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Department of Justice

STATEMENT
BY
ATTORNEY GENERAL RAMSEY CLARK
BEFORE THE
SUBCOMMITTEE ON
IMPROVEMENTS IN JUDICIAL MACHINERY
OF THE
SENATE JUDICIARY COMMITTEE
ON
S. 915 - TO PROVIDE FOR THE
ESTABLISHMENT OF A FEDERAL JUDICIAL CENTER

TUESDAY, APRIL 25, 1967

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to lead off in the Subcommittee's consideration of S. 915, introduced by the Chairman and others "To provide for the establishment of a Federal Judicial Center".

In my judgment, one of the most important factors in crime control and good Government generally is the prompt, fair administration of justice. We must, therefore, view with grave alarm the increasing congestion and the backlog of cases which threaten to swamp our judicial system and destroy its essential contribution to our way of life.

As John Stuart Mill noted of the judicial function "There is no part of public business in which the mere machinery, the rules and contrivances for conducting the details of the operation, are of such vital consequence." Indeed, he believed ". . . all the difference between a good and a bad system of judicature lies in the procedure adopted . . ." to apply the rule of law.

This much seems clear, the most just corpus juris has but academic value, except as it is fairly and efficiently applied in disputes between citizens or between a citizen and society. The vital purpose of the judiciary is action, not abstraction.

Experience has taught us that the mere addition of judges and supporting personnel is not the answer. One hundred and forty-four additional judgeships have been created for the United States district courts since 1941, an increase of 73 percent, and still the backlog of cases rises.

Improvements in the administration of justice require better research, more training and continuing education programs covering all aspects of the judicial functions.

The Judicial Conference is well aware of the growing problems and has taken firm steps in the right direction. It has, at one time or another, recommended or established on an ad hoc basis numerous programs of research and education. These programs have not, however, been sufficiently staffed or supported to accomplish the awesome tasks they have faced.

They have lacked the permanence and resources which are needed to provide the continuity of effort and the coordination of endeavor to master the complex demands which are now being made upon our judicial system.

We must learn why the delay and docket congestion in our Federal courts is getting worse each day and what we can do to reverse this trend. We must establish and maintain programs for continuing education and for training for the personnel in the judicial system and insure that such education and training is made available in a timely and meaningful way. Thirty to thirty-five new judges are appointed every year in the Federal Judiciary and numerous commissioners, referees, court clerks and probation officers. All need training and an opportunity to participate in a continuing education program.

S. 915 will provide this opportunity. It will establish in the Administrative Office of the United States Courts a Federal Judicial Center which will have a three-fold mission: (1) to stimulate, coordinate and conduct research and tests in all aspects of Federal judicial administration;

(2) to stimulate, develop and conduct programs of continuing education and training for personnel in the judicial system; and (3) to provide staff, research and planning assistance to the Judicial Conference of the United States and its committees.

The Center will be supervised by a Board composed of the Chief Justice of the United States, two judges of the United States courts of appeals, three district court judges and the Director of the Administrative Office of the United States Courts. The Board would be authorized to appoint and fix the duties of an Administrator who will be the chief executive officer of the Center.

As President Johnson noted in his Congressional Message of February 6 of this year.:

"A Federal Judicial Center, established in the Administrative Office of the United States Courts, will enable the courts to begin the kind of self-analysis, research and planning necessary for a more effective judicial system . . . and for better justice in America."

I recommend your prompt and favorable consideration of this legislation.