Mr. WHITENER. Also, a letter to Chairman McMillan from Chief Judge Greene, reporting on one of the retirement bills before us.
(The letter referred to follows:)

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS,
Washington, D.C., February 8, 1968.

The Honorable JOHN L. MCMILLAN,
United States House of Representatives,
Washington, D.C. 20515

DEAR CONGRESSMAN MCMILLAN: Thank you for your letter of January 15, 1968, in which you request my comments on H.R. 14202, which would amend the District of Columbia judges retirement legislation. I am very appreciative of the opportunity of commenting on this bill.

I strongly endorse H.R. 14202; it is also fully and strongly supported by the Board of Judges of the District of Columbia Court of General Sessions.

The principal amendments to the District of Columbia Judges' Retirement Act of 1964, as proposed by H.R. 14202, have as their purpose to correct certain inequities in the present law which affect judges who prior to appointment on the bench had accrued many years of congressional, civil, or military service under the respective retirement laws relating to such service. Specifically, these amendments would permit a judge who is eligible to retire under the Judicial Retirement Act to receive credit at the time of his judicial retirement for any earned civilian and active military service. Civilian service would be counted only if the appropriate deposit for any such prior service is made in the judicial retirement fund, and it would be counted for purposes of the annuity only at the rates allowed under the Civil Service Retirement Act. The average pay for the purpose of computing the annuity would be the salary at the time of retirement. For purposes of disability retirement, the amendments proposed by H.R. 14202 would permit aggregation of civilian and judicial service to arrive at the five year minimum required under both.

Prior to 1964, the District of Columbia judges retirement system was separate and apart from any other retirement system. Its operative provisions completely differed from those of the Civil Service and Congressional retirement schemes, and, unlike those schemes, it did not require a contribution by the covered individual. The District of Columbia Judges' Retirement Act of 1964 changed that situation. Like other retirement laws enacted by Congress, it requires a contribution by the covered individual of 6½% of his salary, and the benefits are based upon the period of time during which contributions are made, with appropriate reductions for age. But while the civil service, congressional, and military retirement systems are closely tied to each other, in the sense that service under one of these systems may be aggregated at the time of retirement with service under the others to arrive at the amount of the total benefits, such aggregation is not now provided for in the District of Columbia Judges retirement legislation. The omission apparently is simply a carry-over from the period when the District judicial retirement system had a completely different structure from other retirement systems and was based on the non-contribution concept.

The omission of an aggregation provision, which H.R. 14202 would rectify, leads to many inequities.

Under the present civil service retirement laws, it is possible for a federal employee to retire with 30 years of service at age 55, or with 20 years of service at age 60, without reduction in annuity (5 U.S.C.A. 8336(a), (b)). But under present law, a person with 20 or more years of civil service who is appointed to the bench and there serves a minimum of 10 years will still not be permitted to draw his earned civil service retirement benefits until he reaches the age of 62; in spite of the fact that, had he remained in the civil service, he would have been able to retire on a full annuity at age 55. The amendments embodied in this bill would remove this penalty on those former members of Congress and congressional and executive employees who are appointed to the bench. It would thus increase the attractiveness of judicial service on the local courts and thereby improve the administration of justice in all its aspects, including the fight on crime.

It may be noted in this connection that judges on the United States District Court are eligible for retirement at full pay after serving fifteen years. Moreover, their retirement plan is non-contributory while judges on the Court of General Sessions make the same contribution as Civil Service employees and employees of the legislative branch.