



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

Larry E. Craig, Chairman
Jade West, Staff Director

April 11, 2002

After One Year, Still 31 Vacancies on the Courts of Appeals

Senator Hatch Urges Prompt Action on Judges

At a Judiciary Committee meeting today, April 11, 2002, Senator Orrin G. Hatch, a former Chairman of the Committee and now its Ranking Republican Member, made the following statement:

“I am pleased that the Judiciary Committee is considering the nominations of seven exceedingly well-qualified candidates for the federal bench. . . .

“Before we discuss the excellent credentials of today’s nominees, however, I must take just a minute to make an observation about how this hearing fits into the bigger picture of the Committee’s work on judicial nominations.

“Today marks the 337th day since President Bush announced his first 11 picks for the federal bench. Eight of those nominations have been languishing in this committee for nearly a year with no commitments for hearings or votes any time soon. All eight received the ABA’s majority rating of either ‘well-qualified’ or ‘qualified.’ Among these are some of the very best lawyers in the history of our country, including Miguel Estrada, John Roberts, and Michael McConnell, just to name three.

“This Committee’s unwillingness to move more expeditiously on these nominations is exacerbating the circuit court vacancy crisis that exists in America today. Nearly one in five circuit court seats is vacant all across America. When President Bush sent up his first nominees we had 31 circuit court vacancies, and today we still have 31 vacancies. The D.C. Circuit Court of Appeals is one-third vacant and the 6th Circuit is 50-percent vacant.

“President Bush has responded to the circuit court vacancy crisis by rapidly nominating top-notch men and women. The only obstacle standing in the way of the nominees’

ability to serve the American people is this Committee.

“I am glad that we will consider a circuit court nominee today, but I will point out that in years past under Republican leadership, we regularly considered two or more circuit nominees at a time. In fact, we did so on ten different occasions.

“I’m also particularly pleased to see nominees John Walter and Percy Anderson from the Central District of California here – and I’ll bet they are happy to be here today, too – considering it’s been 10 years since they were initially nominated to their seats during the first Bush Administration. They were both nominated in March of 1992, but unfortunately the Senate – which was controlled by the Democrats at the time – denied them a hearing.

“Interestingly, they are not the only nominees pending before the Committee today who were nominated by the first President Bush nearly 10 years ago. Terrence Boyle for the 4th Circuit, John Roberts for the D.C. Circuit, Henry Saad for the 6th Circuit, Leonard Davis for the Eastern District of Texas, Andrew Hanen for the Southern District of Texas, Ronald Leighton for the Western District of Washington, and Richard Dorr for the Western District of Missouri – all seven of these nominees were also nominated by the first President Bush, but never received Committee action at that time. I hope that they too will soon receive their long-awaited hearings.

“Now, although I would like to explain my support for each of the seven excellent nominees before us today*, in the interest of time, I am going to ask Chairman Kohl if the balance of my remarks could be included in the record at this point. That way, we will have more time for the introductions from Members and for the nominees themselves. Let me just say that you are all excellent nominees and I am going to support all of you. I will work with my colleagues for your swift confirmation.”

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[Emphasis added]

* Jeffrey R. Howard to be a judge of the United States Court of Appeals for the First Circuit; and the following nominees to be United States District Court judges: Percy Anderson (Central District of California); Michael M. Baylson (Eastern District of Pennsylvania); William C. Griesbach (Eastern District of Wisconsin); Joan E. Lancaster (District of Minnesota); Cynthia M. Rufe (Eastern District of Pennsylvania); and John F. Walter (Central District of California).