

MARY M. SCHROEDER
CHIEF JUDGE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT



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November 12, 2004

The Honorable Orrin Hatch
Chairman
Senate Judiciary Committee
United States Senate
Washington D.C. 20510

The Honorable Patrick Leahy
Ranking Member
Senate Judiciary Committee
United States Senate
Washington D.C. 20510

Gentlemen:

We write to express our continuing opposition to efforts to divide the Ninth Circuit. We understand that there is a possibility that an effort to do so might occur during the remaining session of the 108th Congress by attaching S. 878 to one of the remaining appropriations bills. We urge you to oppose strongly any such effort.

Our colleagues Alex Kozinski and Sidney Thomas succinctly stated the reasons to oppose division in an article that appeared in the November 10, 2004 edition of *The Wall Street Journal*. We will emphasize only a few of those points here.

Splitting a circuit is a rare event having only happened twice in our nation's history. It should not happen without a thorough understanding of the complex issues involved and the resulting impact any division would have on the public to be served. If the circuit were to split, the courts of the west would not be able to function effectively. This is particularly true today during this time of severe budget reductions. We need our courts to protect our security and our borders. Dismantling our circuit and replicating its administrative structure twice over is a waste of valuable and limited resources.

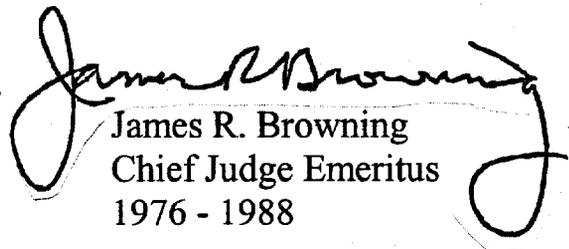
We do not expect the debate over division of the Ninth Circuit to disappear. We invite the decision makers to visit our circuit, to understand how we function in today's world with all its technological advancements, and we believe you will understand that large appellate circuits can and must continue to function effectively.

Thank you for your consideration.

Very truly yours,



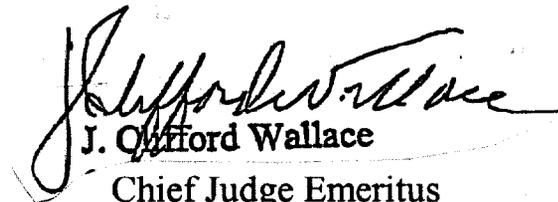
Mary M. Schroeder
Chief Judge
2000 - present



James R. Browning
Chief Judge Emeritus
1976 - 1988



Alfred T. Goodwin
Chief Judge Emeritus
1988 - 1991



J. Clifford Wallace
Chief Judge Emeritus
1991 - 1996



Procter R. Hug, Jr.
Chief Judge Emeritus
1996 - 2000

c: Senator Dianne Feinstein