

JUDICIAL SELECTION MONITORING PROJECT

A project of the Free Congress Foundation's Center for Legal Policy

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Texas Public Policy Foundation
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United Seniors Association
U.S. Business and Industrial Council
Utah Coalition of Taxpayers

May 8, 2002

The Honorable Patrick J. Leahy, Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senator Leahy:

We represent more than a million Americans deeply concerned about the vacancy crisis in the federal judiciary. As the first anniversary of President Bush's initial nominations to the federal judiciary approaches, we urge you to end the delays and allow a hearing and a vote for the eight nominees who have been waiting nearly a year for you to act.

Miguel Estrada, John Roberts, Terry Boyle, Priscilla Owen, Jeffrey Sutton, Deborah Cook, Michael McConnell, and Dennis Shedd were each nominated on May 9, 2001. Your months of delay since then have been disappointing given your public commitment to treat judicial nominees fairly.

On the day President Bush announced their nominations, you praised his choices saying: "Had I not been encouraged, I would not have been here today. I will continue to work with the President." Yet now, one year later, you have allowed the Senate to act on only three from that original group, leaving these eight men and women waiting. We urge you to work with the President as you said you would and allow these nominees a hearing and a vote.

Several times during 2000, you supported then-Gov. Bush's call for the Senate to act quickly on nominations. In October, you said: "I have said on the floor, although we are different parties, I have agreed with Gov. George Bush, who has said that in the Senate a nominee ought to get a vote, up or down, within 60 days." These eight long-standing nominees have been waiting 364 days for you to give them a hearing and an up or down vote.

When there were 50 vacancies on the federal bench, you spoke of “a judicial vacancy crisis” that was “plaguing so many federal courts.” There are nearly 90 empty judgeships today, and while the vacancy rate has remained at 100 or higher during seven of your 11 months in charge of the Judiciary Committee, you have not acted to fill these eight vacancies, half of which have been designated judicial emergencies.

In a letter to President Bush on March 16 of last year, you and Senator Charles Schumer referred to the American Bar Association’s evaluation of nominees as “the gold standard by which judicial candidates are judged.” Under that standard, all of these nominees have been deemed either qualified or well-qualified for judgeships on the U.S. Court of Appeals, yet your committee has not held a single hearing to review their qualifications, temperament, commitment to upholding the law.

In fact, these are well-respected attorneys and sitting judges with stellar credentials who will make excellent additions to the federal judiciary. They deserve a hearing before your committee, and they deserve an up or down vote before the Senate.

Senator Leahy, you have spoken of a need to end the vacancy crisis. You have said that nominees should receive a vote within 60 days. You have recognized the ABA rating as “the gold standard.” Any you announced that you were “encouraged” by these nominations while committing yourself to work with the President.

In all these things, Senator, you have set forth a standard for fairness – but after nearly a year of delays, it is not fair to keep these eight nominees waiting any longer. We therefore urge you to apply your own fairness standard to the May 9 nominees, lift the blockade, and allow these men and women the opportunity to be confirmed.

Sincerely,

Adirondack Solidarity Alliance
Alabama Policy Institute
American Association of Christian Schools
American Center for Law & Justice
American Conservative Union
American Council on Economic Security
American Council for Immigration Reform
American Decency Association
American Family Association of Arkansas
American Family Association of New York
American Family Defense Coalition

American Freedom Crusade
American Policy Center
American Pro-Constitutional Association
American Renewal
American Reformation Project
American Values
Association of New Jersey Rifle and Pistol Clubs
California Public Policy Foundation
Campaign for Working Families
Capitol Hill Prayer Alert
Catholic Citizens of Illinois
CatholicVote.org
Center for Reclaiming America
Christian Coalition of America
Christian Coalition of California
Christian Coalition of Georgia
Christian Coalition of Maine
Citizens for Excellence in Education
Coalitions for America
Coalition on Urban Renewal & Education
Concerned Women for America
Concerned Women for America of Virginia
Connecticut Association of Christian Schools
Conservative Victory Committee
Coral Ridge Ministries
Council for America
Eagle Forum
Eagle Forum of Alabama
Eagle Forum of Arkansas
Eagle Forum of Indiana
Eagle Forum of Massachusetts
Eagle Forum of Rhode Island
Evergreen Freedom Foundation
Family Policy Network
Family Research Council
Florida Eagle Forum
Free Congress Foundation
Freedom Alliance
Frontiers of Freedom
Georgia Sport Shooting Association
Government is Not God – PAC
Gun Owners' Action League
Gun Owners of America
Human Life Alliance
Illinois Citizens for Life
Illinois Right to Life Committee
Iowa Right to Life
Independent Women's Forum

Judicial Watch
Kansas Taxpayers Network
Life Issues Institute
Ludwig von Mises Institute
Maine Right to Life Committee
Maryland Taxpayers Association
Massachusetts Family Institute
Mississippi Policy Institute
National Abstinence Clearinghouse
National Federation of American Hungarians
National Legal Foundation
National Taxpayers Limitation Committee
New Jersey Christian Coalition
New Jersey Policy Council
New Yorkers for Constitutional Freedoms
New York Eagle Forum
Oklahomans for Children and Families
Oklahoma Family Policy Council
Ohio Conservative Alliance
Old Dominion Association of Christian Schools
Organized Victims of Violent Crime
Parents for Control
People Advancing Christian Education
Project 21
Republicans United for Tax Relief
Republican Women of Whatcom County
Restore America
60 Plus Association
Smith Center -- California State University
Teen-Aid
Tennessee Christian Coalition
Tennessee Eagle Forum
Texas Justice Foundation
The Center for Arizona Policy
The Christian Alert Network
The Family Foundation of Kentucky
The National Center for Home Education
The National Center for Public Policy Research
The Southeastern Legal Foundation
Tradition, Family, Property
Traditional Values Coalition
United Seniors Association
U.S. Business and Industry Council
Utah Eagle Forum
Watchdogs Against Government Abuse