

Statement of
Congressman Robert C. “Bobby” Scott
At the Forum Examining the
Impact of the Federal Government Shutdown and Sequestration on the
Provision of Justice in the United States

October 8, 2013

Room 2237 Rayburn House Office Building

2pm

Good Afternoon,

Today is Day 8 of an unnecessary government shutdown. All of us know that the votes are there to pass a clean funding bill to reopen the government. This shutdown is having a terrible and costly impact on a criminal justice system that, because of Sequestration, was already overwhelmed, denying many of their rightful access to justice, and compromising public safety.

It is my hope that this shutdown will end soon. The House Republican leadership should bring a clean continuing resolution to the floor for a vote, without unrelated issues. Let’s pass the resolution and allow our government to resume its normal operation.

While there has been much discussion of the more obvious impacts of the shutdown, the furloughs of an estimated 800,000 Federal

employees, and the closings of parks, museums and monuments, little has been said about the impact on the provision of justice. Along with many of my colleagues, I share concerns about the harm that this shutdown will impose upon our federal justice system.

I'm talking about our federal courts, and our Constitutional guarantee of due process to everyone, including those unable to afford legal representation who turn to the Federal Public Defender Service for representation. I'm also talking about the Department of Justice and its law enforcement, public safety and national security function.

For too long, our Federal courts have been forced to run on an already small budget. Now, without an approved budget, the federal courts will run out of operating funds on October 11, this coming Friday. How will the Supreme Court, which began its new term yesterday, function effectively without funding if the shutdown continues? In an environment already challenged by reduced resources as a result of budget cuts and sequestration, how will the Court cope under the added burden of the shutdown? How will any of the courts decide which cases should be brought to trial?

As a result of sequestration, the Department of Justice's funding was cut by \$1.665 billion. This reduction has hindered the Department's efforts to combat violent crime, fund critical grant programs like COPS and VAWA, pursue financial crimes, help secure the Southwest Border,

prevent terrorism, and protect the most vulnerable. Because of the shut down, the Office of Justice Programs (OJP), which manages the Department's grant payment systems, has ceased operations, effective close of business last Friday. No more grant payments will be processed until the shutdown is over.

Last but certainly not least, the Federal Public Defenders may be irreparably harmed by sequestration and shutdown.

Last year, sequestration forced federal defenders to cut their budgets by 10 percent. The cuts to the defenders resulted in significant employee layoffs and 17,600 furlough days. Importantly, the cuts have also forced defender offices to decline cases, which means those cases are referred to more costly private attorneys.

The Fiscal Year 2014 sequester cuts, combined with an expected shortfall of over \$100 million in the Defender Services account, will result in an additional budget cut of 23 percent to the defenders over the next year. This will mean additional furloughs, layoffs, and some defender offices may even need to close. The defenders will be forced to decline many cases, especially those that are resource intensive like death penalty cases. Defense counsel will not be able to afford essential client services such as interpreters, experts, and mental health examinations.

When Defenders have to decline a case, clients suffer and costs rise. Wrongful convictions may become more common, which will create a threat to public safety by imprisoning the innocent and allowing the guilty to avoid punishment. Wrongful convictions will create greater expenses in the long run through retrials, appeals, and unlawful-detention proceedings.

The right to a fair trial is too fundamental and the dangers to our criminal justice system are too great to continue to let this crisis go unabated. The ability to uphold the Sixth Amendment right to counsel is in peril.

The pain of this shutdown will be felt everywhere, and its impact on the provision of justice will be severe. It's long past the time for Congress to end this shutdown.