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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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<http://www.house.gov/judiciary>

March 12, 2013

Chief Justice John Roberts  
Presiding Officer  
Judicial Conference  
One Columbus Circle, NE  
Washington, DC 20544

Dear Chief Justice Roberts:

We write to express our concerns about the deleterious effects that funding cuts may have on the Federal Defender Program (Program).

As you know, 50 years ago the Supreme Court in *Gideon v. Wainwright* held that the government must provide counsel to indigent defendants under the Constitution's Sixth Amendment. The Program is among the most cost-effective ways to comply with this Constitutional obligation. Indeed, the cost effectiveness of the Program has been repeatedly recognized in studies by the Administrative Office, the Government Accountability Office, and numerous outside organizations such as the Rand Corporation. The Program also has been praised by numerous Federal judges for providing effective counsel, ensuring justice, and aiding in the orderly administration of the justice system.

We realize that you and the Judicial Conference are doing everything to minimize the impact of Congressionally mandated budget restrictions and we appreciate your efforts to ensure that the critical work of the federal judiciary and programs are not jeopardized because of these restrictions.

Nevertheless, as you and the Conference make these difficult decisions, we urge you to consider how funding cuts to the Program could prevent it from fulfilling its Constitutional mandate. For example, we have recently been informed that the Program's funding, under certain scenarios, could receive an effective cut of as much as 20 percent. As a result, some Program offices may need to require 40 days of furloughs. Furloughs of any substantial length will force Federal Defenders to decline appointments to represent newly arrested defendants and will prevent them from being able to effectively manage already assigned cases. Moreover, these cuts will undermine the ability of Federal Defenders to pay for expert witnesses, travel, equipment, and even transcripts necessary for them to meet their ethical obligations.

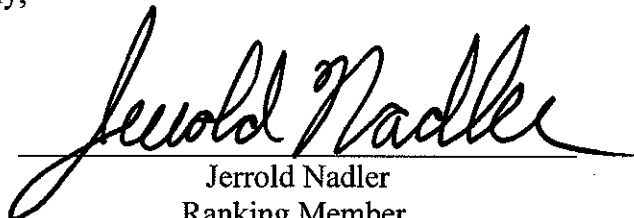
Letter to Chief Justice Roberts  
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Given the critical responsibilities of the Program, we encourage you to limit the impact of any budget cuts to it. You have our commitment that we will continue to work with you and the Judicial Conference to ensure adequate funding for the federal judicial branch.

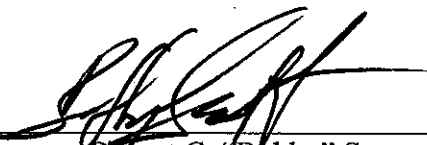
Sincerely,



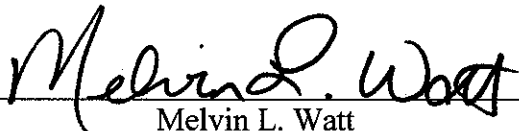
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Ranking Member



Jerrold Nadler  
Ranking Member,  
Subcommittee on the Constitution and Civil  
Justice



Robert C. "Bobby" Scott  
Ranking Member,  
Subcommittee on Crime, Terrorism,  
Homeland Security, and Investigations



Melvin L. Watt  
Ranking Member,  
Subcommittee on Courts, Intellectual  
Property, and the Internet



Theodore E. Deutch  
Member of Congress

cc: The Honorable Thomas F. Hogan, Secretary, Judicial Conference of the United States  
The Honorable Bob Goodlatte, Chairman, House Committee on the Judiciary