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ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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WASHINGTON, D.C. 20544

September 13, 2004

MEMORANDUM TO CHIEF JUDGES, UNITED STATES COURTS

SUBJECT: Chief Justice's Letter to Congress Transmitting a Judicial Conference Resolution to Exempt the Judiciary from a Continuing Resolution (CR) and to Fund the Judiciary at Least at the House-passed Level
(ACTION REQUESTED)

As part of our continuing effort to obtain full year-funding for the judiciary in fiscal year 2005, at least at the House-passed level, the Chief Justice signed the attached letter transmitting the Judicial Conference resolution. An identical letter was sent to leaders in the House of Representatives and a similar letter was sent to the President. Since the Chief Justice's letter is being sent only to selected Members of Congress in key leadership positions, you may want to provide a copy to members of your local delegation to remind them about the potentially devastating funding situation facing the judiciary.

I would like to thank those of you who have already been in touch with your Congressional delegations. As I mentioned in my August 26, 2004 memorandum to you, I would appreciate your contacting Sheila Kerner in our Financial Liaison Office with details of any contacts you may have made. She can be reached either by telephone (202-502-2028) or e-mail at Sheila.Kerner/DCA/AO/USCOURTS. Please let us know if we can be of further assistance.

A handwritten signature in black ink, reading "Leonidas Ralph Mecham".

Leonidas Ralph Mecham

Attachment

cc: United States Judges

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

September 13, 2004

Honorable Bill Frist
Majority Leader
United States Senate
S-230 United States Capitol
Washington, D.C. 20510

Honorable Thomas A. Daschle
Minority Leader
United States Senate
S-221 United States Capitol
Washington, D.C. 20510

Dear Senator Frist and Senator Daschle:

As Presiding Officer of the Judicial Conference of the United States, I respectfully request that the Congress take timely action to provide funds required by the federal judiciary for fiscal year 2005 to meet its constitutional and statutory responsibilities. I make this request because of the reports we are receiving that Congress may adjourn for the upcoming elections without passing an appropriations bill for the judicial branch and that funding for the federal courts would be included in a long-term continuing resolution (CR).

The Judicial Conference is very concerned that, under such a CR, the courts would have to operate at fiscal year 2004 funding levels for up to five months until Congress enacts a final appropriations bill. This amounts to a hard freeze in appropriations that would be devastating to the judiciary. The constrained fiscal year 2004 appropriation under which the courts are currently operating has resulted in hundreds of probation officers and court staff being fired or furloughed in spite of the growing workload they face. Under a CR, the courts will be forced to continue to operate at these low fiscal year 2004 funding levels in fiscal year 2005, resulting in even larger staff reductions, possibly affecting thousands of valued employees. As you know, the judicial branch is not only essential to the federal justice system in general, but it plays a vital role in our nation's law enforcement and homeland security. The courts must have an adequate level of resources at the beginning of the fiscal year if they are to meet these responsibilities.

Honorable Bill Frist
Honorable Thomas Daschle
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With this concern in mind, the Judicial Conference passed unanimously the enclosed resolution requesting that the Congress and the President exempt the federal judiciary from a continuing resolution and instead provide full-year funding at least at the current services levels contained in the House-passed version of the judiciary's 2005 appropriations bill (H.R. 4754). I would point out that the level of funding in the House-passed bill is well below the amount required by the courts to meet their workload needs and only funds current operating levels.

To avoid compromising our ability to administer justice, I believe it is critical that the Congress take action in the remaining weeks of this session to provide sufficient and timely funding to the judiciary. The proposal by the Judicial Conference would do just that, and I ask for your support to accomplish this.

Sincerely,

A handwritten signature in cursive script, reading "William H. Rehg".

Enclosure

cc: Honorable Ted Stevens
Honorable Robert C. Byrd
Honorable Judd Gregg
Honorable Ernest F. Hollings
Honorable Orrin G. Hatch
Honorable Patrick J. Leahy

**RESOLUTION UNANIMOUSLY ADOPTED BY THE
JUDICIAL CONFERENCE OF THE UNITED STATES**

August 18, 2004

To exempt the judiciary from a continuing resolution and to provide full-year funding at least at the current services level contained in the House-passed version of the judiciary's 2005 appropriations bill (H.R. 4754)

The Judicial Conference strongly urges Congress and the President to exempt the judicial branch from any fiscal year 2005 continuing resolution and to provide full-year funding at least at the current services level contained in the House-passed version of the judiciary's 2005 appropriations bill (H.R. 4754). The judiciary requires certainty, and sufficient and timely funding to avoid compromising its core mission, the administration of justice. The American people must be assured that the United States courts are available to perform their constitutional and statutory duties.

In recent years, Congress has needed a continuing resolution at the prior year funding level while final details on appropriations bills were resolved. On occasion, this uncertainty, along with operating at the prior-year funding level while workload and costs increased, has jeopardized the judiciary's ability to deliver justice. Consequently, in fiscal year 1996, during a particularly contentious appropriations process involving a government shutdown, Congress provided an exemption to the continuing resolution and granted full-year funding to the judiciary and other "law enforcement agencies".

For fiscal year 2005, it is imperative that an exemption be provided by October 1, 2004. In fiscal year 2004, the judiciary has experienced dramatic staffing reductions that will grow in 2005 unless the judiciary receives increased funding at the start of the fiscal year. To stay within the constrained fiscal year 2004 budget, as of the end of June 2004, courts have fired 145 employees, provided buyouts/early outs to 268 employees, and have furloughed employees for a total of 745 days. To remain at the same funding level at the beginning of fiscal year 2005 would require the judiciary to begin unprecedented action: cutting operating expenses by 50 percent and either firing or furloughing 10 to 20 percent of all judiciary staff, the equivalent of 2,000 to 5,000 probation, pretrial services, and clerks' office employees. This action would be necessary due to the uncertainty of time and amount of a full-year appropriation.

Accordingly, the Judicial Conference of the United States resolves that Congress and the President be strongly urged to exempt the judicial branch from inclusion in any fiscal year 2005 continuing resolution that might be required and to provide full-year funding at least at the current services level contained in the House-passed version of the judiciary's 2005 appropriations bill (H.R. 4754).