

Grassley Works to Bring Transparency, Accountability to Federal Judiciary

Written by Grassley Press
Monday, 15 April 2013 07:53

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WASHINGTON – U.S. Senator Chuck Grassley of Iowa has introduced legislation to create an Inspector General for the federal Judiciary. Congressman F. James Sensenbrenner introduced similar legislation in the House of Representatives.

The bill allows the Inspector General to conduct oversight of all federal and appellate courts, including the Supreme Court, puts in place safeguards so inspectors general do not interfere with judicial decisions, and includes whistleblower protections for individuals within the judicial branch.

Grassley said that increased credibility within the judicial branch of government would be greatly enhanced with an independent watchdog shedding light on waste, fraud and abuse within the federal judiciary. He said that the current practice of self-regulation of judges with respect to ethics and the judicial code of conduct has proven inadequate.

“In the past five years, the Senate received articles of impeachment for two federal judges whose actions fully came to light only after federal criminal investigations. Not only were they caught severely breaking the Judicial Code of Conduct, but they attempted to defraud the American taxpayer by declaring themselves disabled in order to continue receiving their judicial salary. In one case, the ex-Judge attempted to continue to draw his judicial salary while sitting in federal prison,” Grassley said. “Federal judges must live by the highest of standards. When misconduct, waste, fraud and abuse occur, the public’s confidence in the federal judiciary is eroded. A good inspector general can detect, expose and deter problems and help keep accountability with the American people.”

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Grassley is the Ranking Member of the Senate Judiciary Committee which has jurisdiction over the federal courts.

Summary of The Judicial Transparency and Ethics Enhancement Act of 2013

- Establishes the Office of Inspector General for the Judicial Branch, who shall be appointed by the Chief Justice of the Supreme Court for a specific term of service of four years. Gives the Chief Justice express authority to remove the Inspector General from office.
- Specifies duties of the Inspector General, which include (1) to conduct investigations of alleged misconduct of judges in the judicial branch (Senate version includes the Supreme Court), that may require oversight or other action by Congress; (2) to conduct and supervise audits and investigations; (3) to prevent and detect waste, fraud and abuse; and (4) to recommend changes in laws or regulations governing the Judicial Branch.
- Provides powers for the Inspector General, which include (1) to make investigations and reports; (2) to obtain information or assistance from any Federal, State or local agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial council of circuits, the administrative office of United States courts, and the United States Sentencing Commission; (3) to require, by subpoena or otherwise, the attendance for the taking of testimony of any witnesses and the production of any documents, which shall be enforceable by civil action; (4) to administer or to take an oath or affirmation from any person; (5) to employ officers and employees; (6) to obtain all necessary services; and (7) to enter into contracts or other arrangements to obtain services as needed.
- Requires the Inspector General to (1) to provide the Chief Justice and Congress with an annual report on the Inspector General's operations; (2) to make prompt reports to the Chief Justice and to Congress on matters which may require further action; and (3) to refer to the Department of Justice any matter that may constitute a criminal violation.
- Prohibits the Inspector General from investigating or reviewing the merits of a judicial

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decision. The investigatory powers of the Inspector General are limited to only alleged misconduct under the "Judicial Conduct and Disability Act of 1980."

- Requires the Inspector General to commence an investigation only after the judiciary has conducted its review of an ethical complaint under the 1980 Act.
- Establishes whistleblower protections for individuals within the Judicial Branch.

Here is Grassley's prepared floor statement upon introduction of the bill.□

Prepared Floor Statement of Senator Chuck Grassley of Iowa
Ranking Member, Senate Judiciary Committee

Introduction Of Judicial Transparency And Ethics Enhancement Act

Mr. President,

Today I am reintroducing the Judicial Transparency and Ethics Enhancement Act, a bill that would establish within the judicial branch an Office of Inspector General to assist the Judiciary with its ethical obligations as well as to ensure taxpayer dollars are not lost to waste, fraud, or abuse. Representative Sensenbrenner is introducing the companion bill in the House. This bill will help make sure that our federal judicial system remains free of corruption, bias, and hypocrisy.

