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**The Honorable Ted Stevens
Chair, Committee on Appropriations
United States Senate
Washington, DC 20510**

Dear Mr. Chairman:

I know that you and your colleagues are wrestling with complex and competing funding decisions as Congress attempts to complete work on the remaining appropriations measures during these waning days of the 1st Session. Without adding to your burden, I want to urge you to stay the course with regard to funding allocations for the salaries of our federal judges.

Thank you for your unequivocal support for a 16.5% federal judicial pay raise. I know that your support resulted in its inclusion in the Commerce, Justice, State (CJS) bill prior to approval by the Senate Appropriations Committee, and I know that your continued, staunch support is essential for a successful outcome. Therefore, on behalf of the ABA, I urge you to continue to use your leadership position to assure that the 16.5% pay raise is included in the final version of the CJS legislation that will be considered by the House and Senate before adjournment, whether in the form of a free-standing appropriations measure or as part of the omnibus fiscal 2004 appropriations bill currently under consideration. We hope that you will continue personally to press for inclusion of the pay provision and that you will instruct Senate negotiators to do the same.

I am aware that a major objection to enacting the proposed judicial pay raise is that it will disturb pay parity between Members of Congress and federal judges by breaking the linkage in base salary levels. I am also aware that the salaries of Members of Congress, like those of our federal judges, have not kept pace with inflation and have not been adjusted to maintain some kind of reasonable relationship with the private sector. In short, there is no doubt that Congressional salaries also need to be raised.

Enactment of legislation this session to raise judicial salaries is not inimical to improving Congressional pay; indeed, it may accelerate the process. Please consider two points.

First, history has amply demonstrated that, since emergence of the notion of linkage of the base salaries of top-level federal officials in 1969, disparities in salary levels between Congressional members and judges have arisen over the years and have always been

temporary. Pay parity has always been restored because it is rooted in the firm public policy conviction that there should be inter-branch pay parity for work of comparable complexity and importance.

Second, no matter the legislative vehicle used to provide public servants in upper levels of government with the pay raise they deserve, a temporary delinkage of Congressional and judicial salaries will inevitably result because of the requirements of the 27th Amendment to the U.S. Constitution respecting congressional pay.

I promise that I will use the power of my office as ABA president to support all efforts to raise Congressional salaries to comparable levels. Should Congress decide to include a comparable pay raise for its own Members in the omnibus appropriations measure, the ABA will support such a move and publicly defend it. If, on the other hand, Congress decides only to enact a judicial pay raise this session and defer its own pay raise until next session or next Congress, the ABA will support this strategy and use its resources to work for passage of appropriate legislation at the appropriate time.

One last point is worth mentioning: support for the proposed 16.5% pay raise, while widespread among national and state bar associations, extends well beyond the legal community. Among other national groups, the Chamber of Commerce, the Committee for Economic Development and the National Association of Manufacturers endorse enactment of judicial pay raise legislation. Furthermore, in an astounding show of support from across the nation, 59 general counsels from major corporations signed and sent Members of Congress a letter supporting the pay raise last month. This demonstration of concern is evidence that prompt enactment of judicial pay raise legislation is of national importance.

Both I and the Association stand ready to assist you in whatever way we can.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis W. Archer".

Dennis W. Archer

cc: Kevin Linskey, Senate Appropriations CJS Subcommittee