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October 20, 2004

JANET NAPOLITANO
GOVERNOR

VIA TELECOPIER: (202) 224-2207

The Honorable Jon Kyl
United States Senate
730 Hart Office Building
Washington, D.C. 20510

Dear Senator Kyl:

I urge you to vote against S. 878, the bill to split the Ninth Circuit Court of Appeals into three new circuits.

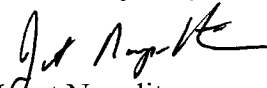
Among other concerns, I am told that this proposal carries a price tag of approximately \$100,000,000 in new court construction and administrative expenses. At a time when Congress has been unable to fully fund the State's homeland security needs, as well as a host of other federal mandates on the states, it is fiscally irresponsible to spend this kind of money to create unnecessary new appellate courts and the bureaucracy to support them.

I agree with Governor Schwarzenegger that "there is no compelling reason to make any change in the [Ninth] Circuit's composition." Despite the size of the Ninth Circuit, the ratio of opinions published per judge is within the range of other circuits. Even when panels within the Circuit differ on a legal issue, such conflicts are generally effectively resolved through *en banc* review. Creating additional circuits would only increase the likelihood of circuit splits on legal issues, thereby increasing the number of cases presented to the Supreme Court and the cost of litigation to the people and businesses that use our courts.

Splitting up the Ninth Circuit is simply not in the best interest of Arizona or the nation at this time

Thank you for considering my view on this matter.

Yours very truly,


Janet Napolitano
Governor