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How to Pay the Piper: It's Time to Call Different Tunes for Congressional and Judicial Salaries

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EXECUTIVE SUMMARY

The 2003 National Commission on the Public Service, chaired by Paul Volcker, called judicial salaries the "most egregious example" of failed federal compensation policies, referenced a "similar crisis" as to executives, and stated flatly that "[f]ew democracies in the world expect so much from their national legislators for so little compensation."[1]

For 20 years, legislators have matched their salaries to those of United States district judges and deputy cabinet secretaries. They hoped that coupling their own compensation with that of officials less in the public eye would salvage legislative salary increases despite voter hostility. However, Congress has still been reluctant to increase its salaries (compared to, say, average worker wage gains). Thus, linkage has not produced the benefits legislators anticipated for their own salaries, and at the same time, it has held back less controversial salary increases for judges and executives.

This paper examines salary linkage, in particular judicial-legislative linkage. We describe the federal judicial system and its judges' salaries, review the intermittent history of salary linkage, and consider arguments in support of linkage. For purposes of this paper, we are agnostic as to judicial or legislative compensation per se. Determining appropriate salary levels requires reasoned assessments of relevant job markets; salary effects on recruitment, retention, job satisfaction and many other factors; as well as comparisons of the full range of government benefits—issues that are well beyond the scope of this paper.

After reviewing materials involving linkage, however, we are confident that

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it has no bearing on the question of what salaries should be and, in fact, distorts the relevant considerations. In particular:

- Linkage is a one-size-fits-all salary determination for officials with different responsibilities and career anticipations.
- Data are at best inconclusive on whether linkage serves the practical justification offered for it—that it provides members greater salary increases than they could otherwise achieve.
- Linkage has not kept subordinate salaries in check. Salaries for numerous executive branch staff are higher than the salaries for members, district judges and deputy secretaries.
- Linked salaries do not symbolize equality between the branches.
- No jurisdiction similar to the United States requires salary linkage.
- There is no evidence that informed public opinion supports linkage.

Federal Judges and Their Salaries

The federal judiciary comprises the Supreme Court, 13 courts of appeals, 91 district and bankruptcy courts, the International Trade Court, the Federal Claims Court, and three territorial courts. Of the 1,790 authorized judgeships, 871 are for judges who serve, as the Constitution says, "during good Behaviour" (essentially for life) and whose salaries may "not be diminished during their Continuance in Office." Bankruptcy judges, magistrate judges and Federal Claims Court judges serve for terms. Today, federal judges' salaries range from $212,100 (the chief justice) to $70,166 or less (part-time magistrate judges). The most common salary is $165,200 for judges of the district courts, the International Trade Court, and the Federal Claims Court.[2] Bankruptcy and full-time magistrate judges' salaries are, by statute and policy of the United States Judicial Conference, 92 percent of district judge salaries.[3] Appendix Table 1 shows the appointment method, term, salary, number of positions, number of incumbents, and number of senior and recalled judges.

Congress sets life-tenured judges' salaries in two ways: First, it has authorized annual increases for judges,[4] high-level executive branch officials,[5] and members of Congress[6] based on economic indices and contingent on the president's proposed adjustments in federal civilian workforce salaries. These adjustments take effect unless Congress rejects or modifies them,[7] except that judicial salary increases need specific statutory authorization.[8] Congress imposed that requirement in 1980 after the Supreme Court held partially unconstitutional statutes that rescinded automatic executive-judicial-legislative increases in 1976 and 1979. Those rescissions unconstitutionally reduced judicial salaries because they took effect after the increases had vested (in 1976 a few hours later).[9]

Second, because conditions other than annual changes in labor costs bear on top officials' salaries, Congress created a bi-partisan commission to present salary recommendations to the president every four years (hence the term "quadrennial commission"); the president in turn sends Congress his own recommendations, to take effect unless Congress intervenes.

Legislative-judicial salary linkage has had an intermittent history in the 116 years since the federal judicial system took its present form.

The idea behind presidential salary recommendations that raise top officials' salaries unless Congress acts is to avoid having Congress vote for its own pay raises. Things have not always worked out that way. Since 1989, when the latest of the automatic adjustment mechanisms was enacted, Congress rejected proposed increases in 1995, 1996, 1997, 1999 and 2007. In 1994, federal employees (and thus the top officials) received no across-the-board pay adjustment because the president, citing large budget deficits, invoked a statutory exception.[10]

As to the quadrennial recommendations: In 1967, Congress created the Commission on Executive, Legislative, and Judicial Salaries,[11] which reported regularly until 1988. Presidents' recommendations were usually lower than the commission's, but Congress rarely accepted even the president's recommendations.[12] Congress reorganized the commission in 1989 as the Citizens' Commission on Public Service and Compensation,[13] but it has never functioned.[14]

History of Legislative-Judicial Salary Linkage

Linkage in the federal legislative-executive-judicial context today means the same salary for district judges, members of Congress, and deputy cabinet secretaries and agency heads (hereafter EL-IIs, denoting Level II of the Executive Schedule[15]). There is no cross-branch linkage for circuit judges, although Congress in recent years has set their salaries at about 106 percent of district judge salaries. For fiscal year 2007, Congress denied itself the automatic adjustment[16] and has not yet permitted federal judges to receive it.[17] Members and judges thus receive $165,200, but EL-IIs receive $168,000.[18]

The only explicit statutory mandate to link high-level salaries appears in the 1989 Ethics Reform Act, which restricted officials' teaching income and prohibited the receipt of honoraria. It also provided for the annual salary adjustment mechanism now in use, and it told the quadrennial commission that its pay recommendations "for a Senator, a Member of the House of Representatives,…a judge of a district court…, a judge of the…Court of International Trade, and each [EL-II] office or position…shall be equal"[19]—as they were in 1989. The Act also mandated equal salary recommendations for the Chief Justice, Vice President, Speaker, and equal salary recommendations for the majority and minority leaders and cabinet secretaries.[20] Although the commission has not functioned since 1988, the linkages in place at that time have been perpetuated by the adjustments provided in most years since then (at least until 2007).

Legislative-judicial salary linkage has had an intermittent history in the 116 years since the federal judicial system took its present form. [21] Table A shows the number of years that statutes linked member salaries with those of district judges, those of circuit judges, or neither. For the first thirteen years after 1890, for example, members and district judges received the same salary. Appendix Table 2 provides all salaries and annual percentage changes. Appendix Table 3 presents those salary figures in 2007 dollars.

