years past in the Supreme Courts of the States to which they respectively belong, and that their private and professional character shall appear to be fair." 21 Howard, Appendix V.

This Rule completely did away with the distinction between attorneys and counsellors. Whether this distinction was disregarded in practice prior to the 1858 amendment of the Rule is not clear, as the exact date of the change cannot be documented.

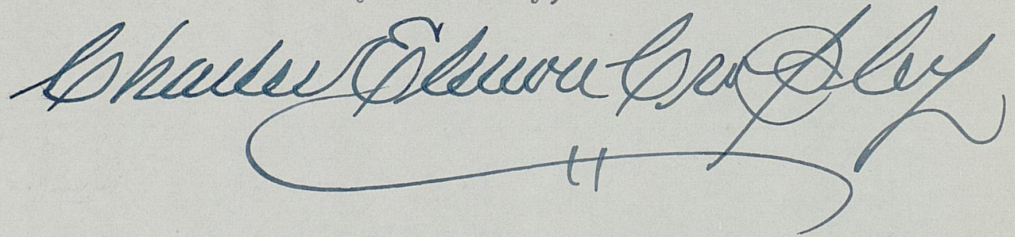
Although Judge Simmons does not ask it, I complete the historical picture by referring to the requirement - which lived but a short time - that all lawyers had to take the oath prescribed by the Act of July 2, 1862 which was extended by the supplemental Act of January 24, 1865 to embrace attorneys and counsellors before the courts of the United States. This was, of course, the oath that they had never voluntarily borne arms against the United States since becoming a citizen thereof, etc.

The Chief Justice, page 3.

This requirement was soon abandoned and the decision of this Court in Ex Parte Garland stated that ". . . . the amendment of the second rule of the court, which requires the oath prescribed by the act of January 24, 1865, be taken by attorneys and counsellors, having been unadvisedly adopted, must be rescinded. And it is so ordered." 4 Wall. 333, 374, 381.

The foregoing, I believe, covers the inquiry made by Judge Simmons. The qualifications for practice before the courts in the United States prior to the establishment of this Court under the Constitution presumably was regulated by the individual states and I do not have available those requirements. I shall not attempt research in that field unless Judge Simmons expresses a desire for information not asked for in his present letter which is returned to you herewith.

Yours very sincerely,

A handwritten signature in dark ink, reading "Charles Evans Hughes". The signature is written in a cursive style with a large, sweeping flourish at the end.

Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington.

October 27th, 1949.

Dear Bob:—

Pursuant to the request contained in your letter dated September 29th, I have had the Clerk prepare a brief sketch of the history of the rule of this Court with respect to qualifications required of individuals seeking admission to practice before the Court, and am enclosing a copy thereof for your information.

The study which you have undertaken strikes me as rather an interesting one, and I would be pleased to receive copy of any report or paper which you may prepare setting forth your conclusions, etc.

I trust that the data sent you herewith is what you have in mind.

With kind personal regards,

Sincerely,

(Signed) Fred M. Vinson

Honorable Robert G. Simmons,
Chief Justice,
Supreme Court, State of Nebraska
Lincoln, Nebraska.

PLK

ROBERT G. SIMMONS
CHIEF JUSTICE

State of Nebraska
Supreme Court
LINCOLN
October 31, 1949

Simmons
Sent - 11/7/49 -

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CHAMBERS OF THE
CHIEF JUSTICE

Note to the Secretary to the Chief Justice:

In the letter from the Chief Justice he said
he was enclosing a brief sketch. It was not in the letter.
Will you please check.

Sincerely,

Robert Simmons

ROBERT G. SIMMONS
CHIEF JUSTICE

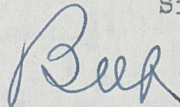
State of Nebraska
Supreme Court
LINCOLN
October 31, 1949

The Honorable Fred M. Vinson
Chief Justice of the Supreme Court
Washington 13, D. C.

Dear Fred:

I have your letter of October 27th. I appreciate greatly the thought which you have given to this matter. When, if, and as I am able to write a paper on the basis of it, I shall see to it that you get a copy.

Sincerely,

A handwritten signature in blue ink, appearing to read "RGS", is written below the word "Sincerely,".

RGS/k

Sims

March 24, 1953

Honorable Porter Sims,
Chief Justice,
Court of Appeals of Kentucky,
Frankfort, Kentucky.

Dear Mr. Chief Justice:

I have received a copy of the Kentucky Rules of Civil Procedure, and I thought probably it came through you. If so, I would like to thank you very much for sending it to me.

I understood you were working on it, and I thought at the time that it was a very forward looking project.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

Sims, Porter



PORTER SIMS
CHIEF JUSTICE

COURT OF APPEALS OF KENTUCKY

CHAMBERS, STATE CAPITOL, FRANKFORT

March 26, 1953.

Hon. Fred M. Vinson
Chief Justice
United States Supreme Court
Washington, D. C.

Dear Mr. Chief Justice:

I have your note of the 24th
acknowledging receipt of the Kentucky Rules of Civil
Procedure which you thought came through me. Am
afraid I'll have to plead "Not Guilty", though I
wish I were.

You get this book by virtue
of the fact that you are a full fledged member of
the Kentucky Bar, and believe it or not, you are in
good standing. We still claim you down here in
Kentucky and are right proud of you.

Thanking you for your good
words in favor of our product, and with all good
wishes, I remain,

Cordially yours,

Porter

RECEIVED
MAR 30 9 50 AM '53
CHAMBERS OF THE
CHIEF JUSTICE

NOTED

MAR 30 1952

F.M.V.

HAROLD M. STEPHENS
CHIEF JUDGE
HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
CIRCUIT JUDGES
D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

Thanks

May 19, 1950

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington, D. C.

My dear Mr. Chief Justice:

In response to a question which you recently asked me on the subject of judicial vacations in the District Court, I told you that I thought the District Judges here commenced their vacation period about June 15. This I based upon past practice as I have been acquainted with it. I find, however, upon conferring with Judge Laws that this year the vacation period will not commence until July 1. Judge Laws informs me further that more judges will be on summer duty this year than in the past. He furnished me the enclosed schedule of summer assignments.

Sincerely yours,

Harold M. Stephens

Enclosure

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CHAMBERS OF THE
CHIEF JUSTICE

HAROLD M. STEPHENS
CHIEF JUDGE
HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
CIRCUIT JUDGES
D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

Stephens

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May 24, 1950
CHAMBERS OF THE
CHIEF JUSTICE

NOTED

MAY 26 1950

F.M.V.

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington, D. C.

My dear Mr. Chief Justice:

The annual Circuit Conference for the District of Columbia Circuit will be held in the courtroom of the United States Court of Appeals in Washington, D. C. on the 5th of June, commencing at 10:00 o'clock, a. m.

The morning session will be devoted to the presentation of papers by members of the Bar on topics of current interest related to the administration of justice. The afternoon will be devoted to an executive session of the Circuit and District Judges.

You are cordially invited to attend either or both of the sessions.

Sincerely yours,

Harold M. Stephens

HAROLD M. STEPHENS
Chief Judge

HAROLD M. STEPHENS
CHIEF JUSTICE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
ASSOCIATE JUSTICES

RETIRED
D. LAWRENCE GRONER
CHIEF JUSTICE

UNITED STATES COURT OF APPEALS
WASHINGTON 1, D. C.

Stephens
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JUN 8 9 12 AM '49
June 7, 1949
CHAMBERS OF THE
CHIEF JUSTICE

Fully
Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington, D. C.

My dear Mr. Chief Justice:

At the last conference which Judge Biggs and I had with you concerning the legislative programs, I mentioned an article in The Wall Street Journal written by Mr. Alan Otten, with some help from Mr. Chandler and myself. I think the article is rather well done and that you may be interested in reading it. I enclose it, therefore, herewith.

Sincerely yours,

Harold M. Stephens

Enclosure

Stephens

June 7, 1950

Honorable Harold M. Stephens,
Chief Judge,
United States Court of Appeals
for the District of Columbia Circuit,
Washington 1, D. C.

Dear Harold:

Thank you for your letter of May 19th, with which you
enclosed a schedule of summer assignments of judges in the
District Court.

With kind regards,

Sincerely,

File
HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK

WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

Stephens

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

October 6, 1950

Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

My dear Mr. Chief Justice:

On account of your interest as Circuit Justice of this Court you should be advised of the following figures:

	<u>1947</u>	<u>1948</u>	<u>1949</u>	<u>1950</u>
1. Cases filed:	265	350	463	435
2. Caseload:	448	512	733	803
3. Cases terminated:	284	242	364	436

You will note therefrom that in the fiscal year 1950 (July 1, 1949 - June 30, 1950) the Court terminated 436 cases as compared with 364 in 1949, a gain of 72 cases. During the fiscal year 1950 the Court had the advantage of the services of the full complement of the additional three judges only beginning with January 1, 1950. It would appear, therefore, that for the fiscal year 1951 the Court would probably be able to dispose of some 150 more cases than in the fiscal year 1949.

If our personnel can work throughout the present year without any substantial interruption by illness or otherwise, there is a prospect, I think, of bringing our calendar current, so far as ready cases are concerned, by next July. At any rate that is our hope and we shall strive to realize it.

On the 1st of July, 1949, we carried over to the fall session 64 cases ready for argument; on the 1st of July, 1950, we carried over only 23 such cases. We are hoping that on the 1st of July, 1951, it will not be necessary to carry any such cases over to the fall session.

Sincerely yours,

Harold M. Stephens

NOTED
OCT 9 1950
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HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK

WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

December 18, 1950

Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

My dear Mr. Chief Justice:

Virginia and I are leaving here on Thursday, December 21, at 7:10 P. M. for Tampa, Florida. It is our plan to leave Tampa on Monday, January 1, at 12:45 P. M., arriving here at 8:25 A. M. on Tuesday, January 2. If you should need to get in touch with me, I can be reached through John J. Trenam, Virginia's nephew, either at his office or his home, as follows:

Office: c/o Fowler, White, Gillen, Yancey and Hunkey
1002 Citizens Building
Tampa 2, Florida

Telephone: M-2661

Home: 3623 Empedrado Street
Tampa 9, Florida

Telephone: 82-3581

I shall, of course, be glad to return to Washington at any time if you need me.

Sincerely yours,

Harold M. Stephens

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON

BENNETT CHAMP CLARK

WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

January 29, 1951 *

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

The Chief Justice
The Supreme Court
Washington 13, D. C.

My dear Mr. Chief Justice:

I have been at home for about ten days with a severe chest infection of some sort and continued fever. The doctor has finally decided that it is best to hospitalize me until I can get rid of the fever and also for check-up purposes.

I very much hope that I will be out within a few days and fully able to attend to my duties, including those of the chairman of the Library Fund Committee. However, in order to make provision against possible mishap, I have asked John Biggs to act as vice-chairman of that Committee and to be prepared to preside at the meeting on February 12th and 13th if necessary. Mr. Leland Tolman has been working with me in the preparation of a legal memorandum in respect of the pros and cons of the Library Fund system. I have directed him to continue this work with Judge Biggs.

I have brought Judge Biggs fully up to date on all matters which have developed as far as I am informed in the widows' pension bill matter, and John will of course continue to work with you and Solicitor General Perlman in the hope of getting this bill through.

With kind personal regards, I am

Sincerely yours,

Harold M. Stephens
(mj.)

*Dictated January 24, 1951

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

Stephens

CHAMBERS OF
CHIEF JUDGE STEPHENS

February 9, 1951

Dear Fred:

I thank you for your very kind friendly letter of Tuesday which encourages me to get well, and I promise to follow your advice and to put myself fully in Virginia's custody.

Best wishes to you.

Sincerely yours,

Harold

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington, D. C.

RECEIVED
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CHAMBERS OF THE
CHIEF JUSTICE

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON

BENNETT CHAMP CLARK

WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

Stephens

File

RECEIVED

May 26, 1951

JUN 4 11 50 AM '51

CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson
The Chief Justice of the United States
Washington, D. C.

My dear Mr. Chief Justice:

Please find enclosed a copy of a letter which
Judge Laws and I have prepared, addressed to Mr. Jess Larson
and Mr. W. E. Reynolds of the Public Buildings Service. We
have an appointment to see Mr. Larson and Mr. Reynolds next
Tuesday morning and will present the letter at that time.

Sincerely yours,

Harold M. Stephens

Enclosure

P. S. Since dictating the foregoing we have seen Mr. Larson and
Mr. Reynolds. They appear firmly to intend to protect our
rights to the occupancy of the new United States Court House.

