

**Robert J. Grey, Jr.**  
President

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**September 14, 2004**

**The Honorable Judd Gregg  
Chair, Subcommittee on Commerce, Justice State and the Judiciary  
Committee on Appropriations  
United States Senate  
Washington, DC 20510**

**RE: FUNDING FOR THE FEDERAL COURTS**

**Dear Mr. Chairman:**

**We are writing to urge your subcommittee to approve an appropriation for the Federal judiciary for FY 2005 that is at least equal to the House-passed appropriation of \$ 5.6 million. This figure represents a 5.5 percent increase in funding over FY 2004 levels, less than the original request but an amount estimated by the Administrative Office of the U.S. Courts to be the minimum necessary to maintain court services at current levels.**

**While this proposed increase is realistic in light of government-wide budgetary constraints, it nonetheless is inadequate to fully fund the courts, given the judiciary's ever-increasing workload and recent cutbacks in services. This past year, the Federal judiciary already has had to impose cost-saving measures that have adverse implications for public safety and the timely delivery of justice. Any appropriation less than the House-approved amount will have even more serious implications.**

**In some courts, probation and pretrial services are now available for only those defendants considered the most dangerous; electronic monitoring in conjunction with home confinement is no longer available; drug testing and treatment programs are in jeopardy; terms of supervised release are being shortened because of budgetary considerations; and offender re-entry programs are being scaled back or eliminated. Reduced funding for court interpreters and contract court reporters are affecting the ability of courts to schedule criminal hearings and trials. This in turn is affecting the timeliness of civil trials. In addition, some courts have had to change the way they do business: for example, clerks' offices are closing earlier, collection of restitution payments is no longer a priority, personnel training classes have been canceled and court technology improvements have been put on hold.**

**Even though we realize that it is unlikely that a free-standing FY 2005 CJS appropriation bill will be enacted into law, your subcommittee's approval of an appropriation for the Federal courts that matches or exceeds the House-passed level will convincingly convey**

that it is essential to increase the Federal judiciary's FY 2005 budget despite Congress's limited discretionary spending authority.

We are deeply concerned about the potential negative consequences for the Federal judiciary if Congress elects to fund the government for some or all of FY 2005 through one or more continuing resolutions. A funding freeze at FY 2004 levels would be disastrous for the courts. The Federal judiciary estimates that the imposition of a budget freeze, combined with the uncertainty of its duration, would require it to cut operating expenses by 50% and either fire or furlough up to 5,000 court employees, representing 20 percent of the probation and pretrial services officers and clerks' office personnel. Such a drastic downsizing would cripple the ability of the courts to serve and protect the public.

To avoid these consequences, we believe it is absolutely critical that Congress and the President exempt the judicial branch from inclusion in a FY 2005 continuing resolution and instead enact legislation to guarantee that the Federal judiciary has adequate, definite funding for the entire fiscal year.

While no one questions the urgent fiscal priorities facing our country, we hope you will consider the fact that a fully operational Federal judiciary is a core component of our constitutional government and essential to the protection of our personal liberties and the security and stability of our country.

No matter what vehicle may ultimately be used to fund the government in FY 2005, we urge you, at a minimum, to fund the Federal judiciary at the House-passed level of \$5.5 billion and hope that you will take whatever further action is necessary to assure that the federal courts receive a sufficient, certain and timely appropriation for FY 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Grey, Jr.", written in a cursive style.

Robert J. Grey, Jr.

cc. Members of the Subcommittee

Honorable Ted Stevens  
Chair, Committee on Appropriations

Honorable Robert. C. Byrd  
Committee on Appropriations