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A NH injustice: Culture over courts

Union Leader Editorial Staff

To help close a \$295 million state budget gap, legislators and Gov. John Lynch cut the budget for New Hampshire's court system by \$4.1 million this year. By contrast, they cut the Department of Cultural Resources budget by \$1 million.

The impact on the provision of justice in New Hampshire has been severe. To cope with the cuts, New Hampshire courts already have been shut down for four days. The chief justice has ordered five more closures. By the end of the 2011 fiscal year (next June 30), New Hampshire's courts are to have been shuttered for two entire weeks.

"We expect to take up to 14 (furlough days) through June 2011," Laura Kiernan, the court system's public information officer, said on Friday. "I don't think anybody has any doubt we're going to take all 14."

Meanwhile, the state library, a division of the Department of Cultural Resources, continues to operate Monday through Friday from 8 a.m. to 4:30 p.m.

The next scheduled statewide court closure is Aug. 6. Two days before that, on Aug. 4, the New Hampshire State Council for the Arts will hold a meeting at the new Merrimack Courthouse for artists interested in creating a piece of public art for the courthouse. Incredibly, New Hampshire has money to commission a piece of artwork for a courthouse it cannot keep open.

The \$16,900 for that piece of art comes from the capital budget for the courthouse. New Hampshire sets aside one half of one percent of the capital costs of public buildings for art. Supposedly, the money cannot be touched because it is set aside for a specific purpose. But funds for the Land and Community Heritage Investment Program (LCHIP) also are kept in a dedicated fund, and this year legislators took \$1.5 million from LCHIP to balance the state budget. Yet the art money remains saved for art while courts are being closed.

New Hampshire's Department of Cultural Resources has a very small budget by state government standards. The original general fund appropriation for 2011 was \$4,053,586. (The \$1 million cut came from the 2010 and 2011 budgets.) Transferring the department's entire 2011 budget to the judicial branch would not bring the court budget back to its 2009 funding level. But that is not the point.

Legislators and Gov. Lynch have done a remarkably poor job of setting funding priorities. The Department of Cultural Resources provides some valuable public services, but some of its funding is questionable. And none of it is more important than providing a fully functioning court system for the people. Citizens can go to private sources for art. They have nowhere else to turn for justice.

Chief Justice John Broderick reminded legislators and the governor this year that the judicial branch is a co-equal, constitutional branch of government. He urged them to cut elsewhere and warned that if they cut too deeply from the courts, justice would be compromised.

They did, and it was. Families are waiting longer for child custody orders, financial settlements, even criminal verdicts. But they won't have to wait to get a document from the state library or see the new public art displayed in the Merrimack Courthouse. That is a terrible injustice for which there is no excuse.