April 10, 2008

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

RE: FEDERAL JUDICIAL SALARIES

Dear Majority Leader Reid:

We are writing to urge you to do all you can to assure that the 110th Congress succeeds in passing legislation that will provide for a much-needed and long-overdue pay raise for our federal judges.

Justice Kennedy succinctly stated what is at stake in testimony before this Committee last year when he said, “Without a functioning, highly qualified judiciary, no nation can hope to guarantee the prosperity and secure the liberties of its people….We are in real danger of losing, through gradual but steady decline, the highly qualified judiciary on which our Nation relies.”

While it is clear that salaries of Members of Congress also have not kept pace with inflation and have not been adjusted to maintain some kind of reasonable relationship with the private sector, we defer to you on a timetable for seeking a congressional pay raise. However, we believe it is time for Congress to take definitive action with regard to raising judicial pay and therefore urge that legislative action on a judicial pay raise be separated from the difficult, politically charged job of raising congressional pay.

The urgent need for an immediate judicial pay raise does not argue against the need for a similar congressional pay raise, nor would enactment of judicial pay legislation block future enactment of similar legislation with respect to congressional pay. In fact, history has amply demonstrated that, since emergence of the notion of linkage of the base salaries of top-level federal officials in 1969, disparities in salary levels between congressional members and judges have arisen over the years and have always been temporary. Pay parity has always been restored because it is rooted in the firm public policy conviction that there should be inter-branch pay parity for work of comparable
complexity and importance. Furthermore, no matter the legislative vehicle used to provide public servants in upper levels of government with the pay raise they deserve, a temporary delinkage of congressional and judicial salaries will inevitably result because of the requirements of the 27th Amendment to the U.S. Constitution respecting congressional pay.

As you know, the House and Senate Judiciary Committees have approved their respective judicial pay bills, H.R. 3752 and S. 1638, which call for identical pay raises. The bills contain other provisions as well, some of which are not identical. While the ABA has no position on these provisions, concerns have been raised that Section 10 of S. 1638 would unduly limit reimbursement for attendance at important ABA events that are not sponsored by its Judicial Division and we request that it be reexamined during deliberations to work out the differences in the two bills before passage.

It would be a great testament to the 110th Congress to take definitive action to finally resolve the pernicious and persistent problem of eroding judicial pay. We urge you to do everything within your power to assure the enactment this session of legislation to provide our federal judges with a substantial and long-overdue pay raise.

Sincerely,

[Signature]

Denise A. Cardman
Acting Director

NOTE: Individualized letters were sent to:
The Honorable Xavier Becerra
The Honorable James Clyburn
The Honorable Rosa DeLauro
The Honorable Rahm Emanuel
The Honorable Steny H. Hoyer
The Honorable John B. Larson
The Honorable George Miller
The Honorable Nancy Pelosi
The Honorable Charles B. Rangel
The Honorable Chris Van Hollen, Jr.
The Honorable Dianne Feinstein
The Honorable Mitch McConnell
The Honorable Patrick J. Leahy
The Honorable Arlen Specter
The Honorable John Conyers, Jr.
The Honorable Lamar Smith