



**Statement of
Senator Peter Welch
Remarks as Delivered
Federal Public Defender Program Funding
*March 21, 2024***

Mr. President: Our judicial system is vital, and every player has an important role: from the judge, to the prosecutor, to the public defender; to the bailiffs, to the jurors. And cuts to our federal public defender program have caused real difficulties in meeting the Constitutional obligation of the role the Public Defenders play in our justice system.

Every day across the country, public defenders work to ensure that the Constitution is applied fairly and evenly to all regardless of whether you are the richest or poorest person in the courtroom. And by doing so, public defenders safeguard our democratic values, providing a necessary check and balance in our judicial system.

As the Senate's only former Public Defender, this is very personal to me. But it really is vital to all of us. I spent some of my first years after law school serving as a public defender in White River Junction, Vermont. And I saw firsthand how many people who find themselves in our criminal justice system are struggling with substance abuse or misuse, mental health challenges—oftentimes both. And I saw how absolutely important it is that every person who comes into the courtroom gets as good a lawyer as those who walk in with a high-priced attorney.

The principles that public defenders represent are vital to what we believe in in our Constitution—fidelity to due process, fidelity to equal treatment under the law. Those have been engrained in our country since its founding.

Mr. President: As I think you well know, John Adams, hardly a supporter of England, chose to represent British troops after the Boston Massacre. Why? Because he believed in the right to counsel, and he believed in the presumption of innocence and that they were indispensable to our democracy. And he had so much confidence in acting on those principles that it showed the confidence he had in the future of our country.

And public defenders are the direct descendants of those founding principles that underpin the rule of law—so vital to our well-being.

The Supreme Court recognized in 1938 when it required appointed counsel for federal defendants, and access to a competent lawyer that this is an “essential barrier against the arbitrary or unjust deprivation of human rights.” And that led the Court to realize 25 years later in the case of *Gideon v. Wainwright*, that the right to counsel is one of the fundamental rights for all of us who live in the United States. And the courts words then are as true today as they were before: “The right to one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.” That’s a confident country. It can live with the rule of law and the rule of law requires representation, will provide it, and we will make ourselves stronger for it.

For months I have been talking to my colleagues, highlighting that there was a funding shortfall facing federal public defenders. Six months ago, it looked like federal defender offices across the country were going to have 10% personnel cuts. That’s very painful cuts, and really was going to affect the quality of representation.

Instead, Congress acted, and Congress has basically corrected the shortfall in the final appropriations package released today. I understand that these federal funding levels will allow the federal defenders to avoid layoffs this year and end what had been a proposed and very harsh hiring freeze. I’m so grateful.

I’m so grateful to my colleagues on both sides of the aisle: Chair Patty Murray, Vice Chair Susan Collins, Chair Chris Van Hollen, Ranking Member Bill Hagerty, along with the Chair of our Judiciary Committee Dick Durbin. All have worked diligently on this issue. And I really want to thank the hardworking appropriations staff for supporting the important role public defenders play in protecting our Constitution and our democracy and working as staff members to get the job done with their Senate leaders.

And I ask that this budget cycle be a reminder and a lesson that we don’t repeat this next year. The Constitution guarantees indigent criminal defendants the right to counsel.

And it’s our obligation to make certain that they’re there just as we pay for the salaries of prosecutors. The Administrative Office of the Courts has already submitted a budget request for next year that would allow us to honor this obligation. I look forward to working with my colleagues to support public defenders throughout the next budget cycle.

This decision by this Congress in this budget to uphold and strengthen all of the people who play such a vital role in our justice system is an act of commitment and renewal to our Constitutional principles and it's an act of confidence in the future of our democracy.

I yield back.