

Testimony of
The Honorable Orrin Hatch

December 5, 2001

It is both an honor and a pleasure to be here this afternoon with six extremely well-qualified nominees for important positions in the Federal Judiciary and the Department of Justice. I congratulate all of you on being selected by President Bush to serve in high office. After reviewing your distinguished records, I have no doubt that you will do great service for the citizens of this country upon confirmation.

Before I say a few words about each nominee, however, I'd like to make a more general comment about the current status of the nominations process. Believe it or not, I am not the only one who has noticed that the Committee is making slow work of its job this year.

The Washington Post editorialized last week that the Committee should hold more judicial confirmation hearings, concluding that "[f]ailing to hold them in a timely fashion damages the judiciary, disrespects the president's power to name judges and is grossly unfair to often well-qualified nominees." The Washington Times, after reviewing a raft of statistics it had received in a letter to the editor, wrote on December 3rd that it had concluded that the Committee "must have confirmed about 223 judicial nominees, give or take a dozen hearings." As we know, this is far from the actual case. As the Wall Street Journal observed on November 27, there is a "pattern of judicial obstruction that has left 108 current vacancies on the federal bench. . . . With only days to go before the Senate adjourns for the year, only 28% of George W. Bush's nominees have been confirmed."

Among the nominees being held back by this Committee is Michael McConnell, whom the President has nominated to serve on the Tenth Circuit. Professor McConnell has received the ABA's highest rating, and he has tremendous bipartisan support in the Senate. It seems to me that holding hearings and votes on the persons whom President Bush has nominated to the bench would be much more helpful to the war against terrorism than our ongoing effort to determine whether Osama bin Laden is entitled to the benefit of Miranda warnings.

But none of what I just said takes anything away from my support and appreciation for the tremendously talented nominees before the Committee today.

Callie Virginia Granade clerked for Judge Godbold of what was then part of the Fifth Circuit, now the Eleventh Circuit. She then embarked on what was to become a 24-year career as a federal prosecutor. She has served in just about every capacity in the U.S. Attorney's Office - line prosecutor, senior litigation counsel, criminal division chief, First Assistant U.S. Attorney, and now interim U.S. Attorney.

Chief Bankruptcy Judge Marcia Krieger attended Lewis & Clark College, from which she graduated after three years summa cum laude, and earned her law degree from the University of

Colorado School of Law. She began her legal career in a general practice, and eventually developed a specialty in bankruptcy. She has served as a Bankruptcy Court Judge since 1994.

Judge James Mahan practiced law at the same firm in Las Vegas for 17 years, primarily focusing on business and commercial litigation, and in the process earned an "AV" rating from the Martindale Hubbell legal directory - as well as the respect of his peers. In February 1999, he was named a judge on the Clark County District Court. Since taking the bench on March 8, 1999, Judge Mahan has heard civil and criminal matters and trials involving a 3,000 case docket.

Judge Philip Martinez graduated from Harvard Law School in 1982 and developed a commercial litigation practice involving antitrust, securities, fraud, deceptive trade practices, contract, and banking issues. He has served as a judge in El Paso County since 1991, and has been particularly active in juvenile justice issues.

Ashley Royal graduated from the University of Georgia Law School in 1974, but he had already gained substantial litigation experience before then. During the summer of 1973, he worked as an Intern District Attorney under the Third Year Practice Act at the Chatham County District Attorney's Office. The Act authorized third-year law students to try cases as long as they were supervised during trial by a member of the bar. During his internship, Mr. Royal served as lead counsel in five jury trials, including an armed robbery and a murder case. He also handled approximately 30 bench trials. After graduating from law school, Mr. Royal worked as an Assistant District Attorney, as a Public Defender, and in private practice.

Last but certainly not least, Mauricio Tamargo was born in Cuba and fled to the United States with his family when he was four years old. He received his B.A. in History from the University of Miami and his J.D. from the Cumberland School of Law at Samford University. His legal experience includes working in various positions for U.S. Congresswoman Ileana Ros-Lehtinen and serving as Staff Director for several subcommittees of the House International Relations Committee.

Again, it is a great pleasure to welcome all of you to the Committee. I look forward to this hearing, and to working with Chairman Leahy and others to make sure the Committee and the full Senate hold timely votes on your nominations.

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