

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
June 3, 2004

Opening Remarks of Senator Patrick Leahy  
Ranking Democratic Member  
Executive Business Meeting of the Senate Judiciary Committee  
June 3, 2004

Today this Committee will take an unfortunate turn into an unproductive ditch.

It would be my wish that we would work together productively to produce legislation that would be helpful to the American people and conduct thoroughgoing oversight that has been so lacking for too long with regrettable consequences. That does not appear to be where we are headed today and in the few weeks remaining to us in session this year, however.

Some of us will do what we can. Maybe we will be able to move such consensus legislation as the Boys & Girls Club bill on today's agenda. Maybe the PIRATE Act, an important bipartisan intellectual property bill subject to an anonymous Republican hold on the Senate floor, will be released. Maybe we will finally turn to the Advancing Justice Through DNA Technology Act, that has passed the House with a large bipartisan majority and has bipartisan sponsorship here in the Senate with 35 Senate cosponsors, including 11 Members of this Committee: Senators Hatch, Biden, Specter, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl and Edwards.

Maybe Republican objections to proceeding with the bipartisan DREAM Act will subside and we will be able to proceed to make progress on immigration matters despite the Republican leadership's failure to address the H-2B visa crisis that affects so many this summer. Maybe the Republican leadership will work with us to schedule debate and action on our bipartisan NOPEC bill to help confront the cartel that is artificially raising gas prices for Americans. Maybe we will get a budget resolution. Maybe we will see a fair highway bill. Maybe, but not likely.

Instead, it appears that this Committee has decided to devote its efforts to partisan political issues, to divisive and troubling nominations, to a constitutional amendment to amend the First Amendment for the first time in our history - an amendment that has repeatedly been considered and rejected by the Senate -- and to a constitutional amendment to federalize marriage that the White House hopes to milk for election-year political advantage. I read this week that the Republican budget deficit has finally gotten so bad that Republican leadership wants to dredge up the so-called Balanced Budget Amendment so that Republicans who have taken actions that have led to these record deficits can have an easy vote and wash their hands of responsibility for their

actions, even as they refuse to make the hard choices necessary to move back toward the balance and budget surpluses we achieved under Democratic leadership.

There are double standards being employed by this Republican leadership. The one I will mention now is the fact that this Committee has failed to consider the nomination of Isaac Fullwood to the U.S. Parole Commission. He is a respected past D.C. law enforcement official recommended for appointment by Senator Daschle and supported by Congresswoman Norton. Last week, the President exercised his power under the recess appointment clause to appoint Debbie Spagnoli to the Parole Commission. This Committee reported that nomination. I had concerns and noted them. I was prepared to proceed to consider the Spagnoli nomination before the Senate and expect that it would have been favorably considered along with equal treatment for Mr. Fullwood. Instead, Mr. Fullwood is relegated to the back of the line and the President has chosen to act unilaterally, again.

At a time when we should be uniting, the White House and Senate Republicans continue to take actions to divide us. That is most regrettable and most unfortunate.