Table A–Salary Linkage, 1891-2006

Year	Judges Linked to Members		
	District	Circuit	Neither
1891-03	13		
1904-18			15
1919-24	6		
1925			1
1926-31	6		
1932-34			3
1935-45	11		
1946-54			9
1955-63	9		
1964			1
1965-68	4		
1969-1975		7	
1976			1
1977-78		2	
1979-86			8
1987-2006	20		
TOTAL (116 years)	69	9	38

Data drawn from Appendix Table 2.

Up to 1964, Congress matched its salaries with those of district judges for roughly two of every three years. After Congress created the Executive Schedule in 1964, until 1986, it matched its salaries with circuit judges or district judges for about two of every three years again. Only in 1987 did a firm member-judge linkage take hold: Congress has matched its salaries with district judges' salaries ever since. (During non-linkage years, member salaries were less than both district or circuit judges, except for 1907-18, 1925 and 1976.)

It is risky to read a linkage policy into the pre-1987 salary history. Linkage is not consistent, and salaries paid are especially misleading. For one thing, although the salaries of members and district judges through most of the 1920s and 1930s were $10,000, some federal judges' income during that period was not subject to the federal income tax.[22] For another, outside earning opportunities have varied. In 1952, when members earned less than district or circuit judges, a survey found significant numbers of members receiving business or professional income.[23] (Today, outside income, including from speeches, has been heavily curtailed. However, teaching remains permissible, and judges' schedules accommodate teaching more than members' schedules.)

Linkage as Compensation Policy

Raising legislative salaries has been perilous for members of Congress at least since the early 19th century, when scores of legislators lost their jobs after Congress adopted the Compensation Act of 1816. [24] Congress has regularly sought strategies to reduce the

Linkage, though, has little underlying rationale beyond members' search for a way to secure adequate pay in the face of unrelenting public hostility.

transparency of and avoid blame for congressional salary increases. Linkage has been the strategy in recent years. Linkage, though, has little underlying rationale beyond members' search for a way to secure adequate pay in the face of unrelenting public hostility. One finds little reference to linkage before the 1960s. Congressional hearings in 1926 on "Salaries of Judges,"[25] coming after Congress raised its salaries by 25 percent but took no action on judges' salaries, focused on comparing federal judicial salaries to those of state and foreign judges. There was a concerted push to raise legislative and judicial salaries in the early 1950s from unlinked levels set in 1947; the 600 pages of hearings and exhibits amassed by the Commission on Judicial and Congressional Salaries in 1953[26] and the Commission's report[27] stressed the need to raise judicial and legislative salaries after a long period of inflation. Although the Commission recommended raising member and district judge salaries to the same level, the record, including legislative hearings on the subject,[28] contains no reference to linkage per se except a provision in one little-discussed bill that member and district judge salaries be "be at the same rate."[29]

Reference to linkage appeared in 1967, when Congress created the quadrennial commission and told it to determine "the appropriate pay levels and relationships between and among the" high-level offices whose salaries it was to assess.[30] Every commission report but one recommended interbranch salary linkage but rarely explained why. The 1980 report said linkage placed special burdens on judges because they "consider their appointments to be lifetime commitments."[31] It quoted a *New York Times* editorial call for higher judicial salaries,[32] but not its call for delinking member and judge salaries.[33] The 1984 commission called linkage "unfortunate and illogical but . . . a reality." Only the 1986 report spent so much as a paragraph defending linkage—calling it important for symbolic reasons—but asked Congress to raise judicial and executive salaries if it decided it could not raise its own.[34] Only the 1976 report recommended delinkage, stressing differences in the likely career paths of judges, legislators and executives. [35]

The legislative history of the 1989 Ethics Reform Act, with its equal-salaries mandate to the never-appointed Citizens Commission, contains little on why Congress was so committed to matched salaries save for the fear that otherwise "Congress would never get another pay raise."[36] The Justice Department endorsed linkage but not if it would prevent a judicial salary increase.[37] In hearings before the Senate Governmental Affairs Committee in early 1989 on an ill-fated and highly controversial presidential recommendation for a 50% pay increase, seven of the 14 senators spoke to decoupling; six said they favored delinkage and another seemed open to the idea.[38] One witness, Fred Wertheimer of Common Cause, favored delinkage as well.[39] Only Ralph Nader opposed delinkage.[40]

The Case for Linkage Considered

Finding no cohesive rationale for salary linkage in the record, here we formulate and

then explore six policy questions that linkage implicates.

- Are the high-level linked positions basically alike, thus meriting the same salary?
- Does linkage provide salary increases to members better than does delinkage?
- Does linkage provide an even-handed way to restrain salaries of subordinate positions?
- Do equal salaries represent equality among the three branches?
- Do other jurisdictions link judicial and legislative salaries?
- Does public opinion favor linkage?

Perhaps the jobs of legislators, deputy secretaries and agency heads, and district judges are sufficiently comparable to justify salary equality. Rather than try to tweak the differences in the positions, it makes sense to match their salaries.

By even the simplest observations, though, a one-size-fits-all salary assessment is inappropriate. These officials differ in their range of responsibilities, the interests and sources consulted, the demand for specialized as opposed to general expertise, the effect of their actions on their job security, and their ability to explain actions to the press and public.

Moreover, as the Comptroller General said over 25 years ago, "there are few parallels between the career patterns [and] career expectations . . . of Members of Congress, judges, and executives."[41] Judges and deputy secretaries often take a salary reduction to enter government service. Judges forgo the potential for high salaries permanently (we hope), but most deputy secretaries serve relatively briefly and, once out of government, may well earn more than had they not served. For the legislator, as the 1976 commission said, the "psychic income is vastly different . . . and the risks and burdens include not only the loss of a job but of undeserved public obloquy."[42] Members who leave Congress, however, may receive healthy salaries in the private sector. All this led the 1976 commission to conclude that "[t]here is simply no justification for the continued automatic linkage of salary among these groups. Each should stand on its own, and with proper public understanding, the political consequences can be minimized."[43]

Perhaps the practical reason for linkage is reason enough. Members need adequate compensation, and Congress can raise the salaries of all three groups, as a package, more easily than it can raise its own, standing alone.

At best, the data are inconclusive on an association between linkage and member salary increases. Appendix Table 2 shows that from 1965 to 1986, member salaries were linked to district or circuit judges' salaries for 13 years and to neither for nine years. During that time, all salaries increased by over 150 percent. The increases from 1987 to 2007, 21 years of unbroken linkage between members' and district judges' salaries, were around 84 percent.

Those figures are somewhat deceiving, however, because the buying power for all three groups actually dropped by 25 percent or more during the first period. Table B

Executive agencies are offering salaries above $165,200 to significant numbers of individuals who have less responsibility and impact than agency heads, deputy secretaries, members and district judges.

shows salary changes for the two periods in 2007 dollars.

