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EDITORIAL

Judges Should Police Themselves

Congress is considering a bill to establish an inspector general who would have the power to investigate federal judges. It's not surprising that lawmakers don't have faith in the judiciary's ability to police its own ethics. But Justice Ruth Bader Ginsburg has called the idea "scary," and she is right because an inquisitor of this kind would pose a threat to the independence of the judiciary. The best way to deal with the underlying problem of judges' behavior, and to keep Congress from intruding on their autonomy, is for judges to finally get serious about holding themselves to high ethical standards.

Representative James Sensenbrenner Jr., Republican of Wisconsin, and Senator Charles Grassley, the Iowa Republican, have introduced legislation to create the judicial inspector general's post, which would carry broad power to subpoena judicial records and employees. The sponsors say their goal is to ensure that judges comply with ethics laws, and to root out fraud and the waste of tax dollars.

Mr. Sensenbrenner says the inspector general would not be authorized to investigate particular rulings or sentencing decisions. There is a real danger, though, of just that happening. The bills contain sweeping language authorizing investigations into "matters pertaining to the judicial branch." And there is nothing to prevent an inspector general from opening an investigation into why a judge handed down a particular decision or sentence.

Even if the bills were improved by including language that expressly limited the inspector general to examining ethical issues, the danger would remain that an inspector general would go after judges to punish them for particular opinions. The Republican majority in Congress has frequently denounced judges' rulings and even threatened retribution.

Senator Patrick Leahy, Democrat of Vermont, has offered a better bill, which would crack down on judicial junkets without interfering with judicial autonomy. But the real answer is that the Judicial Conference, the administrative body of the federal courts, and Chief Justice John Roberts Jr. should be doing a lot more on ethics.

Federal judges go on an extraordinary number of junkets paid for by corporations and organizations with an interest in their rulings. According to a study by the Community Rights Counsel, a nonprofit public-interest law firm, federal judges have gone on more than 1,000 junkets in the last 15 years, sometimes with their spouses and often at lavish resorts. Judges refuse even to report the trips honestly, much less restrain themselves from going.

The judiciary has also been lax about uncovering financial conflicts in judges' rulings. And it has refused to crack down on judges who fail to obey the law by taking themselves off cases in which they hold financial interests.

It is time for the judiciary to take these long overdue steps needed to get its house in order.

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