HCS

May 23, 1951

Mr. Jess Larson, Administrator
Mr. W. E. Reynolds, Commissioner of
Public Buildings Service
General Services Administration
Washington, D. C.

Dear Mr. Larson and Mr. Reynolds:

We noted recently in local newspapers a story to the effect that the Office of Price Stabilization had made application for the use of the United States Court House now under construction in the District of Columbia and that it had been denied. If this newspaper story was correct and the application was made to you, we beg to express our approval of your denial.

In view of the possibility that other emergency agencies may make similar applications to you, we beg leave to aid you in disposing of them by calling attention to the following: Public Law 80 of the 80th Congress, authorizing the preparation of drawings and specifications and the acquisition of a site for the Court House, specifically provides for a building "for the use of the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia" Public Law 527, 80th Congress, authorizing the construction of the Court House, specifically provides that the Federal Works Administrator is authorized to construct and furnish the building "for the use of the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia" Public Law 527 further provides that the allocation of space in the building "shall be vested in the chief justice of the United States Court of Appeals for the District of Columbia and the chief justice of the District Court of the United States for the District of Columbia."

We call attention to the further fact that what the emergency agencies need for their use is space. What the United States Courts need is not merely space, but such building arrangements and facilities as are suited to the performance of the functions of the courts. We have particular reference to the construction of courtrooms, benches, witness chairs, jury boxes, arrangements for court reporters and the like, and to the provision of rooms where the privacy of jurors and witnesses can be assured, provision of such quarters for judges as will be convenient

to both courtroom and library work, the arrangements for libraries, and provision for the safe handling of prisoners. As you know, particular pains have been taken by the Public Buildings Administration and its architects and the contracting architect to construct the Court House in a manner which will make it functionally adapted to court use. Upon the occupancy by the two courts of the new Court House on its completion, the space presently occupied by the courts could be assigned to other agencies according to their needs.

It doubtless is unnecessary for us to recall your attention to the fact that the buildings presently occupied by the United States Courts in the District of Columbia are inadequate both in space and in arrangement. It is substantially impossible under present conditions to protect the privacy of jurors and witnesses. At the present time, the United States District Court is occupying all of the District Court building proper and some parts of eight or nine other buildings. The confusion and inefficient operation of this Court due to these conditions, the inconvenience of its judges, court attaches, lawyers, litigants, witnesses and jurors is almost beyond description. Also, one-third of the judicial personnel of the United States Court of Appeals is located in a building other than the Court of Appeals building proper. Use of the present inadequate buildings and facilities should be discontinued in the interest of proper administration of justice at the earliest time possible by occupancy of the new building. Congress authorized construction of the building in the light of the present inadequate housing of the courts. In making application to the Congress for the construction of the building, we brought to its attention and to that of its committees the present inadequate housing. It was with particular reference to the same that the construction of the building was authorized.

We call attention finally to the fact that efficiency in the administration of justice by the courts is as important in time of emergency as at other times. It would be quite unwarranted in view of the independence of the judiciary as a separate branch of the Government to subordinate its housing needs to those of other branches of the Government or agencies thereof.

We have discussed the foregoing with the Chief Justice of the United States, and we are authorized to state that he shares the views above expressed.

We will appreciate your advising us of any further applications for the use of the new Court House to the end that if necessary we may aid you in resisting them by securing the support of the President.

Sincerely yours,

s/ HAROLD M. STEPHENS
Chief Judge, United States Court of Appeals
for the District of Columbia Circuit

s/ BOLITHA J. LAWS
Chief Judge, United States District Court
for the District of Columbia

File

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

CHAMBERS OF
CHIEF JUDGE STEPHENS

August 15, 1951

Stephens

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CHAMBERS OF THE
CHIEF JUSTICE

The Chief Justice of the United States
Supreme Court Building
Washington, D. C.

My dear Mr. Chief Justice:

Virginia and I are leaving Washington at 12:15 on Thursday, August 16, on American Airlines, arriving in Los Angeles the same evening at 7:15. We leave Los Angeles Sunday, August 19, at 12:00 noon and arrive in San Francisco at 1:35 P. M. We shall be in San Francisco until Wednesday or Thursday, August 22 or 23. Thereafter, we shall be in Oakland until the time of our return to Washington, which will be, according to present plans, September 4, or possibly as early as September 1.

In Los Angeles, we will be staying with Mr. and Mrs. L. R. Martineau, Jr., 444 Plymouth Boulevard. Mr. Martineau is one of my former law partners. His telephone number at his home is Whitney 3317 and at his office, 444 Roosevelt Building, is Van Dyke 1014.

In San Francisco, we will be at the Palace Hotel, telephone number Dunkirk 7-0869. In Oakland, we will be with Mrs. Stephens' sister, Mrs. E. W. Tre-
nam, 2630 E. 23 Street, telephone number Kellogg
4-1906.

Sincerely yours,

Harold W. Stephens

Judge Stephens phoned and asked that I give you this copy of an address he made before the California Conference of Judges. He thought you would be interested in reading Topic III in connection with Judge Biggs letter to the editor of the Saturday Evening Post.

Stephens

SHOP TALK CONCERNING THE BUSINESS OF THE COURTS
Delivered in San Francisco on August 21, 1951, at
the California Conference of Judges
by Judge Harold M. Stephens, Chief Judge of the
United States Court of Appeals for the District
of Columbia Circuit

I

Recently, at a Washington banquet, former Senator James M. Mead of New York, now a member of the Federal Trade Commission, was called upon to introduce Senator Robert A. Taft, the principal speaker of the evening. Senator Mead is a Democrat. At the outset of his remarks, he said that in preparing them he had endeavored to think of something that he and Senator Taft had in common, and that he had concluded that there was one, to wit, that neither he nor Senator Taft desired to see Governor Dewey nominated for the presidency. I have been under no difficulty, in preparing my remarks for this occasion, in discovering a subject ⁱⁿ which you, as judges of the state courts of California, and I, as a United States judge, have ~~in~~ ^{an} interest. Many years ago I myself served as a trial judge in the Third Judicial District Court of Utah, the jurisdiction of which parallels that of the Superior Court of California. Even now, because of the extraordinary jurisdiction of the United States Courts in the District of Columbia, I deal with litigation similar to that arising in state courts. The District of Columbia is not a state and therefore has no state courts in the strict sense of that term. But there are in the District of Columbia in the neighborhood of

1,000,000 people and in those portions of Maryland and Virginia directly adjoining some 350,000 more, all of whom are occupied in one way or another in the District. There is much business, therefore, of both local and federal character in the District out of which arises litigation. In consequence, the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit, over which I preside, have been endowed not only with the traditional jurisdiction of constitutional courts of the United States created by the Congress under Article III, but also with a jurisdiction comparable to that of state courts--- that jurisdiction having been extended by statutes enacted by Congress under its Article I, Section 8, Clause 17, power "to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States" Accordingly, the United States District Court and the United States Court of Appeals in the District of Columbia entertain not only such cases, for example, as condemnation proceedings by the United States, bankruptcy, patent, Admiralty, Long-shoremen's Act and War Risk Insurance cases, cases involving criminal offenses against the United States, actions brought against cabinet officers and heads of executive agencies of the Government to restrain or compel action on constitutional or statutory grounds, Alien Property Custodian cases and cases involving the Federal Employers' Liability Act, actions, including receivership proceedings, involving national banks, proceedings in review or enforcement of orders of the Civil Aeronautics Board, the Federal Power Commission, the Federal Trade Commission and other agencies of the Government exercising quasi-judicial as well as regulatory authority, but also cases in tort, contracts,

equity, suits to contest and construe wills, insurance cases, workmen's compensation cases, local tax cases, local Public Utilities Commission cases, divorce, probate and adoption cases, suits involving real estate, local bank and commercial transactions, and many others. Thus I feel much at home with state court judges---although I must admit that I can claim no such judicial expertness as they. It may fairly be said, I fear, that the judges of the United States Courts in the District of Columbia are, because of the great variety of cases which come before them, expert only in being versatile.

I intend here to give an account of an attempt to increase the efficiency of the United States Courts by improved methods of dealing with their business affairs--fiscal and administrative--and to comment upon the problem of delay. Especially in respect of the latter, I shall probably but add my voice to the many others that have cried in the wilderness. I am not, in speaking of the improved methods, fiscal and administrative, of the federal courts, assuming to set those courts and their business procedures before you as an example; rather, I speak as one interested, with you, in an exchange of experiences and views in respect of problems with which all of us, whether we are state court or federal court judges, are responsibly concerned.

II

By the "United States Courts," as I use the term in this discussion, I refer to the United States Courts of Appeals, 11 in number--the United States Courts of Appeals for the First through the Tenth Circuits and the United States Court of Appeals for the District of Columbia Circuit--and to the United States District Courts. I shall sometimes, for convenience, refer to these courts as the "federal courts." I omit all but incidental reference to the so-called legislative courts--the United States Court of Claims, the United States Court of Customs and Patent Appeals, the United States Customs Court and the United States Tax Court, and to the Supreme Court of the United States. The business affairs of the Supreme Court and of the legislative courts are somewhat uniquely conducted and lend themselves, therefore, best to a separate discussion.

By the fiscal and administrative, or business, affairs of the courts, I refer to such matters as the following: appointment and removal of subordinate officials and employees--clerks, deputy clerks, United States commissioners, referees in bankruptcy, probation officers, court reporters, law clerks and secretaries; determining the number and compensation of such officials and employees; purchase and distribution of supplies, including law books; provision of housing for the courts; collecting and distributing statistics concerning the case load of the courts; auditing the accounts; provision of travel and subsistence arrangements for judges and other officials and employees; assignment of judges for temporary duty outside of their regular districts and circuits; securing appropriations for the support of the courts;

disbursing these appropriations; devising procedures for improvement in the administration of justice; making recommendations to the Congress in respect of legislation affecting the administration of justice.

From the beginning, the federal courts have had power to appoint and remove officials and employees. But until the creation, at the instance of Chief Justice Taft, of the Conference of Senior Circuit Judges by the Act of September 4, 1922, the fiscal and administrative affairs of the courts in respects other than the appointment and removal of officials and employees were managed by the Department of Justice. This was due to the fact that there was no agency in existence within the judicial system with any central authority for fiscal and administrative action; it was necessary to lodge such authority somewhere, and the Department of Justice apparently was regarded by the Congress, prior to 1939, as not inappropriate. The Act creating the Conference of Senior Circuit Judges was designed primarily to supply a mechanism for the exchange of judges so that courts in arrears could secure aid from judges in other circuits or districts not overburdened. The Act provided that once a year, upon the call of the Chief Justice of the United States as Chairman, there should be a conference of the Senior Circuit Judges of the several circuits for the purpose of surveying the condition of business in the federal courts and determining what courts might be in need of help and what courts might be able to give it. The Act prescribed a procedure for the assignment for temporary service of judges from one circuit or district to another. It gave also to the Conference power to "submit such suggestions to the various courts as may seem in the interests of uniformity and expedition of business." Beyond this, the statute did not go. The anomalous arrangement whereunder the responsibility for the efficiency of the courts was in the courts themselves, but the authority

to manage their business affairs was in the Department of Justice, one of the Departments of the Executive Branch of the Government and one of the principal litigants before the courts, prevailed until 1939. Not only was this arrangement anomalous, but also it was potentially unwholesome, especially in view of the fact that thereunder the budget for the courts was prepared and submitted to the Congress by the Attorney General acting for the President--so that there was thus power in the Executive Branch to limit the budget for the Judicial Branch and thereby cripple efficiency. The threat of this division of authority and responsibility prior to 1939 had been high lighted in 1937 by the threat in the "Court Packing Plan" of executive domination of the judiciary, and this was a not inconsiderable factor in the drafting and passage of the Administrative Office Act of 1939. The Act was sponsored by, among others, Judges Parker of the Fourth Circuit, Foster, now deceased, of the Fifth Circuit, and Groner and Stephens of the District of Columbia Circuit and by Attorney General Cummings. These sponsors appeared before the Judiciary Committees of the Senate and House and urged the creation of the Judicial Conference of the United States and of the circuit councils and circuit conferences and of the Administrative Office of United States Courts. Among members of the Congress who took active leadership in the passage of the statute were Congressmen Chandler of Tennessee and Hobbs of Alabama, both now retired.

