

Mr. HARVEY. I have no further questions.

The CHAIRMAN. If there are no further questions, we thank you very kindly for coming here today and being with us.

Mr. GINNANE. Thank you, Mr. Chairman.

The CHAIRMAN. I would like to place in the record at this time a statement by Hon. John Biggs, Jr., senior U.S. circuit judge of the Third Judicial Circuit and chairman of the Committee on Court Administration of the Judicial Conference of the United States.

(Statement referred to follows:)

STATEMENT OF HON. JOHN BIGGS, JR., CHAIRMAN OF THE COMMITTEE ON COURT ADMINISTRATION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, ON S. 2687

Mr. Chairman, gentlemen of the committee, I express my sincere thanks to Chairman Staggers and to the Members of the Committee on Interstate and Foreign Commerce at the promptness with which the Committee has taken up for consideration S. 2687.

My name is John Biggs, Jr., and I am a Senior United States Circuit Judge of the Third Judicial Circuit of the United States. I became a U.S. Circuit Judge on March 3, 1937 and from 1939 until I went on Senior Judge status on October 30, 1965 I was Chief Judge of the Third Judicial Circuit. I am also Chairman of the Committee on Court Administration of the Judicial Conference of the United States. The Judicial Conference of the United States was created by Section 331, Title 28, U.S.C. It is the top policy-making body of the Federal judiciary and consists of the Chief Justice of the United States as Chairman, the Chief Judges of the eleven Circuits, the Chief Judge of the Court of Customs and Patent Appeals, the Chief Judge of the Court of Claims, and eleven District Judges selected by their respective Circuit Judicial Conferences. Section 331 also provides that "The Chief Justice shall submit to the Congress an annual report of the Judicial Conference and *its recommendations for legislation.*" (Emphasis added.)

The Committee on Court Administration in the 12 years of its existence has dealt with needs and problems of court management, and problems relating to the tenure and salaries of judges, annuities to judges' survivors, the creation of additional judgeships, places of holding court, and similar matters.

S. 2687 came before the Committee on Court Administration at its August 1967 meeting, and the Committee recommended to the Judicial Conference in its report that S. 2687 be approved "in principle." The Conference adopted the Committee's recommendation. See Rept. Judicial Conf. of U.S., Sept. Sess. 67, pp. 64-65. The Judicial Conference report referred to stated:

"Judge Biggs called the attention of the Conference to the fact that I.C.C. orders are now reviewed by district courts comprising three judges, one of whom is required to be a circuit judge. Appeals from the judgment of such courts lie directly to the Supreme Court. He stated that this system is an anomaly since in almost every instance the agency reviews are brought to the courts of appeals of the respective circuits and are reviewed by the Supreme Court on certiorari. The Conference approved, in principle, the draft bill providing for review of I.C.C. orders by the respective courts of appeals and for review by certiorari to the Supreme Court of the United States. It agreed that the Committees on Court Administration and on Revision of the Laws should reexamine the draft bill, particularly those provisions relating to the issuance of stays and interlocutory injunctions, and should present to the Conference a bill in final form at a later session."

At the February Session 1968, the Judicial Conference went further and stated as follows:

"The Conference approved the joint recommendation of the Committee on Court Administration and the Committee on Revision of the Laws to approve S. 2687 which would provide that instead of review of orders of the Interstate Commerce Commission by three-judge district courts, jurisdiction for review of I.C.C. orders would be placed in the respective United States court of appeals, thereby eliminating direct appeal to the Supreme Court of the United States from orders of the Interstate Commerce Commission. The Conference agreed with a motion by Judge Harper that the Committee study, in advance, the establish-