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Statement before Senate Judiciary Subcommittee on providing a fourth Federal judge in South Carolina

Strom Thurmond

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STATEMENT BY SENATOR STROM THURMOND OF SOUTH CAROLINA BEFORE THE SENATE JUDICIARY SUBCOMMITTEE CONSIDERING THE QUESTION OF PROVIDING A FOURTH FEDERAL JUDGE IN SOUTH CAROLINA, FEBRUARY 20, 1957.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE:

I am here today to express the hope that you will recommend the approval of a fourth federal judge in South Carolina because of the growing need for another judge to help handle the increasing case load in the State.

You already have available to you statistics which demonstrate the need. I want to refer to a few of the facts which I consider particularly significant in this matter.

First, however, I want to say that, believing in government economy as I do, I would not be requesting you to approve this judgeship unless I thought it essential. In the best interests of justice, a judge should have sufficient time to study the cases which come before him and I believe the situation has now developed in South Carolina which makes it very difficult for the three judges serving to give as much time as they actually need to the cases which they hear.

So I say there should be no argument over the question of economy in this instance.

South Carolina is divided into two Federal judicial districts, the Eastern and the Western. Each of the two districts has a resident judge. There is a third judge who is supposed to serve the entire State.

In fact, however, the roving judge has had to devote his entire time for the past two years to the affairs of the Eastern District. Additionally, the judge of the Western District has been frequently called upon to assist in the work of the Eastern District, although the Western District has a caseload approximately equal to that of the national average.

Thus, the effect is that the Eastern District has two full time
judges and one part-time judge, but small progress is being, or can be, made against its expanding dockets.

The explanation is that the civil caseload in the Eastern District has expanded 140 per cent in the last five years. In 1956, the number of cases commenced in the Eastern District was 72 per cent above the national average.

Since you have access to tables compiled by the Federal Judicial authorities in reference to the statistical situation in the various federal judicial districts, I believe that it would be appropriate to point out that a portion of the statistics given for the Eastern District of South Carolina are based upon its having two judgeships, as previously explained. Accordingly, the tables indicate that in the fiscal year 1956, cases commenced per judgeship in the Eastern District were 565. Actually, the total cases commenced in the Eastern District were 1,130.

These figures are comparable to a national average of only 327 cases per district.

The cases commenced in the Eastern District generally are more difficult to dispose of than on an average nationally as this District has more trials, per case instituted, than on the average in other districts.

An enormous rise of 600 per cent has taken place in diversity of citizenship-motor vehicle tort cases since 1948, and as you know, these cases are quite time consuming. This in part accounts for the fact that the Eastern District of South Carolina had a private civil caseload in 1955 exceeded by only eight other districts in the country.

The fact which perhaps most adequately portrays the severity of the situation is that the pending civil caseload in the Eastern District of South Carolina has quadrupled in the last five years and now is at a point 23 per cent above the national average.
Compare this with the fact that cases commenced in this District are 72 per cent above the national average.

Inescapably, this comparison is indicative of three additional facts:

1. The federal judges in South Carolina are overworked.

2. The federal judges in South Carolina are terminating with dispatch a good portion of the excess cases before them, and by excess I mean the number of cases commenced in the Eastern District in excess of the number of cases commenced on the national average.

3. A substantial portion of these cases are falling back into the pending dockets.

Inevitably, the addition of such excess cases, will spiral the dockets into hopeless congestion.

The Judicial Conference of the United States in its report dated January 3, 1957, has recommended a fourth judgeship for the State of South Carolina. The basis of the report is unchallengeable: The demands made upon the judges of South Carolina, and upon the citizens of this country instituting and defending actions there, are in excess of those generally made elsewhere.

This situation can only be remedied by the addition of a fourth judgeship, and I earnestly hope that this committee will so recommend.