

Statement of
The Honorable Patrick Leahy

United States Senator
United States Senate
February 2, 2012

This morning across town, many members of the Committee are attending the Annual National Prayer Breakfast. I look forward to those members joining us as soon as possible so that we can proceed to the important matters on our agenda. The legislation I hope we can report from Committee today, the Violence Against Women Reauthorization Act of 2011, is supported by over 50 national religious organizations, including the Presbyterian Church, the Episcopal Church, the Evangelical Lutheran Church, the Alliance of Baptists, the National Council of Jewish Women, National Council of Catholic Women, the Islamic Society of North America, the Union for Reform Judaism, the United Church of Christ and the United Methodist Church, just to name a few. I thank those religious organizations for joining me, Senator Crapo, and our growing, bipartisan list of cosponsors in our effort to stem the very real violence experienced by too many families in this country.

No other law has done more to stop domestic and sexual violence in our communities. As a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence.

Those were the days before VAWA, when too often people dismissed these serious crimes with a joke, and there were few, if any, services for victims. We have come a long way since then, but there is much more we must do. I thank Senator Franken and Senator Klobuchar, two strong supporter and cosponsors, for their heartfelt statements in support of the bill last week.

As with each previous reauthorization of VAWA, this legislation builds on VAWA's success and seeks to respond to unmet and emerging needs. In preparing for this reauthorization, Senator Crapo and I reached out to the professionals in the field to learn how this critical legislation could be improved to better serve victims. We heard from victim service providers, law enforcement officers, prosecutors and survivors themselves. We have worked hard to make this bill responsive to their needs. Their reaction has been remarkable. More than 200 national organizations and 500 state and local organizations have expressed their support for this bill, including the National Taskforce to End Sexual and Domestic Violence, the National Association of Attorneys General, the Fraternal Order of Police, the National Sheriffs' Association and the Federal Law Enforcement Officers Association. Yes, this bill includes new things, new needed programs. That is precisely why we reauthorize legislation - to give Congress an opportunity to learn what is working, what needs remain unmet, and what should be done going forward.

In fact, the improvements in this bill are relatively modest when compared to the previous reauthorizations. Those bills - which I note were supported by many of the Republicans on this Committee - created many new grant programs and raised authorization levels almost across the board. The bill we consider today creates only one very modest new grant program and reduces

authorization levels for the rest. In fact, our bill reduces the scale of VAWA. It consolidates 13 existing programs, and it reduces authorization levels by nearly 20 percent.

I find one concern with our bill disheartening. Some are saying we seek to protect too many victims. One thing I know from my time as a prosecutor, and I would hope it is something we can all agree on, is that all victims count. All victims deserve protection. That is a message we have heard loud and clear from our states and something I hope is common ground. The bipartisan reauthorization bill that I introduced with Senator Crapo now has the support of 34 other Senators, including a majority of Senators serving on this Committee. That support reflects Congress's ongoing commitment to end domestic and sexual violence. This has always been a bipartisan effort. It remains so today with several Republican Senators supporting our bill. This should not be a partisan matter. I hope that all Senators on this Committee will join to support this bill and this important effort to reauthorize the Violence Against Women Act. If there are issues we must debate, let us debate them, vote, and then report this important bill with strong bipartisan support as we always have.

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Today, the Committee has on its agenda the nomination of Paul Watford to fill one of four judicial emergency vacancies on the Ninth Circuit, the busiest Federal appeals court in the Nation. The nomination of Mr. Watford, whose hearing we held last December, was held over last week at Republican request. I hope that this week we can proceed to consider the nomination of this exceptionally-qualified lawyer. He has received support from across the ideological spectrum, and should receive that same support from this Committee.

At a time when judges on the Ninth Circuit are handling double the caseload of the other Federal circuit courts, we must act on the President's nominations and fill these judicial emergency vacancies. The judicial vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. According to the Administrative Office of U.S. Courts, it takes nearly five months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits.

The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, have written to the Senate emphasizing the Ninth Circuit's "desperate need for judges," urging the Senate to "act on judicial nominees without delay," and concluding that "we fear that the public will suffer unless our vacancies are filled very promptly."

The Committee and the Senate should be working to address this serious problem by moving forward to consider not only Mr. Watford's nomination, but also two other nominations to fill judicial emergency vacancies on the Ninth Circuit that are pending before the Senate. There is no reason to further delay a Senate vote on the nomination of Judge Jacqueline Nguyen of California to fill the judicial emergency vacancy that remains open after the Republican filibuster of Goodwin Liu. We reported her nomination unanimously two months ago. She should have been confirmed last year but Senate Republicans refused to proceed. I also hope we can move quickly to consider the nomination of Justice Andrew Hurwitz of Arizona. He was nominated

three months ago and we were finally able to include him at a hearing last week. I hope that with Senator Kyl's support, we can move expeditiously on that nomination, as well.

We need to act today on Paul Watford's nomination, without additional delay. His credentials are outstanding. He is currently a partner specializing in appellate litigation at a top Los Angeles law firm. He previously served as a Federal prosecutor in Los Angeles, handling a range of prosecutions and specializing in major frauds. Over his 17-year legal career, he has worked on briefs in nearly 20 cases before the United States Supreme Court, as well as numerous cases before the Ninth Circuit and other Federal appellate courts. Mr. Watford clerked for both Justice Ruth Bader Ginsburg of the United States Supreme Court and Judge Alex Kozinski, a conservative appointee of President Ronald Reagan, on the Ninth Circuit. It is no surprise that the ABA's Standing Committee rated Mr. Watford "unanimously well qualified," the highest rating available from its nonpartisan peer review.

Mr. Watford's nomination has support from across the political spectrum. Daniel Collins, a partner at Munger Tolles who clerked for Justice Scalia and who served in the Bush administration as Associate Deputy Attorney General, has said that Paul Watford is "incredibly intelligent and has solid integrity and great judgment." Conservative law professor Orin Kerr called him "extremely bright, a moderate, and very much a "lawyer's lawyer,"" concluding in his online post, "I hope he will be confirmed."

Recently we received a letter from the former president of the Los Angeles Chapter of the Federalist Society that concludes: "[E]veryone who knows Paul (whether they are conservative or liberal, or somewhere in between) recognizes that he possesses the qualities that are most needed in an appellate judge. Given the urgent need to fill vacancies in the Ninth Circuit, I would strongly urge the Senate to swiftly confirm Paul." Jeremy Rosen, someone who disagrees with President Obama on many issues, calls his nomination of Paul Watford a "home run" that should receive bipartisan support.

This week we also received a letter of strong support from conservative law professor Eugene Volokh. Professor Volokh writes: "He has all the qualities that an appellate judge ought to have: intellectual brilliance, thoughtfulness, fairness, collegiality, an ability to deal civilly and productively with colleagues of all ideological stripes, and a deep capacity for hard work." He ends his letter by concluding: "Paul is the sort of moderate Democratic nominee that moderates and conservatives, as well as liberals, should solidly support."

This is the kind of nominee who should be confirmed with bipartisan, even unanimous, support in the Senate.

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