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September 27, 2006

The Honorable Arlen Specter,
Chair
Committee on the Judiciary
United States Senate
Washington DC 20510

The Honorable Patrick Leahy
Committee on the Judiciary
United States Senate
Washington DC 20510

The Honorable F. James Sensenbrenner, Jr.,
Chair
Committee on the Judiciary
United States House of Representatives
Washington DC 20515

The Honorable John Conyers, Jr.
Committee on the Judiciary
United States House of Representatives
Washington DC 20515

Re: Urgent Need for Judicial Redaction Authority

Dear Chairman Specter, Chairman Sensenbrenner, Senator Leahy and Representative Conyers:

We are writing to convey the very substantial concerns of federal judges across the country that their safety has been compromised because the Judicial Conference of the United States no longer has the authority it needs to protect personal information about judges and their families from potential assailants. We urge you to renew the Judicial Conference's authority to redact specified information on the federal financial disclosure statement of a judge prior to disclosure to the public if a finding is made, in consultation with the United States Marshals Service, that revealing such information would endanger the judge or a family member.

In 2001, Congress enacted legislation (Pub. L. No. 107-126) that extended redaction authority until December 2005. Most regrettably, redaction authority lapsed on December 31 and to this day has not been reauthorized. The failure of Congress to act has increased the chances that a judge or a family member, whose personal safety has been threatened or who faces other significant security threats, could be harmed by a disgruntled and emotionally unstable litigant or other individual who is able to track the whereabouts of the judge or family member through information obtained from the judge's financial disclosure statement. This, unfortunately, is not an over-dramatization of potential consequences; in some situations, information on financial disclosure statements can be pieced together to reveal the identity of the workplace,

school, temporary home, or other unsecured locations of judges and/or their family members.

Exposing our judges, who often already have given up substantial personal freedom and financial remuneration to serve on the bench, to such needless risk is unconscionable, particularly at a time when there is heightened awareness of the dangers our judges face day in and day out, and the need for enhanced judicial security following the recent tragic deaths of judges, family members and judicial personnel.

Redaction authority provisions have been included in comprehensive court security legislation and appended to other bills, and they have been introduced and passed in both chambers as stand-alone bills. The primary disagreement among Congressional members is not over the need for redaction authority, but rather over whether to extend redaction authority for a number of years in order to provide a better opportunity to fine-tune it, or to make redaction authority permanent.

This disagreement does not justify inaction. While we support enactment of legislation that provides permanent redaction authority, we are first and foremost committed to improving the present personal safety of our judges. It would be a grievous mistake to get derailed by disagreements and discussions over whether redaction authority should be extended permanently or for a set number of years.

We urge you to individually and collectively use the authority of your leadership positions, using whatever vehicle you deem most appropriate, to enact legislation before you recess for the elections that provides immediate authority for the Judicial Conference of the United States to redact sensitive information on a judge's financial disclosure statement if its disclosure to the public is likely to jeopardize the personal safety or security of that judge or family member. Your success is critical to the safety of our judges.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans".

Robert D. Evans