Table B—Changes in Salaries in 2007 Dollars for Two Periods

Salaries of	1965	1986	Percent Change	1987	2007	Percent Change
Members	$193,809	$139,441	-28%	$160,327	$165,200	+3%
District judges	$193,809	$146,126	-25%	$160,327	$165,200	+3%
Circuit judges	$213,189	$154,481	-28%	$170,180	$175,100	+3%
Worker wages*	$30,097	$32,162	+7%	$33,009	$38,505	+17%

Source: Appendix Table 3 and Social Security Administration, National Average Wage Indexing Series[44]

However, those figures are also deceiving because the major increases that occurred during the first period (in current dollars—what the public saw) occurred during periods of delinkage. Members achieved four increases of 10 percent or more during the period, but in three of those years (1965, 1977, and 1983) the increase was from a salary not linked to a judicial salary. In addition, a 47 percent increase in member salaries between 1981 and 1987 occurred during a period of delinkage. The only way to argue, from these data, that linkage boosts member salaries more than does delinkage would be to argue that, had the officials' salaries been consistently linked from 1965 to 1986, they would have escaped the loss of earning power that hit all three groups at essentially the same level. Put another way, for members to have achieved the same seven percent increase in buying power that worker wages showed—to go from $193,809 to $207,376 in 2007 dollars—their current dollar salary would have had to go from $30,000 to $110,680, not $75,100 as shown in Appendix Table 2. The public would not have tolerated that increase, with or without linkage.

Perhaps linkage provides an even-handed means of restraining salaries of subordinates to the principals whose salaries are linked. Salaries of those who report to district judges, for example, should be below the salaries of judges and of members and EL-IIs.

In fact, executive agencies are offering salaries above $165,200 to significant numbers[45] of individuals who have less responsibility and impact than agency heads, deputy secretaries, members and district judges. That is because Congress has exempted specific executive agencies from government-wide pay and personnel restrictions in title 5 of the U.S. Code. A few examples include the Veterans Affairs Department's basic-market-performance pay system of compensation for physicians and dentists, established pursuant to a 2004 statute;[46] the department has recently advertised for numerous positions with maximum salaries in the range of $175,000 to $255,000 (and in some cases higher).[47] The Commodity Futures Trading Commission, pursuant to a 2002 statute,[48] recently sought a Deputy General Counsel (Litigation) with an annual salary up to $208,994[49] and a Secretary to the Commission and an Accounting Officer (both up to $180,634).[50] A 1998 statute[51] said the Internal Revenue Service could fix salaries of up to 40 officials at the Vice President's salary (currently $215,700). Salaries are substantially

higher for members of the Public Corporation Accountability Oversight Board, created under the 2002 Sarbanes-Oxley Act. In 2003, the Board's Chairman was paid $556,000; the other members, $452,000. (The Board is technically a private corporation—hence the salaries higher than the President's—but performing public functions under Securities and Exchange Commission oversight.)[52] Recent SEC vacancy announcements, pursuant to a 2002 statute,[53] seek a Supervisory Attorney-Adviser[54] and a Trial Attorney[55] with maximum salaries of $185,393 and $175,384 respectively.

Congress has not permitted these salaries because it believes government economists, lawyers and physicians perform jobs more vital to the nation than deputy secretaries, district judges and members of Congress. Congress does not believe that the attorney litigating the government's securities action is more important than the judge who presides over it. Rather, Congress has permitted some executive agencies to operate in the real world of recruitment, but fear of voter hostility precludes Congress's applying the same understanding to those who make the nation's laws and apply them through executive policy and judicial decisions.

Perhaps member, district judge and EL-II salaries should be matched for symbolic reasons.

The only substantive argument for linkage that we could find was in the report of the 1986 quadrennial commission, which acknowledged that linkage had depressed judicial and executive salaries but said the Constitutional balance of "three equal branches of government" means that "[l]ower pay for Congressmen may risk implying lesser status to Congress than to the highest ranks of the judicial or executive branches." On this point, the commission relied heavily on a submission by a coalition of attorneys,[56] which cited the "Framers' goal" that members "be equal to officers of the other two branches in terms of their stature, prestige, overall quality, and integrity." Implementing this goal, said the attorneys, requires "maintain[ing] congressional Members' salaries at a level equal to Level II Executives and circuit court judges."[57]

If salary equality were the Framers' mechanism for proclaiming legislative equality in stature and prestige, one might be surprised to find no reference to it in the convention debates[58] or *The Federalist*.[59] Rather, the Constitution establishes the equality of Congress by the authority vested in it by Article I. Legislators have traditionally received lower salaries than the highest ranks of the executive and judicial branches. Far from implying "lesser status," this practice represents a crude effort to accommodate variations among the senior ranks of government. If salary were a surrogate for legislative equality, one might conclude that Congress meant to reduce its stature in 1989 by matching its salary with district judges' salaries, rather than maintain the member-circuit judge match that had been in place off and on since 1965.

The most apropos reference to legislative salaries at the constitutional convention was Roger Sherman's. He "was not afraid that the Legislature would make their own wages too high; but too low."[60] The 1986 commission, despite its call for equal salaries, had such a fear in mind. If Congress declines "to raise its own pay," its report said, "it is

Comparisons to states are of limited utility because states pay judges significantly more than legislators, especially where legislative service is part-time.

better to limit the unfairness thereby caused and not impose inadequate pay levels on the two other branches, thus compounding the harm to our government and our country."[61]

Perhaps other governments use linkage or salary equality to set judicial salaries.