By the Administrative Office Act, the Conference of Senior Circuit Judges, created in 1922, was renamed the Judicial Conference of the United States. I shall hereafter, for convenience, refer to it as the "Judicial Conference" or the "Conference." The Act not only renamed the Conference, but also greatly increased its powers. It gave the Conference, acting in cooperation with the circuit councils and the circuit conferences and with

the courts themselves, a position of central authority in respect of the fiscal and administrative affairs of the federal courts and supervision and direction of the action of the Administrative Office and its Director and Assistant Director. The Judicial Conference consists of the 11 Chief Judges of the United States Courts of Appeals who must be summoned annually by the Chief Justice to a conference at such time and place in the United States as he may designate. Thus far the Conference has met only in Washington in the Supreme Court Building. The Chief Justice as Chairman and the chief judges are required to advise as to the needs of their several circuits and as to any matters in respect of which the administration of justice in the courts may be improved. The Conference is required to make a comprehensive survey of the condition of business in the courts and to prepare plans for assignment of judges to and from circuits and districts where necessary and to submit suggestions to the various courts in the interest of uniformity of practice and of expedition of business. The Chief Justice is obliged by the Act to submit to the Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation. The Conference fixes the number and prescribes the salaries of referees in bankruptcy and court reporters. It approves the budget prepared, as hereafter explained, by the Director of the Administrative Office. The Conference has an Advisory Committee of five, consisting of the Chief Justice and four of the chief judges. It has Standing Committees on Court Reporters, Bankruptcy Administration and on Personnel of the Courts and has special committees from time to time constituted for study and report on particular subjects. In addition to creating the Judicial Conference the Administrative Office Act brought into existence 11 judicial councils, each consisting of the active circuit judges of a circuit.

Such councils are required to meet at least twice each year with the chief judge of the circuit presiding. The chief judge is required to submit to the council the quarterly reports of the Director of the Administrative Office as to the state of judicial business in the circuit. The council is obliged to make all necessary orders for the effective and expeditious administration of the business of the courts within the circuit, and the district judges are required by the Act promptly to carry into effect all such orders of the judicial council. The Act of 1939 provided also for the calling in each of the circuits annually by the chief judge of a conference of the circuit and district judges of his circuit to consider the business of the courts and to advise means of improving the administration of justice within the circuit. The court of appeals in each of the circuits is required to provide by its rules for representation and active participation at such conference by members of the bar of the circuit. The circuit conferences usually include an executive session at which matters pertaining to the internal affairs of the courts are dealt with, and ordinarily a representative of the Administrative Office is in attendance. An open session is also held at which the representatives of the bar participate for the purpose of suggesting improvements in the administration of justice from the point of view of the bar. In addition to the Judicial Conference, the circuit councils and the circuit conferences, the Administrative Office Act of 1939 created the Administrative Office of United States Courts to be maintained at the seat of Government and supervised by a Director and an Assistant Director and other officials.~~and~~ ~~employees~~ These officials, together with a staff of assistants, are the executive agency of the courts. They act, according to the statute, under the supervision and direction of the Judicial Conference. The statute requires the Director to supervise all administrative matters relating to the officials

and clerks and clerical and administrative personnel of the courts; to examine the state of the dockets and to secure information as to the courts' needs of assistance; to prepare and transmit quarterly to the chief judges of the circuits statistical data and reports as to the business of the courts; to submit to the annual meeting of the Judicial Conference, at least two weeks in advance, a report of the activities of the Administrative Office and of the state of the business of the courts together with the statistical data submitted to the chief judges and the Director's recommendations; to submit to the Congress and to the Attorney General such report, data and recommendations; to fix the compensation of the clerks of the courts, deputies, librarians, law clerks, secretaries and other employees; to determine and pay the necessary office expenses of the courts and judges and other court officials; to regulate and pay necessary travel and subsistence expenses incurred by judges and other court officials and employees while absent from their official stations on official business; to disburse the monies appropriated for the maintenance and operation of the courts; to purchase and assign the custody of law books, equipment and supplies; to audit vouchers and accounts of the courts and their clerical and administrative personnel; to provide accommodations for the courts; and to perform such other duties as may be assigned to the Director by the Supreme Court or the Judicial Conference. The Director is also required, under the supervision of the Judicial Conference, to submit to the Bureau of the Budget annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the courts and the Administrative Office, and such supplemental and deficiency estimates as may be required from time to time. These estimates are to be approved before presentation to the Bureau of the Budget by the Judicial Conference. All such estimates under the statute "shall be included in the budget without revision but subject to the recommendations of the Bureau

of the Budget" Under the requirement that the Director perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference, the Director and his staff have become an effective agency of the Conference and its committees and an aid to the judicial conferences of the circuits and to the courts themselves.

There are four divisions in the Administrative Office: The Division of Business Administration has an Audit Section which audits the accounts of the various court officials; a Service Section which attends to the purchase of law books and other equipment and supplies and which provides quarters, telegraph and telephone service and the like; a Budget and Accounting Section which prepares the estimates for appropriations for the courts and attends to the allocation of the funds appropriated. The Division of Procedural Studies and Statistics collects from the clerks of the courts statistics concerning their work so that the nature and extent of the case load shall be known and reported to the several circuits and districts and to the Judicial Conference. The Division of Probation supervises the business practices of probation officers. The Division of Bankruptcy supervises the business practices of the referees.

In summary, the agencies of federal judicial administration are, in order of importance, the courts themselves, the Judicial Conference of the United States, the judicial councils and conferences of the circuits, and the Administrative Office of United States Courts.

The operation of these agencies in the management of business affairs of the courts can best be understood from a brief description of some of the practical aspects of their work. Four principal functions are performed:

Providing personnel and facilities: Prior to the creation of the Administrative Office, the Department of Justice determined the number of deputy clerks in each clerk's office and fixed the salaries of clerks and deputies, within statutory limitations. It also fixed the number and salaries of the officers and clerks in the probation offices in the district courts. These functions are now performed by the Administrative Office. The power to fix the salaries of secretaries and law clerks of judges is in the Director of the Administrative Office, to be exercised, however, on the basis of a classification of these employees by the judges according to efficiency, with review in the judicial councils in the event of dispute. Some central control is necessary in respect of these matters since there is a single appropriation for each class of service for the entire judicial system which must not be exceeded. Since the appointment of clerical personnel is made by the judges themselves, it is their responsibility to see that such personnel are properly qualified. The Judicial Conference has, however, laid down standards for three classes of officials, to wit, United States commissioners, probation officers and court reporters. The procuring of suitable quarters must be accomplished by the Administrative Office through the cooperation of the Public Buildings Service in the General Services Administration and of the Post Office Department.

The preparation of the budget for approval by the Judicial Conference and presentation to the Senate and House Committees on Appropriations is of course an important aspect of the function of providing for personnel and facilities. The budget is presented to the Committees with the aid of members of the Judicial Conference who testify in justification of the several items of the budget. The budget breakdown is in the following items: salaries of judges; salaries of clerks; probation system; salaries of criers; fees of

commissioners; fees of jurors; miscellaneous salaries; miscellaneous expenses; travel expenses; salaries of court reporters; salaries and expense of the Administrative Office; repairs and improvements of buildings; salaries and expenses of referees in bankruptcy.

Promoting promptness in the dispatch of judicial business: The Division of Procedural Studies and Statistics of the Administrative Office has established a comprehensive and exact system of reporting. The clerk of each district and circuit court makes a report on a separate card as to each case filed and as to each case terminated. Bankruptcy termination reports are prepared in the referees' offices on a form filed with the clerks. All of these case reports are sent once a month by each clerk with a summary form showing the number of cases filed and terminated during the month and the number of cases pending at the end of the month. Cards for the cases filed show the district, the docket number, the nature of the case or type of offense and the name of the case. The termination report shows the procedural progress of the case in court, whether there was a trial or not, how long the trial lasted, by what judge the case was tried and the outcome, i. e., the amount of recovery or the nature of the judgment in a civil case or the type and length of sentence in a criminal case. In bankruptcy the distribution to creditors is given with an analysis of the expenses of administration. The information on these cards is classified by the Division staff by numerical code, and the numbers for each item are punched on the cards which are then processed through a sorting and counting machine of the Hollerith type. In the fiscal year 1950, approximately 258,000 separate case cards were processed. The tabulations provide a means by which the judges, the circuit councils and conferences and the Judicial Conference can be advised at all times as to the state of business,

the need of dispatch, and the means by which it can be accomplished, including procuring temporary assignment of outside judges for courts in difficulty or the creation, where necessary, of additional judgeships. The quarterly reports prepared by the Division present an up-to-date picture of the work in each district. They show the flow of civil, criminal and bankruptcy business and figures giving the number of cases pending at the beginning of the quarterly period, the number filed, the number terminated and the number pending at the end. The report for the fourth quarter gives the final condition in each district as of June 30 annually. An annual report prepared by the Division is filed with the Congress together with a statement by the Director giving full information as to judicial business for the whole judicial system, an analysis of developments during the year, a general report as to the condition of the dockets, and tabulations showing the time required for disposition of cases by the district courts and courts of appeals. The Division of Procedural Studies and Statistics also collects quarterly reports as to cases held under advisement and the reasons therefor if a case has been held more than 60 days. These reports have resulted in substantial reduction of the number of cases held under advisement and of the time during which they are so held.

Where congestion of judicial business is shown by the Division reports to be so persistent as to require the creation of additional judgeships, the Judicial Conference recommends legislation for an increase. The responsibility then lies with the Congress, which has the duty to the public of providing an adequate judicial force.

Promoting efficient procedures. Through the studies of committees consisting of both circuit and district judges, the Judicial Conference devises means of improving efficiency in the operation of the courts. Examples are the recommendation of pre-trial procedure to the district courts and the

creation of a standing committee of judges to further its use and the recommendation of methods for saving expense in the use of jurors. At the present time a study is being made by a Conference committee of the trial of antitrust cases with a view to recommending procedures which may aid in reducing the time of the courts consumed in these complicated suits.

Securing legislation of benefit to the courts. It is the general policy of the Judicial Conference to refrain from passing judgment on matters pertaining to substantive law or measures involving issues of policy which are primarily for the determination of the Congress. But the Conference does make recommendations for legislation relating to organization and operation of the courts. In doing so, it first gives the circuit and district judges an opportunity to express their views on any measure under consideration. A committee of the Conference appointed by the Chief Justice, of which at least half the members are district judges, studies a given measure and circulates a report thereon throughout the judiciary. This report is submitted for consideration at the circuit conferences, and action taken at these conferences is then reported through the chief judges to the Judicial Conference. Only at the end of this process does the latter body make recommendations to the Congress. Examples of improvements in the organization and operation of the courts accomplished by legislation recommended by the Conference are the following: establishment of an official court reporter system for the district courts; change of the method of compensating referees in bankruptcy from a fee to a salary basis; limitation of three-judge district courts convened to hear cases arising under the antitrust laws to one circuit judge and two district judges, thus lessening the interference of such cases with the work of the courts of appeals---a previous statute having required the service of three circuit judges; revision and simplification of the manner of handling fees charged

by the clerks of the district courts; simplification of methods of the court clerks in handling trust funds through checking accounts with the Treasury of the United States; placing the appointment of all of the United States commissioners in national parks solely in the district courts of the districts in which the parks are located, a previous statute having required the appointment of such commissioners on recommendation and approval of the Secretary of the Interior; revision of Title 18 and Title 28 of the United States Code--the Criminal and Judicial Codes, respectively; increase in the per diem fees, mileage and allowance for subsistence of jurors; limitation of review of orders of the Federal Communications Commission (other than those issued in the exercise of its radio licensing functions) and of the orders of the Secretary of Agriculture under the Packers and Stockyards Act and the Perishable^{Agricultural} Commodities Act and of the orders of the United States Maritime Commission, Federal Maritime Board and Maritime Administration to the appropriate circuit courts of appeals with further review on certiorari by the Supreme Court rather than, as theretofore, to three-judge district courts consisting of a circuit judge and two district judges with right of appeal direct to the Supreme Court; establishment of the Youth Authority for individualized treatment of youthful offenders.

It may properly be said in conclusion of this topic that the Administrative Office Act of 1939 and its administration by the Judicial Conference, the judicial councils and circuit conferences, the Administrative Office with its Director and Assistant Director and the courts themselves have accomplished greater effectiveness in the national judicial system as a whole, ~~while~~ at the same time preserving both the vitality and independence of the parts; and the Act has unified authority and responsibility in the fiscal and administrative affairs of the courts and has eliminated any potentiality of limitation by the Executive Branch of the Government of the effective operation of the Judicial

Branch. Subject only to the authority of the Congress, as the representative of the people, to determine the amount of the appropriations for the support and operation of the courts and for their housing, the Judicial Branch has complete independence, both as to its decisions and as to its business affairs.

