

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
June 21, 2006

Statement of Senator Patrick Leahy
Ranking Member, Senate Judiciary Committee
Hearing on the Nomination of Neil Gorsuch
June 21, 2006

Today, we consider the nomination of Neil Gorsuch for a lifetime appointment to the Court of Appeals for the Tenth Circuit. I know that Senator Salazar is pleased that we have been able to expedite the Committee's background review of Mr. Gorsuch's nomination and move quickly to a hearing.

Earlier this week, the Senate confirmed another lifetime appointment, Sandra Segal Ikuta, to a seat on the Court of Appeals for the Ninth Circuit. Judge Ikuta had the support of her home-state Senators, Senator Feinstein and Senator Boxer, and was easily confirmed. I am pleased that the Republican leadership is this month taking notice of the fact that we can cooperate on swift consideration and confirmation of consensus nominations. Working together, we confirmed five judges in one week earlier this month. All of them could have been confirmed last month if the Republican leadership had chosen to make progress instead of picking a fight on a controversial nomination.

I, again, want to commend the Republican Senate leadership for wisely passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle and Norman Randy Smith to turn to Judge Ikuta's nomination. The Republican leadership was right to have avoided such controversial nominations that were reported out of the Committee on a party-line vote.

During the 17 months I was Chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After Judge Ikuta's confirmation, in the last 17 months under Republican control, the Senate will have confirmed 44. The 22 judicial nominations the Senate has confirmed this year is equal to the total number of nominees we confirmed for all of last year. We could exceed that total if the Republican leadership would schedule debate and consideration of Andrew Guilford, who has been nominated to the United States District Court for the Central District of California.

There are just under 50 judicial vacancies currently, but more than half of these vacancies have no nominee. I urge the White House to work with Senators from both parties to select nominees who can be expeditiously considered and confirmed.

On the basis of his record, Mr. Gorsuch appears to be a very conservative nominee. However, I hope that after hearing his answers to questions from members of this Committee I will be convinced that Mr. Gorsuch is the kind of nominee who understands that the role of the judge is to act as a check and balance to protect the rights and liberties of all Americans. I welcome Mr. Gorsuch and his friends and family to the Committee today. I look forward to hearing his testimony.

#####