Comparisons to states are of limited utility because states pay judges significantly more than legislators, especially where legislative service is part-time.[62] In some states—New York and New Jersey for example—legislators traditionally do not raise judicial salaries unless they raise their own as well.[63] A recent *National Law Journal* review of state judicial salary developments nationally, however, did not identify linkage as a factor generally in state legislative consideration.[64]

Jurisdictions that use salary-setting mechanisms (roughly akin to the federal quadrennial commissions or the statutory mechanisms for annual salary adjustments) do not prescribe formulas for linking judicial or legislative salaries. An Oklahoma statute, for example, tells its Board on Judicial Compensation to "consider," among other things, the "compensation of other state, county, and municipal public officials."[65] Utah tells its State Executive and Judicial Compensation Commission to "formulate recommendations . . . based upon factors such as . . . wages paid in other comparable public and private employment within this state, and other states similarly situated."[66] Although the Delaware Code prescribes no criteria for the Delaware Compensation Commission,[67] the Commission said that one of the principles it adopted to guide its work was that "[s]ome members of the Judiciary may be paid more than the Governor"[68]—and indeed Delaware pays the Supreme Court more than the Governor.[69]

Judges in Australia, Canada and Great Britain receive salaries that are substantially greater than legislator salaries.[70] Australia has created a statutory Remuneration Tribunal to set judicial salaries, subject to parliamentary disallowance. None of the criteria the statute directs the Tribunal to consider relate to legislative salaries, which are determined by Parliament.[71] Canada says its Judicial Compensation and Benefits Commission's recommendations[72] should reflect economic and government financial conditions, the need to attract good judges, and "the role of financial security in ensuring judicial independence."[73] In 2001, Parliament approved raising its members' salaries to 50% of the Chief Justice's salary, but it repealed that highly controversial measure[74] in 2005.[75] Great Britain's Office of Manpower Economics says the recommendations of the Review Body on Senior Salaries for judicial, senior civilian and senior armed forces positions should reflect "the need to maintain broad linkage between the remuneration of the three main remit groups [which do not include Parliament], while allowing sufficient flexibility to take account of the circumstances of each group." [76]

Perhaps public opinion generally supports linkage or salary equality.

The closest surrogate to current public attitudes on the arcane topic of linkage are editorials and newspaper opinion pieces in response to Chief Justice Roberts's call in

January 1, 2007 for increased judicial salaries.

We know of 11 that reference linkage. Eight oppose it, and two are skeptical, regardless of their position on increasing judicial salaries. A signed editorial in Nevada, for example, said that "[o]ne of the problems is that the judicial salaries need to be set by the legislative branch and approved by the president. If the people are upset with their senators and congressmen—when does that ever happen?—one of the last things the Congress votes for is their own pay raises, which would include those for judges. Thus, nothing ever happens."[77] A *USA Today* editorial, mildly supportive of a pay raise, was more direct about linkage: "We also don't think judges' pay should be held hostage to congressional egos and pay-raise politics."[78] The only piece we encountered that stands up for linkage was by a *National Review* columnist: "it will be an uphill argument—and rightly so—to make the case that judges ought to make more than senators and representatives."[79]

Conclusion

The electoral jeopardy that legislators perceive in setting adequate salaries for themselves has prevented Congress from finding a solution to the more fixable problems of identifying appropriate judicial pay levels. Brookings Institution workforce economist Gary Burtless told the House Government Reform Subcommittee on Workforce and Agency Operations last year that "[f]ederal compensation of top officials is determined by political logic rather than a clear-eyed assessment of the personnel needs of the government."[80] The National Commission on Public Service in 2003 asked "Congress [to] break the statutory link between the salaries of members of Congress and those of judges and senior political appointees" because "executive and judicial salaries must be determined by procedures that tie them to the needs of the government, not the career-related exigencies of members of Congress."[81] As far back as 1980, labor economists Arnold Weber and Robert Hartman stated that "linkage has become an impediment to intelligent paysetting throughout the federal government."[82]

As we showed, the empirical evidence that linkage serves to boost legislative pay is not nearly as clear-cut as is widely believed. Even robust evidence, however, would not dissuade us from seeing linkage as an unfortunate policy mechanism. Even if linkage may under some conditions and to some extent insulate lawmakers against populist demagoguery, it will do so only at the price of exacerbating the difficulties of recruiting and retaining a highly-skilled workforce for vital government positions. The profusion of special statutes authorizing executive staff salaries higher than those of linked officials suggests that this is already happening.

Congress's reliance on linkage as its pay-booster reflects an implicit assumption that Congress, and the country, cannot have a clear-eyed, intelligent debate about legislative pay. That assumption is understandable in light of the hostility that always gets directed toward the institution and toward individual members whenever a proposal for

reasonable salary adjustments is on the table. But the threat of demagoguery these days is hardly limited to compensation. However real and lamentable, it cannot serve as a blanket dispensation from a reasoned and responsible legislative debate and decision-making process. We should not surrender the demand for such a debate to an unqualified cynicism about the state of our politics.

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Appendix Table 1—Federal Judges' Terms, Salaries, Numbers
As of late March 2007

	Appointed by	Term	Salary [a]	Positions [b]	Active Judges[b]	Senior/ Recalled Judges [b]
Chief Justice [c]	President/Senate	Life	$212,100	1	1	
Associated Justices	"	Life	$203,000	8	8	1
Court of Appeals Judges	"	Life	$175,100	179	164	106
District Court Judges	"	Life	$165,200	674	639	368
District Court Magistrate Judges (full-time)	District Judges	8 years	$151,984	503	489	23
Magistrate Judges (part-time)	"	4 years	<$70,166	48	45	14
Bankruptcy Judges	Court of Appeals	14 years	$151,984	352	339	25
Court of International Trade Judges	President/Senate	life	$165,200	9	9	4
Court of Federal Claims Judges	President/Senate	15 years	$165,200	16	16	15

[a] Salary data from Appendix Table 2 and from Administrative Office of United States Courts

[b] Judgeship data from 28 U.S.C. §§1, 44, 133(a), 251(a), 171(a), and 133(a) and from the Administrative Office of the U.S. Courts. Number of judges from the Federal Judges Biographical Data Base, http://www.fjc.gov/public/home.nsf/hisj, and from the Administrative Office. Statutory age and eligibility requirements let life-tenure and Federal Claims Court judges retire on "senior status" and earn the same salary as regular judges if they do a prescribed amount of work.[83] Retired bankruptcy and magistrate judges may be temporarily "recalled" to service.[84]

[c] The Chief Justice is the only chief judge who receives a different salary than other members of his or her court.

