

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. Hatch, Mr. Reid, Mr. McConnell, Mrs. Feinstein, and Mr. Graham): **S. 1638. A bill to adjust the salaries of Federal justices and judges, and for other purposes; to the Committee on the Judiciary.**

Mr. LEAHY

Mr. President, today I am pleased to introduce the **Federal Judicial Salary Restoration Act of 2007**. Since 1969, the salaries of Federal judges have significantly declined when adjusted for inflation. This bill would demonstrate our respect and appreciation for our hardworking Federal judges by authorizing an immediate and substantial increase in judicial salaries. Our bill recognizes the important constitutional role judges play in administering justice, interpreting our laws, and providing the ultimate check and balance in our system of government. It is time Congress treated the Federal judiciary with the respect that a co-equal branch of government deserves. Eight years ago, in 1999, the President's salary was doubled to \$400,000 a year. We are not proposing to increase judges' salaries by 100 percent, but by half that, by 50 percent. The increase is an important step in ensuring the independence of the judiciary. Judicial independence is critical for preserving our system of government and protecting the rights of all Americans. Surely we can do half as much for the judicial branch of Government as we did for the executive branch 8 years ago.

For too long, judicial salaries have failed even to keep up with inflation while public and private sector salaries have surged ahead. According to information provided by the Administrative Office of the United States Courts, judicial salaries have declined by nearly 25 percent in real terms since 1969. During the same time, private sector salaries have increased by more than 15 percent. In 1969, a Federal district court judge earned 20 percent more than a law school dean and about 30 percent more than a senior law professor at a top law school. By contrast, today top law school deans make twice as much as district court judges, and senior law professors at those schools make nearly 50 percent more. Many recent law school graduates will make more in their starting salary at a private law firm than we pay to an experienced district court judge. Those in the executive branch have enjoyed periodic raises that have taken their salaries well above those of judges. For example, SEC trial attorneys now make up to \$180,330, which is significantly higher than the annual salary of our Federal trial judges. In addition, the workload for Federal judges has increased dramatically. Since 1960, the caseload for district court judges has climbed by almost 60 percent and the caseload of circuit court judges has jumped more than 200 percent. Judges who are working to preserve the rule of law in America and to make equal justice a reality should be respected, and their labor should be compensated.

Paul Volcker, the chair of the National Commission on the Public Service, recently noted in *The Wall Street Journal* that congressional inaction on judicial pay could erode the high professional standards and independence of the Judiciary. Chief Justice Rehnquist repeatedly called for an increase in judicial pay, warning that "[i]nadequate

compensation seriously compromises the judicial independence fostered by life tenure" and that "... low salaries might force judges to return to the private sector rather than stay on the bench." Chief Justice Roberts pointed to an increasing trend in early retirement in his last "Year-End Report on the Federal Judiciary," noting that many of those retired judges have gone to work in the private sector. Justice Anthony Kennedy testified before the Senate Judiciary Committee in February about similar threats to judicial independence.

This bill addresses these concerns by granting a raise for all Federal judges. This bipartisan legislation has broad support. President Bush supports a significant pay raise for judges, as does the American Bar Association, as do the deans of 130 of the Nation's top law schools, civil rights groups, and others. One of the first bills we passed in the Senate this year, **S. 197**, authorized cost-of-living adjustments for the salaries of United States judges. Senators Specter, Feinstein and Cornyn joined me in cosponsoring this bill. Unfortunately, that bill has failed to move through the House of Representatives. Too often during the last several years our Federal judges have not been given a standard cost-of-living raise. That, too, has contributed to the diminution in their real compensation. Our democracy and the rights we enjoy depend on a strong and independent judiciary. During the last few years it has been the courts that have acted to protect our liberties and our Constitution. The independence of the judiciary is compromised, however, if judges leave the bench for financial reasons. The quality of the judiciary is threatened if judges' salaries are inadequate to attract and retain our best legal minds. Given the essential role that the judiciary plays in our system of government, we should pass this raise to judicial salaries. I thank my Judiciary Committee colleagues, Senator Hatch, Senator Feinstein and Senator Cornyn for agreeing to join me in introducing this bill. I also thank Majority Leader Reid, as well as Minority Leader McConnell, for their support of this legislation and their commitment to the Federal judiciary.

At the request of Mr. Leahy, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of **S. 1638**, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

Dated June 15, 2007