

Congress of the United States

Washington, DC 20515

May 12, 2025

The Honorable Tom Cole
Chairman
House Appropriations Committee
H-307 The Capitol
Washington, DC 20515

The Honorable David Joyce
Chairman
Financial Services and General Government Subcommittee
House Appropriations Committee
2000 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Cole and Chairman Joyce:

We write in response to Chairman Jordan's letter of March 31, 2025 requesting that the Committee on Appropriations take the unprecedented action of leveraging the appropriations process to retaliate against the federal judiciary for unfavorable rulings. The type of policy riders that Chairman Jordan recommends would not only undermine our constitutional system of separation of powers with checks and balances but are not within the purview of this Committee or the appropriations process. They must be rejected outright.

Since his inauguration, we have seen a dangerous trend seeking to eviscerate the independence of the judiciary. Members of the Administration have argued that the President can defy court orders it disagrees with and that they "don't care what the judges think."¹ The President and his allies have bullied and threatened judges who rule against the President. One of our colleagues has even introduced articles of impeachment against a federal court judge. Further, the President has signed a flurry of executive orders to penalize individual law firms and lawyers who bring cases challenging the administration, strong-arming firms into so-called "settlements" that exact significant concessions.

The president has a constitutional duty to "take Care that the Laws be faithfully executed."² Nationwide injunctions issued by judges have impeded on political priorities for both parties throughout history, but our commitment to the rule of law must remain steadfast. President Trump's actions undermine that sacred duty, endangering the Founders' system of checks and balances that protects our rights, our economy, our communities, and our safety. Moreover, rather than exercising Congress's constitutional role to reinforce our system of checks and balances, Chairman Jordan now seeks to sideline the courts and allow the president to continue his disregard of our laws and American values. This is inconsistent with the constitution's three co-equal branches, the system that the Framers felt necessary to preclude that "the King can do no wrong."

It is the role of the courts, not the President, to "say what the law is."³ In its recent rulings, the courts have not exceeded their constitutional authority; rather, they have upheld their constitutional duty to fairly and impartially adjudicate cases, even when brought against the executive branch. As recently as 2023, conservative Members of Congress and state Attorneys General have celebrated judicial rulings granting the very nationwide

¹ <https://thehill.com/homenews/administration/5198604-border-czar-trump-deportation/>

² Article II, Section 3

³ Marbury v. Madison, 5 U.S. 137, 177 (1803)

injunctions that Chairman Jordan seeks to undermine. Courts are ruling against the President at record rates because so many of his actions disregard established law, often demonstrating contempt for core constitutional principles like the rights to free speech, dissent, and due process. The Trump administration's lawlessness is readily apparent to judges appointed by both Democratic and Republican presidents, including some put on the bench by President Trump himself.

Our judicial system cannot function if the courts are not sufficiently resourced. It is our responsibility as members of the Appropriations Committee to carefully review the budget requests submitted by the Supreme Court, Judicial Conference, and Administration Office of the U.S. Courts and to provide appropriations to allow the judiciary to appropriately serve the communities, businesses, and individuals that rely on the courts for justice. We should be providing the resources the courts need to meet their critical operational needs at a time when caseloads in the federal court system are the highest they have ever been and security threats against judges and their staff are increasing.

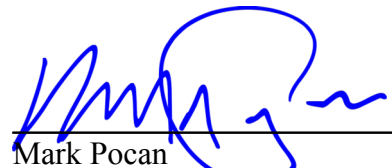
Questions about the judiciary's budget request are more appropriately addressed by holding hearings and conducting oversight, as we have done in years past. Policy riders to punish courts because one political party does not like how judges are ruling undermines our constitution and misuses our authority as appropriators. All are free to criticize judgments where one's opinions differ from the rulings. All are free to vigorously appeal nationwide injunctions to the Supreme Court. However, judges make their ruling based on the law and facts of the case and must do so without any fear that their rulings could provoke attempts to diminish the independence of the judicial branch. We should not be politicizing our judicial system to score political points.

As we continue the appropriations process, we must remain good stewards of taxpayer dollars while ensuring that our nation maintains an independent judiciary that is capable of upholding the rule of law. If we do not, we become a government of men, not laws.

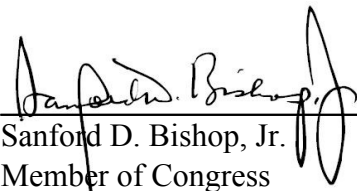
Sincerely,



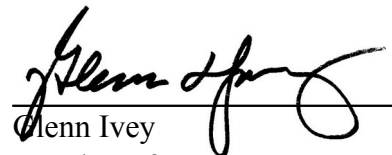
Steny H. Hoyer
Member of Congress



Mark Pocan
Member of Congress



Sanford D. Bishop, Jr.
Member of Congress



Glenn Ivey
Member of Congress

CC: The Honorable Rosa DeLauro, Ranking Member, Committee on Appropriations, U.S. House of Representatives