

Statement of

The Honorable Patrick Leahy

United States Senator
United States Senate
March 15, 2012

Last week, Senator Grassley made what I thought was a thoughtful suggestion. He suggested that on days, like today, when the Committee is meeting simply to hold matters over a week, that we forego getting 10 Senators into a room and agree to deem the matters held over and proceed to them at the next meeting without a further holdover. But when I sought to proceed as the Ranking Member had suggested, I was told that Republicans objected and insisted that we assemble a quorum. That is why we are meeting today. I apologize to the members of the Committee whose time is being wasted.

This morning, the D.C. District Court released the report of the independent counsel it appointed to investigate allegations of prosecutorial misconduct in the case against Senator Ted Stevens. I look forward to reading the 525-page report and I hope to hold a hearing with Independent Counsel Hank Schuelke before the April recess. The Justice Department's Office of Professional Responsibility is also conducting its own internal investigation, and I also look forward to reviewing its completed report. We must make sure that prosecutors meet their discovery obligations and secure fair trials for all defendants, whether they are Senators or indigent defendants.

I am pleased that the Majority Leader and the Republican leader came to an understanding yesterday and a path forward on some important judicial nominations. Their agreement not only helps work through the backlog of nominations stalled before the Senate, it paves the way for votes on 14 of the 22 current judicial nominations and provides a pattern for continuing to make progress beyond those 14 and beyond the current 22. There are another eight judicial nominees working their way from hearings through the Committee process, including those on the agenda today. In addition, there are another dozen or so on which the Committee should be holding additional hearings during the next several weeks. By working steadily, we can have a positive impact and reduce judicial vacancies significantly before the end of the year. In 2004 and 2008, both presidential election years, by working together we were able to reduce judicial vacancies to the lowest levels in decades.

We remain 40 confirmations and nine months behind the pace we set during 2001 through 2004, during President Bush's first term. The judicial vacancy rate remains nearly double what it was at this time during his first term.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hardworking Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have

to wait three years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

With a judicial vacancies crisis that has lasted years, and one in 10 judgeships across the Nation vacant, this is something the Senate needs to work on. I hope that working together we can ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay. The consequence of these delays in confirmations is borne by the nearly 160 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up-or-down votes on all of the 22 judicial nominations currently before the Senate awaiting a confirmation vote.

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