

**Statement of Justice Clarence Thomas  
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  
April 15, 2010  
10:00 am  
Rayburn House Office Building, Room 2358-A**

Chairman Serrano and Members of the Subcommittee:

Thank you for your kind welcome. Justice Breyer and I are pleased to appear before you, on behalf of the Supreme Court, to address the Court's budgetary requirements and requests for the fiscal year 2011. We share your appreciation that this hearing is one of the few occasions in which Members of the Court meet with Members of Congress, and we are grateful for the opportunity and consideration shown to us.

Several members of the Court's staff are also present here today, including William Suter, Clerk of the Court; Pamela Talkin, Marshal of the Court; Jeffrey Minear, Counselor to the Chief Justice; Kathy Arberg, our Public Information Officer, and Venita Acker, our Acting Budget Manager.

Mr. Chairman, when we have appeared before this Subcommittee, you and the Ranking Member have spoken generously of the important role that the Supreme Court plays in our constitutional structure. We likewise recognize the important role of Congress, including its responsibility to make appropriations for the operation of the government. We also recognize

the important role of this Subcommittee in that process, and we would like to express our thanks for your support in addressing the Court's needs in fiscal year 2010.

The Supreme Court's budgetary needs are tiny compared to the whole federal government. We nevertheless take very seriously our responsibility to review carefully our needs and seek no more funding than necessary. We are well aware that, in these difficult times, we must be especially vigilant in maintaining budgetary discipline.

As is customary, the Supreme Court's budget request is set out in two parts: first, "Salaries and Expenses of the Court"; and second, "Care of the Building and Grounds." Justice Breyer and I will address the salaries and expenses portion, while the Acting Architect of the Capitol, Stephen Ayers, will present a statement to the Subcommittee concerning the budget request for the Care of the Building and Grounds.

Before we turn to salaries and expenses, I would like to make some brief observations on one subject pertaining to the Building and Grounds; that is, our ongoing modernization of the Supreme Court building. We expect that this project, which commenced in earnest in 2003, will be completed this summer, with construction close-out activities extending through the end of the year and into early 2011. Although the project encountered delays in its early stages, and the scheduled completion is behind the 2008 target date, the project remains within its original budget. Throughout the project, Court personnel have met regularly with the staff of the Architect of the Capitol and the construction contractors in order to

ensure that the project stays on budget and that no further slippage in the schedule occurs.

The primary focus of my testimony today, however, is the Court's appropriation request for salaries and expenses. The Court requests an appropriation of \$77,758,000 for fiscal year 2011. That sum reflects an increase of \$3,724,000, or 5%, over our appropriation for fiscal year 2010. Most of the increase—more than 70%—represents base adjustments. Those unavoidable adjustments include \$2,665,000 for required increases in salary and benefit costs, and \$173,000 for inflationary increases in fixed costs of the Court's necessary operations.

Last year, the Court sought a new appropriation, in addition to base adjustments, of \$799,000 to enable the Court to manage its own Website and integrate it with the Court's other operations. We are grateful for the Subcommittee's support of that request, which included \$496,000 for five new technology positions and \$303,000 for required hardware and software. Just six months into fiscal year 2010, we can already report concrete results. On March 18, 2010, the Court commenced in-house hosting of its Website and took over site management responsibilities from the Government Printing Office. Our new, Court-managed Website has a variety of innovative features that will appeal to the legal community and the general public. In the first two weeks of operation, the Website received more than 25 million "hits" from users around the world. We have already received positive response from our users and will continue to improve the Website in the coming months.

This year, the Court's only program increase is directed to the Court's security needs. Last year, when I appeared before the Subcommittee, you asked whether the Court had adequate funding for security. At that time, I alluded to the possibility of a need for additional security funding in fiscal year 2011. The Court's security personnel have since studied the Court's requirements and have determined that the police force should be increased by 24 officers. But we are aware that Congress expects every agency of government to do more with less. Therefore, we have limited our request to twelve new officers, and will reevaluate our security needs once those new officers are in place.

We request a modest additional appropriation of \$886,000 to fund the twelve new police officer positions. The Court would employ those new officers primarily to supplement perimeter security for the Court building. Those positions are necessary because the Court Modernization Project, among other things, will result in new pedestrian entrances and the reopening of one of the vehicle entrances that was closed during the renovation. The Court needs to provide adequate security at those posts and to enlarge the capacity of its Police Command Center, which coordinates police activities throughout the building. While I do not wish to dwell on security details in this public hearing, I do want to emphasize that those in charge of Court security feel strongly that the Court needs the additional manpower that we request today.

The Court's request for additional police officers comes only after a careful evaluation of the Court's minimal needs. The Court has not requested additional police positions since fiscal year 2006. Instead, the

Court has relied on existing strength to meet increased responsibilities. As I pointed out earlier, our internal evaluation suggests that the request for twelve new officer positions may in fact meet only half of the Court's present needs. We will continue to monitor that matter and inform the Subcommittee next year if we conclude that we still have essential but unmet security requirements.

In closing, I would like to reiterate that we are aware of the severe budgetary constraints facing the federal government, and we recognize that the Committee must balance the needs of all the agencies under its jurisdiction and make difficult decisions in applying available funds to the most pressing needs. The budget request we submit, as in previous years, represents only what we think is absolutely necessary to fulfill the Court's mission. We appreciate your careful attention to our modest needs and will be pleased to respond to your questions.