

Testimony of

# **The Honorable Patrick Leahy**

May 1, 2003

Opening Statement of Senator Patrick Leahy  
Business Meeting of the Senate Judiciary Committee  
May 1, 2003

I look forward to this being a productive work period in this Committee and in the Senate. In particular, I want to report that Chairman Hatch and I are continuing to work together and with other Senators on legislation concerning asbestos-related claims. We have been working since our first hearing last year through the hearing earlier this year and now in continuing discussions with insurers, corporations, labor representatives and legal representatives of asbestos victims to craft a fair proposal. I can report that we are hard at work and that I remain hopeful that we can reach a consensus on an effective legislative proposal. I know that a number of others on this Committee are interested and active on these important matters and look forward to working with you all as we proceed in what I want to be a truly bipartisan effort. I want to acknowledge the leadership of the Chairman and his hard work, as well as that of his staff, as we have proceeded to work through the recess.

In addition, I want to thank the Chairman for including on today's agenda S. Res. 75, which will set May 15 to honor the dedication and sacrifice of our public safety officers and their families. He and I and Senators Biden and Durbin and others are cosponsors of Senator Campbell's resolution. There will be a series of events honoring law enforcement that week culminating in the memorial program held on our Capitol grounds, which is organized by the Fraternal Order of Police and others.

Third, I want to report briefly on progress we are making this week on judicial nominations. We have already confirmed 120 of President Bush's judicial nominees, including some of the most divisive and controversial sent by any President. This week the Senate proceeded to a vote on the nomination of Jeffrey Sutton to the Sixth Circuit. He achieved the fewest number of favorable votes of any confirmation in almost 20 years with 52. He is the third controversial judicial nominee of this President against whom more than 40 negative votes were cast.

Our Senate leadership, both Republican and Democratic, are working hard to correct some of the problems that arose from some of the earlier hearings and actions of this Committee, as well. Just yesterday we were able to hold a hearing on the nomination of John Roberts to the District of Columbia Circuit. We are all working hard to complete Committee consideration of that nomination at the earliest opportunity. I am optimistic that our leadership is working out a procedure for Senate consideration of the nomination of Deborah Cook to the Sixth Circuit. Thus, a number of additional, controversial nominations are in the process of being considered and will be considered by the Senate in due course. In addition, of course there are the nominations of Judge Edward Prado and Judge Cecilia Altonaga on which we have been seeking

Senate consideration for some time. I hope to see the Republican leadership schedule those matters for Senate action without additional delay.

The point of this recitation is to underscore that we are making progress. While "the glass is not full," it is more full than empty and more has been achieved than some want to acknowledge.

One hundred and twenty lifetime confirmations in less than two years is better than any two year period from 1995 through 2000. We have reduced judicial vacancies to 48, which is the lowest number and lowest vacancy percentage in more than 12 years. During the entire 8-year term of President Clinton it was never this low. We have made tremendous progress and I want to thank, in particular, the Democratic members of this Committee for their hard work in this regard.

These achievements have not been easy.

So as we commemorate May 1, which among other traditions is known as Law Day, we should all acknowledge how far we have come from the 110 vacancies that we faced in the summer of 2001.

This is not to say that there are no remaining concerns or problems. There are. Although we are hopeful of resolving problems experienced in the Committee earlier this year, additional problems are arising. I will first talk to the Chairman about them in an effort to resolve them, as well.

The administration has chosen confrontation with the Congress, with the Senate and with this Committee. We continue to proceed at least twice as productively as this Committee and the Senate did when President Clinton was in the White House working with Senator Hatch. With a modicum of cooperation we could achieve so much more. As it is, we have worked hard to repair the damage to the confirmation process and achieved significant results.

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Statement of Senator Patrick Leahy

S. Res. 75, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who lost their lives while serving as law enforcement officers.

Senate Judiciary Committee

May 1, 2003

I thank Chairman Hatch for including on today's agenda S. Res. 75, a resolution that would designate May 15, 2003, as National Peace Officers Memorial Day. Senator Campbell and I introduced this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. We are joined by 20 cosponsors, including Chairman Hatch, and Judiciary Committee members Biden, Durbin, Schumer and Kohl.

I commend Senator Campbell for his leadership in this issue. As a former deputy sheriff, he has experienced first-hand the risks faced by law enforcement officers every day while they protect our communities. I also want to thank each of our nation's brave law enforcement officers for the jobs they do. They are real-life heroes, too many of whom often give the ultimate sacrifice, and they remind us of how important it is to support our state and local police.

Currently, more than 850,000 men and women who serve this Nation as our guardians of law and order do so at a great risk. Each year, 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of this country.

In 2002, over 152 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 237 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care. And, in total, more than 16,700 men and women have made the ultimate sacrifice.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor that extraordinary service and sacrifice. More than 15,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades who, by their last full measure of devotion to their responsibilities and the right and security of their fellow citizens, have rendered a dedicated service to our nation. This resolution is a fitting tribute for this special and solemn occasion.

I hope my colleagues will join us in supporting passage of this important resolution.

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