



Department of Justice

REMARKS

BY

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BEFORE THE

JUDICIAL CONFERENCE OF THE UNITED STATES

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Mr. Chief Justice, Members of the Conference:

I appreciate this opportunity to address you once again on issues of mutual concern. In the eighteen months since I became Attorney General, I have attempted to encourage increased dialogue between the Judiciary and the Executive Branch, to provide an open door to you, and to cooperate fully on those issues of concern to us all.

And we have made substantial gains over the past year and a half. Indeed, we have made great strides just since the Conference met last September, at a time when few could foresee favorable action on a judicial pay raise. After intense negotiations, Congress agreed to increase judicial salaries by some 35% -- a cost of living increase this year and an additional 25% increase effective the first of next year. This pay increase was strongly supported by the President and the Department of Justice as part of an ethics package -- the Ethics Reform Act of 1989 -- setting high ethical standards for all public servants -- whether in the judicial, executive or legislative branch. These dictates respecting our conduct are not a burden that we must bear, but are instead a right which the citizens of this nation expect, and one that we must secure.

As you know, we have worked closely over the past year with Judge Joseph Weis, Jr. and the members of the Federal Courts Study Committee. During my own recent testimony, I assured the Committee of the administration's support for resolving the needs of the federal judiciary. I want to underscore that support to you today.

We have consistently tried to address all components of the criminal justice system, in particular, to ensure that each -- investigators, prosecutors, judges, and correctional officials -- has the resources to handle increased workloads. With the continuing flow of new cases into the judicial pipeline, it is evident, in the present circumstances, that the pipeline must be expanded and new means of managing cases must be created.

With respect to judicial resources, the Administration's position is clear: we support the Conference's proposal to add 75 additional judgeships to the Federal system, and have already announced support for an additional \$400 million to ease the impact of drug-related activities on the judiciary.

With respect to civil dockets, we have reiterated our view that the most evident long-term answer to the problems facing the federal courts is to trim their jurisdiction to that which fits the federal interest. The most obvious example would be to abolish or severely limit diversity of citizenship jurisdiction. At a time when criminal dockets are rising rapidly in many districts and citizens are forced to wait in line to bring their federal civil claims before a federal court, we do not believe we can afford the luxury of having the federal courts continue to consider some 67,000 civil claims founded upon state law each year. However unlikely the prospect, we see no other federal judicial reform that can avoid the alternative of substantial increases in the size of the judiciary over time.

Unchecked expansion of the judiciary, of course, entails substantial concerns -- concerns quite apart from the obvious impact on budget deficits. Among those most commonly expressed are that, if the judiciary becomes too large, we will lose the consistency, collegiality and constancy of federal law that our citizens deserve.

With respect to criminal dockets, there are obviously no easy answers. Increased efforts are being mounted against white collar crime, hate crimes, environmental profiteers and, most of all, drug offenses. We are committed to an all-out effort against drug trafficking. I will not mince words on this issue: over the next few years you will most likely see more federal drug cases, not fewer, as a result of necessary increases in our force of investigators and prosecutors and increased international cooperation. It is critically important that federal courts be in the front lines of this effort.

We understand that you will be considering at this session the recommendations of the Powell Committee to curb the interminable litigation and re-litigation of cases involving the death penalty in the states. As a former governor, I am well aware of the virtual nullification of the death penalty which these protracted delaying tactics have produced. We support the Powell Committee proposals and are, in fact, incorporating them into the administration's legislative package.

In the area of maximizing present judicial resources, I am pleased to report that the filling of judicial vacancies proceeds

apace. Thus far, in this administration, over 200 prospective judicial nominees have been interviewed and the President has sent a total of 44 persons to the Senate for confirmation -- 24 of whose nominations have been acted upon favorably, although the average time from nomination to confirmation has more than tripled during the last decade. The President, I am pleased to say, regards the selection of men and women of character, integrity and sound judicial temperament as a high priority for this administration.

Finally, and on a very sensitive note, it is obvious that we face new challenges in seeking to ensure court security. The dreadful murder of Eleventh Circuit Judge Robert S. Vance proves to us, once again, how fragile human life can be, indeed how fragile can be our own personal security. We are committed to tracking down the individual or individuals who took Judge Vance's life; likewise, any others who threaten or seek to intimidate officers of our judicial system must be brought to justice.

An ounce of prevention, of course, is always worth a pound of cure and we are focusing anew, accordingly, on preventive measures. Over the past few months, the Director of our Marshals Service, Mike Moore, and the Conference's court security committee have been working on all of these security issues. It is, as always, our hope that these endeavors will be both fruitful and uninterrupted by further incidents.

I look forward to our continued work together in the months to come.