Appendix Table 2—Salaries for Members, Circuit Judges and District Judges, 1891-2007

Year	Members	Percent Change	Circuit Judges	Percent Change	District Judges	Percent Change
1891-02	$5,000		$6,000		$5,000	
1903-06	$5,000	0.0%	$7,000	14.3%	$6,000	16.7%

Year	Members	Percent Change	Circuit Judges	Percent Change	District Judges	Percent Change
1907-18	$7,500	33.3%	$7,000	0.0%	$6,000	0.0%
1919-24	$7,500	0.0%	$8,500	17.6%	$7,500	20.0%
1925	$10,000	25.0%	$8,500	0.0%	$7,500	0.0%
1926-31	$10,000	0.0%	$12,500	32.0%	$10,000	25.0%
1932-34	$9,000	-11.1%	$12,500	0.0%	$10,000	0.0%
1935-45	$10,000	10.0%	$12,500	0.0%	$10,000	0.0%
1946	$10,000	0.0%	$17,500	28.6%	$15,000	33.3%
1947-54	$12,500	20.0%	$17,500	0.0%	$15,000	0.0%
1955-63	$22,500	44.4%	$25,500	31.4%	$22,500	33.3%
1964	$22,500	0.0%	$33,000	22.7%	$30,000	25.0%
1965-68	$30,000	25.0%	$33,000	0.0%	$30,000	0.0%
1969-74	$42,500	29.4%	$42,500	22.4%	$40,000	25.0%
1975	$44,600	4.7%	$44,600	4.7%	$42,000	4.8%
1976	$44,600	0.0%	$46,800	4.7%	$44,000	4.5%
1977	$57,500	22.4%	$57,500	18.6%	$54,500	19.3%
1978	$57,500	0.0%	$60,700	5.3%	$57,500	5.2%
1979	$60,700	5.3%	$65,000	6.9%	$61,500	6.5%
1980	$60,700	0.0%	$70,900	8.3%	$67,100	8.3%
1981	$60,700	0.0%	$74,300	4.6%	$70,300	4.6%
1982	$60,700	0.0%	$77,300	3.9%	$73,100	3.8%
1983	$69,800	13.0%	$77,300	0.0%	$73,100	0.0%
1984	$72,600	3.9%	$80,400	3.9%	$76,000	3.8%
1985-86	$75,100	3.3%	$83,200	3.4%	$78,700	3.4%
1987-89	$89,500	16.1%	$95,000	12.4%	$89,500	12.1%
1990	$96,600	7.3%	$102,500	7.3%	$96,600	7.3%
1991	$125,100	22.8%	$132,700	22.8%	$125,100	22.8%
1992	$129,500	3.4%	$137,300	3.4%	$129,500	3.4%
1993-97	$133,600	3.1%	$141,700	3.1%	$133,600	3.1%
1998-99	$136,700	2.3%	$145,000	2.3%	$136,700	2.3%
2000	$141,300	3.3%	$149,900	3.3%	$141,300	3.3%
2001	$145,100	2.6%	$153,900	2.6%	$145,100	2.6%
2002	$150,000	3.3%	$159,100	3.3%	$150,000	3.3%
2003	$154,700	3.0%	$164,000	3.0%	$154,700	3.0%
2004	$158,100	2.2%	$167,600	2.1%	$158,100	2.2%
2005	$162,100	2.5%	$171,800	2.4%	$162,100	2.5%
2006	$165,200	1.9%	$175,100	1.9%	$165,200	1.9%
2007**	$165,200	0.0%	$175,100	0.0%	$165,200	0.0%

* Congressional salaries from 1932 to 1934 fluctuated annually and even more than annually, but generally in the $8,500-9,500 range.

** As of early April. Congress was considering legislation to permit judges to receive the scheduled annual adjustment.

Source for judges' salaries: *Judicial Salaries Since 1968*, http://www.uscourts.gov/salarychart.pdf and *Judicial Salaries, Biographical Directory of Federal Judges*, http://www.fjc.gov/public/home.nsf/hisj

Source for legislators' salaries: *Judicial Salaries Since 1968*, cited supra, and Paul Dwyer, "Salaries of Members: A

List of Payable Rates and Effective Dates, 1789-2006," Congressional Research Service Report, Order Code 97-1-11 GOV, Updated April 18, 2006.

Appendix Table 3—Salaries for Members, Circuit Judges and District Judges, 1891-2007 Current Dollars and 2007 Dollars*

Year	Members	2007 Dollars	Circuit Judges	2007 Dollars	District Judges	2007 Dollars
1913	$7,500	$154,166	$7,000	$143,888	$6,000	$123,333
1914		$152,624		$142,449		$122,099
1915		$151,113		$141,039		$120,890
1916		$140,022		$130,687		$112,018
1917		$119,238		$111,289		$95,390
1918		$101,076		$94,337		$80,861
1919		$88,222	$8,500	$99,985	$7,500	$88,222
1920		$76,312		$86,487		$76,312
1921		$85,265		$96,634		$85,265
1922		$90,848		$102,961		$90,848
1923		$89,254		$101,154		$89,254
1924		$89,254		$101,154		$89,254
1925	$10,000	$116,285		$98,842		$87,214
1926		$114,971	$12,500	$143,714	$10,000	$114,971
1927		$116,953		$146,192		$116,953
1928		$119,005		$148,757		$119,005
1929		$119,005		$148,757		$119,005
1930		$121,856		$152,320		$121,856
1931		$133,881		$167,351		$133,881
1932	$9,000	$133,685		$185,674		$148,539
1933		$140,884		$195,672		$156,538
1934		$136,678		$189,831		$151,865
1935	$10,000	$148,539		$185,674		$148,539
1936		$146,402		$183,003		$146,402
1937		$141,319		$176,648		$141,319
1938		$144,326		$180,407		$144,326
1939		$146,402		$183,003		$146,402
1940		$145,356		$181,696		$145,356
1941		$138,435		$173,043		$138,435
1942		$124,846		$156,058		$124,846
1943		$117,629		$147,037		$117,629
1944		$115,624		$144,531		$115,624
1945		$113,055		$141,319		$113,055
1946		$104,358	$17,500	$182,627	$15,000	$156,538
1947	$12,500	$114,069		$159,697		$136,883
1948		$105,549		$147,769		$126,659
1949		$106,880		$149,632		$128,256

