

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee
Executive Business Meeting
July 14, 2016**

On the agenda today, we have four judicial nominees who should be reported to the full Senate. I also note that the Committee held an important judicial nominations hearing yesterday for a nominee to fill an emergency vacancy on the Ninth Circuit, Judge Lucy Koh, as well as a nominee to the Federal district court for the District of Columbia and a nominee to the U.S. Sentencing Commission. We will be able to vote these nominees out when we return from recess, and there is no reason why they should not have confirmation votes this year.

I also expect that yesterday's judicial nominations hearing will not be the last of this year, given the urgent need to fill the high number of judicial vacancies across the country. The American people seeking justice in our courts depend on the Senate to do its job to process judicial nominees, regardless of whether it is in an election year. When I was chairman in the 2008 election year, this Committee held two hearings in September 2008 for ten of President George W. Bush's judicial nominees, several of whom had not even been nominated by this point in 2008. All ten of those nominees were confirmed that same month.

The sharply rising number of judicial vacancies across the country is the direct consequence of Republican leadership neglecting the Senate's duty to ensure the Federal judiciary can function. When Senate Republicans took over the majority last year, there were 43 judicial vacancies, 12 of which were emergency vacancies. Because of Republicans' refusal to do their jobs, vacancies have nearly doubled to 83, and emergency vacancies have nearly tripled to 30. In sharp contrast, when Democrats controlled the Senate in the last two years of the Bush administration, we had reduced vacancies to 39 at this same point.

Before the seven-week recess the Majority Leader has scheduled to begin next week, I hope the Chairman can persuade the Majority Leader to schedule confirmation votes on the more than two dozen judicial nominees pending on the Senate Executive Calendar. All of these nominees have bipartisan support and the support of their home state Senators. In fact, many of these nominees are from states with at least one Republican senator. They include nominees from Tennessee, Pennsylvania, Utah, Oklahoma, Wisconsin, Louisiana, and Indiana. The people of these states should rightfully ask why the Republican Leadership refuses to take the commonsense step of confirming these highly qualified and greatly needed judicial nominees with bipartisan support.

Republicans are also failing our justice system and the American people by continuing their unprecedented blockade of Chief Judge Merrick Garland's nomination for the Supreme Court. Today marks the 120th day since he was nominated. Chief Judge Garland has more Federal judicial experience than any nominee in history. Republican members of this Committee have supported him in the past. No one has dared claim he is unqualified for consideration by this Committee. But Senate Republicans continue to hold his nomination hostage for political gain in support of the Republican Party's presumptive presidential nominee.

A Republican Senator on this Committee suggested in the media two weeks ago that if Republicans lose the presidential election, Senate Republicans should move forward and confirm Chief Judge Garland. I wish Republicans would shift their focus from partisan political hopes to a focus on the Constitution and our role as Senators. There is no excuse to wait another day to take up consideration of Chief Judge Garland's nomination. There is more than enough time for the Senate to consider and confirm him in time for the Court's next session. The American people deserve better than a Republican-controlled Senate that would prefer to diminish the Supreme Court for two terms rather than give Chief Judge Garland a fair and public hearing.

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