



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

JAMES C. DUFF
Secretary

July 20, 2017

Honorable Bob Goodlatte
Chairman
Committee on Judiciary
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I write on behalf of the Judicial Conference of the United States to express strong support for H.R. 3229 and urge the Committee to advance the bill as soon as possible. H.R. 3229, introduced by Representative Hakeem Jeffries, Representative Darrell Issa, and Representative John Conyers, Jr., would extend the authority of the Judicial Conference to redact certain information contained in financial disclosure reports that could affect the physical security of a filer or the filer's family. The authority for such redaction expires at the end of this calendar year and needs to be extended.

Redaction authority applies to judges and certain judicial employees who are required to file financial disclosure reports under the Ethics in Government Act of 1978, as amended. Unfortunately, because of the nature of the judicial function, judges and judicial employees have been the subject of threats, harassment, and violence. Accordingly, Section 105 of the Ethics in Government Act (5 U.S.C. app. § 105 (b)(3)(A)-(E)) grants the Judiciary the authority to redact certain limited information from financial disclosure reports when the release of such information could endanger a judge or judicial employee or a member of their family.¹ Congress has extended the authority to redact five times, most recently on January 3, 2012, which extended the sunset provision through December 31, 2017.

The need to extend redaction authority is a time-sensitive security matter. Failure to extend this authority will create severe security risks to judges and judiciary employees. Federal judges and judiciary employees, like probation officers, routinely interact with disgruntled litigants and convicted criminals who may bear grudges against them. For example, according to the United States Marshals Service, in FY 2017 there has been an increase in every major recorded statistical category regarding inappropriate communications, threats, and security-related incidents requiring an assessment and/or investigation in order to mitigate potential risk, when compared to FY 2016. Without an extension, those individuals who mean to do harm will be able to learn sensitive information

¹ This authority originally was granted to the Judicial Conference by the Identity Theft and Assumption Deterrence Act of 1998 (Pub. L. No. 105-318).

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that could reveal the unsecured locations of judges and employees' families. Redaction of this sensitive information protects these public servants and their families from potential danger.

The Judicial Conference uses its redaction authority carefully and reasonably. Under the regulations that the Judicial Conference issued in accordance with the Ethics in Government Act, there must be a clear nexus between a security risk and the information for which redaction is sought before redaction will be permitted. Requests to redact information from financial disclosure reports are made to the Committee on Financial Disclosure, which interprets strictly its redaction authority to conform with the need for public disclosure. In fact, each year only a very small percentage of the financial disclosure reports filed contain an approved redaction of some information in the report. Over the past five years, an average of only 2.7 percent of reports contained an approved redaction of some information.

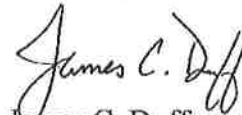
The Government Accountability Office conducted a review of the Judiciary's use of its redaction authority in 2004. Its conclusion was that the Judiciary's exercise of its redaction authority provides a measure of security to at-risk individuals while not substantially interfering with dissemination of information to the public.

While the Judicial Conference prefers making the redaction provisions permanent, it also supports the ten-year sunset provision provided in H.R. 3229.

H.R. 3229 is bi-partisan, non-controversial legislation. In 2011, the last time the authority was up for renewal, reauthorization legislation was reported by the Judiciary Committee on a voice vote and passed the House by a vote of 384-0. We urge the Committee to act on this stand-alone legislation expeditiously to ensure that there is no lapse in the Judiciary's ability to protect itself.

If we may be of further assistance to you, please contact me or the Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,



James C. Duff
Secretary

cc: Honorable Darrell Issa

Identical letter sent to: Honorable John Conyers, Jr.