



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

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The Washington Post Criticizes Senator Leahy's Stall on Two Well-Qualified Circuit Court Nominees

Today *The Washington Post* ran the attached editorial which points out Judiciary Committee Chairman Leahy's obvious delay on the Appeals Court nominations of Michael McConnell to the Tenth Circuit and Miguel Estrada to the DC Circuit (page A36). Note the *Post's* poignant observation on Senator Leahy's actions:

"While he has formally kept his promise [to have hearings for Messrs. McConnell and Estrada], one is entitled to wonder what precisely was the point of holding the hearing if timely consideration was not to follow."

Forgetting Anyone?

WHEN THE SENATE Judiciary Committee met this week to report judicial nominations for consideration by the full Senate, two names were conspicuously absent: Michael McConnell and Miguel Estrada. Both have had hearings, are obviously qualified to serve and have been waiting for a vote since the middle of last year. Yet both will have to wait awhile longer. The committee's business meeting this week could well be its last this term.

David Carle, spokesman for Judiciary Committee Chairman Patrick J. Leahy (D-Vt.), explains the delay by noting that the clock has run out. Concerning Mr. Estrada, he says, senators "are having to rely more on the written questions and answers this time . . . because of so many nonresponsive answers at the hearing." But senators are not exactly hurrying to beat the clock. Two weeks after his hearing, Mr. Estrada has yet to receive a single written question. For his part, Mr. McConnell as of Monday had answered all the written questions he had

received, but more are now on the way. Back in January Mr. Leahy promised that these two nominees would receive hearings this year. While he has formally kept his promise, one is entitled to wonder what precisely was the point of holding the hearing if timely consideration was not to follow.

Stalling nominees past the end of a Congress is hardly an innovation; the same was done to President Clinton's. In fact, Mr. Leahy deserves credit for having moved nominees at a faster clip than the Senate has managed in recent years. But the progress has not been consistent; some nominees have been treated less than fairly, and a large group has languished too long. The White House complains that come November the number of circuit court nominees who have waited more than a year for a hearing will exceed the figure for the previous 50 years combined. Stalling Mr. McConnell and Mr. Estrada into the next Congress is particularly hard to excuse.