

**Statement of Justice Anthony Kennedy**  
**Associate Justice of the Supreme Court of the United States**  
**Before the**  
**Subcommittee on Financial Services and General Government**  
**of the**  
**House Committee on Appropriations**  
**March 14, 2013**  
**10:00 a.m.**  
**Rayburn House Office Building, Room 2359**

Chairman Crenshaw and Members of the Subcommittee. Thank you for your kind welcome. Justice Breyer and I appreciate this opportunity to appear before your Committee to address the budget requirements of the Supreme Court for fiscal year 2014. We recognize that this hearing is one of the few occasions in which Members of the Court converse with Members of Congress. We appreciate the opportunity to discuss our budget request with you.

We have with us today Jeffrey Minear, Counselor to the Chief Justice; Pamela Talkin, Marshal of the Court; Kathy Arberg, our Public Information Officer; Gary Kemp, our Deputy Clerk; and Kevin Cline, our Budget Manager.

As is customary, the Supreme Court's budget request consists of two parts. The first part is for salaries and expenses of the Court. The second is for care of the building and grounds. Today, we will address the salary and expenses portion, while the Architect of the Capitol will present a separate statement to the Subcommittee concerning the budget request for the care of building and grounds.

We would like to acknowledge at the outset the challenging task before you. We recognize that this Subcommittee must allocate a limited pool of available funds among some 30 different federal entities. We appreciate that this task is especially difficult this

year in the face of the current fiscal situation. We are confident that every federal agency appearing before you will make a strong case of special need.

The Judiciary, however, is distinctive in at least one fundamental respect. The Constitution identifies the Judiciary as a separate and independent branch of government that performs a function the Nation's Founders deemed essential to the idea of freedom. That function, the administration of justice, produces expenses that are beyond the Judiciary's own power to regulate. The courts cannot control the scope of their jurisdiction or the volume and complexity of their work. They must adjudicate in a timely manner all the cases that are properly before them. They must do so in a manner always consistent with the dictates of due process, including speedy trials in criminal cases and prompt resolution in civil matters.

The Judiciary's request is but a small fraction of the federal budget. As the Chief Justice pointed out in his year-end report, it amounts to just two-tenths of one cent of every tax dollar spent. The Supreme Court's salary and expense budget is, in turn, a small fraction of that amount. The Supreme Court budget is only 1% of the budget for the courts. Nevertheless, it has always been the custom of the Court to attend with great care to the need to spend every tax dollar wisely and with caution. The Court has worked consistently to contain costs while efficiently managing its docket. We refer you to the tables and charts at pages 1.7 to 1.14, which show how we have managed a docket that has now grown to 8,900 petitions for review each year.

We take seriously our obligations to ask for no more funding than we in fact do need. Before we submit our budget request to you, we trim back what the Court staff thinks is optimal to what we regard as necessary. But we do not stop there. We continue

to look for and implement new methods of operating more efficiently and reducing costs. These efforts have resulted in reduced funding requests in recent fiscal years. In fiscal year 2012, the Court requested a decrease of 2.8 percent from the previous year's request. The request for fiscal year 2013 was only a 2.1 percent increase over the fiscal year 2012 request. That modest increase reflected our need to hire 12 additional police officers to meet pressing security needs. But even so, our fiscal year 2013 request was still less than the fiscal year 2011 request. For fiscal year 2014, we are again requesting a decrease from the prior year's request. The request of \$74,838,000 is a 3.0 percent reduction from our fiscal year 2013 request.

The Court's fiscal year 2014 request includes required increases in salary and benefits costs and inflationary increases in fixed costs. These increases are off-set by reductions in funding for information technology, overtime, and travel. Specifically, \$1,351,000 of the adjustment represents required increases in salary and benefits costs. In addition, \$430,000 is requested for inflationary increases in fixed costs, allowing us to keep up with rising costs in all our operations. We will realize a savings of \$1,348,000 by sharing resources with other government components to manage our financial management and personnel systems. Through careful management of our technology fund, we can reduce the request for that account from \$2,000,000 to \$1,500,000 as a one-year reduction in funding. As a result of belt-tightening, the Court anticipates a \$300,000 savings in overtime in fiscal year 2014. The Court will also reduce travel expenditures by 10 percent in light of the government's current financial challenges. These adjustments result in a \$435,000 decrease in our budget request from the fiscal year 2013 assumed budget level.

The Supreme Court's budget request is modest, but the Court's role in maintaining the legal system is central to the urgent need to guard the Constitution and its promise. Unlike the other two branches of the government, we have neither the capacity nor the power to weigh into budgetary dynamics when necessary to insure the capacity to perform our Constitutional functions. We are dependent upon the political branches of the government to exercise their constitutional responsibility to insure that the Judiciary of the United States has the resources to guarantee that the Rule of Law is within reach of all and that our commitment to its idea of government under law remains unquestioned. We urge you to consider our constitutional duties when making the difficult funding decisions before you. We hope that, when you examine our request, you also recognize our own rigorous self-policing of expenses. Our practice of requesting only essential funding gives us little latitude to absorb further cuts without impairing central operations.

Though we are not familiar with all of the details of the budget request for the judiciary as a whole, these same urgent considerations apply to all of the federal courts. We do know our judicial colleagues, and we respect and admire their caution and their sense of high responsibility in making sensible and realistic budget requests. They are on the front lines of the legal system. That system must work with great efficiency if we are to fulfill the law's promise that in a free society justice is accessible and prompt and fair. So we take this occasion to ask you to insure that all of our courts have the resources they need in an urgent way to serve our free society.

This concludes a brief summary of our request. We will be pleased to respond to any questions that the Members of the Committee may have.