III

Although there is a basis for some satisfaction in respect of improved efficiency in the operation of the United States courts through the new agencies and methods of administration above described, the fact must be faced that there is, notwithstanding these new agencies and methods, a continuing serious delay in the disposition of cases on the civil docket in both the district courts and the courts of appeals. In the 86 United States District Courts, for civil cases in which a trial was held and terminated during the fiscal year 1950, the median time interval from filing to disposition was 11.2 months; from issue to trial, 6.7 months. Criminal cases were more promptly dealt with because of the priority to which they are entitled. In the courts of appeals the median time between filing of the complete record and final disposition for cases terminated after a hearing or submission was 7.1 months, although the median time from hearing to decision was but 1.5 months. But the period of 11.2 months plus 7.1 months between filing in the district courts and final disposition in the courts of appeals, to which must be added the median time between disposition in the district courts and the filing of the record in the courts of appeals (2.5 months) makes a total delay of 20.8 months.

If the figures for particular districts be consulted rather than those for the 86 districts taken together, the time interval is in some instances much greater than that just stated. For example, in the Southern District of New York, the median time in the fiscal year 1950 from filing to disposition of civil cases in which a trial was held was 32.4 months; from issue to trial 21.1 months. In the District of Columbia, the median time

from issue to trial was 21.4 months in jury cases and 17.1 months in non-jury cases. ^{1/} ~~(the figures for the District of Columbia are available only for 1948 to 1950)~~ In California, in the Federal District Courts the lag is less. The median time interval from filing to disposition of civil cases in which a trial was held, in the fiscal year 1950, in the Northern District was 10.5 months; from issue to trial 5.7 months. In the Southern District, the interval from filing to disposition was 8.8 months; from issue to trial 5.2 months. In the District of New Jersey, the interval from filing to disposition was 19.8 months; from issue to trial 12.5 months. In the Eastern District of Pennsylvania (which includes Philadelphia) from filing to disposition the interval was 17.8 months; from issue to disposition 12.8 months. In the Eastern District of Michigan (which includes Detroit) from filing to disposition was 11.7 months; from issue to disposition 7.7 months. In the Northern District of Illinois (in which Chicago is situated) from filing to disposition 16.0 months; from issue to trial 10.0 months.

If the series of years ending with the fiscal year 1950 for which figures are available, to wit, the years 1945 to 1950 are regarded the showing is not more heartening; on the contrary, the reports show that in most of the districts above particularized, the time lag in disposition of cases has been increasing. The following tables so demonstrate: 1a/

^{1/} No figures are available in respect of the District of Columbia for the interval from filing to disposition.

1a/ The figures for the District of Columbia are available only for 1948 to 1950.

MEDIAN TIME INTERVALS, IN MONTHS, FROM FILING TO DISPOSITION OF CIVIL CASES
IN WHICH TRIAL WAS HELD, TERMINATED DURING THE FISCAL YEARS 1945 THROUGH
1950, IN CERTAIN SELECTED DISTRICTS.

Fiscal Year	86*							
	Districts	N.Y.,S	N.J.	Pa.,E.	Mich.,E.	Ill.,N.	Cal.,N.	Cal.,S.
1945	9.0	15.2	20.7	11.6	13.0	11.1	7.7	7.8
1946	8.9	16.0	11.2	12.1	8.3	12.1	11.2	8.5
1947	9.0	17.9	7.3	13.4	10.4	12.6	8.9	5.9
1948	9.9	22.5	20.1	13.7	8.8	11.1	10.5	7.1
1949	10.4	21.8	20.3	15.3	10.3	13.7	10.1	6.7
1950	11.2	32.4	19.8	17.8	11.7	16.0	10.5	8.8

MEDIAN TIME INTERVALS, IN MONTHS, FROM ISSUE TO TRIAL OF CIVIL CASES
IN WHICH TRIAL WAS HELD, TERMINATED DURING THE FISCAL YEARS 1945
THROUGH 1950, IN CERTAIN SELECTED DISTRICTS.

Fiscal Year	86*							
	Districts	N.Y.,S	N.J.	Pa.,E.	Mich.,E.	Ill.,N.	Cal.,N.	Cal.,S.
1945	5.3	8.2	10.5	6.9	8.9	6.9	4.7	4.5
1946	5.0	10.1	6.7	7.5	5.4	6.2	5.1	3.3
1947	5.1	11.4	5.4	8.7	7.1	6.9	5.0	3.4
1948	5.8	15.1	12.6	10.3	5.9	7.4	5.9	3.8
1949	5.9	18.8	12.6	12.6	7.3	7.4	4.9	3.7
1950	6.7	21.1	12.5	12.8	7.7	10.0	5.7	3.2
* 84 districts 1945-1948; 86 districts 1949-1950								

MEDIAN TIME INTERVALS, IN MONTHS, FROM ISSUE TO TRIAL OF CIVIL CASES IN WHICH
TRIAL WAS HELD, TERMINATED DURING THE FISCAL YEARS 1948 THROUGH 1950 IN THE
DISTRICT OF COLUMBIA

<u>Fiscal Year</u>	<u>Jury Cases</u>	<u>Non-Jury Cases</u>
1948	13.3 months	15.2 months
1949	19.0 "	16.2 "
1950	21.4 "	17.1 "

Such figures as are available to me for state courts indicate a similar extreme delay in the disposition of their cases, except in New Jersey. According to the Seventeenth Annual Report of the Judicial Council of the State of New York, on June 30, 1950, there was a delay in the trial of tort jury cases in the Supreme Court of New York, varying from 39 months in New York County, 33 in Kings, 28 in Queens, 26 in Orange and 25 in the Bronx, to as low as 9 months in Erie County. In Michigan, the Twentieth Annual Report of the Judicial Council, published in September 1950, states in respect of the period in Wayne County (wherein Detroit is located) intervening between the time when the oldest civil cases are noticed as ready for trial and the date set for trial, that since January 1, 1939, this period for cases at law has varied between a maximum of 20 months (January 1948) and a minimum of 10 months (January 1938 and 1944); that on January 1, 1950, it stood at 17 months and 22 days, the average (1939 - 1950) being 14 months and 13 days. For chancery cases, according to the report, the period varied between a maximum of 19 months (January 1948) and a minimum of 7 months and 15 days (January 1944) and it stood on January 1, 1950 at 17 months and 15 days, the average for the period 1939 - 1950 being 12 months and 8 days. Such information as I have been able to secure in respect of the Circuit Court of Cook County, Illinois (in which is located Chicago) the principal trial court, is that the period for a case to get to trial is "from one to two years." The Administrative Director of the courts of New Jersey reports that as of September 1, 1950, of the 5,675 cases on the combined lists of the law divisions of the Superior and County Courts 57% were less than six months old; 36% from 6 to 12 months old; 6.7% were more than one year old; that in 10 of 21 counties every pending case which was triable had been disposed of. The New Jersey State Courts have the best record of any of the courts concerning which I am informed.

The only information I have been able to obtain concerning the California State Courts came through a member of the Bar in Los Angeles. He wrote: "About the time of getting to trial, after issues joined, in the Superior Court cases in California: Exclusive of the priority cases (like Forcible Detainer, etc.) in Los Angeles County it takes about seven months in a non-jury case and about ten months in a jury case. This is quite an improvement over what it was some time back. Our presiding judge of the Superior Court here is a good man, Judge W. Turney Fox, and he keeps pounding away at this problem of lessening the time between issues joined and trial."

Delay whether of years or months in the disposition of cases in the courts is a denial of justice to both private and public litigants. An article in "This Week Magazine" for June 3, 1951, high lights examples of the consequences of delay to private litigants: "One day three years ago, brakes screeched piercingly on the streets of a Pacific Coast city, and Ed Dutton lay broken and bleeding on the asphalt. In the hospital doctors told him he would be a cripple for life. This was crushing news. Ed was only 37. He had a wife and two small children to support. Yet at least financial succor might be available. The highpowered car had gone through a stop sign. It was driven by the teen-aged son of a well-to-do family. One of the leading stockbrokers in the community had been a witness to the needless accident. He would testify to the recklessness involved. Perhaps Ed Dutton could recover sufficient damages to raise and educate his youngsters, although even this would be poor compensation for his permanent disability. Then his lawyer confronted him with the staggering information that the litigation could not come to trial for two years. Tort cases, which means suits for wrongful acts, were 23 months behind schedule in the local courts. Frantically, Ed borrowed money from friends and relatives. He sold his own car to take care of

hospital bills and doctor's fees. His case seemed so airtight that he felt certain all this could be repaid. But the broker, who was his key witness, died of a heart attack after 20 months, just 80 days before the case at last was to be heard. In hopeless desperation, Ed Dutton finally waived all his claims, in return for a sum which was merely a fraction of that necessary to sustain his family. Eventually he and his wife and children may be public charges. . . ." "A young veteran of World War II in Portland invested all his savings in a house. The roof commenced to leak. The house would not heat. The green lumber warped and buckled. Plumbing fixtures came apart. The buyer had paid a high price--clearly a case of fraud. But it will be at least 16 months before the veteran can get into circuit court. Meantime he can't afford another house. This flimsily constructed home must undergo expensive repairs before another stormy Northwest winter settles down. What's the swindled ex-soldier going to do? . . ." It will be remembered, I think, that during the War, one case involving the question of validity of an Executive Order directing the Secretary of War to seize and operate the plants of a private industry more than five months before the Germans surrendered and more than seven months before the Japanese surrendered, was not finally disposed of until ten months after filing, and then only through a remand by the Supreme Court with instructions to dismiss as moot because the War was over. The President was unable during the War to ascertain with finality what his powers of seizure were.

No private enterprise that delayed filling its orders from 10 to 30 months would expect to maintain the good will of its customers and stay in business. Since there is no other institution to turn to the public continues, of course, to litigate in the courts. But there is a general apathy toward and impairment of confidence in the courts as an institution of government because of the delay in the disposition of cases.

What are the causes of delay? In some states, there is apparently as yet no mechanism or central authority whereby judges in localities where the case load is not heavy can be assigned to aid in the disposition of overcrowded dockets elsewhere. Such conditions can be corrected by legislation. Such a mechanism and central authority has been created in New Jersey with good results. In some instances, in both federal and state courts, delay may be due to ineptness of judges. Present methods of selection in both the states and the nation do not always result in bringing to the bench the ablest and most experienced members of the profession. Indeed, conditions of tenure, compensation and retirement are such, in some instances, as not to attract the ablest and most experienced lawyers toward a judicial career. The British system whereunder appointments to the nisi prius courts are made only from barristers and wherein appointments to the Court of Appeals are made solely from members of the nisi prius courts and where, although the appointments are technically made by the Prime Minister, the judges are actually selected **and solely upon merit,** by the Lord Chancellor/ may set a pattern worthy to be followed. The general excellence of the British bench and the expedition with which it disposes of cases are well known. A further cause of delay may be the summer suspension system which closes some courts for a substantial period in the summertime except for emergency hearings. This is in part traditional and in part due to the difficulty, in some jurisdictions, of securing the attendance of counsel, parties and witnesses in the summer period. But courts must be, I think, like fire and police departments, available to serve the public need at all times. It may be necessary to approach in the judiciary what many educational institutions have instituted, i. e., a system of continuous operation, staggering throughout the year such rest periods as are necessary to the health of officials and employees. Certainly, the legal profession,

judges and lawyers together, is under obligation to give consideration to remedying each of the possible causes of delay above mentioned.

