

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee
Executive Business Meeting
September 8, 2016**

One hundred and seventy-six days ago, our President nominated Merrick Garland to be the next Associate Justice of the Supreme Court. Every day since that nomination, the American people have waited to hear from him in a public committee hearing. We are still waiting. It is long past time for us to do our jobs and consider this nomination. The unprecedented Republican obstruction of this nomination is damaging our highest court. Because of the vacant seat, deliberately left unfilled by Republican obstruction, the Court has been repeatedly unable to fulfil its role as final arbiter of the law under our Constitution. There is still time to correct course and I urge the Chairman to immediately schedule a confirmation hearing for Merrick Garland next week. There is plenty of time on the calendar for a public hearing and confirmation before our highest court begins its next term on the first Monday in October.

On the agenda today, we have three judicial nominees and two Sentencing Commission nominees who should be reported to the full Senate. Yesterday, the Committee held an important but long overdue judicial nominations hearing for five Texas district court nominees – all of whom are nominated to judicial emergency vacancies. The Federal courts in that state have been severely overburdened for years, so I am glad those nominees finally received a hearing and hope that they will be listed on the agenda for next week's markup.

But this Committee should be doing much more. In 2008, in the last year of George W. Bush's presidency, I convened two judicial nominations hearings during the month of September for a total of ten nominees. And the Senate confirmed all ten of those nominees later that same month, leaving no nominees pending on the floor and reducing the number of judicial vacancies to 34. With the number of vacancies currently at 90, now is not the time to shut down the confirmation process. The Committee should hold another nominations hearing this month and the Senate should vote on all the pending judicial nominations on the Senate floor as well as the nominees receiving hearings this month.

There are seven lower court nominees who have the support of their home state Senators who are ready for a hearing. These include three nominees for the Western District of Washington, a court where 43 percent of the seats are vacant; three nominees to district courts in Florida who have the bipartisan support of their home state Senators; and one nominee to the District of Colorado who has the bipartisan support of her home state Senators. We should also have a hearing for the nominee to the U.S. District Court for the District of Columbia. These are important vacancies that require a second nominations hearing this month.

As members of this Committee, our duty to work on judicial nominees does not end with their committee hearing. It is not enough to report these well-qualified nominees out of Committee but then leave them twisting in the wind because of obstruction by Senate Republicans. The 27 judicial nominees on the Executive Calendar, and the additional one I expect we will report out today, all have bipartisan support. They deserve a vote without further delay, so they can start working and bringing prompt justice to the American people.