The facts demonstrate that the institution of the Inspector General has been crucial in detecting, exposing and deterring problems within our government. The job of the Inspector

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General is to be the first line of defense against fraud, waste and abuse. In collaboration with whistleblowers, Inspectors General have been extremely effective in their efforts to expose and help correct these wrongs.

That's why, during my 30 years in Congress, I've worked hard to strengthen the oversight role of Inspectors General throughout the federal government. I've come to rely on IGs and whistleblowers to ensure that our tax dollars are spent according to the letter and spirit of the law. And when that doesn't happen, we in Congress need to know about it and take corrective action.

During the past fiscal year, Congress appropriated nearly \$7 billion in taxpayer money to the federal judiciary. To put this in context, the National Science Foundation, the Small Business Administration, and the Corporation for National and Community Service each received a similar or less amount than the judiciary. Yet all three of these entities have an Office of Inspector General. If we in Congress believed that these entities could use an Inspector General, I cannot see why the Judiciary wouldn't deserve the same assistance.

But there is an additional reason why the Judiciary needs an Inspector General. The fact remains that the current practice of self-regulation of judges with respect to ethics and the judicial code of conduct has time and time again proven inadequate. I would point out to my colleagues two recent events here in the Senate that support this conclusion.

In the past five years, the Senate received articles of impeachment for not one but two federal judges. In the first case, former Judge Samuel B. Kent, although charged with multiple counts of sexual assault, pled guilty to obstruction of justice. Who did he obstruct? Who did he lie to? He did this to his fellow judges, who were assembled to investigate the allegations of his obscene and criminal behavior. But it took a criminal investigation by the Department of Justice to uncover his false statements to his colleagues as well as substantiate the horrendous claims made against him.

In the second case, the Senate found that former Judge G. Thomas Porteous, Jr. was guilty of a number of things, including accepting money from attorneys who had a case pending before him in his court and committing perjury by falsifying his name on bankruptcy filings. Once again, this Judge's misbehavior came to light through a federal criminal investigation, after which another judicial committee had to be organized to investigate their fellow judge.

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What's more, in each case the disgraced judge tried to game the system in order to retain his \$174,000 salary. Rather than resign their commissions, each first tried to claim disability status that would allow each to continue to receive payment, even if in prison. Then both played chicken with Congress daring us to strip them of their pay by impeaching and convicting them. I am pleased that we put our foot down and said "No."

The judicial misconduct committees are simply inadequate for investigating claims of misconduct. These judges are not given the resources necessary nor do they have the expertise in conducting a complete investigation. And they cannot, despite their best intentions, remove the inherent biases that develop from working closely with other judges. This duty would be better suited to an independent entity within the Judiciary.

The Judicial Transparency and Ethics Enhancement Act is the answer. This bill would establish an Office of Inspector General for the judicial branch. The IG's responsibilities would include conducting investigations of possible judicial misconduct, investigating waste fraud and abuse, and recommending changes in laws and regulations governing the federal judiciary. The bill would require the IG to provide the Chief Justice and Congress with an annual report on its activities, as well as refer matters that may constitute a criminal violation to the Department of Justice. In addition, the bill establishes whistleblower protections for judicial branch employees.

Ensuring a fair and independent judiciary is critical to our Constitutional system of checks and balances. Judges are supposed to maintain impartiality. They're supposed to be free from conflicts of interest. An independent watchdog for the federal judiciary will help its members comply with the ethics rules and promote credibility within the judicial branch of government. Whistleblower protections for judiciary branch employees will help keep the judiciary accountable. The Judicial Transparency and Ethics Enhancement Act will not only ensure continued public confidence in our federal courts and keep them beyond reproach, it will strengthen our judicial branch.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

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