But the major cause of delay in both the state and federal courts is the case load relative to the number of judges available: The population of the United States in 1900 was 75,994,575. In 1950 this had increased to 150,697,361. In 1900, there were 13,225 civil and 10,607 criminal cases commenced in the United States district courts, a total of 23,832 cases; there were 101 judges, and the case load per judge was 236. In 1920, 22,109 civil cases and 55,587 criminal cases were commenced, a total of 77,697 cases; there were 112 judges, and the case load per judge was 693. In 1940, 34,734 civil cases and 33,401 criminal cases were commenced, a total of 68,135 cases; there were 199 judges, and the case load per judge was 343. In 1950, 54,622 civil cases and 36,383 criminal cases were commenced, a total of 91,005 cases; there were 221 judges, and the case load per judge was 412. In the United States Courts of Appeals, in the year 1900, 1,093 appeals were docketed; there were 29 judges with a case load of 38 per judge. In 1920, 1,523 appeals were docketed; there were 31 judges with a case load of 49 per judge. In 1940, 3,446 appeals were docketed; there were 57 judges with a case load of 60 per judge. In 1950, 2,830 appeals were docketed; there were 65 judges with a case load of 44 per judge. The total number of cases filed in the district courts in 1950, 91,005, and the number of district judges, 221, **as does the comparative caseload per judge - 412 as against 236.** contrasts strikingly with the total cases in 1900, 23,832 and 101 judges. The number of cases increased almost four-fold, but the number of judges has only a little more than doubled. Speaking in terms of particular districts and of the fiscal year 1950: In the Southern District of New York, 5,210 civil cases and 987 criminal cases, a total of 6,197 cases, were commenced. There were 16 district judges; the case load per judge was 388. In the District of

Columbia, 3,047 civil cases and 2,090 criminal cases were filed, a total of 10,137 cases. There were 15 district judges; the case load per judge was 675. In the Northern District of California, 1,328 civil cases and 585 criminal cases were filed, a total of 1,913 cases. There were 7 district judges; the case load per judge was 274. In the Southern District of California, 2,191 civil cases were filed and 2,298 criminal cases, a total of 4,489 cases. There were 10 district judges; the case load per judge was 449.

Obviously, the federal courts, in view of the foregoing figures, are attempting to bail out an ocean of cases with a spoon of judges. No military commander is justified in entering a battle outnumbered by the enemy if he can obtain more troops. ~~for himself~~ It is his duty to seek reinforcements from those authorized to provide them. The federal bench and bar are charged with the responsibility of taking every step possible toward obtaining so substantial an addition to the personnel of the federal judiciary as will make it possible to deal both carefully and promptly with all of the cases from year to year. There is an equal responsibility upon the state bench and bar in respect of the state courts. Since 1939, 11 additional permanent federal circuit judgeships have been created, 26 additional permanent district judgeships and 14 additional, but temporary, district judgeships, a total of 51 judges of all classes. This is approximately a 23% increase in the number of district judges. But between 1940 and 1950 there was a 33-1/3% increase in the case load of the federal district courts.

Since the major cause of delay in the disposition of cases in the federal courts is, as the foregoing figures show, an insufficient number of judges to deal with the case load, the major cure must obviously be a substantial increase in the size of the judiciary. Minor additions will not solve the problem. In view of the serious lag in the disposal of cases in the

Southern District of New York and in view of the case load in that district shown above, the Judicial Conference this year recommended to the Congress the creation of five additional district judgeships and a bill was introduced to give effect to this recommendation. The Senate Judiciary Committee has just reported its recommendation that only two of such judgeships be created. If the bill, as enacted, follows the Senate Report the grave arrearages in judicial business in the Southern District of New York will remain substantially what it now is.

What are the obstacles to a substantial enlargement of the judiciary? Certainly, so far as the federal judiciary is concerned there is no great obstacle in cost. Even if the cost were high, the expenditure would be justifiable. Prompt disposition of controversies ^{between private litigants and} between private litigants and the Government is as imperative in the public interest as is prompt medical and surgical relief to those injured and ailing. The present cost of the support of the United States Courts is relatively insignificant. It could be doubled without noticeable burden. The total of the estimated expenditures for the federal judiciary for the fiscal year 1952, including the support of the Supreme Court and of the legislative courts mentioned above, as well as of the district courts and the courts of appeals is \$26,090,065. This is less than 1/23th of 1% of the total estimated expenditures for the Government as a whole, for the same fiscal year, to wit, \$71,594,259,676. If defense appropriations are deducted the total of the estimated expenditures for the Government as a whole is \$47,210,485,596.

Of this, the cost of the support of the courts under the budget estimates is approximately 1/19th of 1%. ^{2/}

There follows a table, in which is compared the estimated expenditures and average personnel for the fiscal year 1952 for the federal courts, the legislative branch of the Government, several of the executive departments and bureaus and the federal administrative agencies:

^{2/} It should be noted in this connection, moreover, that in the fiscal year 1950 there was paid into the Treasury of the United States and into the Bureau of Internal Revenue by the courts \$8,838,837.77. Of this, \$5,666,881.51 comprised fees, fines and penalties paid by the court clerks directly to the Treasury; \$536,867.00 naturalization fees; \$1,585,089.66 fines and penalties paid by the court clerks directly to the Bureau of Internal Revenue. To the foregoing should be added for completeness an item of \$1,440,030.34 comprising bankruptcy fees and expenses paid to the clerks for the fiscal year 1950. The grand total of court earnings, if these amounts can be referred to as such was \$9,278,868.11.

UNITED STATES BUDGET AND PERSONNEL FISCAL YEAR 1952

<u>Branch, Department, Bureau, etc.</u>	<u>Average Personnel</u>	<u>Budget</u>
United States Courts (all courts)	4,563	\$ 26,090,065
Legislative Branch	9,979	68,776,345
Civil Aeronautics Board	643	3,900,000
Department of Commerce	44,640	933,640,925
Federal Bureau of Investigation	12,158	63,867,000
Federal Communications Commission	1,263	6,850,000
Miscellaneous		1,500
<u>Total</u>	1,263	6,851,500
Federal Power Commission	733	4,045,000
Flood Control Surveys	56	320,000
Miscellaneous		29,400
Replacement of Personal Property		800
<u>Total</u>	789	4,395,200
Federal Trade Commission	656	3,892,000
Bureau of Indian Affairs	7,465	43,600,000
Resources Management	2,215	11,400,000
Construction	552	12,000,000
Administrative Expenses	759	3,600,000
Revolving fund for Loans		800,000
Payment to Oklahoma Indians		25,000
Claims and Treaty Obligations		151,020
Operation of Power Systems, etc.	66	1,500,000
Acquisition Oklahoma land		500
Indian Arts and Crafts Fund		200
Indian Tribal Funds	1,007	12,000,000
<u>Total</u>	12,064	85,076,720
Interstate Commerce Commission	1,897	9,823,000
Railroad Safety	131	1,000,000
Locomotive Inspection	112	719,000
Miscellaneous		1,000
<u>Total</u>	2,140	11,543,000
National Labor Relations Board	1,466	8,582,500
National Mediation Board	44	410,000
Arbitration and Emergency Boards	7	150,000

<u>Branch, Department, Bureau, etc.</u>	<u>Average Personnel</u>	<u>Budget</u>
National RR Adjustment Board	74	\$ 638,000
<u>Total</u>	125	1,198,000
Securities and Exchange Commission	1,050	5,924,000 ^{3/}
Department of Agriculture	65,409	993,943,560
Department of Interior	53,343	619,858,473
Department of Justice	29,556	156,831,000
Department of Labor	6,122	231,289,000
Post Office Department	494,453	2,360,874,000
State Department	28,100	283,646,376
Treasury Department	114,520 ^{4/}	9,188,013,482

^{3/} The total figure for the support of the Civil Aeronautics Board, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission, National Labor Relations Board, National Mediation Board and Securities & Exchange Commission is \$46,286,200.

^{4/} This figure includes Coast Guard personnel, 4,667 of whom are civilians, and 28,450 of whom are in uniform. The average number of Treasury employees exclusive of the Coast Guard is therefore 81,403.

I have access to no figures concerning the cost of the support of the state courts, either absolute or relative to the cost of the support of the state legislatures or of the executive branch of the state governments. But I think it a fair assumption that the absolute cost of support of the state courts is, like that of the federal courts, not substantial and that the cost is relatively insignificant compared with the cost of the support of the legislative and executive branches.

The most serious obstacle to a substantial enlargement of the personnel of the courts is a lack of crisis psychology. We seem to improve our practices and institutions only after a catastrophe. Not until the Slocum sank in New York harbor with great loss of life were laws enacted requiring life belts to be made of cork rather than saw dust; not until the roof of the Knickerbocker Theatre collapsed and caused many deaths and injuries were safety regulations for buildings promulgated in the District of Columbia; not until Pearl Harbor did we build an adequate military establishment. Undue delay in the disposition of judicial business is a catastrophe to individual litigants. But the totality of this is not silhouetted upon the attention of either the people or their representatives in the Legislative Branch of the federal and state governments whose duty it is to provide an adequate judiciary.

The institutions of a republic can be made adequate if the people and their representatives really want them so. Compare the adequacy of the military establishment before Pearl Harbor and at the close of World War II. Consider also the Federal Bureau of Investigation. Its service and the need thereof has been effectively presented by an able Director to the people and to their representatives. Congress has responded with appropriations sufficient for the support of a personnel adequate in both number and expertness to the task of the Bureau. This outlines the duty of the bench and of the organized

bar, state and federal. The legal profession in states and the nation aided by the press and, on a bi-partisan basis, by political leaders, must effectively bring to the people and their representatives the need of more effective operation of the courts and the steps which must be taken to accomplish this. Apathy toward and impaired confidence in our judicial institutions must not be permitted to ~~continue~~^{5/} ~~continue~~ continue because of delay. 5/

5/ I acknowledge with thanks the assistance of Mr. Henry P. Chandler, Director of the Administrative Office of United States Courts, of Mr. Elmore Whitehurst, Assistant Director, and of Mr. Will Shafroth, Chief of the Division of Procedural Studies and Statistics, in assembling data for this paper. Especially, I give credit to The Administration of the Federal Courts by Henry P. Chandler, reprinted from the symposium on "The Federal Courts," published as the Winter, 1948 issue of "Law and Contemporary Problems," Duke University Law School, Durham, North Carolina.

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON

BENNETT CHAMP CLARK

WILBUR K. MILLER

E. BARRETT PRETTYMAN

JAMES M. PROCTOR

DAVID L. BAZELON

CHARLES FAHY

GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES

D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

September 22, 1951

RECEIVED

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CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington, D. C.

My dear Mr. Chief Justice:

Recently I made an address at the California Conference of State Court Judges entitled, "Shop Talk Concerning the Business of the Courts," in which I discussed the creation and accomplishments - in respect of improvements in the administration of justice - of the Judicial Conference, the circuit councils and circuit conferences, and the Administrative Office of the United States Courts, and discussed also the problem of delay in the disposition of cases in both federal and state courts. This subject is in topic III, i. e., the latter subject.

Judge Biggs read my address and asked me to have it mimeographed and sufficient copies sent to you for the delivery of one to each member of the Conference. He seemed to think that the contents of topic III were worthy of consideration by the members of the Conference.

Accordingly I transmit herewith twelve copies.

Sincerely yours,

Harold M. Stephens

Enclosures (12)

HAROLD M. STEPHENS
CHIEF JUDGE

HENRY W. EDGERTON
BENNETT CHAMP CLARK
WILBUR K. MILLER
E. BARRETT PRETTYMAN
JAMES M. PROCTOR
DAVID L. BAZELON
CHARLES FAHY
GEORGE THOMAS WASHINGTON
CIRCUIT JUDGES
D. LAWRENCE GRONER
RETIRED CHIEF JUDGE

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

WASHINGTON 1, D. C.

December 10, 1951

Honorable Fred M. Vinson
Chief Justice of the United States
Supreme Court Building
Washington, D. C.

My dear Mr. Chief Justice:

The following is an excerpt from a letter just received from Judge Alfred D. Barksdale dated December 6, 1951, giving an account of his recent conference with Stuart Campbell with reference to the widows' pension bill:

"On yesterday, I paid a visit to Stuart Campbell in Wytheville. I did not mention the fact of your visit to me in Lynchburg, but I did tell Stuart about Judge Parker's suggestion that I call on him. I am not sure that I did any good, but I feel reasonably sure that I did no harm.

"As soon as I told Stuart the reason for my visit, he told me that he was opposed to the Bill for the reasons which he stated at the meeting of the House of Delegates in New York. However, he was entirely pleasant about it and quite willing to hear and consider what I had to say. I undertook to point out to him some considerations which he had overlooked, and I left with him copies of the two reports of the Senate Judiciary Committee and a copy of your memorandum. He promised me he would give these his careful consideration and advise me later of his conclusions. I deemed it entirely unwise to undertake to obtain any final commitment from him yesterday. I will keep you advised."

Sincerely yours,

NOTED
DEC 1951

F.M.V.

cc: Judge Biggs

NOTED
DEC 12 1951
F.M.V.

Harold M. Stephens

Stephens

July 3rd, 1952 -

Dear Harold:-

Thank you for sending me the bound record covering the program and activities incident to the laying of the Cornerstone of the new United States Courthouse which West Publishing had prepared.

It strikes me as a most appropriate memorabilia of an outstanding achievement in the annals of the Judiciary for the District of Columbia.

