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The Man With The Iron Gavel

Rep. Jim Sensenbrenner is the GOP point man on immigration and wayward judges. But can Tom DeLay trust him?

By T.R. Goldman

Legal Times

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ELM GROVE, WIS. — From the back of the spacious and chandeliered village hall here, Jim Sensenbrenner, the burly and irascible chairman of the House Judiciary Committee, looks uncharacteristically small, his large frame compressed into a wooden chair, his face dipped slightly toward his microphone.

The Wisconsin Republican is in his third and last term as committee chair and has one of the safest seats in Congress, winning handily — and sometimes running unopposed — 14 times since 1978.

He is an increasingly national figure as well, clashing with the White House

on his controversial immigration bill, now part of the latest supplemental appropriation, while at the same time



Congressman

James

Sensenbrenner of

Wisconsin

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driving the administration's signature

legal reform agenda. And he will play the principal role in Majority Leader Tom DeLay's crusade against judicial activism — although his more moderate views on the issue, and headstrong personality, mean he will likely butt heads with DeLay.

Yet here he is, on a rainy Monday night in mid-April, holding forth at a town hall meeting, listening with the same fixed expression to the same questions — about Medicaid, the budget, Social Security, terrorism — and responding in his Wisconsin monotone: lengthy, finely detailed answers that brook no argument, as if he were a freshman member facing an uncertain re-election.

And that's just Monday. Three days earlier, after a hectic week in Washington, he did seven back-to-back meetings in village halls in his district, which includes suburban Milwaukee and several rural counties to the north and west. Two more town meetings followed on Saturday, one on Sunday evening, and six throughout the day on Monday. The turnout ranged from three dozen to zero.

"Joseph Wiesner, Whitefish Bay," Sensenbrenner calls out at the Elm Grove meeting. Everyone wishing to speak at the April 25 meeting has filled out a "Sensenbrenner Sign-In Slip," listing their name, address, and subject.

"Section 102 of H.R. 418," says Wiesner, a thin, quiet man in a lime-green shirt, referring to Sensenbrenner's immigration bill, designed among other things to expedite completion of a controversial fence along the U.S.-Mexico border near San Diego. "Some people perceive that as anti-immigration."

There is an almost imperceptible jerk, and Sensenbrenner's body tightens still more. "No, it's a border-security provision," he snaps without pausing.

Wiesner continues, "And the secretary of Homeland Security would have carte blanche, with no citizen input or judicial review, to finish the wall?"

"That's correct," Sensenbrenner responds unapologetically.

A question from Rita Hulstedt, who wants to know why the just-passed bankruptcy legislation makes no allowance for health-care-related debt, is returned with a verbal barrage: "Fifty-four percent of bankruptcy filings did not list any medical bills," says Sensenbrenner, who shepherded the bill through the House time and time again until it became law. "And for those who did, the average cost was \$5,000."

And what about the credit card companies and their constant offers, Hulstedt presses. Don't they bear some responsibility for the rising number of bankruptcies?

"Nobody has to sign up for a credit card if nobody wants to. You can't blame the banks for using your credit card too much," he answers.

"That's a very simplistic way to look at this," says Hulstedt, whose face is now trembling with anger.

For an hour and a half, Sensenbrenner listens and responds. Hulstedt and Wiesner, who have traveled halfway across Sensenbrenner's 5th Congressional District from their homes in Whitefish Bay, are the rare hostile constituents. Many others preface



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their remarks with laudatory comments.

The next morning, Sensenbrenner boards a 7 a.m. plane back to Washington, where he returns to the subjects that are grist for the most prolific committee in the House: immigration, intellectual property, the federal judiciary, tort reform, crime, abortion, and civil rights.

"The Judiciary Committee is not a committee for the faint of heart," he notes dryly during an interview a few days earlier in the Rayburn House Office Building in Washington. "Both physically or politically."

F. James Sensenbrenner Jr. will be 62 this summer and has been in politics without interruption since high school. He was elected to the Wisconsin Legislature in 1968, the same year he graduated from the University of Wisconsin Law School.

After six years in the state House and four in the state Senate, where he was elected to assistant minority leader, he ran for Bob Kasten's vacated seat in Congress in 1978, defeating his primary opponent by 589 votes, the closest race he has ever had as a federal lawmaker. He joined a freshman House class that included current Ways and Means Chairman Bill Thomas (R-Calif.), Appropriations Chairman Jerry Lewis (R-Calif.), retiring Sen. Jim Jeffords (I-Vt.), and former members Bob Livingston, Newt Gingrich, Dick Cheney, and Billy Tauzin.

Sensenbrenner was offered a seat on the Judiciary Committee and has remained there ever since. He took over the chairmanship from Illinois Republican Henry Hyde in 2001 after leading the Science Committee for four years, staking out a reputation as an ardent conservative but one who didn't always toe the party line.

