

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
September 6, 2007

Opening Statement of Senator Patrick Leahy
Chairman, Senate Judiciary Committee
Executive Business Meeting
September 6, 2007

With the cooperation of Members of the Committee on both sides of the aisle we can make real progress today and follow through on the promise of the important civil rights hearing we held yesterday with Congressman Lewis and other leaders in the effort to achieve equal justice for all.

I had hoped last month to complete action on the Deceptive Practices and Voter Intimidation Prevention Act of 2007, S.453. I thank Senator Cardin for chairing our hearing on these important matters back on June 7th. We provided notice that the bill was on our business agenda back on July 19. The measure was held over at our meeting in August, which brings us to today. Despite the weeks and weeks of notice, amendments were not circulated until the hour of the deadline last night. Indeed, one Senator circulated 19 amendments as the deadline approached. I hope that we are not going to see another filibuster of an important bill by amendment.

Yesterday, those who attended the civil rights hearing heard some of the most moving testimony ever spoken in this hearing room. Congressman Lewis and Robert Moses were both riveting and right. They spoke of the distance we still have to go to achieve equal justice and the need for legislation such as the bill we are considering today. It is on the continuum from the Civil Rights Act of 1957 that we commemorated at our hearing. I urge all Members of this Committee to move forward together in a bipartisan way on this legislation without further delay.

This is an important measure introduced by Senator Obama and supported by a number of Members of this Committee, including Senator Feinstein, the Chair of the Rules Committee, the committee with which we share jurisdiction over voting matters. Our bill would continue the march toward equal justice we spoke of yesterday by providing protections against the use of deceptive practices in elections, practices as we have seen during our hearing that are used to depress voting in minority communities and to intimidate minority voters. There is no more fundamental right in our great democracy than the right to vote. Unfortunately, the prevalence of deceptive campaign practices --which seek to undermine that fundamental right -- has continued. Tactics have evolved to exploit gaps in current laws intended to protect Americans' civil rights.

At our June hearing chaired by Senator Cardin, we were graced with the presence of another longtime civil rights leader from Maryland, Senator Charles "Mac" Mathias. I was privileged to serve with Senator Mathias on this Committee and he is a friend and inspiration to many of us. Mac indicated his belief that this legislation fills the gap among existing laws and would serve to thwart modern attempts to suppress the participation of minority voters.

At the outset of our debate on this bill, I will recognize Senator Schumer, a leading sponsor of the measure, to offer the substitute he has worked out with a number of Senators. After it is adopted, the floor will be open to those who wish to offer further amendment. I do regret that in the last seven weeks no one has come to Senator Schumer, Senator Cardin, Senator Obama or to me with any suggestions. Still, I will protect the rights of all Senators and we will work diligently to complete action on this measure so that we can then turn to the many other items on the agenda.

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Statement of Senator Patrick Leahy
Chairman, Senate Judiciary Committee,
On Judicial and Executive Nominations
Executive Business Meeting
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Today, the Committee continues to fulfill its responsibilities with respect to judicial nominees. I have placed another three nominations for lifetime appointments to the federal bench on the agenda. The judicial nominations are Richard Jones for the Western District of Washington, Sharion Aycock for the Northern District of Mississippi, and Jennifer Walker Elrod for the Fifth Circuit. All three of these nominees had hearings and have the support of both home state Senators. I thank Senators Murray, Cantwell, Cochran, Lott, Cornyn, and Hutchison for their consideration and approval of these nominees.

We also have on the agenda today the nominations of Michael Credo to be United States Marshal for the Eastern District of Louisiana and Esteban Soto to be United States Marshal for the District of Puerto Rico. I thank Senators Landrieu and Vitter for their cooperation.

We have proceeded promptly and efficiently to confirm judicial nominees. This session of Congress, the Senate has already confirmed 26 judicial nominations. We have already confirmed one and a half times as many judges as were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. That was the session in which not a single circuit court nominee was confirmed. We have also already confirmed four more judges than were confirmed in all of 2005 with a Republican chairman and a Republican Senate. The Judiciary Committee has already reported out 31 lifetime appointments to the federal courts since January of this year and could increase that number today.

We have confirmed three circuit court nominees so far this year. That is more than the number of President Clinton's circuit court nominations confirmed by this time in 1999 with a Republican-led Senate and three more than the Republican-led Senate confirmed in the entire 1996 session.

It is a little known fact that during the Bush Presidency, more circuit judges, more district judges and more total judges have been confirmed while I have 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 49 judicial vacancies. The President has sent us only 25 nominations for these 49 vacancies. Twenty-four of these remaining vacancies - almost half - have no nominee. Of the 20 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for eight of them, almost half. Of the 16 circuit court vacancies, exactly half are without a nominee. If the President had worked with the Senators from Michigan, Rhode Island, Maryland, California and New Jersey, we could be in position to make even more progress.

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