

Mr. WHITENER. Mr. Steiger, maybe Mr. Farber could tell us whether there is any difference in the present fee and the allocation of this survivorship and so forth as far as judges are concerned—as far as civil service retirement is concerned.

Mr. FARBER. Sir, under the present judge retirement act the survivor part of that act provides that the 3 percent is a deduction for survivorship to include military up to 5 years and outside service up to 15 years under a certain formula. So they can, and many have, applied their civilian civil service to the retirement fund for survivorship benefits.

Mr. WHITENER. I think what Mr. Steiger is trying to point out is, as I understand it, that there may be a situation where a judge would only pay in 3 percent if he didn't elect to take a survivorship.

Mr. FARBER. Yes, sir. If a judge happened to be not married and did not deduct survivorship, he would only pay 3½ percent for his own retirement and for the service that he might purchase.

Mr. WHITENER. Now, that is not true for civil service?

Mr. FARBER. No, sir. Well, the survivorship compilations under civil service and the judges' retirement acts are different. Under the Civil Service Retirement Act it provides the widow's benefits based on the retiree's annuity.

In other words, up to 55 percent of the retiree's annuity. Under the judges' retirement act, it is based on a formula of 1¾ percent, I think, of certain factors and ¾ percent of other factors, not to exceed 37½ percent of their salary. So you can't compare—actually compare the survivor benefits one to the other, but as to the retiree himself, he will, under this act, get the same provisions of using past services as is now possible for the survivor to use under her part of the act.

Mr. STEIGER. Thank you.

Mr. Chairman, may I—

Judge Greene, I address this to anyone actually. Obviously our concern is that it is not so much your individual welfare as it is the judicial structure of the District. I am sure that is your concern, too, basically. The table on organizations calls for 20 judges of the General Sessions at this point. Are there any vacancies at this point?

Judge GREENE. No, sir.

Mr. STEIGER. So apparently at least whatever existing salary and retirement is—at least it is satisfactory to the point that it is not a cause for a vacancy in the existing number of judgeships available?

Mr. GREENE. That is correct. There are no vacancies, although we believe, and certainly other organizations who are better qualified to speak on that point, than we are, believe that if the salaries and retirement structure were improved, it would be possible to attract constantly well-qualified persons who could go to the bench without sacrifice.

Mr. STEIGER. As a matter of fact, Judge Greene, if the existing structure is upgraded in this rather dramatic fashion, particularly the retirement, is it a fact that it is not going to be able to attract any people, because these people aren't going to leave. The only way we are going to attract any new people is to increase the number of seats on the bench, which I understand is also a recommendation.