

Why the Judiciary Merits a Real Raise

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In January, [Chief Justice John G. Roberts Jr.](#) made a straightforward case for higher judicial pay. Since the 1960s, federal judges' salaries have risen more slowly than prices, more slowly than average American wages and much more slowly than the salaries of lawyers who have far less responsibility than federal judges.

A July 1 editorial ["Judging Pay"] acknowledged these points but quibbled about whether the facts justified a big raise. The editorial chided the chief justice for comparing today's salaries with what judges earned in 1969. This benchmark is misleading, according to the editorial, because judges got a large pay raise that year. Actually, a judge's real salary today is substantially lower than it was in every year between 1964 and 1973, not just in 1969. To restore the purchasing power of judges' pay to the 1964-73 average, salaries would have to go up more than 15 percent.

The chief justice recommends a bigger raise, and for a very good reason.

The real salaries of other lawyers have not stood still over the past 40 years. They've gone up, along with pay in most occupations requiring many years of schooling. To retain the best people on the federal bench, we should pay them equitable salaries. Even though "equitable" is hard to define, it surely requires us to pay higher wages to our judges than law firms pay to recent law school graduates.

Critics may quibble about the right benchmark for setting judges' pay. But under any plausible benchmark, a big raise is long overdue.

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