American Bar Association

Joint Select Committee on Deficit Reduction
United States Congress

Re: Funding for Equal Justice and Rule of Law Programs

Dear Committee Member:

American Bar Association President Wm. T. (Bill) Robinson III recently wrote to the Committee regarding the need to maintain adequate funding for two essential elements of our nation’s justice system: the Legal Services Corporation, which provides funding to meet the basic legal needs of those Americans who cannot afford access to counsel, and the federal judiciary, which is the very cornerstone of our entire civil and criminal justice system.

Although adequate funding for LSC and the federal judiciary is absolutely critical to the effective functioning of our justice system, I write on behalf of the ABA to highlight the importance of maintaining several other justice delivery and rule of law programs as you make the difficult funding choices confronting your Committee. As explained more fully below, the ABA believes that these domestic and international programs should be preserved, even if the Committee finds it necessary to reduce funding for these efforts in the short term.

Child Welfare Court Improvement

The State Court Improvement Program (CIP) was created in 1994 in response to a dramatic increase in child abuse and neglect cases in the courts. The program now provides grants to all 50 states, the District of Columbia and Puerto Rico to ensure that courts are better equipped—through self-assessment and implementation of reforms—to handle their role in achieving stable, permanent homes for children. Money for the program comes in part in the form of a set-aside from discretionary funds appropriated to the Promoting Safe and Stable Families Program, and it is important that this effective program be continued.

Violence Against Women Act (VAWA) Legal Assistance Program

For many years, victims of sexual assault, stalking, domestic violence and dating violence suffered in silence. VAWA’s enactment in 1994 brought significant changes by providing a coordinated response to victims and providing resources to combat such violence. Since the VAWA Legal Assistance for Victims Grant Program was
established in 2000, efforts funded by that program have strengthened civil and criminal legal assistance for victims through innovative, collaborative programs. The programs, strongly supported by the ABA, provide victims with representation and legal advocacy in family, immigration, administrative agency or housing matters, protection or stay-away order proceedings, and other efforts to ensure the safety of victims in America. Therefore, we urge you to retain this important program, which is providing effective aid at its current $41 million funding level.

Second Chance Act

More than 9 million individuals are released from jail each year, and the bipartisan Second Chance Act provides crucial resources and a common sense approach at a time when measures are desperately needed to reduce recidivism and help former prisoners return and contribute positively to their communities. Public-private partnerships forged through more than 250 Second Chance grants are improving coordination of reentry services and policies at the state, tribal and local levels.

Funds spent to reduce recidivism are investments that will more than pay for themselves in long-term savings to society and the criminal justice system. Continuing to support programs under this act, which currently receives $70 million per year in funding, will ensure that tax dollars on corrections no longer support a revolving door in and out of prison and jail.

Social Security Administration (SSA) Funding

In recent years, with an administrative funding level of $12 billion annually, the SSA has made progress in addressing its top priority of reducing the backlog of disability cases awaiting hearings. During the past year, the number of pending cases was reduced by 20,000, and the length of time it takes to decide the cases was reduced by five months. That progress, however, cannot continue without sustained adequate funding.

International Rule of Law Programs

The United States plays a unique role in promoting economic development, respect for human rights and the rule of law around the world. Programs that promote the rule of law internationally are a valuable and cost-effect investment of U.S. dollars. The ABA supports targeted foreign assistance—a critical component of U.S. assistance to the developing world, post-conflict countries and countries in transition—as vital to ensuring the protection and promotion of U.S. national security and economic interests. Failure to invest adequate resources in foreign assistance for the rule of law would be detrimental to U.S. economic and security interests, resulting in destabilization of countries that do not share the U.S. commitment to democratic values and free markets.

Impact of Funding Choices

These are tough times, and the programs highlighted above are but a few of the critical programs that function with federal support to make the fundamental constitutional ideals of access to justice and the rule of law a reality. Your funding choices over the next few months will make a huge difference for the most vulnerable individuals in society: low-income clients, the elderly, victims of
domestic violence, recently released prisoners who want to avoid returning to prison, citizens of other countries seeking to live in a democratic society, or those seeking their day in court.

As you and the other members of the deficit reduction committee continue your important work, please protect these important domestic and international programs, which are necessary to preserve both the rule of law and access to justice. Thank you for your consideration, and if you have any questions or need more information, please contact me at (202) 662-1765.

Very truly yours,

Thomas M. Susman