

THE
REPORTERS
COMMITTEE
FOR
FREEDOM
OF THE
PRESS

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Judicial Conference Committee on Financial Disclosure
Administrative Office of the U.S. Courts
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via facsimile

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*Affiliations appear only
for purposes of identification.*

*re: Moratorium on Release of Financial Disclosure Statements by
Members of the Federal Judiciary*

To the Judicial Conference Committee on Financial Disclosure:

We are an association of journalists dedicating to protecting the First Amendment interests of the news media. We wish to comment on the moratorium imposed by the chairman of the Judicial Conference Committee on Financial Disclosure barring release of federal judges' financial disclosure statements.

The media serves the public and the judiciary by revealing aspects of the judicial process through the disseminating of information. Courts have interpreted the First Amendment to protect not only publication of news but also the media's news gathering practices.

In 1978, Congress passed the Ethics in Government Act, which states in part that any member of the public can receive a copy of a federal judge's financial disclosure form. Therefore, any infringement on the lawful gathering of information about members of the judiciary contravenes the plain language of the Ethics in Government Act.

We acknowledge the legitimate concerns over security problems that may accompany release of too much personal information. But conjecture about potential harm neither justifies withholding information that helps inform the public about the judiciary nor outweighs the public benefit that accompanies abiding by congressional intent and releasing the financial disclosure forms.

Openness inspires confidence in our government officials; secrecy inspires fear of those same men and women. As James Madison said, "Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both."

Here, the issuance of a secret moratorium barring the legislatively-mandated disclosure of information violates a legislative enactment, impairs the media's constitutional rights to gather information, and harms the public's trust in the judicial branch. We urge the committee to lift the moratorium and issue a strong public statement in support of the judiciary's willingness to abide by federal disclosure laws.

Respectfully,

/s/

Gregg P. Leslie
Acting Executive Director

/s/

Gregory H. Kahn
Legal Fellow

cc (by facsimile):

Members of the Judicial Conference Committee on Financial Disclosure

The Honorable William J. Zloch
U.S. District Court for the Southern District of Florida

The Honorable Garrett E. Brown Jr.
U.S. District Court for New Jersey

The Honorable Rebecca F. Doherty
U.S. District Court for the Western District of Louisiana

The Honorable Marvin J. Garbis
U.S. District Court for Maryland

The Honorable Helen W. Gillmor
U.S. District Court for Hawaii

The Honorable Richard W. Goldberg
U.S. Court of International Trade

The Honorable Joseph M. Hood
U.S. District Court for the Eastern District of Kentucky

The Honorable Marvin Katz
U.S. District Court for the Eastern District of Pennsylvania

The Honorable Tim Leonard
U.S. District Court for the Western District of Oklahoma

The Honorable Mary M. Lisi
U.S. District Court for Rhode Island

The Honorable Richard Mills
U.S. District Court for the Central District of Illinois

The Honorable Graham C. Mullen
U.S. District Court for the Western District of North Carolina

The Honorable Frederick J. Scullin Jr.
U.S. District Court for the Northern District of New York

The Honorable John W. Sedwick
U.S. District Court for Alaska

The Honorable Donald J. Stohr
U.S. District Court for the Eastern District of Missouri