



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner, Grassley Introduce Legislation Establishing an Inspector General for the Judicial Branch

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) and Senator Charles Grassley (R-Iowa), a Member of the Senate Judiciary Committee, today introduced legislation establishing an independent Inspector General for the Judicial Branch. Rep. Lamar Smith (R-TX), Chairman of House Judiciary’s Subcommittee on Courts, the Internet, and Intellectual Property is an original co-sponsor of the House legislation, H.R. 5219 “The Judicial Transparency and Ethics Enhancement Act of 2006.”

Chairman Sensenbrenner stated, “Integrity and accountability are the hallmarks of a public servant’s trust with the public. It’s my hope an independent Inspector General for the Judicial Branch will help restore some of this trust with the public that has been damaged by the actions of some Federal judges who have carelessly ignored the ethical guidelines established. In addition, an IG will serve as a public watchdog to root out waste, fraud, and abuse and ensure the Third Branch’s taxpayer-funded resources are utilized in an appropriate manner, just as IGs do throughout the Executive Branch.

“Let me be clear – this independent Inspector General will not have any authority or jurisdiction over the substance of a judge’s opinions. Judicial independence of opinions is a sacred foundation of our constitutional form of government of checks and balances and separation of powers that must not be tampered with.

“Two years ago, I expressed my concerns before the U.S. Judicial Conference regarding the Judicial Branch’s lack of effort in recent years to police its Members’ behavior. As I explained then, Congress provided much deference to the Judicial Branch in 1980 by essentially allowing it to self-police the conduct of its members with little input from Congress, who the Framers entrusted with oversight of the Judiciary.

“I was pleased that the late Chief Justice Rehnquist took these concerns seriously and in May of 2004 appointed a judicial commission, headed by Supreme Court Justice Stephen Breyer,

to look into the implementation of the Judicial Conduct and Disability Act of 1980 concerning judicial misconduct and discipline. Justice Breyer has updated me on the Commission's progress and I'm hopeful the Commission's recommendations will complement nicely this legislative effort to establish an Inspector General for the Judiciary."

"However, I was troubled to read recently in a Washington Post article that a number of federal judges have continued to violate applicable ethical rules and others have failed to make proper disclosures for travel to resorts on expense-paid trips. These are exactly the concerns that I have expressed before about the self-policing enforcement system governing federal judges. Such behavior undermines the public's perception of our judicial system and the fairness and respect that are needed to instill confidence in our judiciary.

"Given this poor record of performance in self-policing, I am proposing to create an independent Inspector General who will be responsible for reporting to both the Chief Justice and to Congress on a number of relevant issues, including compliance with ethical and financial disclosure requirements, so that we can assess whether the judicial self-policing system actually works.

**Summary of The Judicial Transparency and Ethics Enhancement Act of 2006
Introduced in the House:**

- Establishes the Office of Inspector General for the Judicial Branch, who shall be appointed by the Chief Justice of the Supreme Court.
- The duties of the Inspector General are: (1) to conduct investigations of possible misconduct of judges in the judicial branch (other than the Supreme Court) that may require oversight or other action by Congress; (2) to conduct and supervise audits and investigations; (3) to detect waste, fraud and abuse; and (4) to recommend changes in laws or regulations governing the Judicial Branch.
- The powers of the Inspector General are: (1) to make investigations and reports; (2) to obtain information or assistance from any Federal, State or local agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial council of circuits, the administrative office of United States courts, and the United States Sentencing Commission; (3) to require, by subpoena or otherwise, the attendance for the taking of testimony of any witnesses and the production of any documents, which shall be enforceable by civil action; (4) to administer or to take an oath or affirmation from any person; (5) to employ officers and employees; (6) to obtain all necessary services; and (7) to enter into contracts or other arrangements to obtain services as needed.
- The Inspector General is required: (1) to provide the Chief Justice and Congress with an annual report on the Inspector General's operations; (2) to make prompt reports to the Chief Justice and to Congress on matters which may require further action; and (3) to refer to the Department of Justice any matter that may constitute a criminal violation.

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