Year	Members	2007 Dollars	Circuit Judges	2007 Dollars	District Judges	2007 Dollars
1950		$105,549		$147,769		$126,659
1951		$97,836		$136,970		$117,403
1952		$95,990		$134,386		$115,188
1953		$95,271		$133,379		$114,325
1954		$94,563		$132,388		$113,475
1955	$22,500	$170,848	$25,500	$193,628	$22,500	$170,848
1956		$168,336		$190,780		$168,336
1957		$162,944		$184,670		$162,944
1958		$158,433		$179,558		$158,433
1959		$157,345		$178,324		$157,345
1960		$154,687		$175,312		$154,687
1961		$153,135		$173,553		$153,135
1962		$151,613		$171,829		$151,613
1963		$149,632		$169,583		$149,632
1964		$147,701	$33,000	$216,628	$30,000	$196,935
1965	$30,000	$193,809		$213,189		$193,809
1966		$193,809		$213,189		$193,809
1967		$182,784		$201,062		$182,784
1968		$175,430		$192,973		$175,430
1969	$42,500	$235,660	$42,500	$235,660	$40,000	$221,797
1970		$222,905		$222,905		$209,793
1971		$213,548		$213,548		$200,987
1972		$206,907		$206,907		$194,736
1973		$194,791		$194,791		$183,332
1974		$175,430		$175,430		$165,111
1975	$44,600	$168,700	$44,600	$168,700	$42,000	$158,865
1976		$159,509	$46,800	$167,377	$44,000	$157,363
1977	$57,500	$193,089	$57,500	$193,089	$54,500	$183,015
1978		$179,466	$60,700	$189,454	$57,500	$179,466
1979	$60,700	$170,143	$65,000	$182,196	$61,500	$172,386
1980		$149,908	$70,900	$175,098	$67,100	$165,713
1981		$135,890	$74,300	$166,336	$70,300	$157,382
1982		$128,004	$77,300	$163,010	$73,100	$154,153
1983	$69,800	$142,613		$157,936		$149,355
1984	$72,600	$142,195	$80,400	$157,472	$76,000	$148,854
1985	$75,100	$142,033	$83,200	$157,352	$78,700	$148,842
1986		$139,441		$154,481		$146,126
1987	$89,500	$160,327	$95,000	$170,180	$89,500	$160,327
1988		$153,957		$163,418		$153,957
1989		$146,880		$155,906		$146,880
1990	$96,600	$150,406	$102,500	$159,592	$96,600	$150,406
1991	$125,100	$186,914	$132,700	$198,270	$125,100	$186,914

Year	Members	2007 Dollars	Circuit Judges	2007 Dollars	District Judges	2007 Dollars
1992	$129,500	$187,834	$137,300	$199,148	$129,500	$187,834
1993	$133,600	$188,149	$141,700	$199,556	$133,600	$188,149
1994		$183,451		$194,574		$183,451
1995		$178,395		$189,211		$178,395
1996		$173,279		$183,785		$173,279
1997		$169,392		$179,662		$169,392
1998	$136,700	$170,665	$145,000	$181,027	$136,700	$170,665
1999		$166,977		$177,115		$166,977
2000	$141,300	$166,983	$149,900	$177,146	$141,300	$166,983
2001	$145,100	$166,729	$153,900	$176,841	$145,100	$166,729
2002	$150,000	$169,677	$159,100	$179,970	$150,000	$169,677
2003	$154,700	$171,094	$164,000	$181,380	$154,700	$171,094
2004	$158,100	$170,319	$167,600	$180,553	$158,100	$170,319
2005	$162,100	$168,905	$171,800	$179,012	$162,100	$168,905
2006	$165,200	$166,756	$175,100	$176,749	$165,200	$166,756
2007		$165,200		$175,100		$165,200

Current salary dollars from Appendix Table 2. Conversion to 2007 dollars using the inflation calculator at the Bureau of Labor Statistics website, http://www.bls.gov/.

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[1] The National Commission on the Public Service, *Urgent Business for America* (2003) pp. 22,23, 25

[2] For district judge salaries, see Appendix Table 2 and sources cited. For Court of International Trade judges, see 28 U.S.C. A. §252, Historical and Statutory Notes. For Federal Claims Court judges, see 28 U.S.C. §172(b).

[3] 28 U.S.C. § 153(a) and §§633(c) and 634(a).

[4] See, for the Supreme Court 28 U.SC. §5; for courts of appeals, §44(c); for district courts, 28 U.S.C. §135; for International Trade Court, §252.

[5] 3 U.S.C. § 104 (Vice-President) and 5 U.S.C. §5318 (Executive Schedule appointees)

[6] 2 U.S.C. §31

[7] 5 U.S.C. 5303

[8] P.L. 97-92, §140, Dec. 15, 1981; 95 Stat. 1183, 1200, made permanent in Act of Nov. 28, 2001, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies, P.L. 107-77, Title VI, §625; 115 Stat. 748 at 803.

[9] *U.S. v. Will*, 449 U.S. 200, esp. at 225-26 and 229-230 (1980)

[10] Barbara L. Schwemle, "Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries," Congressional Research Service Report RL33245 (February 15, 2007) pp. 2-4.

[11] P.L. 90-206, §225, 81 Stat. 613, 642, Dec. 16, 1967

[12] Sharon S. Gressle, "Commission on Executive, Legislative, and Judicial Salaries: A Historical Summary," Congressional Research Service Report No. 86-1050 GOV (January 8, 1987) tables 1-5 at pp. 31-42.

[13] Ethics Reform Act of 1989, PL 101-194, §701(a) (2); 2 U.S.C. §351.

[14] Barbara L. Schwemle, "Salary Linkage: Members of Congress and Certain Federal Executive and Judicial Officials," Congressional Research Service Report RS20388 (Jan. 31, 2007).

[15] 5 U.S.C. § 5313

[16] Revised Continuing Appropriations Resolution, P.L. 110-005, §115, 121 Stat. 8 (Feb. 15, 2007).

[17] S. 197, To authorize salary adjustments for justices and judges of the United States for fiscal year 2007 (passed the Senate, January 8, 2007, pending in the House Judiciary Committee as of mid-April).See also §3310 of H.R. 1591, U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, as passed by the Senate, March 29, 2007, which would also authorize judicial salary adjustments. The version passed by the House did not contain a similar provision, and a veto is likely in any event on matters unrelated to judicial salaries.

[18] Executive Schedule Salary Table, viewed March 23, 2007 at http://www.opm.gov/oca/07tables/html/ex.asp.

[19] Ethics Reform Act cited supra in note 13, §701(i). 2 U.S.C. §362(A)(iii)

