

should be the result if the agents do what they are hired to do.

The letter also advised that, for the first time in over twenty years, the chief judgeship of the Court had moved outside Houston. Under our seniority system, it will remain outside Houston for at least the next twenty years. The chief judge has typically been required to take a reduced docket to attend to the administration of this vast district, which consists of seven divisions spread over some 44,000 square miles.

The *Post* reporter had called to ask about the status of this matter. I told her that our plan was still on course. I never described any caseload as being "unmanageable." In response to her questions about the reason for our decision, however, I did try to explain the special pressures caused by an unrelenting criminal docket and why our judges felt the move was appropriate.

I realize that the *Post* article ultimately focused on filling vacancies, but that was not the focus of our conversation. If that topic was mentioned at all, which I cannot recall, it would have been a passing reference to the fact that we have a very old vacancy which we hope can be filled this year. The portions of the article actually quoting me are addressed to the issue of why our Court is seeking to move a judgeship away from Houston. It is our belief that this move is an internal judicial issue, governed by 28 U.S.C. §134(c). If I am mistaken in this regard, or if your subcommittee has concerns about it, I will try to assemble whatever data might be relevant, although this proposal is based to some extent on our best estimate as to the situation as we expect it to be whenever that new judge would be confirmed.

It does not surprise me that some of my colleagues reported to you that their dockets were manageable. It is precisely for this reason that the Houston judges have supported me in the effort described above. Their support is based on certain assumptions. First, we are assuming that Senior Judge Norman Black will be able and willing to carry at least a fifty percent caseload in Houston for the next several years. From June 1992 until December 1996, we had only one senior judge. That was Judge Hugh Gibson, who was helping with Judge Sam Kent's unusually large civil docket in Galveston. Judge Gibson became seriously ill last year and is only now beginning to attempt a comeback. Second, Judge John Rainey has currently been working in three divisions—Houston, Laredo and Victoria. Whenever the new judge arrives, Judge Rainey would drop Laredo and take a larger portion of the Houston docket. We think this is a positive step. Travelling between two divisions is not efficient; travel-

ling among three divisions is grossly inefficient, especially when those three divisions stretch over 300 miles. Third, we are hoping that the Houston filings will not drastically increase during the next several years. If any of these assumptions prove untrue, we may well have to go back to the proverbial drawing board.

I am attaching a newspaper report that a "record-setting number of U.S. Border Patrol recruits" are currently undergoing basic training, to be assigned along the Mexican border. Forty-two of these persons are scheduled for the Laredo Sector and 133 for the McAllen Sector. We understand that increases in other law enforcement agencies, together with United States Attorneys, are also planned.

In 1996, the criminal filings in the four "border" divisions (Laredo, McAllen, Brownsville, Corpus Christi) were 1239, compared with 1069 in 1995, a 16% increase. As of May 31, the 1997 criminal filings in these divisions are 206 in Brownsville, 130 in Corpus Christi, 175 in Laredo, and 158 in McAllen. These are the results of five months of grand jury work. Projecting those figures over 12 months would yield filings of 494, 312, 420 and 379 respectively. This would make a total of 1605, a 29% increase over 1996. These projections do not consider that, as far as I know, few if any of the new law enforcement agents are actually in place yet. Also, these statistics refer to cases, not defendants. Many of these criminal cases, especially narcotics cases, involve multiple defendants. For example, the 1239 cases filed in the four divisions in 1996 involved 1884 defendants. I am currently processing a single case with 22 defendants. These projections also do not consider any civil filings.

The step our court is proposing is, in my opinion, sound management and would increase organizational efficiency. I would hope that you would applaud our effort to place our resources where the demand is, since I believe that you have previously encouraged the Judiciary to consider precisely this type of move.

Despite the fact that I was not discussing the issue of vacancies with the *Post* reporter, I do not wish to imply that I am disinterested in that issue. Chief Justice Rehnquist and many others more eloquent and prominent than I have spoken often on the subject. In addition to the new vacancy created by Judge Black, we have a vacancy that has existed since 1990. The nominee currently before the Senate is the third person either nominated or recommended for this position, going back to President Bush. The current candidate was first nominated in late 1995, if I am not mistaken. She was re-

nominated earlier this year. This person is scheduled to sit in Brownsville. As you can see, we are conservatively projecting almost 500 criminal filings in that division this year, apart from any civil filings. The new judge and the incumbent, Filemon Vela, were also due to help Judge Ricardo Hinojosa, who sits alone in McAllen. As far as I know, no one has ever advised our Court that there was any doubt about the need for this position. In fact, based on our statistics, the Judicial Conference of the United States recently recommended that still another judge be added to our Court. The 1996 Biennial Judgeship Survey supporting this request is attached. I am also attaching our latest Magistrate Judge Survey, dated December 1994, prepared by the Administrative Office of the United States Courts, and the 1996 statistics showing the significant amount of work done by our magistrate judges.

Ours is a hard-working, very productive Court, which closed almost 13,000 cases last year, in addition to almost 4500 petty criminal cases closed by our magistrate judges. We realize that we will not get Judge Black's successor, much less a new position, anytime soon. However, we believe it is critical that at least our 1990 vacancy be filled in the reasonably near future. Judge Vela will be taking senior status within three years, and we must have a judge with some judicial experience in Brownsville before the vacancy cycle begins anew.

I hope this letter is helpful. I would be happy to discuss this situation with you at your convenience.

Sincerely yours,

GEORGE P. KAZEN.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senate stands adjourned until 10 a.m., Thursday, June 19, 1997.

Thereupon, the Senate, at 6:24 p.m., adjourned until Thursday, June 19, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 1997:

THE JUDICIARY

FRANK M. HULL, OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PHYLLIS A. KRAVITCH, RESIGNED.