

Testimony of

# **The Honorable Patrick Leahy**

September 19, 2002

Statement Of Chairman Patrick Leahy  
Executive Business Meeting, Senate Judiciary Committee  
September 19, 2002

Today we have on the agenda additional presidential nominees. We have already voted on 82 judicial nominees in less than 15 months, including 17 circuit court nominees, and reported 80 favorably to the Senate. In the less than 15 months since the change in majority the summer of 2001, we have held hearings for 90 of President Bush's judicial nominees. That is more judicial nominees given hearings and more judicial nominees voted on by the Committee than during the last 30 months in which a Republican majority controlled the Senate. We have considered more judicial nominees in less than half the time. Our Committee has worked diligently since the change in majority last summer to consider more than 250 of the President's nominees.

The Senate has already confirmed 77 judicial nominations of President George W. Bush's. Three more have been voted out of Committee and are awaiting a vote by the full Senate. Eight more have participated in hearings and are being schedule for Committee consideration. We have already confirmed more of President Bush's nominees in less than 15 months than were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time. We have also already confirmed more of President Bush's judicial nominations since July 2001 than were confirmed in all of 1989 and 1990, the first two full years of the term of his father President George H.W. Bush.

We have worked hard to restore fairness to the judicial confirmation process. Republicans delayed and defeated through inaction scores of judicial nominees. Too many languished for months and as long as 4 years before they were returned without a hearing or without a vote. Some were finally confirmed after 4 years of delay. We have made significant progress in that regard. We are considering more judicial nominees and doing so faster than before.

Further, in less than 15 months, we have voted on more of President Bush's district and circuit court nominees than were voted on in the first 15 months of any of the past three Presidents. Moreover, we have voted on more nominees in less than 15 months than were voted on in the first 15 months of Presidents Reagan and George H.W. Bush combined, or Presidents George H.W. Bush and Clinton combined. By many measures, the Committee has achieved almost twice as much these last 15 months as Republicans averaged per year during their control of the Senate. We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated

Advice and consent does not mean giving the President carte blanche to pack the courts with ideologues from the right or left. The system of checks and balances in our Constitution does not

give the power to make lifetime appointments to one person alone to pack the courts with judges whose views are outside of the mainstream and whose decisions would further divide our nation. I have tried to work with the White House on judicial nominations. I have gone out of my way to encourage them to work in a bipartisan way with the Senate, like past Presidents, but, in all too many instances, they have chosen to forego bipartisanship cooperation.

These are the only lifetime appointments in our system of government, and they matter a great deal to our future. We are moving quickly, but responsibly, to fill judicial vacancies with qualified nominees we hope will be fair and not activist. We are doing our best to address the 110 judicial vacancies we inherited and the 43 that have arisen since the summer of 2001. We have a record of achievement and of fairness. With little in the way of cooperation from the White House, we have nonetheless filed more than half of the judicial vacancies that have occurred through the last year. With just a bit of cooperation from the White House we could already have reduced vacancies to the level Senator Hatch liked to refer to as "full employment" on the federal judiciary. We hope to reduce vacancies even further before we complete our work this year. I thank the members who have worked cooperatively with me to make progress over the last year.

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Statement of Senator Patrick Leahy,  
Chairman,  
Senate Committee on the Judiciary,  
Executive Business Meeting,  
on the "The Law Enforcement Officers Safety Act of 2002, S. 2480"  
September 19, 2002

I am pleased that the Committee is considering the "Law Enforcement Officers Safety Act," S. 2480, which permits current and retired law enforcement officers to carry a firearm and be prepared to assist in dangerous situations. I am proud that 36 Senators - including Committee Members Thurmond, McConnell, Edwards, Feinstein, Grassley, Sessions, Brownback, Cantwell, DeWine and Kyl - have joined me and Senator Hatch to cosponsor this bill in an effort to make our communities safer and better to protect law enforcement officers and their families.

At the Committee's hearing on July 23 on this bill, we heard from many representatives of the law enforcement community, including the Fraternal Order of Police, the National Association of Police Officers, the Federal Law Enforcement Officers Association, and the International Brotherhood of Police Officers, that national legislation is necessary because of the current patchwork of state and local conceal-carry laws. I have also received letters of support for S. 2480 from a variety of Vermont law enforcement officials, including Chief Osburn Glidden of Williston, Officer Wade Johnson of Hinesburg, Chief Trevor Whipple of Barre, and Sergeant Mike Manning and Sergeant David Yustin of the Vermont State Police.

I introduced this measure as a companion to H.R. 218, sponsored by Representative Randy "Duke" Cunningham, who joined us at the July 23 hearing to testify on the bill's behalf. The House bill has garnered 270 cosponsors from both sides of the aisle. In both the House and the Senate there is strong bipartisan support for this legislation.

Our bipartisan bill addresses this need by establishing national measures of uniformity and consistency to permit law enforcement officers to respond immediately to a crime when off duty, as well as to protect officers and their families from vindictive criminals.

There are approximately 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 16,200 law enforcement officers killed in the line of duty. A total of 1,809 law enforcement officers died in the line of duty over the last decade, an average of 181 deaths per year. In 2001 alone, there were 232 police deaths, representing a 49 percent increase from the 156 officers who died in 2000. Roughly 5 percent of officers who die are killed taking law enforcement action while in an off duty capacity. On average, more than 62,000 law enforcement officers are assaulted each year, resulting in some 21,000 injuries.

Until last year, violent crime in this country had declined each of the preceding 8 years. Indeed, it had declined by 40 percent since it peaked at 4 million violent crimes in 1993. Community policing and the outstanding work of so many law enforcement officers played a vital key in our crime control efforts. Unfortunately, last year the downward trend in violent crime did not continue and violent crime turned upward.

The Law Enforcement Officers Safety Act of 2002 is designed to protect officers and their families from vindictive criminals and to allow thousands of equipped, trained and certified law enforcement officers, whether on or off duty or retired, to carry concealed firearms in most situations, thus enabling them to respond immediately to a crime.

Off-duty and retired officers should be permitted to carry their firearms across State and other jurisdictional lines, at no cost to taxpayers, in order better to serve and protect our communities. Our bill would permit qualified law enforcement officers and qualified retired law enforcement officers across the nation to carry concealed firearms in most situations. It also preserves, however, any State law that permits citizens from restricting a concealed firearm on private property and preserves any State law that restricts the possession of a firearm on State or local government property.

To qualify for the bill's uniform standards a law enforcement officer must be authorized to use a firearm by the law enforcement agency where he or she works, be in good standing with that agency, and meet any standards established by that agency to regularly qualify to use a firearm.

A qualified retired law enforcement officer under the bill must have retired in good standing, been employed at least five years as a law enforcement officer unless forced to retire due to a service-related injury, have a non-forfeitable right to benefits under the law enforcement agency's retirement plan, and annually complete a State-approved firearms training course.

As a result, our bipartisan legislation maintains the State or local jurisdiction's power to determine whether a law enforcement officer or retired law enforcement officer is qualified in the use of a firearm.

As a former State prosecutor, I know that law enforcement officers are never "off-duty." They are dedicated public servants trained to uphold the law and keep the peace. When there is a threat to our public safety, law enforcement officers are sworn to answer that call. The Law Enforcement

Officers Safety Act enables law enforcement officers in Vermont and across the nation to be armed and prepared when they answer that call, no matter where, when, or in what form it comes.

I hope that we can consider and pass this legislation to make our communities safer and better to protect law enforcement officers and their families without delay.