

Protection and Pay for Federal Judges

In a worthwhile step just before lawmakers headed home, Congress approved legislation intended to better protect federal judges. The new measure increases the maximum prison terms for assaulting a federal judge and includes new criminal penalties for making public personal information, such as addresses, to threaten or harm judges and their families.

Unfortunately, the clock ran out without Congress also approving another needed measure: a substantial pay raise for federal judges.

In his annual report a year ago, the Supreme Court's chief justice, John Roberts, tried to prod Congress to vote for a raise, noting how inflation has eaten into salaries and the link between adequate compensation and the quality and independence of the judiciary. Despite some encouraging last-minute stirrings, the House and Senate again left town without remedying the problem.

A sitting federal trial judge currently earns \$165,200, hardly a trivial amount of money and the same pay as a member of Congress. Still, the case for boosting judicial salaries is compelling. Federal judges have not received

a substantial pay raise in nearly two decades. Since 1969, a federal judge's pay has actually declined by nearly 25 percent, adjusted for inflation, even as the national average for all wages rose by just under 18 percent.

Federal judges now earn significantly less than many law school deans, senior law professors and even new associates at some prestigious law firms. Small wonder judges are leaving the bench at an increasing rate, "threatening the viability of life tenure" envisioned by the Constitution, as Justice Roberts has observed.

At this point, there seems to be sufficient bipartisan support on Capitol Hill to pass a judicial pay raise. Taking a lesson from this year, its supporters should focus on moving the issue as soon as Congress returns in January rather than waiting until the agenda fills up.

The goal should be a package that grants federal judges a sizable raise. It should also improve ethical standards with strict new curbs on privately financed judicial junkets, along the lines proposed by Senators Russ Feingold, Democrat of Wisconsin, and Jon Kyl, Republican of Arizona.