[20] 2 U.S.C. §362(A) (i) and (ii).
[21] Act of March 3, 1891, 26 Stat. 826. See in general, R. Wheeler and C. Harrison, *Creating the Federal Judicial System* esp. (3rd edition, 2005), especially p. 47.
[22] *O'Malley v. Woodrough*, 307 U.S. 277 (1939)
[23] A *New York Times* survey reported that 80 percent of the House members and two-thirds of the Senators responding said they received income beyond their salary, and that the mix between investments and business/professional income was half and half. About half in each house said the income received was less than their legislative salaries. The response rate was over 50 percent. "Confidential Questionnaire to Members of Congress for the *New York Times Magazine*," in Commission on Judicial and Congressional Salaries, Hearings before the Commission, Pursuant to Public Law 220, 83rd Cong., Senate Doc. 104 (Dec. 15, 16, and 17, 1953), p. 360.
[24] See William T. Bianco; David B. Spence; John D. Wilkerson, "The Electoral Connection in the Early Congress: The Case of the Compensation Act of 1816," *American Journal of Political Science*, Vol. 40, No. 1. (Feb., 1996), pp. 145-171.
[25] "Judicial Salaries," Hearing before the Committee on the Judiciary, House of Representatives, 68th Cong., 2d sess., on H.R. 9221, December 15, 1924, at pp. 83 ff in Joint Hearing before the Committees on the Judiciary, 69th Cong., 1st sess., on H.R. 7907 (January 19, 1926)
[26] Hearings cited supra in note 23.
[27] Report of the Commission on Judicial and Congressional Salaries, H. Doc. No. 300, 83rd Cong., 2d sess., January 15, 1954, reprinted in Hearings before a Subcommittee of the Committee on the Judiciary, Senate, 84th Cong., 1st sess., on Salaries of Justices and Judges of United States Courts and Members of Congress, S. 165, S. 462, and S. 540 at 31, January 25 and 28, 1955.
[28] Hearing before a Subcommittee of the Committee on the Judiciary, Senate, 83rd Cong., 1st sess., on Salaries of Members of Congress, Federal Judges, and United States Attorneys, S. 5 (April 22, 1953).
[29] S. 540, "A Bill to increase the salaries of judges of the United States courts, and to provide that Members of Congress shall receive salary comparable to that of judges of the United States district courts," 84th Cong., 1st sess, in Hearings cited supra in note 27, p. 4.
[30] P.L. 90-206, §225 (f) (D), (i), 81 Stat. 613, 643, Dec. 16, 1967
[31] *Report of the Commission on Executive, Legislative, and Judicial Salaries* (1980) p. 23
[32] Ibid, p. 29.
[33] "Keep the Federal Courts Special," (editorial) *New York Times*, Aug. 24, 1980.
[34] *Quality Leadership, Our Government's Most Precious Asset, Report of the Commission on Executive, Legislative, and Judicial Salaries* (1986) p. 27.
[35] *Report of the Commission on Executive, Legislative, and Judicial Salaries* (1976), pp. 3-4, 35-36
[36] Rep. Carlos Moorhead, "Judicial Independence: Discipline and Conduct," Hearings before the Subcommittee on Courts, Intellectual Property, and the Administration of Justice of the Committee on the Judiciary, House of Representatives, 101st Cong., 1st sess. on H.R. 1620, HR. 1930, and H.R. 2181 (1989) p. 386.
[37] Prepared Statement of Thomas M. Boyd, Director, Office of Policy Development, U.S. Department of Justice, in "Judicial Independence: Discipline and Conduct," in Hearings cited supra in note 36, pp. 306, 307
[38] See statements in Hearings before the Committee on Governmental Affairs, Senate, 1st sess., on the Report of the 1989 Commission on Executive, Legislative, and Judicial Salaries (January 31 and February 1, 1989) Senators Stevens (p. 5), Roth (p.9), Wilson (p. 29), Pressler (p. 64), Humphrey (p. 65), and Glenn (p. 70), and Sasser (p. 23).
[39] Hearings cited supra at note 38, p. 124.
[40] Hearings cited supra at note 38, p. 79.
[41] Statement of Elmer B. Staats, before the Quadrennial Pay Commission Task Force of the Committee on Post Office and Civil Service, House of Representatives, February 18, 1981, pp. 6-7 (on file with authors).
[42] Report cited supra at note 35, p. 35.
[43] Report cited supra at note 35, p. 36
[44] Computed from the Social Security Administration's National Average Wage Indexing Series, available at http://www.ssa.gov/OACT/COLA/awiseries.html. Figure shown for 2007 is an estimate for 2006, provided by the Office of the Actuary, Social Security Administration, to the General Counsel's office of the Administrative Office of the U.S. Courts, and provided to us by that office. 2007 dollars calculated from Bureau of Labor Statistics Inflation Calculator available at http://www.bls.gov/.
[45] Hearing before the Subcommittee on Health of the Committee on Veterans' Affairs, on Veterans Affairs Physician and Dentist Compensation Issues, House of Representatives, 108th Cong., 1st sess. (Oct. 21, 2003) (subcommittee chair reported that the Department advised him of 6,000 physician positions in the department, 950 of which were unfilled), p. 2.

