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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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May 6, 2004

The Honorable Judd Gregg
Chairman
Commerce, Justice, State and the Judiciary Subcommittee
Appropriations Committee
United States Senate
Washington, D.C. 20510

The Honorable Ernest Hollings
Ranking Minority Member
Commerce, Justice, State and the Judiciary Subcommittee
Appropriations Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Gregg and Ranking Minority Member Hollings:

The Judiciary Committee has the responsibility of overseeing the operations of the judicial branch. As Chairman, I believe the public interest demands that an effective civil and criminal justice system must be maintained, and I know you share this commitment.

A number of Federal judges from states represented by members of the Judiciary Committee have informed us that the Federal Judiciary is facing the prospect of an extremely serious funding shortfall. As you well know, Congress is currently completing action on the fiscal year 2005 budget resolution and beginning the appropriations process. The budget resolution calls for a hard freeze in overall non-defense, non-homeland security discretionary appropriations, at fiscal year 2004 levels. The court's Salaries and Expenses account, however, requires an increase of 9.2 percent to fully fund the judiciary's growing needs.

The courts' workload and the potential resources available for next year to handle their workload are headed in opposite directions. The courts are already experiencing a disparity between workload and resources. The overall workload of the courts has increased by about 10 percent between fiscal year 2001 and fiscal year 2004, while the number of funded court support staff has declined by two percent. To meet the budget squeeze in the current fiscal year, the courts are planning to layoff 175 court staff, offer earlyouts and buyouts to 315 staff, and furlough probation officers and other court staff a total of 17,550 days.

We are deeply concerned that fiscal year 2005 presents the prospect of a much bleaker picture. A hard freeze would truly cripple the federal judiciary in the coming year, and for years to come.

The Honorable Judd Gregg
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I understand that under a hard freeze in overall judiciary appropriations, after fully funding mandatory and uncontrollable expenses and after reducing discretionary non-salary operating expenses by half, the courts would still need to lose the equivalent of 2,000 to 4,400 probation office, pretrial services office, and clerks' office staff positions in FY 2005. That is almost one-fourth of the staff that will be on-board at the end of fiscal year 2004. In addition, under a hard freeze, payments to court appointed private attorneys in criminal cases would be halted in June, 2005 and all civil jury trials would stop in July, 2005 for lack of funds to pay jurors.

The difficult task the Appropriations Committee faces this fiscal year is obvious to us all. Nonetheless, I ask that as the Committee proceeds, it considers the fact that a fully operational federal judiciary contributes significantly to the security and stability of our country. Judiciary funding should be considered a priority. I urge that, at a minimum, the courts funding for fiscal year 2005 be sufficient to allow for current services and operations to be continued.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Orrin Hatch", written in a cursive style.

Orrin G. Hatch
Chairman