I am most appreciative of your thoughtfulness.

Sincerely,

(Signed) Fred M. Vinson

Honorable Harold M. Stephens, Chief Judge
United States Court of Appeals
District of Columbia Circuit
Washington 1, D.C.

Thomason

July 21, 1952 -

Dear Ewing:

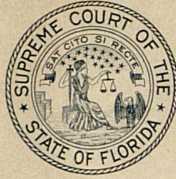
I am most appreciative of the very sweet note which you wrote me upon the occasion commemorating my six years as the Chief Justice.

Thank you for your personal references.

With kind regards and every good wish to you and yours, in which Roberta joins,

Sincerely,

Honorable R. E. Thomason, Judge
United States District Court,
El Paso, Texas.



ELWYN THOMAS
CHIEF JUSTICE
SUPREME COURT

STATE OF FLORIDA
TALLAHASSEE

RECEIVED

JAN 8 10 34 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

5 January 1949

Dear Mr. Chief Justice:

In the reported cases of the Supreme Court of the United States where petitions for writs of certiorari have been denied, two forms are used; one, that the petition is denied, and the other, that the petition is denied "for want of a final judgment."

Of course it is perfectly clear what is meant by the latter, but the question has been asked here whether, in using the former, the court has reached a conclusion based on the merits of the petition without there having arisen any question of the finality of the judgment in the lower court.

If you can give me this information and grant me permission to make it available to the members of the bar as inquiries about it reach us, it will be a great accommodation.

Wishing you much happiness in the New Year, I am

Yours respectfully,


Elwyn Thomas

The Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

R. E. THOMASON
UNITED STATES DISTRICT JUDGE

EL PASO, TEXAS

June 20, 1952

Dear Mr. Chief Justice:

My heartiest congratulations on the celebration of your seventh anniversary of your confirmation as Chief Justice. My great regret is that I cannot be present with Ralph Pittman and other friends to help you celebrate the occasion. I can never forget the delightful party we had at his house seven years ago.

You are a credit and an honor to the judiciary of our country and have justified the faith and hopes that your friends have always had for you.

Abbie joins me in wishing you and Roberta many years of health and happiness.

Your friend,

Erving Thomason.

The Honorable Fred M. Vinson
Chief Justice of the United States
Washington, D. C.

Waide -

File

SUPREME COURT
STATE OF UTAH
SALT LAKE CITY
February 23, 1950

LESTER A. WAIDE
JUSTICE

RECEIVED
MAR 3 10 46 AM '50
CHAMBERS OF THE
CHIEF JUSTICE

Hon. Fred M. Vinson, Chief Justice,
Supreme Court of the United States,
Washington, D. C.

Dear Justice Vinson:

The new Utah Rules of Civil Procedure as adopted by the Supreme Court of the State of Utah, went into effect on January 1, 1950. Since the original draft, published on May 5, 1949, a copy of which you have, the Committee has received a large number of suggested changes from members of the Committee itself and members of the Supreme Court, and judges of inferior courts, and also from various bar associations within the state and individual members of the bar. The Supreme Court, as a unit, reviewed the original draft and made certain recommendations to the Committee. Thereafter, the Committee reconsidered all of these suggestions and adopted such of them as it felt advisable and made its final recommendation to the Supreme Court, and the rules were adopted by the Supreme Court as recommended.

Most of the changes were merely corrections of grammar, typographical errors and oversights, but there were a few changes in the substance. The most conspicuous of these changes was to abandon the provisions for periods of one, two and three weeks as contained in the original draft for periods of five, ten and twenty days, in accordance with our present practice and the federal rules. These changes occur throughout the rules and it is impossible for me to cite the particular rules where they occur. We, however, have retained the periods of one, two and three months instead of thirty, sixty and ninety days, the Committee feeling that it will be easier for the practitioner to compute his periods in months rather than in the approximate number of days.

Also:

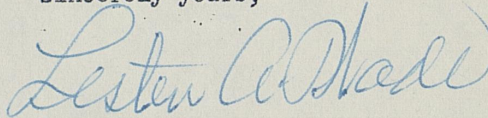
Rule 30(b) on discovery was in the original draft the same as the federal rule. We changed it to conform with the amendment made by the federal rule committee recommended to the Supreme Court of the United States, but which was not adopted presumably because it was felt that the old rule was sufficient as construed in *Hickman v. Taylor*, 329 U.S. 495. Our Committee agrees with the construction of the rule in the *Hickman* case but adopted the amendment to make sure that our Supreme Court would so construe it. To this effect, see the note in the rule as adopted.

Rule 51 was changed to require the court to instruct the jury before instead of after the arguments of counsel. This change is contrary to the federal rule but in accord with present Utah practice. It was the opinion of the Committee that a substantial majority of the Utah Bar favored the present practice.

Rule 63(b) governing change of judges for bias and prejudice was simplified by several deletions, and was changed to embody recommendations of the American Bar Association for 1948 including the requirement that another judge pass on the sufficiency of the affidavit. This rule is not covered by the Federal Rules but is covered by the Federal Judiciary Act.

If you are interested in obtaining a copy of these rules, you may do so by contacting the Paragon Printing Company, 122 West 2nd South, Salt Lake City, Utah. Price: \$4.25 per copy.

Sincerely yours,

A handwritten signature in blue ink that reads "Lester A. Wade". The signature is written in a cursive, flowing style.

Lester A. Wade.

LAW r

CHAMBERS OF
J. WATIES WARING
DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF SOUTH CAROLINA
CHARLESTON, S. C.

January 26, 1952

Honorable Fred M. Vinson
The Chief Justice
Supreme Court Building
Washington, D. C.

RECEIVED
JAN 28 4 04 PM '52
CHAMBERS OF THE
CHIEF JUSTICE
FEB 11 1952
W.V.

Dear Mr. Chief Justice:

I have today written to the President informing him of my intention to take advantage of the retirement statute as set out in Title 28, Section 371(b). I enclose copy of my letter.

I am pleased to say that the work of this District, both civil and criminal over which I have had supervision, is strictly current and I feel sure that no interruption in the public business will be occasioned.

With best regards and assurances of my personal esteem, I remain

Most sincerely,

J. Waties Waring
United States District Judge

JW

CHAMBERS OF
J. WATIES WARING
DISTRICT JUDGE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF SOUTH CAROLINA

CHARLESTON A, S. C.



January 26, 1952

Honorable Harry S. Truman
The President
White House
Washington, D. C.

My dear Mr. President:

I have decided to retire from regular active service as United States District Judge for the Eastern District of South Carolina to take effect at the close of business on February 15, 1952 in accordance with the provisions of Section 371, Subdivision (b) of Title 28 of the United States Code. I am eligible for retirement in accordance with the provisions of the above cited Section having attained the age of seventy years on July 27, 1950. My Commission is dated January 23, 1942 and I qualified and took the oath of office in this Court on January 26, 1942 so that I have served ten years continuously. I am calling this to your attention since the vacancy thus caused must be filled by Presidential appointment.

I am taking the liberty of sending copies of this letter to the Chief Justice of the Supreme Court of the United States, to the Chief Judge of the United States Court of Appeals for the Fourth Circuit, and to

Honorable Harry S. Truman - 2

January 26, 1952

the Attorney General and the Director of the Administrative Office of the United States Courts.

With best regards, I remain

Most sincerely yours,

J. Waties Waring
United States District Judge

cc: The Chief Justice
Chief Judge, Court of Appeals, Fourth Circuit
The Attorney General
Director, Administrative Office, U. S. Courts.

Weygant

The Supreme Court of Ohio

CARL V. WEYGANDT, CHIEF JUSTICE
EDWARD S. MATTHIAS
WILLIAM L. HART
CHARLES B. ZIMMERMAN
JAMES G. STEWART
EDWARD C. TURNER
KINGSLEY A. TAFT

Columbus

January 17, 1951.

File

Mr. Chief Justice Fred M. Vinson,
The Supreme Court of the United States,
Washington, D. C.

Dear Chief Justice Vinson:

As you may have observed, no appointment has been made to the Cleveland District Court vacancy, and I am wondering whether, in your judgment, there is anything further I can properly do or say with reference to my interest in the matter.

For example, I have not discussed the matter with either the President or the Attorney General. Would it likely be helpful if I were to do this?

With kindest regards, I am

Sincerely,

Carl V. Weygant
Chief Justice

C
O
P
Y

Weygandt

The Supreme Court of Ohio

CARL V. WEYGANDT, CHIEF JUSTICE
CHARLES B. ZIMMERMAN
JAMES G. STEWART
HENRY A. MIDDLETON
KINGSLEY A. TAFT
EDWARD S. MATTHIAS
WILLIAM L. HART

Columbus

March 12, 1952.

Hon. Donald S. Dawson,
The White House,
Washington, D. C.

Dear Sir:

Just a formal word to advise you that I am interested in the vacancy existing in the United States Court of Appeals for our Sixth Circuit.

Because of the material I supplied rather recently at the time of the vacancy on the Cleveland District Court, I assume that you do not care to have me duplicate this. However, I am suggesting the following for references:

Mr. Chief Justice Fred M. Vinson

Mr. Justice Harold H. Burton

Secretary Charles Sawyer

Ohio Democratic Chairman, Eugene H. Hanhart

Former Governor James M. Cox, Dayton

Judge John C. Collet of the United States Court of Appeals in your home state.

Should you care for anything additional, I shall be pleased to have you advise me accordingly.

Any consideration accorded me will be thoroughly appreciated.

With kindest regards, I am

Sincerely,

Carl V. Weygandt
Chief Justice

Weygandt

The Supreme Court of Ohio

CARL V. WEYGANDT, CHIEF JUSTICE
CHARLES B. ZIMMERMAN
JAMES G. STEWART
HENRY A. MIDDLETON
KINGSLEY A. TAFT
EDWARD S. MATTHIAS
WILLIAM L. HART

Columbus

May 26, 1952.

Mr. Chief Justice Fred M. Vinson,
The Supreme Court of the United States,
Washington 13, D. C.

Dear Chief Justice Vinson:

File

Just a formal word to thank you for
your kindness and for your helpful advice
last Friday.

With kindest regards, I am

Sincerely,

Carl V. Weygandt
Chief Justice

ROBERT N. WILKIN
DISTRICT JUDGE, RETIRED
NORTHERN DISTRICT OF OHIO

United States District Court

Judge's Chambers

Charlottesville, Va.

June 3, 1953

The Honorable Fred N. Vinson,
Chief Justice of the United States,
Supreme Court Building,
Washington 13, D. C.

Dear Chief Justice Vinson:

I acknowledge with thanks your letter of June 1st. I appreciate your kindness and your confidence.

There has been some difference of opinion and confusion about the designation of a retired judge. The first paragraph of Sec. 295 of the Judicial Code provides that no designation shall be made without the consent of the Chief Judge or Judicial Counsel of the Circuit from which a judge is to be designated. Does that language apply to a retired judge? If it does, then in the case of a retired judge who has moved from the circuit of his appointment, do the words "circuit from which a judge is to be designated" mean the circuit of his appointment or the circuit of his residence?

It seems to me that the purpose of the law would be served best if the retired judges could be designated by the Chief Justice upon the request of the chief judge of the circuit to which the retired judge is to be assigned and the consent of the retired judge.

There is of course good reason why an active judge should not be assigned outside his circuit without the consent of the chief judge; but that reason does not apply to retired judges, especially not to retired judges who have moved from the circuit of their original appointment.

It seems quite clear that the Chief Justice, with the aid and assistance of the Administrative Office, should be free to designate retired judges to places where their services are needed.

#2 -

The Judicial Conference of the United States
might clear up the confusion by resolution or by a
recommendation for the amendment of the law.

With kind regards, I am

Yours very truly,

Robert N. Wilkin

Robert N. Wilkin,

RNW/lmm

June 23, 1953

Honorable Robert N. Wilkin,
United States District Judge, Retired,
P.O. Box 135,
Charlottesville, Virginia.

Dear Judge Wilkin:

I will be glad to submit your views in respect to the designation of a retired judge, as set forth in your letter of June 3rd, to the Judicial Conference next September. I do not know how the Conference will react to the amendment of existing law.

With kindest regards,

Sincerely,

FMV:McH

Wilkin

July 2, 1953

Honorable Robert N. Wilkin,
United States District Judge, Retired,
P. O. Box 135,
Charlottesville, Virginia.

Dear Judge Wilkin:

I have your letter of June 24th, and wish to assure you that I thoroughly understood your viewpoint in regard to the matter which I will present to the Judicial Conference.

