

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
On Executive and Judicial Nominations
April 13, 2015**

While the Senate was in recess, Loretta Lynch, the nominee to be our next Attorney General, announced that her office brought charges against two residents of Queens, New York, for conspiring to use weapons of mass destruction and plotting a terrorist attack on American soil. U.S. Attorney Lynch continues to work tirelessly to protect our Nation, but the Senate Republican leadership continues to play politics with our law enforcement and has prevented the Senate from fulfilling one of our most essential constitutional duties – the duty to provide advice and consent on Presidential nominations. The same baseless political obstructionism that has stalled Ms. Lynch’s nomination has also led to the Senate’s failure to confirm a single Federal judge so far this year.

As one of the country’s top Federal prosecutors, Loretta Lynch has an unparalleled record of keeping Americans safe from dangerous criminals and terrorists. This includes the successful prosecution of six individuals for their roles in a 2009 al-Qaeda plot to attack the New York subway system; the convictions of four terrorists who plotted an attack on John F. Kennedy Airport; and the conviction of a terrorist who sought to detonate an explosive device at the New York Federal Reserve.

Despite her distinguished record of service, the Republican leadership is trying to use Ms. Lynch’s nomination for political gain. This is not how the Senate should be treating a nomination of such importance to law enforcement and our national security.

It has now been more than five months since President Obama announced the nomination of Ms. Lynch to be Attorney General. Her nomination was reported out of the Judiciary Committee with bipartisan support in February, yet it has been pending before the full Senate for 46 days. That is nearly *twice* as long as all of the past *seven* Attorneys General *combined*: Richard Thornburgh, one day; William Barr, five days; Janet Reno, one day; John Ashcroft, two days, Alberto Gonzales, eight days; Michael Mukasey, two days; and Eric Holder, five days. This historic delay is an embarrassment for the United States Senate.

In January, Ms. Lynch testified before the Senate Judiciary Committee for nearly 8 hours and she responded to nearly 900 written questions. Not a single witness invited by Republicans opposed her nomination. When Republicans stalled consideration of Ms. Lynch’s nomination in Committee, Democrats noted the unnecessary delay and raised concerns about filling this vital position. The Assistant Republican Leader dismissed this as “faux outrage.” But in November 2007, that same Senator complained that a *seven* week process on the Mukasey nomination threatened our national security. He issued a press release stating: “It is imperative that the president has his national security team at full strength and the unnecessary delay of Judge Mukasey’s nomination has prevented that. He deserves an immediate up-or-down vote by the full Senate.”

Similarly, in early October 2007 – just three weeks after Mr. Mukasey’s nomination was announced, the Republican Leader criticized me for not yet having set a hearing date, saying that Democrats should “not hold Judge Mukasey hostage while they play partisan games.” This is

the same Republican Leader who is now holding Ms. Lynch's nomination hostage and who has kept her nomination languishing on the floor for nearly twice as long as the past seven Attorneys General combined.

No one can deny that Ms. Lynch is eminently qualified for the job. The Republican Leader should schedule a vote on Ms. Lynch's nomination *today*. She has the votes to be confirmed, and a vote on this highly qualified nominee is long overdue. The Majority must stop playing political games with our law enforcement.

We should also be voting on all 10 judicial nominees that have been pending in the Senate since last year, two of whom just passed the one-year mark since they were first nominated. Tonight, we will consider just one of those nominees. Once confirmed, Alfred Bennett will fill a "judicial emergency" vacancy in the Southern District of Texas that has been empty for more than two years. There is no good explanation why it has taken us nearly seven months to vote on his nomination. Nor is there a good reason for why we are not voting on the other two pending nominees to district court vacancies in Texas. There are still two Fifth Circuit vacancies and seven other Federal district court vacancies in Texas for which there are no nominees. Texas has two times the number of Federal court vacancies of any other state, and these vacancies account for one-third of the judicial emergency vacancies on our Nation's courts. I urge the Texas Senators to work with the President so that we can receive nominees for those vacancies as soon as possible.

Despite promises to govern responsibly, the Republican majority has continued to obstruct when it comes to judicial vacancies. When Senate Democrats were in the majority, we confirmed 15 of President Bush's district and circuit court nominees by April 2007. We confirmed 68 judges during the last two years of the Bush administration, building on a record I established at the very beginning of the Bush presidency when 100 judges were confirmed in the 17 months that I served as chairman of the Judiciary Committee. The fact that it has taken more than three months into the 114th Congress for the Republican majority to schedule a vote on a single judicial nominee is disconcerting, especially because all four of the district court nominees that have been languishing on the Senate floor were recommended to President Obama by their two Republican home state Senators.

Judge Alfred Bennett, who we are voting to confirm today, is currently the Presiding Judge on the 61st Civil District Court in Houston, Texas. From 2010 to 2011, he served as the Administrative Judge of the Harris County Civil District Courts. Judge Bennett has presided over 8,400 cases, 640 jury trials, and 550 bench trials. Prior to becoming a judge, he was in private practice for a decade, and litigated a range of civil matters. Judge Bennett has the support of both his Republican home state senators, Senator Cornyn and Senator Cruz. He was voted out of the Judiciary Committee unanimously by voice vote on February 26. He has strong qualifications and should be confirmed.

I urge the Republican Majority to schedule votes to confirm the remaining judicial nominees pending on the Executive Calendar. None of the nominees are controversial. We should do our jobs and vote on their nominations so that they can start doing their jobs working for the American people.

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