



March 30, 2005

The Honorable Lamar Alexander  
United States Senate  
302 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Alexander:

On behalf of the 350,000 members of the National Taxpayers Union (NTU), I write in support of your legislation, S. 489, the Consent Decree Fairness Act, which would bring about necessary reform of judicial consent decrees. In too many cases nationwide, consent decrees have been used as a tool – often by advocates of big government – to “lock in” policies for decades, long after the conditions necessitating the decree have changed.

In Tennessee, for example, a U.S. District Court Judge recently ruled, based on several existing consent decrees, that the Governor could not make necessary changes to the state’s costly and broken subsidized health care program known as TennCare. In New York, a 30-year-old consent decree has forced Hispanic children into bilingual education programs – over the objections of their parents who want to learn English more rapidly in regular education programs. In yet another case, in Los Angeles, consent decrees have forced the Metropolitan Transit Authority to spend 47 percent of its budget on city buses – leaving just over half the budget to pay for other transit needs of the city.

This legislation is simply a common-sense effort to wrest the same democracy that Americans are fighting for around the globe from judges who all too often believe that they are endowed with regal authority once they put on their black robes. Rather than allowing this abuse of power to continue, it is exceedingly important that our state and local elected officials are able to do the jobs voters chose them to do.

By focusing exclusively on federal court consent decrees to which state and local authorities are party, it is our opinion that this legislation strikes exactly the correct legal balance. Taxpayers will undoubtedly be among the most significant long-term beneficiaries of this legislation and we look forward to working with you on its passage.

Sincerely,

Paul J. Gessing  
Director of Government Affairs