I enjoyed being with you at the Fourth Circuit Conference.

With every good wish,

Sincerely,

(Signed) Fred M. Vinson

Wilkin

June 23, 1953

Honorable Robert N. Wilkin,
United States District Judge, Retired,
P.O. Box 135,
Charlottesville, Virginia.

Dear Judge Wilkin:

I have your letter of June 22nd, and thank you for your personal references, including your view as to the Barrows and Bridges cases. You have a very strong statement in respect to the basic foundations upon which a judge should stand in pronouncing well considered judgments.

With the kindest regards,

Sincerely,

FMV:McH

ROBERT N. WILKIN
DISTRICT JUDGE, RETIRED
NORTHERN DISTRICT OF OHIO

United States District Court

Judge's Chambers

Charlottesville, Va.

June 24, 1953

The Honorable Fred N. Vinson,
Chief Justice of the United States,
Washington, D. C.

Dear Chief Justice Vinson:

With reference to your letter of June 23rd regarding designation of retired judges. When you submit my views to the Judicial Conference will you please be kind enough to say that I asked nothing for myself. I presented my views and my experience for the benefit of an efficient operation of the judiciary in accordance with the intent of the statutes.

With regards and respect, I am

Yours very truly,

Robert N. Wilkin

Robert N. Wilkin,

W/m

ROBERT N. WILKIN
DISTRICT JUDGE, RETIRED
NORTHERN DISTRICT OF OHIO

United States District Court

Judge's Chambers

Charlottesville, Va.

June 22, 1953

The Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington, D. C.

Dear Chief Justice Vinson:

I hope there is no impropriety in my expressing to you my admiration for your attitude toward and your judicial administration of the Rosenberg case. I concurred heartily with your opinion in that case and also with your opinion in the case of Barrows et al vs. Jackson regarding racial restrictive covenants. I also found myself in hearty accord with the opinion of my friend Stanley Reed in the Bridges case with which you concurred.

Our political institutions are maintained by the spirit of our jurisprudence. That spirit which pervades our political history and our philosophy of law must move and direct judges to sound conclusions.

To know the facts and the statutes is not enough. Unless a judge is imbued with the spirit of the law he cannot see the acute problems in proper perspective or in right relation to the ultimate purpose of the law. Quite often, it seems to me, some of the members of our profession who are blessed with brilliant minds are handicapped by a kind of spiritual blindness. They become lost in details. The old adage of the forest and the trees applies to them. The opinions of the truly great judges are characterized not so much by acuteness of analysis as by overall perspective and profound judgment.

C
Cordially and respectfully,

Robert N. Wilkin

RNW/lmm

Williams

ASHTON H. WILLIAMS
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF SOUTH CAROLINA
CHARLESTON, SOUTH CAROLINA

File

July 2, 1953

My dear Judge Vinson:

It was a real pleasure to meet you at White Sulphur Springs last week.

I was, of course, most deeply interested in your expressions with reference to the rehabilitation program which I have inaugurated in this Judicial District. You were kind enough to tell me that you would be willing to assist us in any way you possibly could. It would help our workers very much if you would write me a letter telling me exactly how important you feel a program of this kind is. We have as directors of our organization some of the most distinguished men in the State, and I am quite certain that they will be happy to know just how you feel about a program of this kind.

Assuring you of my high regards, I am

Respectfully,

Ashton H. Williams

The Honorable Fred M. Vinson
Chief Justice of The United States
Washington 1, D. C.

JOHN J. PARKER
United States Circuit Judge
Charlotte, N. C.

January 21, 1953

Hon. Ashton H. Williams,
United States District Judge,
Charleston, S. C.

Dear Judge:

Thank you for your good letter of January 20 enclosing clippings from the Florence Morning News and the Charleston News and Courier, which I have read with a great deal of interest. I think that you have started something that will turn out to be very important, and I hope you will keep busy on it until you perfect an effective organization. The problem with which you are dealing is one of the most serious problems that we have to face in the administration of criminal law. I congratulate you on having had the wisdom and vision to do something about the matter, and you can rest assured that you will have my sincere good wishes and cooperation.

With high personal regards, I am

Sincerely yours,

/s/ John J. Parker

COPY

Wyche

February 20, 1950

Honorable C. C. Wyche,
United States District Judge,
United States District Court,
Spartanburg, South Carolina.

Dear Judge Wyche:

Thank you for your letter of February 14th. I am
glad to have this information.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

FMV:McH

C. C. WYCHE
DISTRICT JUDGE

Judge's Chambers
United States District Court
Spartanburg, S. C.

February 14, 1950.

RECEIVED
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CHAMBERS OF THE
CHIEF JUSTICE

1532
7027-
The Honorable Fred M. Vinson,
Chief Justice, Supreme Court of the United States,
Washington, D. C.

Dear Mr. Chief Justice:

Judge Parker suggested that I write you about a conversation I had last Sunday with Honorable Joseph R. Bryson, Congressman from my district. Congressman Bryson is a member of the Judiciary Committee, House of Representatives. He told me that Chairman Celler is a great admirer and friend of the President; that the President is in favor of our salary bill, and so are he and Congressman Celler and a majority of the Judiciary Committee, and that if the President would talk to Congressman Celler about the bill, he felt sure it would be reported favorably out of the Committee at an opportune time, and that it would be passed by the House.

All of the Congressmen from my State are in favor of the bill, and would be active for its passage.

If you feel inclined, I think it would be highly advantageous for you to have a talk with the President and request his assistance. If something like this is not done, I am fearful that the bill will not be passed at this session, if at all.

I am taking the liberty of sending copies of this letter to Judge Stephens and Judge Biggs, whom I understand are collaborating with you on our bill.

I trust that you are enjoying good health, and hoping that I may have the pleasure of seeing you at our Judicial Conference next June, and with highest personal regards,

Sincerely yours,

C. C. Wyche
C. C. WYCHE,
United States District Judge.

PERSONAL AND CONFIDENTIAL

The Supreme Court of Ohio

CARL V. WEYGANDT, CHIEF JUSTICE
EDWARD S. MATTHIAS
WILLIAM L. HART
CHARLES B. ZIMMERMAN
JAMES G. STEWART
EDWARD C. TURNER
KINGSLEY A. TAFT

CHARLES B. ZIMMERMAN

Columbus

RECEIVED

January 21, 1949 JAN 24 10 01 AM '49

CHAMBERS OF THE
CHIEF JUSTICE

Honorable Frederick M. Vinson,
Chief Justice of the United States,
The Supreme Court of the United States,
Washington, D. C.

Dear Mr. Chief Justice:

Although you do not know me personally, I am hopeful that that situation may be remedied before long. Perhaps in addressing you as I am about to do I am proceeding in the wrong way, but I am a firm believer in direct action and shall present my case to you.

It now appears reasonably certain that within a comparatively short time there will be one or more vacancies on the United States Circuit Court of Appeals for the 6th Circuit. In such event, I would like appointment to that court.

As presently constituted, the court mentioned has two members from Michigan, two from Tennessee, one from Kentucky and one from Ohio. For several cogent reasons, Ohio is entitled to recognition. Northern Ohio is represented on the court by Judge Florence E. Allen, of Cleveland; my home is in the south-central part of the state.

As to my background, I was born at Springfield, Ohio, where I now live, June 22, 1891, and am in good health. My education was obtained at Wittenberg College and Harvard Law School and I was admitted to the bar of Ohio in 1913. After twenty years of general practice, interspersed by several ventures into politics, I was appointed to the Supreme Court of Ohio in 1933 by the then governor of Ohio, George White, and have since been elected three times - 1934, 1940, 1946. In 1940, I received the largest vote (1,250,000) and the largest majority (289,500) ever accorded a Democratic nominee for the Supreme Court of Ohio; in 1946 I was the only Democratic nominee for state-wide office in Ohio to be successful at the general election, winning by about 312,000 votes.

Of course, political potency is not necessarily the criterion of a good judge, but the above figures are somewhat indicative that the people of Ohio are for me in a judicial capacity.

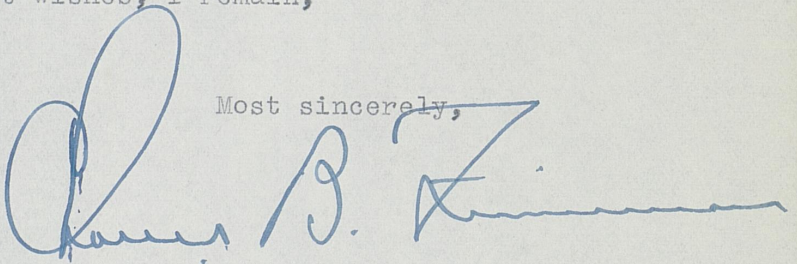
-2-

I am married and have three children - two boys and a girl ranging in age from 17 to 7. During World War I, I served in the armed forces of the United States (1917-1919), held the rank of major and saw overseas service with combat troops - 4th F. A. Brigade and the 82nd ("All American") Division. In religious affiliation I am a Lutheran and am presently a member of the Executive Board of the United Lutheran Church in America.

If you are of the opinion that I have a valid claim to consideration for the appointment under discussion and if you would be willing to talk with me about it, I shall be glad to come to Washington for that purpose at such time as you may suggest. I am confident that I could secure such endorsements as might be desired. Mr. Justice Burton, your associate, knows me and about my work as a judge.

With best wishes, I remain,

Most sincerely,

A handwritten signature in blue ink, appearing to read "Charles B. Zimmerman". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Charles B. Zimmerman.

January 29th, 1949.

Honorable Charles B. Zimmerman,
Justice, The Supreme Court of Ohio
Columbus, Ohio.

Dear Justice Zimmerman:

I have your letter of January 21st, the contents of which I have read with interest.

Circuit Judges in the federal judiciary are, under Title 28 §44 (a), appointed by the President "by and with the advice and consent of the Senate, ...". Therefore, the matter in which you are interested is one outside my bailiwick. I would suggest that you direct your efforts to the executive and legislative branches of the government.

I would be glad to have the pleasure of meeting you.

With kind regards, I am

Sincerely,

Zimmerman

January 29th, 1949.

Honorable Charles B. Zimmerman,
Justice, The Supreme Court of Ohio
Columbus, Ohio.

Dear Justice Zimmerman:

I have your letter of January 21st, the
contents of which I have read with interest.

Circuit Judges in the federal judiciary
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efforts to the executive and legislative branches
of the government.

I would be glad to have the pleasure of
meeting you.

With kind regards, I am

Sincerely,

(Signed) Fred M. Vinson

The Supreme Court of Ohio

CARL V. WEYGANDT, CHIEF JUSTICE
EDWARD S. MATTHIAS
WILLIAM L. HART
CHARLES B. ZIMMERMAN
JAMES G. STEWART
EDWARD C. TURNER
KINGSLEY A. TAFT

CHARLES B. ZIMMERMAN

Columbus

March 24, 1950.

RECEIVED

MAR 27 10 15 AM '50

CHAMBERS OF THE
CHIEF JUSTICE

NOTED

MAR 28 1950

F.M.V.

Honorable Fred M. Vinson,
Chief Justice of the United States,
United States Supreme Court Building,
1 First Street, N.E.,
Washington, D.C.

Dear Mr. Chief Justice:

My wife and I expect to spend Friday, April 14, 1950 in Washington. If President Truman is there at that time, do you suppose that I might be afforded the opportunity of meeting him personally for a few moments - a pleasure which I have never had. I have no axes to grind and no favors to ask. Although I do not like to trouble you with a matter of this sort, I would appreciate it greatly if you would assist me in the matter.

The spring recess of the Supreme Court of Ohio begins today. On next Monday, Mrs. Zimmerman and I are driving to Harrodsburg, Kentucky for a stay of a couple of days at the Beaumont Inn. We have been there before and have found it a delightful spot.

Hoping you are well and with best wishes,
believe me,

Most sincerely,

Most sincerely,

Charles B. Zimmerman

Residence address:
218 Forest Avenue,
Springfield, Ohio.

The Supreme Court of Ohio

Columbus

CARL V. WEYGANDT, CHIEF JUSTICE
EDWARD C. TURNER
EDWARD S. MATTHIAS
WILLIAM L. HART
CHARLES B. ZIMMERMAN
ROBERT M. SOHNEN
JAMES G. STEWART

CHARLES B. ZIMMERMAN

RECEIVED

APR 18 12 01 PM '50

CHAMBERS OF THE
CHIEF JUSTICE

April 16, 1950.

File

Dear Mr. Chief Justice:

Just a few words to express to you my appreciation for the kindness and hospitality you showed me during our visit in your chambers last Friday morning.

