

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
January 31, 2008

Opening Statement of Chairman Patrick Leahy
Executive Business Meeting
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This week we have held an important oversight hearing with the new Attorney General. Last week we examined the Justice Department's failure to implement the Kirk Bloodsworth Post-Conviction DNA Testing grant program. As indicated by these hearings in the opening days of this session, our oversight efforts continue. Next month Michael Chertoff, the Secretary of Homeland Security will be testifying and, in March, FBI Director Mueller will come before the Committee.

In addition, we have continued our work evaluating the nominees needed to fill the many vacancies that remain among top Justice Department positions. Today I have placed three such nominees on our agenda for the Committee's consideration. I thank Senator Whitehouse for chairing a hearing our first day back in session on the nominations to fill the important positions of Associate Attorney General and the head of the Civil Division.

Despite the controversy and opposition that surrounds the judicial nomination of Richard H. Honaker, I have told Senator Enzi that he would be included in our first hearing of the year on judicial nominations. He will testify when Senator Feinstein is able to chair that hearing on February 12. I thank the Senator from California for her willingness to do so, and know that she will proceed with customary fairness to help us evaluate the four judicial nominations included at that hearing's agenda.

This week's agenda includes a number of items I had hoped the Committee would complete last session, but that were instead carried over. We begin with a number of legislative items affecting the Judiciary. Our bipartisan bill to adjust judicial pay, sponsored by the Majority and Minority leaders, along with Senators Hatch, Feinstein, Graham, and me was the first bill introduced on this matter following the plea from the Chief Justice at the beginning of last year. This bill would authorize an increase in federal judicial salaries to recognize the important constitutional role judges play in administering justice, interpreting our laws, and providing the ultimate check and balance in our system of government.

Eight years ago, Congress saw fit to double the President's salary to \$400,000 a year. Our bill did not propose to increase judges' salaries by 100 percent, but by half, by 50 percent, to make up for lost cost of living adjustments and to show respect for their important responsibilities in our constitutional democracy. At our last meeting, the Committee adopted Senator Feinstein's

amendment to lower that adjustment to 31 percent. That is in line with the pay raise adopted by the House Judiciary Committee last year. I understand there are other amendments and hope that we can proceed to consider and vote on them without further delay.

We then need to return to the Grassley-Schumer Sunshine in the Courtroom Act and complete our consideration of that measure.

After that measure I expect the next significant legislative matter affecting the Judiciary will be legislation to authorize federal judgeships. That is something that Congress has not done since 1990, and is long overdue. I have asked Senators Schumer and Sessions to head a taskforce to make recommendations to Senator Specter and to me last year. We need to act on this, and should do so now on the merits and without knowing whether this fall's election will result in a Democratic or Republican President.

I have added two other legislative matters to the agenda that I believe are not controversial. The first is the bill I have cosponsored with Senators Specter and Graham to amend the Federal Rules of Evidence as suggested by the Judicial Conference with respect to privilege waivers. The other is another bipartisan bill cosponsored by Senators Domenici, Kennedy and Specter regarding the treatment of mentally ill criminal offenders.

I urge all Members who have not yet arrived to come and participate with us in the work of the Committee.

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