He precipitated a long falling-out with Hyde, then the ranking member of the Judiciary panel's civil and constitutional rights subcommittee, when he bucked Republican opposition and helped lead a coalition of mostly House Democrats in the reauthorization of the Voting Rights Act in 1982.

Two decades after that, he frequently sparred with former Bush Attorney General John Ashcroft, once abruptly canceling a hearing in June 2002, in which Ashcroft was to appear, after the attorney general failed to give the committee an advance copy of his prepared statement.

Though a gun supporter who voted against the assault weapons ban, Sensenbrenner backed the Brady Bill's five-day waiting period for gun purchases in 1993.

And over the 2004 winter break, he held up an administration bill to reshape the intelligence community, relenting only after receiving assurances that his immigration provisions would be taken up this year.

"I remember seeing him at the Judiciary Committee holiday party, and people were saying, 'Good battle. Are you going to cave?' " recalls Michael Remington, a Wisconsinite, partner at Drinker Biddle & Reath, and former chief counsel of the panel's Intellectual Property Subcommittee. (Sensenbrenner's immigration provisions, in fact, ended up in the \$82 billion appropriations supplemental, which is expected to pass Congress next week.)

"I'm issue-driven," Sensenbrenner explains while waiting for constituents at the Kewaskum Public Library last week during an "Office Hours" visit. "When I'm convinced about something, I act as an advocate. Even the president has found that out."

Sensenbrenner's committee has oversight responsibility for the Department of Justice. And although the House plays no role in the confirmation of federal judges, it is in the House that a judicial impeachment starts.

But Sensenbrenner appears to view the role of the judiciary with a more legalistic frame of mind than DeLay, who, shortly after the U.S. Court of Appeals for the 11th Circuit declined to intervene in the case of Theresa Schiavo, complained bitterly about judges who don't follow the intent of Congress and pointedly asked the House Judiciary Committee to look into the matter. Schiavo died on March 31 after a federal district judge and then the 11th Circuit refused to order the reinsertion of her feeding tube.

"It's been quite plain from the early days of the Republic, judges are not impeached for decisions they make," Sensenbrenner says. "Corruption or incompetence, yes. If it's genuine misconduct, I will be in the forefront," he says, adding that he also disagreed with the 11th Circuit's decision on Schiavo.

Indeed, Sensenbrenner was instrumental in the impeachment of three federal judges — Walter Nixon, Harry Claibourne, and Alcee Hastings, who went on to become a member of Congress from Florida. "Six months after [Hastings] was elected, he told me he was having much more fun as a congressman than a federal judge," Sensenbrenner says.

But he says he has no plans for new hearings as a result of DeLay's request, noting that the committee has long kept a close watch on judges. "I'm a strict constructionist," he notes. "Judges are not super-legislators. We'll continue doing what we've always done. There's nothing new that's been triggered by anything."

Sensenbrenner rules his 40-member committee with an iron gavel, limiting members' remarks to a strict five minutes. "I'm a time- management freak," Sensenbrenner says. "It's the only way to get things done."

He also keeps the panel's five subcommittee chairs on a tight leash. Sensenbrenner insists on approving all subcommittee hearings, and even manages subcommittee bills on the House floor. Hearings at both the full and subcommittee level are limited to four witnesses, who also must be approved by Sensenbrenner in advance.

"Henry was more of a delegator," says one subcommittee chairman. "Jim turns nobody loose."

Democrats have little say in how the committee and subcommittees are run, a long-standing tradition many of them privately thought might change when Sensenbrenner took over. They also have little sway over shaping the language in sections of official committee reports that have traditionally been neutrally worded.

Indeed, late last week, the minority party was in a furor after discovering that the

official committee report on the Child Interstate Abortion Notification Act had, in their eyes, mischaracterized four Democratic amendments. The description of the amendments, written by the Republican majority, used the term "sexual predators" when there had been no mention of those words in the amendment itself.

The bill, which passed the House on April 27, makes it a federal crime to transport an underage woman from one state to another in order to avoid parental notification requirements for an abortion.

"You can't even label this a distortion — it's a lie," says one Democrat committee staffer. "The purpose of this section is to say what the amendment said."

Sensenbrenner, in turn, accused Democrats in an April 27 floor speech of drafting sloppy amendments that led to the possibility that sexual predators might be exempted from prosecution if they took a woman across state lines for an abortion.

"If our amendments are poorly drafted," says the Democratic staffer, "then the whole bill is."

In general, however, Democrats are considerably happier under Sensenbrenner, who, for example, immediately gave them more staff and space when he took over the panel.

