

## **Congressman Henry C. “Hank” Johnson, Jr.**

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### **Remarks: Democratic Forum Examining the Impact of the Government Shutdown and Sequestration on the Provision of Justice**

This forum raises many important questions concerning Congress’ role in ensuring the Judiciary upholds its mission under the Constitution.

The mindless austerity of sequestration has severely affected the judiciary. This hardship is compounded by the GOP Shutdown, which could end today if only the Speaker would take his foot off cruise control and allow a vote. Although much reporting has rightly pointed to sequestration’s impact on our national parks, the meat-cleaver of sequestration has cut almost 350 million dollars from the judiciary.

These cuts occur in a Judiciary that is already at a breaking point. As Chief Justice John Roberts, who was appointed to the Supreme Court during the Bush Administration, pointed out that the Judiciary has already cut costs so aggressively that it can’t absorb any more cuts. Not only do further cuts jeopardize the mission of the courts to uphold their constitutional duties, but these cuts impact over 2,000 people. These hard working folks are expected to lose their jobs this fiscal year or face furloughs.

As a former magistrate judge and defense attorney, I am particularly alarmed at how this affects the federal defender program. The Sixth Amendment to the United States Constitution guarantees an accused person the right to representation by counsel in serious criminal prosecutions. The federal judiciary is responsible for appointing counsel in federal criminal proceedings for persons unable to pay for representation. Last month, we celebrated the 50th anniversary of *Gideon v. Wainwright*. This landmark case is synonymous with the right to effective assistance of counsel. Sequestration is only the most recent demonstration of how the promise of *Gideon* is not yet fulfilled.

Cutting defender services program not only undermines a person’s Sixth Amendment right to counsel, but it also cuts essential services and delays prosecutions. Without the necessary staff to defend clients, pay for experts or other costs, the accused sit in prison waiting for a trial. This is no way for our country to treat Americans who are already facing economic hardship, and this is not how the leader of the free world should conduct itself.

My colleague, Mr. Hal Rogers, Chairman of the Appropriations Committee, hit the nail on the head: “sequestration – and its unrealistic and ill-conceived discretionary cuts – must be brought to an end.” I could not agree more. We must come together to protect our courts by funding our government through a clean Continuing Resolution and ending the mindless austerity of sequestration.

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