

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On Executive And Judicial Nominations
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Today, we will hear from five of President Obama's well-qualified nominees, four for lifetime appointments on the Federal bench, and one for an important position in the executive branch.

I am especially pleased to welcome to the Judiciary Committee today Judge Christina Reiss from Essex Junction, Vermont. Judge Reiss was nominated by President Obama to a seat on the District Court in Vermont and, when confirmed, will be the first woman to serve on that Court. I was honored to recommend Judge Reiss to the President, and I look forward to introducing her to the Committee.

I also welcome to the Committee Victoria Espinel, who is nominated to be the first Intellectual Property Enforcement Coordinator in the Executive Office of the President. She will bring an incredible breadth of experience to this important new Senate-confirmed position created by legislation I shepherded through the last Congress to better enforce intellectual property protections. The notion of a coordinator was strongly pressed by Senators Bayh and Voinovich. I look forward to introducing Ms. Espinel to the Committee.

All of the judicial nominees appearing before the Committee today are from the home states of Members of this Committee. We welcome Abdul Kallon, who has been nominated to serve in the Northern District of Alabama, the home state of the Committee's Ranking Member, Senator Sessions. His nomination also has the support of Senator Shelby. We welcome Justice Louis Butler, who was the first African American to serve on the Wisconsin Supreme Court, and, if confirmed, will be the first African American to serve in the Western District of Wisconsin. Justice Butler will be introduced by two Members of this Committee, his home state Senators, Senator Kohl and Senator Feingold. Judge Thomas Vanaskie, from Senator Specter's home state of Pennsylvania, has been nominated to a seat on the Third Circuit, having served for more than 15 years in the Middle District of Pennsylvania. Senator Casey is also here to introduce Judge Vanaskie to the Committee.

I trust that each of these nominees will be treated well by the Committee, and will receive the prompt consideration their nominations deserve. With the cooperation of Senator Sessions, this Committee has considered nominations in regular order. I wish I could say the same for the Senate's consideration of nominations reported by this Committee.

Senate Republicans began this year threatening to filibuster every judicial nominee of the new President. They have followed through with that threat by obstructing and stalling the process, delaying for months the confirmation of well-qualified, consensus nominees. Last week, the Senate was finally allowed to consider the nomination of Judge Irene Berger, who has now been confirmed as the first African American Federal judge in the history of West Virginia. The Republican minority delayed consideration of her nomination for more than three weeks after it was reported unanimously by the Judiciary Committee. When her nomination finally came to a vote, it was approved by an overwhelming vote of 97-0.

There has been no answer to the question of why Senate Republicans subjected this qualified nominee to weeks of unnecessary delay. Why did it take three weeks and two hours of debate for the Senate to consider the nomination of Roberto Lange to the District of South Dakota after his nomination was reported unanimously? After these delays, his nomination was confirmed 100-0. Why has the Senate confirmed only a single circuit court nomination when there are five stalled by Republican objections on the Senate Executive Calendar, including two that have been pending since June?

It is November 4. By this date in President George W. Bush's first year in office, the Senate had confirmed a total of 12 lower court judges, including four circuit court judges. I know because in the summer of that year I began serving as the chair of this Committee. We achieved those results with a controversial and confrontational Republican President after a mid-year change to a Democratic majority in the Senate; in spite of the attacks of September 11; despite the anthrax-laced letters sent to the Senate that closed our offices; and while working virtually around the clock on the PATRIOT Act for six weeks. By comparison, this year, the Republican minority has allowed action on only four judicial nominations to the Federal circuit and district courts. Only one circuit court judge has been confirmed all year.

We reduced judicial vacancies to as low as 34 last year, even though it was the last year of President Bush's second term and a presidential election year. But such vacancies have already more than doubled since then. There are 96 vacancies on our Federal circuit and district courts, and 23 more have already been announced. This is approaching record levels. I know we can do better. The American people deserve better. Justice should not be delayed or denied to any American because of overburdened courts.

We will now have held hearings for 19 of President Obama's nominations to fill district and circuit court vacancies. We have reported 14 of these nominations favorably. With the cooperation of Senator Sessions we can continue the progress we are making on this Committee. We should not be delayed for months before the Majority Leader can schedule consideration of the President's highly-qualified nominees.

I welcome all of the nominees and their families to the Committee today.

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