"In 23 years, he ranks at the very top of committee chairmen I've worked with," says Virginia's Rick Boucher, the panel's third-ranking Democrat. "He's never applied the rules to cut off debate he doesn't like. Other chairmen don't brook a whole lot of opposing positions.

"On the other hand," adds Boucher, "he doesn't go out of his way to charm you."

Members who breach the five-minute rule are cut off in midsentence. They are called on in the order in which they arrive in the committee hearing room, not by seniority.

During those five minutes, however, they can say almost anything they want. At an April 20 full committee hearing on the Gang Deterrence and Community Protection Act, Mel Watt (D-N.C.) angrily left the room after Florida Republican Ric Keller told Watt he was going to vote down all of Watt's amendments, even before he knew what they were. "Let the record show I walked out," said Watt when he returned after cooling down. A few minutes later, Maxine Waters (D-Calif.) added her appraisal: Mr. Keller, she said, had "neither substance nor passion."

Through it all, Sensenbrenner was quietly reading the newspaper. "You can't stop all of that," he said later. "They were letting off steam."

Twenty-six years in Congress has done little to soften Sensenbrenner's rough-hewn quality, both in his physical appearance and his personality. He's not a glad-hander and seems to pay little attention to his clothes: A collar stay is missing, the suit is unpressed.

He's blunt for a politician, and has a visible temper. "We've had our disagreements and shouted at each other," says the subcommittee chairman. "He's never held that against me, but I'm sure he hasn't forgotten it."

There's an arrogance as well, born of a conviction that he can wrap his brain around an issue and come to a conclusion that's correct.

That often leads to judgments that have their own internal logic, even if they are out of the party mainstream. During the House vote April 20 on the Energy Policy Act of 2005, Sensenbrenner, along with 29 other Republicans, voted to ban drilling in the Arctic National Wildlife Refuge. "It should be a last resort instead of a first resort," he told his Elm Grove constituents. "And without a pipeline to bring it east of the Rockies, we won't see it."

His occasional independence makes his relationship with the House Republican leadership problematic.

"A lot of the agenda for Republicans comes out of that committee," says one ex-House leadership aide. "Obviously, he held up the 9/11 bill and some of the leadership is none too pleased with him for that. He can be very stubborn. DeLay has a hard time with him; he's always pulling his hair out.

"He's an odd guy, and not very collegial. And he's very cheap, although he's got more money than God," says the former aide, referring not just to Sensenbrenner's personal spending habits but to his tradition of voting against appropriations bills depending, as he puts it, on "how porky they are."

It's true that Sensenbrenner appears not to spend too much of his \$10 million net worth on fancy suits. Instead, he has put his money into a slew of stocks, detailing his investments down to the penny each year in the *Congressional Record*. In response to criticisms that he was the top-ranking House member in terms of travel costs paid by private interests in the past five years, Sensenbrenner says, "If I have a choice of charging the government or not charging the government, it seems the prudent thing to do is not charge the government."

His family fortune derived from his great-grandfather, Frank J. Sensenbrenner, who invented the Kotex feminine hygiene product shortly after World War I, then used the money from that venture to become Kimberly Clark's largest single shareholder and eventually its CEO.

Frank J. was also the finance chair of the Republican Party of Wisconsin in the 1930s and 1940s. The younger Sensenbrenner, in turn, formed a Young Republicans Club his junior year of high school.

In 1960, when he was 17 years old, he helped run a state assembly campaign for Jerris Leonard, who was running against Sensenbrenner's cousin. Leonard, now a lobbyist with Foley & Lardner in Washington, became Sensenbrenner's political mentor.

Sensenbrenner, recalls high school friend John Savage, had a natural talent for organizing campaigns.

In the early 1960s, Leonard ran the state Republican Senate campaign committee, and Sensenbrenner went all over Wisconsin organizing GOP Senate races, Savage says, many of which had previously relied on nothing more than a campaign sign in

the local barber shop.

"Jim got them kicking and screaming into the modern era, where you would have people responsible for your campaign in each town and each county," he says.

Many of Sensenbrenner's colleagues in his freshman congressional class of 1979 won by knocking off what his first chief of staff, John Schrote, called "lazy Democrats" who over the years had taken their constituents for granted.

"I really wanted Jim not to become a lazy Republican, and so when we were planning out his first two years, we wanted to figure out a way to reach down to the people.

"Jim's not a guy who's a real pretty boy on TV, so we really felt that one of the things we could do is have these town hall meetings, and speak directly as possible to people," says Schrote.

At the Kewaskum Public Library, the last of his six stops before the Elm Grove meeting, Sensenbrenner was running late.

"I do about 150 of these in an average year," he says, glancing at the clock. "More than anybody in the House. It's my way of showing I haven't gone Washington."

But there was nobody there to care and a few minutes later, after chatting with the local state senator, Sensenbrenner was back in his black SUV headed for the district office.

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