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Introduced by Mr. Kastenmeier

INTRODUCTION OF THE STATE JUSTICE INSTITUTE ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today in a continuing effort to improve the administration of justice in this country, in State as well as Federal courts, I rise to reintroduce the State Justice Institute Act of 1983.

It is with a certain amount of regret that I observe that a State Justice Institute has not already been enacted into law. Passed without dissent by the Senate during the 96th and 97th Congresses and also reported favorably by my subcommittee—the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice—during these two Congresses, final enactment has eluded this deserving legislative project. I optimistically look forward to legislative success in the 98th Congress.

The State Justice Institute Act would create a nonprofit national body to improve the administration and functioning of State courts in the United States. The act would provide to State and local courts a resource comparable to that provided in the correctional area by the National Institute of Corrections. It would be funded at a similar level and would provide a comparable spectrum of national clearinghouse research, technical assistance, demonstration, and training programs. Federal moneys could not be used to interfere with the independent nature of any State judicial system nor allow sums to be used for the funding of regular judicial and administrative activities.

The institute would complement, rather than conflict with, existing Federal programs for State and local justice systems. It also would fill a gap in the President's program to fortify federalism by strengthening the judicial power of the States. Last, the institute would provide meaningful access to justice—by improving the quality of justice—for many ordinary citizens who litigate their disputes in State and local courts.

As summarized in recent congressional testimony by two able representatives of the State court systems:

> The State Justice Institute legislation is premised on the belief that improvement in the quality of justice administered by the states is not only a goal of fundamental importance in itself, but is essential to attainment of important national objectives including a reduced rate of growth in the caseload of the federal courts and preservation of the historic role of state judiciaries in our federal system.

The proposed legislation was drafted by an able task force of the Conference of Chief Justices and the Conference of State Court Administrators. It has been endorsed by, among others, the Chief Justice of the United States, the Judicial Conference of the United States, and the American Bar Association. The chief sponsor of companion legislation (S. 384) in the Senate, Senator HOWELL HEFLIN, has been joined by a solid core of respected cosponsors from both sides of the aisle. The list of cosponsors on my bill is equally impressive.

In my opinion, the State justice institute will succeed as an assistance program because it will:

Place responsibility for improvement of State court systems directly on the judicial officials charged with this responsibility under their own State constitutions and laws;

Be under control, at both the State and National levels, of State officials with first-hand knowledge of the problems facing their courts;

Permit large economies of scale by concentrating on national programs that would serve the needs of all 50 States;

Eliminate the need for a large bureaucracy by operating with a small staff in conjunction with existing judicial agencies of the States and the State courts themselves. (The Institute could support but not duplicate services of existing agencies such as the National Center for State Courts and the National Judicial College);

Permit improvement of courts on a systemwide basis; that is, in a manner recognizing their interrelated civil and criminal functions;

Provide a vehicle by which State courts collectively could communicate and cooperate at the national level with other components of State and local criminal justice systems and such agencies as the Federal Judicial Center, the National Institute of Justice, and the Bureau of Justice Statistics; and

Provide a vehicle for implementation of special criminal justice projects au-

thorized by Congress or Federal executive agencies as these might involve State courts.

The structure of the State Justice Institute would be as follows. The Institute would be operated by an executive director under the supervision of an 11-member board of directors appointed by the President and confirmed by the Senate. Six board members would be State judges and one a court administrator chosen from a panel or panels of candidates recommended by the Conference of Chief Justices following consultation with appropriate legal and judicial organizations. There would be four public members appointed directly by the President. The Institute would operate through grants and contracts with funding priority going to projects of State and local courts and their national nonprofit support and training organizations. State supreme courts would be the accountable administrative agencies for projects of State and local courts within their jurisdictions. Such projects would require a 25-percent match. The emphasis would be on programs of national scope including national clearinghouse, research, technical assistance, demonstration, education and training programs.

The legislation specifically forbids use of Federal funds to supplant State or local funds or to support basic court services.

The Institute further is restricted from interfering with "the independent nature of any State judicial system."

The proposed legislation authorizes modest funding at up to $20 million in fiscal 1984 and $25 million in fiscal 1985 and 1986.

Mr. Speaker, I would like to quote from the Chief Justice of the United States—a man who has spent a lifetime trying to improve the administration of justice in State and Federal courts:

> There is . . . clearly an overriding national interest in improving access to and confidence in our state court. Important as it is, our concept of federalism is not the only objective requiring their preservation. Our state courts are close to the people and they are the primary safeguard of the rights and privileges of individuals under both state and federal law. Together with our federal courts, they preserve and vindicate those rights guaranteed under the Constitution and federal laws. In recent years, national legislative policies and programs have increased the number of such federal rights adjudicated in state courts. The role our state courts play in evaluating and arbitrating the enforcement of state policies, and the state enforcement of national legislative policies and programs, is most significant.

Chief Justice Burger's words are echoed by law professors, judicial administrators, civil libertarians, Federal and State judges, and ordinary citizens themselves. Indisputably, the Federal judicial system was created to complement our State judicial systems. That complementary relationship creates the resiliant fabric of our constitutional concepts of federalism and separation of powers. The bill I am introducing today strengthens, rather than soils, that fabric. It will lead to improvements in the delivery of justice for individuals who litigate in our State courts—where 96 percent of the cases in this country are filed.

Once again, I would like to acknowledge the strong leadership of the principal sponsor of this legislation in the Senate. Senator HOWELL HEFLIN, formerly Chief Justice of the Alabama Supreme Court, has been firm and steadfast in his support for the creation of a State Justice Institute.

I also would like to thank several State court judges who have devoted much time and effort to this legislative endeavor: Justice Robert F. Utter, Supreme Court of Washington; Chief Judge Lawrence Cooke of the State of New York; and Chief Justice Bruce Beilfuss, Supreme Court of Wisconsin. The latter, my own chief justice, is retiring next month and I just wanted my colleagues to know of his lifetime of commitment to improving the delivery of justice in not only my home State but nationwide.

In closing, the creation of a State justice institute will assist all 50 State court systems and the territories to better serve all the people in this country. I urge support and more cosponsorship—in addition to the 41 colleagues already on the bill—for this deserving legislation.

As a final postscript, I would like to announce that my subcommittee will hold one day of hearings on the proposed legislation. On Thursday, July 13, 1983, at 10 a.m., the subcommittee will receive testimony from representatives of the American Bar Association, the Conference of (State) Chief Justices, and the Judicial Conference of the United States.●