

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
June 20, 2007

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Chairman, Senate Judiciary Committee,
On Judicial Confirmation Hearing
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Today, the Committee will hear from four more nominees for lifetime appointments to the federal courts - William Lindsay Osteen, Jr. to the District Court for the Middle District of North Carolina, Martin Karl Reidinger to the District Court for the Western District of North Carolina, Timothy D. DeGiusti to the District Court for the Western District of Oklahoma, and Janis Lynn Sammartino to the District Court for the Southern District of California.

All four of these nominees have the support of their home-state senators. I thank Senators Inhofe, Dole, and Burr for agreeing to come to the hearing to introduce their home-state nominees, and I thank Senator Feinstein for agreeing to chair this important hearing.

The Senate has confirmed 18 judges so far this year. It is not yet summer, and we have already confirmed more judges than were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. In that session, not a single circuit court nominee was confirmed.

The Judiciary Committee has already reported 25 nominees to lifetime appointments so far this year, and is holding a hearing today for four more, so the total number of judges confirmed will likely increase further soon.

We have already confirmed three circuit court judges, and we are not yet halfway through this year. Those three circuit court confirmations put us well ahead of the pace set in 1999 when a Republican-led Senate was considering the nominees of a Democratic President. At the end of that Congress, the last two years of the Clinton Administration, the Republican-led Senate returned to the President without action 17 of his appellate court nominees. I do not intend to duplicate that record any more than I intend to see the Senate pocket filibuster more than 60 of President Bush's judicial nominees, as Republicans did with President Clinton's.

The Senate has confirmed 118 judges while I have served as Judiciary Chairman. It is a little known fact that during the more than six years of the Bush Presidency, more circuit court judges, more district court judges, and more total judges have been confirmed in less time while I served as Judiciary Chairman than during the tenures of either of the two Republican Chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts lists 50 judicial vacancies, yet the President has sent us only 28 nominations for these vacancies. Twenty-two of these vacancies -almost half - have no nominee. Of the 15 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for six of them. That means that more than a third of the judicial emergency vacancies have no nominee.

Of the 13 circuit court vacancies, more than half are without a nominee. If the President had worked with the Senators from Rhode Island, New Jersey, Maryland, California, Michigan and the other states with the remaining circuit vacancies, we could be in position to make even more progress.

As it is, we have cut the circuit vacancies in half, from 26 to 13. Contrast that with the way the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees resulted in circuit court vacancies increasing from 17 to 26. During most of the Clinton years, the Republican-led Senate engaged in strenuous efforts to keep circuit judgeships vacant in anticipation of a Republican President. To a great extent they succeeded.

With the cooperation of the President and with the cooperation of the Committee and the Senate, we can continue to make progress. I look forward to hearing from the nominees before us today.

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