

Testimony of

The Honorable

March 29, 2006

Statement of Senator Patrick Leahy,

Ranking Member, Judiciary Committee

Hearing on Judicial Nominations

March 29, 2006

The Senate confirmed several judges immediately before the last recess. These confirmations brought the total number of judicial appointments since January 2001 to 234, including the confirmations of two Supreme Court Justices and 43 circuit court judges. Of course, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate. In the other 45 months, 134 judges have been confirmed. Ironically, under Democratic leadership, the Senate was almost twice as productive as under Republican leadership.

It is regrettable that this President has not fulfilled his promise to the American people to be a uniter. Nor has he fulfilled his pledge to complete his work in advance of vacancies and to make nominations promptly. Judicial vacancies have grown to more than 50, and the White House has failed to send nominees for more than half of those. Some of those vacancies have been sitting empty for more than a year. Over and over the White House has missed the deadline the President established for himself, and today, well over half of the judicial vacancies, 30, are without a nomination. More than one-third of those vacancies, 11, are already more than 180 days old, and almost half of the judicial emergency vacancies are without a nominee.

If the White House would eliminate its partisan political and ideological litmus tests from the judicial nominations process and its emphasis on rewarding cronies and focus only on qualifications and consensus, the job of selecting nominees and our job of considering them for confirmation would be much easier. I hope to be able to review the nominations of Michael Barrett, Brian Cogan, and Thomas Golden in this light.

Thomas Golden, the nominee from Pennsylvania, and Michael Barrett, the nominee from Ohio, have the support of their Republican home-state Senators. Brian Cogan, the nominee from New York, has the support of his Democratic home-state Senators. I look forward to reviewing these nominations, and I would urge the President to send us qualified, consensus nominees for the remaining vacant positions.

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