

Constitutional Basis for Congressional Oversight over Judicial Administration



“To suggest that the judicial branch consists only of individual judges... [free to act] however personal whim may dictate, checked only by the remote chance of loss of office through impeachment, is naive and irresponsible. The independence of the judiciary depends both on the courage and integrity of individual judges and on the public perception of the institution as fair, impartial and efficient.”

Hastings v. Judicial Conference of United States, 593 F. Supp. 1371-1380 DDC (1984)

Article III of the United States Constitution provides that Congress shall establish, structure, and provide for the lower federal courts of the federal judiciary. Congress may oversee the Judiciary’s administrative structure through both legislation and appropriations. With this authority, Congress may create and empower entities such as the judicial councils and conferences of various circuits, the Judicial Conference of the United States, and the Administrative Office of Courts.

“[I]t would appear that Congress could, consistent with the separation of powers and other constitutional restrictions, create a uniform or standardized workplace misconduct regime applicable to lower federal courts and primarily administered by a judicial branch entity like the Administrative Office.”

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CRS and Court precedent agree that Congress can enact legislation and conduct oversight of the administration of the lower courts without targeting or disrupting the core function of judicial decision-making—an important part of judicial independence and the separation of powers doctrine.

“Congress has undoubted power to regulate the practice and procedure of federal courts and may exercise that power by delegating to this or other federal courts authority to make rules not inconsistent with the statutes or constitution of the United States.”

~Supreme Court, Mistretta v. United States, 488 U.S. 361 (1989)

Likewise, since Congress has the authority to legislate on these issues, it concurrently has the power to investigate implementations of the law and practices and conduct oversight. An investigating committee of jurisdiction does not need to have pending legislation to support an investigation.

Lastly, Congress’s impact on federal courts’ funding and operations must remain in compliance with separation of powers principles, avoiding attempts to influence judicial decision-making and respecting salary protections for judges.

Prior Case Laws

Chandler v. Judicial Council of the Tenth Circuit (1970)	The Supreme Court highlighted the possible need for the provision of centralized judicial administration through statute.
Mistretta v. United States 488 U.S. 361, 382 (1989)	The Supreme Court, in an 8-1 decision, upheld the Sentencing Reform Act of 1984 against claims that it violated the doctrine of separation of powers and excessively delegated Congress's legislative authority.
Watkins v. United States 354 U.S. 187, 215 (1957)	If Congress has power to legislate and appropriate in an area, then it generally has a corresponding power to investigate. The “congressional power to obtain information” for those legislative purposes “is broad and indispensable” (<i>Trump v. MAZARS USA LLP</i> 39 F. 4 th 774 quoting <i>Watkins</i> .)

U.S. Constitution Article III, Section 1: *“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”*

U.S. Constitution Article 1, Section 8: *Congress has the legislative power “to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”*

