

Members of Congress Criticize Lack of Transparency in the Judicial Branch

On July 6, 2016, the House Judiciary Subcommittee on the Courts, IP and the Internet heard testimony from the head of the federal judiciary's administrative arm, and a **bipartisan group of members** took the opportunity to decry the lack of openness in the third branch. (Timestamps are from [this YouTube link](#).)

On overall transparency

Rep. Darrell Issa (22:29): “The judicial branch is the least well-known branch. [...] It has also historically lacked transparency. It is time, however, for the judicial branch to come out of the shadows. Americans expect an open and transparency government. Americans expect disclosures of conflicts of interest along with financial disclosures.”

Rep. Bob Goodlatte (31:42): “The American people expect transparency with respect to judicial actions. Transparency bolsters Americans’ trust [that] fair and independent judges are above ethical reproach.”

Rep. Hank Johnson (1:38:16): “Advances to court technology have [unfortunately] taken a backseat despite the fact that such measures are needed to make the courts more accessible.”

On expanding broadcast access

Rep. Issa (23:09): “[Americans] expect to see government officials doing their job. There are cameras in this hearing room today, and citizens can judge for themselves whether or not elected officials are doing what they were sent to Washington to do.”

Rep. Goodlatte (32:30): “Another possible way to deliver transparency is to allow Americans to watch court proceedings. Our hearing today is being broadcast [...], but a hearing a few blocks away at the District Court of the District of Columbia or at the United States Supreme Court will never be seen by anyone [not in the courtroom].”

Rep. Steve Chabot (50:08): “Why should we not learn from the experience that the states have had in [allowing cameras]? Had they had a lot of problems, it would seem as if the trend of opening up the courtrooms to public would not have continued.”

Rep. Steve Cohen (1:23:30): “I think [Chief Justice John Roberts] is flat wrong on [broadcast access]. I can see people being against it, thinking that in certain places that some lawyers might use it to act out and maybe increase their client base, but I don’t think that’s going to happen at the Supreme Court. [...] All the big issues are there, and the American public should be able to see the arguments, listen to the arguments and see the responses.”

On increasing judicial accountability

Rep. Issa (23:42): “Depending upon their offices, elected officials face the voters every two, four or six years. Article III federal judges have a lifetime appointment [...], and we respect that with the absence of term limits, the court is, in fact, a permanent body [that is] unaccountable, except in the case of high crimes and misdemeanors.”

Rep. Goodlatte (33:48): “To investigate ethical breaches [in the judiciary], as well as to ensure that instances of fraud and waste are discovered and addressed, Rep. Sensenbrenner and Sen. Grassley have supported the creation of an inspector general for the judiciary. While the judiciary has strongly resisted the creation of such an inspector general, I look forward to exploring this idea further.”

On improving judicial ethics and disclosures

Rep. Issa (1:26:05): “Everyone up here fills out an incredibly detailed form for financial disclosure, and it doesn’t happen the same way in the judicial branch. [...] Why should we not mandate, if we cannot voluntarily get from the court, a similar level of transparency for the question of possible conflicts of interest? [...] I do not know who paid for trips by various justices and judges on a regular basis because it’s not disclosed with the kind of transparency that we have, and my understanding is there is much less limitation on who can pay for [such a trip].”

Rep. Trent Franks (41:49): “Other branches have comprehensive disclosure and ethics rules, and I’m wondering if you think that the judiciary should also have [equally comprehensive] disclosure and ethics rules for all judges, including those on the Supreme Court? Administrative Office of U.S. Courts Director Jim Duff: “We have a very robust system within the branch of overseeing and reviewing allegations of misconduct.” Rep. Franks: “Do those apply to the Supreme Court?” Dir. Duff: “No, sir. The Supreme Court has its own administration.”