

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
June 24, 2009

Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Committee On The Judiciary,  
Hearing On Executive Nominations  
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This is the first confirmation hearing the Judiciary Committee has held since May 12, more than six weeks ago. It is only the second nominations hearing we have held since learning of Justice Souter's resignation, and the first since the nomination of Judge Sotomayor as his successor. The Committee has heard from five nominees in these two hearings--one judicial nominee and four executive branch nominees.

This stands in stark contrast to the seven nominations hearings held by Republicans following the announcement of Justice O'Connor of her retirement in 2005 until that position was filled. After John Roberts was first named by President Bush to succeed her, and despite the agreement to proceed with his confirmation hearing in 48 days--the same timeframe set for the Sotomayor hearing--the Committee proceeded with a nominations hearing on July 26. We then proceeded with a confirmation hearing for a number of judicial nominees on September 29, the very day John Roberts was confirmed as Chief Justice. During the pendency of Harriet Miers' nomination to succeed Justice O'Connor, the Committee proceeded with confirmation hearings on October 6 and October 18. During the pendency of Samuel Alito's nomination to succeed Justice O'Connor, the Committee proceeded with hearings on judicial nominees on November 1 and November 15, and another confirmation hearing for executive branch nominees on November 8. Under Republican leadership, the Judiciary Committee did not stop holding confirmation hearings for President Bush's judicial and executive branch nominees. Those seven hearings involved 22 nominees - 12 judicial nominees and 10 executive branch nominees.

I thank Senator Sessions for agreeing with me that we should proceed with this hearing today for three important positions in the Justice Department, Office of National Drug Control Policy and at the Department of Homeland Security. We are right to proceed.

I thank Senator Feinstein for volunteering to chair this important hearing. I am sure that the nominees also appreciate that we are proceeding today to try to facilitate Committee and Senate consideration of their nominations at the earliest opportunity.

As Senator Sessions will also acknowledge, at his request I have postponed a number of legislative hearings that were planned for this week and the week of July 6 in order to accommodate his request that Republican members be able to concentrate their time preparing

for the July 13 hearing on the nomination of Sonia Sotomayor to the Supreme Court. I postponed a hearing on a priority of mine, the EB-5 investor visa program. In addition, I prevailed upon Senator Whitehouse, the Chair of the Administrative Oversight and the Courts Subcommittee, to postpone a hearing that would otherwise have proceeded on July 7, on a priority of his having to do with bankruptcies and health care. I asked Senator Specter and Senator Klobuchar to postpone a hearing on metal theft that had been planned for the Crime Subcommittee on July 8. I arranged for Senator Specter to chair a Crime Subcommittee hearing on June 23 in response to a request by Senator Thune, but rescheduled that for after the Sotomayor hearing, as well. And I asked Senator Schumer, Chair of the Immigration Subcommittee, to postpone a hearing on comprehensive immigration reform that would have proceeded on July 8.

After this nominations hearing today, the only other hearings the Committee is now scheduled to hold in the three weeks before the Sotomayor hearing are two requested by Republican Senators. Senator Hatch has asked Senator Kohl to hold an Antitrust Subcommittee hearing on the college football bowl championship series, which remains planned for July 7 at Senator Hatch's insistence. Tomorrow we are holding a hearing on hate crimes legislation in response to the request by Senator Sessions last Wednesday. This record stands in contrast to the 24 legislative hearings held under Republican Committee leadership following the announcement of Justice O'Connor's resignation and the filing of that vacancy with the confirmation of Justice Alito, who was President Bush's third nominee to succeed her. Ten of those hearings were held before Chief Justice Roberts was confirmed, seven were held before the Miers nomination was withdrawn and seven more during the pendency of the Alito nomination.

Just as I delayed the start of the Sotomayor hearing for a week to accommodate Committee Republican as best I could, in order to give them as much time as possible while still completed Committee consideration of the nomination in July, in time for the Senate to consider it before the August recess, I have postponed numerous legislative hearings and kept nominations hearing to a minimum.

I would ask that Republican Senators end the roadblocks against the confirmation of Presidential nominees this Committee has favorably reported to the Senate, and work with me to fill vacancies without additional delay. The nomination of the Assistant Attorney General to head the Office of Legal Counsel was reported on March 19. It is past time for a debate and a vote. The President's nominee to chair the Sentencing Commission was reported on May 7 and has been stalled ever since. It is time he be confirmed. The nominee to head the Civil Rights Division at the Justice Department was reported on June 4. The nominee to head the Tax Division at the Justice Department was reported on June 11. Three U.S. Attorney nominees were reported on June 18. In addition, there are two more U.S. Attorney nominees on our agenda for a meeting this Thursday, who could be discharged and confirmed. And, of course, there are the three circuit court nominees reported by the Committee for vacancies on the Seventh, Fourth and Second Circuits. Each of these nominees is being stalled. It is time for the Senate to vote and confirm them.

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