[46] Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004, P.L. 108-445. Information on the statutes and vacancy announcements discussed in this section was provided on request by the Office of the General Counsel of the Administrative Office of the United States Courts.
[47] See Veterans Health Administration Job Announcement Numbers T38-07-110-JB;07-025; T-38-06-75; T38-07-092-LS; 06-14; 557-07-37KG; MPA-07-15; 674-T38-2007-2; 07-0935; PVN-38-07-5; 07-P-107; 25-07; 07-0934; 07-003-ER
[48] Farm Security and Rural Investment Act of 2002, P.L. 107-171, title X, § 10702.
[49] CFTC Job Announcement 07-005
[50] CFTC Job Announcements 07-006 and 07-007
[51] Internal Revenue Service Restructuring and Reform Act of 1998, P.L. 105-206.
[52] Rebecca Byrne, Accountants Board Tin Ear Now Golden, The Street, Jan. 13 2003 (http://www.thestreet.com/markets/rebeccabyrne/10062297.html)
[53] Investor and Capital Markets Fee Relief Act, P.L. 107-123, § 8.
[54] Securities and Exchange Commission Announcement Number 07-085-TR
[55] Securities and Exchange Commission Announcement Number 07-064-EH
[56] Compare "Setting Congress adrift on the pay issue is politically impractical, and will, in any event, disserve the national interest." in *Promises Made, Promises Still Unkept: Restoration of Inflation-Induced Salary Cuts for Top Government Officials, A Report to the Commission on Executive, Legislative, and Judicial Salaries*, Submitted by Kaye, Scholer, Fierman, Hays & Handler and Dickstein, Shapiro & Morin, with the Support of the Corporate Committee for Fair Compensation of the Federal Judiciary and the American College of Trial Lawyers (1986) p. 72, with "Setting Congress adrift on the pay issue is politically impractical and will not serve the national interest well." Commission report cited supra in note 34 p. 27
[57] *Promises Made* cited in note 56 supra, p. 72.
[58] Max Farrand, 2 *The Records of the Federal Convention of 1787* (1937) pp. 290-293 (debates on the legislative compensation clause)
[59] *The Federalist*, esp. No. 59 ("Concerning the Power of Congress to Regulate the Election of Members,") and Nos. 60-61 ("The Same Subject Continued") (Rossiter ed., 1961), pp. 359-374.
[60] Farrand cited at supra note 58, p. 291.
[61] Report cited supra in note 34, p. 27.
[62] In 2005, forty three states paid legislators $50,000 or less. California was the highest at $110,880. National Conference of State Legislatures, "Legislator Compensation 2005, Updated 2005, Updated Nov. 1, 2005," at http://www.ncsl.org/programs/legismgt/about/05salary.htm. The current salary range for state general jurisdiction trial judges is from $94,093 to $168,100. National Center for State Courts, "Survey of Judicial Salaries," March 1, 2007, available at http://www.ncsconline.org/WC/Publications/KIS_JudComJudSal070106Pub.pdf)
[63] John Caher, "Pay Raise for N.Y. Judges Gets Boost in Spitzer's First Budget," *New York Law Journal*, February 1, 2007; "Find a way to up judges' pay; legislature should revive plan for raises" (editorial), *Newsday* April 4, 2007; "Judges Should Get Raises," (editorial) *Star-Ledger* (New Jersey), Jan. 3, 2007
[64] Amanda Bronstad, "States Push for Judicial Pay Raises," *National Law Journal*, March 5, 2007.
[65] OKLA. STAT. ANN. tit. 20, § 3.3 (West Supp. 2007)
[66] UTAH CODE ANN. § 67-8-5 (2000 & Supp. 2006)
[67] DEL. CODE ANN. §§3301-3303 (2007).
[68] *Delaware Compensation Commission 2005, Final Report* at 8, January 11, 2005.
[69] The 2006 salary for the Delaware chief justice was $194,000 and for associate justices, $184,000. "Survey of Judicial Salaries" cited supra in note 62. The governor's salary in 2005 was $114,000, according to http://www.delawarepersonnel.com/class/, "Executive Branch Salary Survey Data Part 1."
[70] Judicial salaries in Australia are almost all over $300,000 (about $250,000 US). Members of Parliament base salary in 2006 was $118,950 ($98,534 US). See "Determination 2006/10", at http://www.remtribunal.gov.au/judicalRelatedOffices/default.asp?menu=Sec3&switch=on.
In Canada, appellate and principal trial court judge salaries are in the $230,000-$260,000 range ($204,000-231,000 US). Judges Act (RS., 1985, c.J-1, sections 10-20, Act current to Feb. 8, 2007, available at http://laws.justice.gc.ca/en/showdoc/cs/J-1/bo-ga:s_1::bo-ga:s_2/20070323?command=HOME&caller=SI&fragment=Judges%20Act&search_type=all&day=23&month=3&year=2007&search_domain=cs&showall=L&statuteyear=all&lengthannual=50&length=50&page=2). As indicated in the text and note 75, infra, members of Parliament were forced to retreat from an effort to set their salaries at about $160,000 ($142,000 US).
In Great Britain, government salary recommendations for 2007 are £98,900 for district judges, with higher salaries for other judges, and £60,675 (US$119,372) for members of Parliament. Anthony Brown and Jill

Sherman, "Health Workers are the biggest losers as Chancellor takes iron grip on pay awards," *The Time of London* March 2, 2007 at News-11.
Conversions as of late March, calculated through http://www.xe.com/ucc/convert.cgi.
[71] Information and relevant statutes and implementing instruments are available at http://www.remtribunal.gov.au/judicalRelatedOffices/default.asp?menu=Sec3&switch=on .
[72] Department of Justice, Canada, Newsroom Backgrounder, "Judicial Compensation and Benefits Process," available at http://www.justice.gc.ca/en/news/nr/2004/doc_31314.html
[73] Judges Act (RS, 1985, c.J-1, 2007), sec. 26, as viewed at http://laws.justice.gc.ca/en/showdoc/cs/J-1/bo-ga:s_1::bo-ga:s_2/20070323?command=HOME&caller=SI&fragment=Judges%20Act&search_type=all&day=23&month=3&year=2007&search_domain=cs&showall=L&statuteyear=all&lengthannual=50&length=50&page=2
[74] See Hansard Debates on Bill C-28, June 5, 2001 at time interval 1505, available at : http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Pub=Hansard&Mode=1&Parl=37&Ses=1&Doc=72#LINK180
[75] Parliament of Canada Act, as amended April 21, 2005, 38th Parliament, 1st sess, available at http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2334093&Language=e&Mode=1. The prefatory bill summary says that "[s]alaries and allowances will no longer be adjusted by reference to the increase in the annual salary of the Chief Justice . . . but in accordance with the index of the average percentage increase in base-rate wages for each calendar year." Legislators declined to set their salaries at even $160,000 (about $142,000 US), half of the salary of the Chief Justice of Canada. Judges Act (RS., 1985, c.J-1, section 9, Act current to Feb. 8, 2007, available at address in supra note 73). See also Greg Weston, "The 20% Solution," *The Ottawa Sun*, June 18, 2004.
[76] Office of Manpower Economics, "Senior Salaries Review Body," at http://www.ome.uk.com/review.cfm?body=4
[77] Brian Greenspun, "Brian Greenspun on Getting What You Pay For, Even When it Comes to Judges," *Las Vegas Sun*, Feb. 25, 2007
[78] "There Oughta be a Law," (editorial) USA Today, Jan. 9, 2007. Other editorials or op-eds referencing linkage (all 2007): "Is Current Pay Fair? You Be the Judge," *Republican* (Massachusetts), January 3; "Judges Should Get Raises," *Star-Ledger* (New Jersey), January 3; "Bench Warranted: The Federal Judiciary Deserves a Pay Raise," *Akron Beacon Journal*, January 4; "Lagging Judicial Pay," *New York Times* January 5; "Don't Pay Supes Like Members of Congress," *Los Angeles Times*, January 7; "Chief Justice Off Mark on Judges' Earnings, Judicial Pay Shouldn't be Tied to Congressional Salaries," *Miami Herald*, January 8; Dahlia Lithwick, "O Mighty Crisis" and "Courting Cash," *Slate*, January 2 and February 14. (The last two items seem skeptical of linkage but do not directly advocate abandoning it.)
[79] Matthew J. Franck, "The Unpersuasive Chief," *National Review* January 2, 2007.
[80] G. Burtless, "The Erosion of Compensation for Federal Executives and Judges," Testimony before the Subcommittee on the Federal Workforce and Agency Organization, Committee on Government Reform, U.S. House of Representatives, September 20, 2006 at 1, available at http://www.brookings.edu/views/testimony/burtless/20060920.htm
[81] Report cited supra in note 1, p. 25.
[82] Arnold Weber and Ronald Hartman, "The Ways and Means of Compensating Federal Officials," in *The Rewards of Public Service, Compensating Top Federal Officials* 1, 14 (1980, Hartman and Arnold, eds).
[83] 28 U.S.C. §§371 and 178
[84] 28 U.S.C. § 375