

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
March 8, 2007

Opening Statement of Chairman Patrick Leahy  
Senate Judiciary Committee  
Executive Business Meeting

March 8, 2007

Firing of United States Attorneys

This week, we held an important second hearing on the firing of so many U.S. Attorneys around the country. United States Attorneys around the country are the chief federal law enforcement officers in their States. They are the face of federal law enforcement and have enormous responsibility for implementing anti-terrorism efforts, bringing important and often difficult cases, and taking the lead to fight public corruption. It is vital that those holding these critical positions be free from any inappropriate influence. Their importance is reflected in the fact that these appointments have traditionally -- and are currently -- subject to Senate confirmation.

Sadly, what we have heard from the Administration has been a series of shifting explanations and excuses and a lack of accountability or acknowledgement of the seriousness of this matter.

The women and men replaced and whose reputations were then stained by those seeking to justify these firings as "performance related" were appointees of President Bush. Several had significant achievements in office and glowing performance reviews. It makes one wonder, while effective prosecutors, were they simply too independent for this Administration? What were the real motivations for their firings? Who within the Administration were the moving forces behind the mass firings and who was involved?

I thank Senator Schumer for chairing our hearings into this matter. I thank the witnesses for their willingness to come and help us get to the truth. I hope all Senators share the desire to get to the bottom of this as soon as possible. We would like to authorize the subpoena authority we need to follow through on this matter and it is for that reason I include that matter on the agenda today.

Federal Antitrust Immunity

Yesterday we also held two important hearings on federal antitrust enforcement. Chairman Kohl held one with the lead federal enforcement officers. We held another to examine the federal antitrust immunity accorded the insurance industry by the McCarran-Ferguson Act. In light of insurance practice, especially in the wake of Hurricane Katrina, I have renewed my efforts to end this unjustified exemption in favor of more competition.

## Agenda

I have set a very ambitious agenda before us today. It includes additional lifetime appointments to the federal courts for a Pennsylvania vacancy on the Third Circuit and a Connecticut district court vacancy.

We also have seven bills to consider. They include authorizations for important law enforcement programs. I understand from consultation that several matters will be held over, but I hope to be able to report the nominations, the animal fighting bill with a clarifying Specter amendment, the Red Cross bill with a clarifying Grassley amendment, the Snowe resolution and make progress on the Law Enforcement Officers Safety Act.

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Statement of Senator Patrick Leahy  
Chairman, Senate Judiciary Committee,  
On Judicial Nominations

March 8, 2007

The Committee continues to make significant progress today with two more nominations for lifetime appointments to the federal bench on our agenda.

The first nomination we consider today is that of Thomas M. Hardiman to a seat on the Third Circuit from Senator Specter's home state. Because we had a hearing on Judge Hardiman's nomination during the lame duck session at the end of the last Congress, and because it is to a seat that has been designated a judicial emergency by the Administrative Office of the Courts, I have sought to expedite Committee consideration of his nomination. I inquired of each Member of the Committee whether a hearing is requested on his nomination this year. I thank the Members for expediting their consideration of this important nomination and I thank Senator Casey for considering and approving it so quickly after taking office.

The other nomination we consider today is that of Vanessa L. Bryant to the District Court for the District of Connecticut. We had a hearing on her nomination in the last Congress and I thank the Members of the Committee for expediting her nomination in this Congress without a hearing. Judge Bryant's nomination has the support of both home state Senators.

By proceeding promptly and efficiently, we have put the lie to the alarmist rhetoric of some on the other side of the aisle who claimed that this Committee, and this Senate, would obstruct judicial nominations.

This session of Congress, the Senate has already confirmed eight judicial nominations, including the nomination of Norman Randy Smith to the Court of Appeals for the Ninth Circuit. We will report a second Circuit Court nomination today. With Judge Smith's confirmation last month, we confirmed a nomination to one of the Nation's important Circuit Courts little more than a month

after the Republicans agreed to resolution allowing the Senate to organize. That is more than the total of President Clinton's nominations to Circuit Court vacancies confirmed by the Republican-controlled Senate during the entire 1996 session. After we report Judge Hardiman's nomination today, the Senate stands poised to confirm a second.

