

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Executive Business Meeting
April 28, 2016**

Mr. Chairman, last week, we had our first judicial nominations hearing since January. The hearing was for five district court nominees. We still have 27 judicial nominees still waiting for a hearing, including Chief Judge Merrick Garland for the Supreme Court.

It has now been 43 days since Chief Judge Garland was nominated. The Judiciary Committee *should* have convened a hearing for his nomination yesterday. The late Justice Scalia, whom Chief Judge Garland would replace on the Court, received a hearing 42 days after his nomination. Justice Kennedy received a hearing just 14 days after President Reagan nominated him, and he was confirmed by a Democratic Senate during a presidential election year. Had Justice Kennedy been nominated at the same time as Chief Judge Garland, he would have had a hearing by now.

In addition to Chief Judge Garland, we have seven circuit court nominees waiting for a hearing. Three of these circuit court nominees have both of their blue slips and are ready for a hearing. They should be on the next hearing.

We also have 20 judicial nominees pending on the Senate floor who should all be confirmed, but Republican Leadership is refusing to do so. This week, they blocked a request from three Democratic Senators to vote on these nominees, who this Committee reported out by unanimous voice vote.

It is our job to ensure that the Federal Judiciary – a co-equal and independent branch – can perform its function under our Constitution. That is not happening right now. Vacancies have increased from 43 to 79 since Republicans took over the majority. In some states, vacancies have reached such high levels that it is hard to see how individuals can obtain prompt justice. In Texas, for example, there are 10 vacancies. And in Alabama and Pennsylvania, there are six vacancies. So let us have hearings and vote on these nominees. We should do our job on this Committee and the full Senate needs to do its job on nominees we have already reported.

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