

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

**AMERICAN BAR ASSOCIATION**

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October 6, 2004

Honorable Bill Frist  
Majority Leader  
United States Senate  
Washington D.C. 20510

Honorable Thomas A. Daschle  
Minority Leader  
United States Senate  
Washington D.C. 20510

**RE: FUNDING FOR THE FEDERAL COURTS**

Dear Mr. Majority Leader and Mr. Minority Leader:

We are deeply concerned about the potential negative consequences for the federal judiciary if Congress funds the government for an extended length of time through continuing resolutions. A long-standing funding freeze at FY 2004 levels would have serious implications for the courts. The federal judiciary estimates that a budget freeze of uncertain duration will 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.

This past fiscal year, the federal judiciary was forced to impose cost-saving measures that have had adverse implications for public safety and the timely delivery of justice in order to adhere to its lean FY 2004 appropriation. 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 is 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.

In order to maintain court services at current levels and avoid additional negative consequences during this new fiscal year, the federal judiciary needs a stable and adequate operating budget. The Administrative Office of the U.S. Courts has estimated that a 5.6 percent funding increase

over FY 2004 levels is required. The House-passed FY 2005 appropriation of approximately \$5.5 billion for the courts meets this minimum requirement. The Senate Appropriations Committee mark falls significantly short of this amount. We urge your support for a FY 2005 appropriation that will provide the courts with operating resources that at least match those in the House-passed appropriation.

As you continue to wrestle with the urgent fiscal priorities facing our country, we hope you will remain mindful of 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.

We realize that the most of the federal government, including the courts, will continue to be funded through mid-November by a continuing resolution. No matter what vehicle may ultimately be adopted to fund the government in FY 2005, we urge you to take whatever further action is necessary to assure that the federal judiciary receives a sufficient and certain appropriation for FY 2005 in as timely a manner as possible.

Sincerely,

A handwritten signature in black ink that reads "Robert J. Grey, Jr." The signature is written in a cursive, flowing style.

Robert J. Grey, Jr.

cc. Honorable Ted Stevens  
Chair, Committee on Appropriations  
United States Senate  
Washington D.C. 20510

Honorable Robert. C. Byrd  
Ranking Member, Committee on Appropriations  
United States Senate  
Washington D.C. 20510

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

Honorable Ernest F. Hollings  
Ranking Member, Subcommittee on Commerce, Justice, State and the Judiciary  
Committee on Appropriations  
United States Senate  
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Honorable J. Dennis Hastert  
Speaker  
United States House of Representatives  
Washington D.C. 20515

Honorable Nancy Pelosi  
Minority Leader  
United States House of Representatives  
Washington D.C. 20515

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Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Grey, Jr." with a stylized flourish at the end.

Robert J. Grey, Jr.

cc. Honorable C. W. Bill Young  
Chair, Committee on Appropriations  
United States House of Representatives  
Washington D.C. 20515

Honorable David R. Obey  
Ranking Member, Committee on Appropriations  
United States House of Representatives  
Washington D.C. 20515

Honorable Frank R. Wolf  
Chair, Subcommittee on Commerce, Justice, State and the Judiciary  
Committee on Appropriations  
United States House of Representatives  
Washington D.C. 20515

Honorable Jose E. Serrano  
Ranking Member, Subcommittee on Commerce, Justice, State and the Judiciary  
Committee on Appropriations  
United States House of Representatives  
Washington D.C. 20515