The Committee has also reported five more district court nominations which are pending on the Senate's Executive Calendar. With the two nominations we report today, the Committee will have reported 15 nominations for lifetime judicial appointments in the first couple of months of the year. We have worked hard on the Committee to consider and report nominations so that we can fill vacancies and improve the administration of justice in our nation's federal courts.

We are doing our job. Regrettably, the President has not moved to fill judicial vacancies with consensus nominees as he once pledged, and as I have long urged him to do. The Administrative Office of the U.S. Courts list 52 judicial vacancies, yet the President has sent us only 23 nominations for these vacancies. Twenty nine of these vacancies -- more than half -- have no nominee. Even more concerning, of the 23 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means two-thirds of the judicial emergency vacancies are without a nominee.

I will continue to do what I can to fill vacancies by working cooperatively with Members from both sides of the aisle to consider well qualified, consensus judicial nominees.

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Statement of Senator Patrick Leahy  
Chairman, Senate Judiciary Committee  
On S. 261, the Animal Fighting Prohibition Enforcement Act of 2007

March 8, 2007

I support this bill which criminalizes the cruel and inhumane practice of animal fighting, and addresses public health concerns related to the potential spread of avian flu and other diseases from cock fighting. The bill has broad, bi-partisan support with 24 Senate co-sponsors, and more than 300 co-sponsors in the House. The bill has been endorsed by the USDA, the Humane Society of the United States, American Veterinary Medical Association, the National Coalition Against Gambling, the National Chicken Council, the League of Latin American Citizens, the National Sheriff's Association, and more than 400 individual sheriffs and police departments, to name a few. Nearly the same bill has passed by unanimous consent in both houses twice (in 2001 and 2003), only to be stripped out in conference. This bill should be voted out of Committee by unanimous consent today.

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Statement of Senator Patrick Leahy  
Chairman, Senate Judiciary Committee  
On S. 655, the American National Red Cross  
Governance Modernization Act of 2007

March 8, 2007

I am pleased the Judiciary Committee has the opportunity today to consider S. 655, the American National Red Cross Governance Modernization Act of 2007. I want to thank my colleagues, Senator Grassley and Senator Kennedy, for their hard work on this issue and for introducing this important bill.

Since its founding by Clara Barton in 1881, the American Red Cross has provided crucial relief services to those affected by famine, floods and natural and manmade disasters. Last year alone, the American Red Cross responded to approximately 75,000 disasters with the help of more than one million volunteers and thirty-five thousand employees. As a key participant in the United States' disaster relief plan, the American Red Cross is charged with helping the United States prevent, prepare and respond to national emergencies. Over the past several years, however, the American Red Cross has been strained by disasters of an unparalleled scope; the terrorist attacks of September 11, 2001, the December 2004 Asian tsunami and the 2005 hurricane season that included the enormously destructive hurricanes Katrina, Rita and Wilma. These events all challenged the Red Cross's ability to respond to disasters quickly and effectively.

In order to improve its disaster relief services, the American Red Cross's Board of Governors unanimously voted to accept recommendations given by an independent advisory board, which examined the American Red Cross's governance structure and practices. S. 655 reflects these recommendations and would improve the American Red Cross's governance structure by centralizing and reorganizing its infrastructure. Some notable enhancements include reducing its board size from 50 members to 20 in order to facilitate emergency action, giving the board all the powers in governing and managing the American Red Cross, and establishing a Presidential Advisory Council composed of eight to ten principal officers of the executive departments and senior officers of the Armed Forces to provide governmental input and support. Additionally, the modernized charter would enhance congressional oversight and transparency by creating an Ombudsman who would provide an annual report to Congress articulating any concerns of volunteers, employees, donors, clients and the public.

According to the American Red Cross's end of the year report, Hurricane Katrina created a record of 1.4 million families, or around 4 million people, who needed emergency assistance such as food, clothing and other necessities. My wife, Marcelle, was one of hundreds of thousands of volunteers dedicated to providing these essential relief services to victims of Katrina. No one knows when the next disaster will strike. Congress must do everything in our power to ensure that the American Red Cross can continue and improve upon the essential humanitarian work on which the United States and the world relies. I commend the Red Cross for taking important action to reform itself and I urge the Committee to support S. 655 as amended by Senator Grassley.