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Republican Suggests a Judicial Inspector General

By DAVID D. KIRKPATRICK

WASHINGTON, May 9 - Representative F. James Sensenbrenner Jr., chairman of the House Judiciary Committee, said Monday that the committee was considering the creation of an "office of inspector general for the federal judiciary" to watch over the courts.

Mr. Sensenbrenner, Republican of Wisconsin, did not detail the role he envisioned for an inspector general. But according to the text of a speech he was to deliver at Stanford University on Monday evening, he said, "I do not believe that creating an I.G. for the judiciary will violate the separation-of-powers doctrine."

"The judiciary isn't supposed to write law, and the Congress cannot determine how a court will rule," he added. "But the branches are interdependent entities as well."

Mr. Sensenbrenner's remarks, in which he called "judicial activism" a growing problem, were an indication of what steps Congress might take in a developing power struggle with the courts.

To preserve the independence of the judiciary, Mr. Sensenbrenner said, Congress should not seek "to regulate judicial decision-making through such extreme measures as retroactively removing lifetime appointees through impeachment."

But he continued, "This does not mean that judges should not be punished in some capacity for behavior that does not rise to the level of impeachable conduct."

"The appropriate questions," he added, "are how do we punish and who does the punishing."

He said that earlier legislative answers to those questions, which required committees of the federal judiciary to address citizen complaints, were no longer working.

He said he was working with a panel led by Justice Stephen G. Breyer of the Supreme Court to review "the ethical state of the judiciary" and ensure that judges were "properly policing their behavior" as previous Congressional action intended.