Mrs. Zimmerman and I arrived at our home in Springfield, Ohio, safely yesterday morning after a pleasant visit of a few days in New York City and Washington.

Friday evening we had dinner with Chief Judge and Mrs. Harold Stephens, who are old and close friends of my wife. Mrs. Zimmerman was born and brought up in Salt Lake City, Utah, and knew the Stephens' there. In fact, Mrs. Stephens was one of my wife's teachers in school.

I know President Truman is a busy man and has many calls on his time. However, sometime when I am in Washington it would be a pleasure and privilege to meet him, if only for a few moments. Your offer to try and arrange it is appreciated.

Looking forward to seeing you again and hoping that you may continue in good health, believe me,

Cordially and sincerely yours,

Charles B. Zimmerman

Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington, D. C.

NOTED

APR 20 1950

F.M.V.

The Supreme Court of Ohio

Columbus

CARL V. WEYGANDT, CHIEF JUSTICE
EDWARD S. MATTHIAS
WILLIAM L. HART
CHARLES B. ZIMMERMAN
JAMES G. STEWART
EDWARD C. TURNER
KINGSLEY A. TAFT

CHARLES B. ZIMMERMAN

Zimmerman
NOTED

JUN 26 1950

F.M.V.

June 19, 1950.

Honorable Fred M. Vinson,
Chief Justice of the United States,
Washington, D. C.

Dear Mr. Chief Justice Vinson:

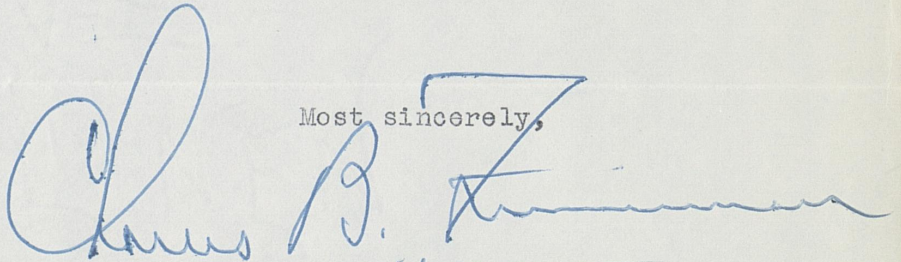
I remember with pleasure the nice visit I had with you in your chambers on Friday morning, April 14th, 1950. At that time I expressed the wish to meet President Truman personally and you advised me that if I would write you before I came to Washington again, you would see if it could be arranged. I have no ulterior motives in meeting the President - no axes to grind and no requests to make.

I expect to be in Washington on Wednesday, June 28th. May I call at your office on that morning? If you can and will make the arrangement, I shall appreciate it greatly.

The Supreme Court of Ohio has now recessed its regular sessions for the summer. My residence address is as given below.

With best wishes and warm personal regards,
believe me,

Most sincerely,



Charles B. Zimmerman,

#218 Forest Avenue,

Springfield, 6,

Ohio.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Holding an Executive Session

Present: The Chief Judge and Judges Bailey, Letts,
Goldsborough, Morris, Pine, Schweinhaut,
Holtzoff, Keech, Curran, Tamm, McLaughlin,
Matthews and Kirkland.

ORDER

IT IS ORDERED That the following assignment of Judges
to the Special Terms of the Court from and including
Saturday, July 1, 1950, until and including Monday,
October 2, 1950, be and the same is hereby made:

Saturday, July 1 to Sunday, July 16, inclusive	Judges <u>Morris</u> , <u>Pine</u> and <u>Keech</u>
Monday, July 17 to Tuesday, August 1, inclusive	Judges <u>Holtzoff</u> and <u>Kirkland</u>
Wednesday, August 2 to Thursday, August 17, inclusive	Judges <u>Tamm</u> and <u>McLaughlin</u>
Friday, August 18 to Saturday, September 2, inclusive	Judges <u>Curran</u> and <u>Matthews</u>
Sunday, September 3 to Sunday, September 17, inclusive	Chief Judge <u>Laws</u> and Judges <u>Bailey</u> and <u>Schweinhaut</u>
Monday, September 18 to Monday, October 2, inclusive	Judges Letts, <u>Golds-</u> <u>borough</u> and <u>McGuire</u>

BY THE COURT:

/s/ BOLITHA J. LAWS
Chief Judge

May 4, 1950.

Federal Courts Deluged by New Flood of Cases; Backlog Mounts

Continued From First Page

tors. Business firms concentrated on production and making money during the war, putting off their litigation until V-E day. Now they're catching up.

A 1946 law, for the first time, allowed persons to sue in federal courts if they were injured in an action for which the government could be held responsible. A collision caused by a U. S. mail truck, for instance, could lead to a court claim for damages. In the southern district of Texas, 250 suits have been filed for claims arising out of the Texas City disaster. In Portland, Oregon, 186 farmers have sued the government for damage to barns or livestock when the government's Owyhee Ditch broke.

In some areas, jamming is caused by a population growth, as in southern California, or a spurt in industrial development, such as in southern Texas or the Pacific northwest.

The constant growth of business and government means more and more cases are coming into federal courts. In some large industrial areas, such as New York and Philadelphia, federal courts are more liberal in the type of evidence they allow than in state courts.

Lawsuit Conscious

Workers generally are becoming more aware of protection given them under the law. Wage-hour law cases in the last year and a half are slightly below 1946 and 1947, but suits by injured railroad workers against carriers are about 10 times the 1941 volume, and suits by injured seamen against shipping firms are more than double the 1941 levels. These cases, involving the extensive presentation of evidence on specific facts, rather than general points of law, are among the most time-consuming.

The government's anti-trust drive has been stepped up lately. Although the Attorney General has cut down his requests for special three-judge expediting courts, these cases—even when only one judge is involved—decisively limit the number of other cases that can be handled.

In New Jersey, Judge Foreman estimated that it took him four and a half to five months of days laid end to end to dispose of a government anti-trust suit against General Electric. The anti-trust suit against Paramount and other leading film companies has been in progress, on and off, for eleven years before a three-judge New York district court. Judge Caffey tried the government's anti-trust suit against Aluminum Co. of America for about two and a half years, and the case is now back in the New York

Southern District Court.

Other factors have helped to build up the jam. Judges from less busy areas used to help out the busier districts; now they have their hands full in their own bailiwick. The average age of the justices is going up—in the Southern District of New York, for example, seven of the 12 justices are over 67. Overwork is causing illness and breakdowns among many justices.

A Matter of Time

The average time spent in disposing of civil cases—from date of filing to final disposition—rose from nine months in fiscal 1947 to 9.9 months in fiscal 1948, a 10% jump, and it's still rising in 1949, court officers say.

In many courts it would take over a year to get rid of the current workload even if not a single new case were filed or handled during that period.

Of district courts, that in southern New York is the most heavily loaded, largely because of so many financial, shipping, industrial and similar cases. In 1948, almost one-sixth of all civil actions brought in district courts were started in southern New York. Jury civil cases were taking 18 months or better to complete and non-jury civil suits were running 30 months or longer.

Second worst spot is the eastern district of Pennsylvania, in Philadelphia, where 790 civil actions were filed in the last six months of 1948, 519 were terminated, and a backlog of 2,361 was left at the end of the year.

Several things are currently helping to check the backlog. Law clerks for all federal judges—a comparatively recent development—have eased the justices' burden. Pre-trial conferences, where lawyers for both sides get together with the judge and try to dispose of some issues, cut down trial time. Consent decrees are settling some troublesome government anti-trust suits. Senate Judiciary Committee Chairman McCarran is pushing a bill for a special five-judge court to handle cases involving administrative agencies of the federal government, thereby removing many such cases from district courts.

Best way to crack the problem, judges feel, is to add more judges. This has consistently been the conclusion of the Judicial Conference of the U. S., top judicial body composed of the Chief Justice of the U. S. Supreme Court, the chief justices of each of the ten Circuit Courts of Appeals, and the Chief Justice of the Court of Appeals for the District of Columbia. Last September, they approved a program for 22 more district and circuit court judges. They met again here in March and upped the number to 26. This is the program—according to Mr. Chandler, the first comprehensive one ever to be drawn up—that is now before Congress.

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Judicial Jam

Federal Courts Deluged By Post-War Flood of Cases; Backlog Mounts

Costs Increase as Lawsuits
Drag on; Congress Asked
For 26 More Justices

Private Civil Actions Up

BY ALAN OTTEN
Staff Correspondent of THE WALL STREET JOURNAL

WASHINGTON—If your firm sues another in the Federal District Court of New Jersey, your case may be two years coming to trial.

If you're contesting a government agency's order in the U. S. Court of Appeals in the District of Columbia, it will take better than 11 months, on a normal schedule, to dispose of your case.

If you're party to a civil suit in the Southern New York District Court in New York City, it will take from a year and a half to three years for your case to be decided.

In the Eastern Pennsylvania District Court in Philadelphia even the simplest suit—as long as it goes to trial and isn't settled out of court—usually hangs fire for 14 months or longer.

A Judicial Deluge

What does this all add up to? A post-war flood of lawsuits is swamping federal judges. They've sent an S.O.S. to Congress for more judges to keep the court system above water. Otherwise, they warn, the backlog of time-consuming cases, mounting at an alarming rate since war's end, may put all federal district courts three or four years behind schedule and circuit courts a year or more behind.

For big companies, which may have a variety of legal actions constantly pending, this log-jam means costlier fees as cases drag on.

The main cause of the bottleneck is the mounting number of private civil cases. Federal courts are, by and large, concerned with all cases involving the government, private damage suits brought under federal laws (such as injury to railroad workers and seamen), and a host of actions which involve citizens of two or more states.

Private civil cases and complicated government suits such as anti-trust actions, have been rising steadily since the end of the war. In the fiscal year of 1944-45, for instance, 17,856 private civil cases were filed. By 1947-48, the number had climbed to 30,344, and in the July-December 1948 period, there were 20,211 such suits filed in federal courts.

There are about 220 federal district court judges who must originally hear most of these cases. Special courts, such as the Tax Court, the Court of Claims, the Supreme Court, the Circuit Courts of Appeals, and the Court of Customs and Patent Appeals account for 137 additional U. S. judges.

Up to Congress

A House Judiciary subcommittee has been considering proposals to provide 26 more district and circuit court judges and will undoubtedly recommend that at least some, possibly all, be authorized.

Bills to increase the number of federal judges bogged down in Congress last year. Republicans, then in control, kept their eye on November 2, when they expected a Republican president to be elected. Why create more judgeships, they argued, to be filled by a Democratic president, when in another few months a Republican president can fill the jobs? November 2 election returns spoiled this line of reasoning.

This session, with Democrats firmly in control of both Congress and the administration, the judges are hopeful their call for help will get action.

Here's an idea of delays resulting from the court jam. As of June 30, 1948, there were 49,215 civil cases pending in all U. S. District courts. Of these, 35.2% had been there less than six months; 19.7% for six months to a year; 23.6% for one to two years; 9.1% for two to three years; 7.1% for three to five years and 5.3% for more than five years.

A recent study of the chores of 11 district court judges showed that 73.8% of their time on civil cases was devoted to private suits, which actually amounted to only 39.7% of the total.

An Official View

Henry F. Chandler, director of the Administrative Office of U. S. Courts comments: "From January 1, 1940 to June 30, 1948, the number of district judges increased only about 5% whereas there was an increase in time-consuming types of litigation of anywhere from a fifth to a third. That—in a nutshell—is the situation. Business has been increasing. The rate of dispatch in district courts has been quickened. Yet, without additional personnel, they simply cannot, as a system, render the prompt justice that is necessary."

The mounting backlog of cases not only increases litigation costs for businessmen but also penalizes them with what judges call the "collateral consequences of delay."

This means that if you sue another firm for breach of contract and have a valid claim, it's just that much longer before you get and can use the money awarded you. If you need the money badly enough, you may be forced to settle out of court for less than you really deserve—"like pawning your watch when you're on the rocks," says one justice in an off-the-bench opinion.

Finally, if you need the money badly enough and your opponent won't settle, you may be forced into bankruptcy—even though you are in the right and faster-moving wheels of justice might have gotten you the money to keep you going.

The cost of litigation does not, of course, rise in direct proportion to the length of time consumed in settling a case. If a case hangs fire for a year instead of six months, litigation costs won't double—they may go up only 5% or 10%. But there's no doubt that they do go up.

What has caused the jam-up? Several factors. Please Turn to Page 7, Column 1