

Testimony of

# The Honorable Patrick Leahy

May 8, 2003

Opening Statement Of Senator Patrick Leahy  
Business Meeting Of The Senate Judiciary Committee  
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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. There remain some important issues on which we are working toward consensus. Working together we stand the best chance of success and that is what we are trying to do.

I had asked that the agenda include the bill Senator Graham and I introduced to ensure that the survivors of firefighters, police officers and EMS personnel who die of heart attacks or strokes in the line of duty be eligible to receive financial assistance through the Public Safety Officer Benefits program. We believe that our Hometown Heroes Survivors Benefits Act, S.479, is a worthwhile endeavor to close the loophole that prevents the families of our brave first responders from participating in the PSOB Program if their loved ones die of a cardiac-related attack while protecting us from harm. I hope the Chairman will reconsider and help us move that legislation. As we enter next week, a week that will have a number of events honoring our public safety officers for their sacrifices, it would have been an appropriate matter for Senate passage.

Likewise, I would again urge the Chairman to join with us and focus Committee attention on pending first responder legislation that I have previously asked be considered by the Committee. Senator Daschle and I have introduced together the First Responders Partnership Grant Act of 2003, S. 315 and S. 466. Those pieces of legislation are also of great interest to our states and local emergency response communities because they will supply our nation's law enforcement officers, firefighters and EMS providers with the resources they need to bolster our security against terrorists. Grants will be made directly to state and local governments for equipment, training and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. This is essential federal support that our law enforcement officers, firefighters and emergency personnel need and deserve.

Finally, I want to report briefly on progress we are making this week on judicial nominations. We have already confirmed 123 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 Deborah Cook to the Sixth Circuit following last week's consideration of Jeffrey Sutton, a nomination confirmed with the fewest number of favorable votes of any confirmation in almost 20 years with 52. Mr. Sutton was the third controversial judicial nominee of this President against whom more than 40 negative votes were cast.

Our Senate leadership, both Republican and Democratic, have worked hard to correct some of the problems that arose from some of the earlier hearings and actions of this Committee. Last week 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. Our leadership is working out a procedure for Senate consideration of the nomination of a number of the President's controversial judicial nominees. In addition, of course there are the nominations of Judge Edward Prado and Judge Cecilia Altonaga on which we affirmatively sought Senate consideration for some time and on which we all joined. I expect the nomination of Consuelo Callahan of California to be another consensus nomination and note the support of Senators Feinstein and Boxer.

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-three lifetime confirmations in less than two years is better than any two year period from 1995 through 2000. We have reduced judicial vacancies to 47, which is the lowest number and lowest vacancy percentage, 5.45 percent, in 13 years. During the entire 8-year term of President Clinton judicial vacancies were never allowed to get 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. We should all acknowledge how far we have come from the 110 vacancies that we faced in the summer of 2001.

The administration has chosen confrontation with the Congress, with the Senate and with this Committee. 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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