



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

Larry E. Craig, Chairman
Jade West, Staff Director

September 4, 2002

Chairman Leahy's Judiciary Committee

Newspapers Nationwide Criticize Democrats' Treatment of Bush Judicial Nominees

As of September 3, 2002, the Democrat-led Senate has confirmed only 57 percent of President Bush's judicial nominations. Even more disheartening is the meager 41 percent confirmation rate of the President's Circuit Court nominations. The Judiciary Committee is scheduled to vote on the nomination of Justice Priscilla Owen to the Fifth Circuit tomorrow, September 5, and the widespread concern is that Democrats will band together to kill the nomination of another highly qualified jurist.

Republicans over the last several months have chided the partisan behavior of the Democrat leadership and Chairman Leahy's Judiciary Committee in particular. Interestingly, Senate Republicans are not the only ones who believe the Democrats' treatment of President Bush's judicial nominees must change. The editorial boards of many of the nation's major newspapers concur.

“Empty Courts: Senators Leaving Nominees Dangling

... The Senate Democrats are behaving badly, and they know it. A far greater percentage of the appellate court nominees of Presidents Reagan, Bush (senior), and Clinton were confirmed during their first two years than has been the case with the current president.”

—*Rocky Mountain News*, Editorial, May 12, 2002

“Judicial Nominations Scorecard

... The pernicious practice of letting nominees hang indefinitely is not improving. Eleven of Mr. Bush's circuit court nominees have waited more than a year for a hearing; none of the past three presidents saw any circuit court nominees suffer this indignity during his first two years in office.”

—*The Washington Post*, Editorial, August 9, 2002

“Give Judicial Nominees a Hearing

. . . Clearly, Senate Democrats are dragging their feet on nominees to the nation’s federal appellate courts, which hear most of the appeals in the federal system and make most of the legal policy in the federal judiciary. . . .

The Senate is required by the Constitution to advise and consent on presidential nominations. If it doesn’t grant hearings and votes to nominees, it is derelict in its constitutional duty.

The Senate’s Democrats, who hold a one-seat majority, can always reject a nomination. But the nominees deserve a hearing and a recorded vote. Anything less is an evasion of the senators’ responsibility – and something that will mar their public service records.”

–*Detroit News*, Editorial, May 9, 2002

“Fill Those Federal Judgeships

. . . Leahy, who as ranking member of the committee during the Clinton presidency criticized Hatch for holding up appointments, should get the process moving. It’s time to end the hypocrisy and demagoguery and begin to fill the vacant judgeships.”

–*The Tampa Tribune*, Editorial, October 25, 2001

“Set Free the Bush Nominees

. . . The U.S. Senate – with Democrats in control – ought to end its collective delay and promptly schedule confirmation hearings for federal judicial nominees. . . .

And while no nominee is owed a free pass, neither is any nominee owed deliberate inattention.”

–*Omaha World-Herald*, Editorial, January 3, 2002

“Short Circuit

. . . The Democrat-controlled Senate Judiciary Committee deliberately is stalling confirmation hearings for President Bush’s nominees for the 6th Circuit bench because they don’t pass a Democratic litmus test for political correctness. . . .

But the real goal is to delay as long as possible the consideration of nominees whose commitment to judicial restraint is anathema to Democrats, who prefer judges who can be relied on to engage in the kind of judicial activism pleasing to the Democratic Party and its special interests.”

–*The Columbus Dispatch*, Editorial, December 13, 2001

“Bush Court Picks Worth Fighting For

President Bush has finally spoken about the Senate’s disgraceful refusal to hold hearings on most of his nominations to federal appeals courts. But this is a fight that will take more than a few offhand comments to win.

Both parties in the past have tried to shape the federal judiciary by delaying hearings (usually late in a president’s tenure), but the Democrats who now control the Senate have twisted past practice to absurd lengths. . . .

The fact is, the national Democratic Party and almost all Democratic senators dance to the tune of a few extremist issue groups who are very good at fund-raising but way out of step with the bulk of the American people – groups including People for the American Way, heavy with Hollywood backing and which seems never to have run across a conservative whom it didn’t try to trash.”

–*The Boston Herald*, Editorial, May 12, 2002

“Political Hostage

. . . Mr. Estrada [a Bush nominee to the District of Columbia Court of Appeals] has two liabilities: He is Hispanic, and he was nominated by a Republican. In a Senate controlled by Democrats, that is a deadly combination. The fact that the Democratic Party likes to take credit for the success of minorities does not mean it always likes to see minorities succeed – not when that success may score points with Hispanics for a Republican president. Democrats are determined not to let that happen.

Just how determined became clear recently when Sen. Leahy – desperate to dig up dirt – fired off a letter to Mr. Estrada requesting copies of internal documents from his years in the solicitor general’s office. Sen. Leahy wants a peek at Mr. Estrada’s recommendations to superiors on matters that came before the office, all in the apparent hope of finding a wedge issue to wield against the nominee.”

–*The Dallas Morning News*, Editorial, June 10, 2002

“Patrick Leahy’s Obstructionism

. . . The vacancy crisis is not just a result of dithering. That is, Judiciary Democrats depict their stalling action as an enlightened buffer against the judicial ‘extremism’ and ‘outside-the-mainstream’ instincts of a president who came to office by virtue of the slimmest of margins. Simply calling on Democrats to end their political intransigence, in the name of fairness toward individual nominees or justice for their fellow citizens, will not move them.”

–*The Washington Times*, Editorial, May 9, 2002

“Confirm Judge Smith; Senators Should Stop Playing Political Games

. . . That a respected judge [D. Brooks Smith] has been made to jump through so many hoops can be blamed on partisan gamesmanship, not a balanced consideration of his record.

Senators are not called under the Constitution to be a rubber stamp of a president’s choices, but they dishonor their role when they disqualify candidates for judicial office simply because [the nominees] too much resemble the views of a president with whom they disagree philosophically.”

–*Pittsburgh Post-Gazette*, Editorial, May 23, 2002

RPC Staff Contact: Christopher Field, 224-2946