

**SENATE JUDICIARY COMMITTEE**  
**SENATOR PATRICK LEAHY, D-Vt.**  
**CHAIRMAN**



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\*\*\*For Background\*\*\*

**Nominations Stats**

**Judges Confirmed Under President Bush (as of 7/23/08)**

<b>Chairman</b>	<b>Circuit</b>	<b>District</b>	<b>Total noms (includes CIT and SCOTUS)</b>
Leahy 1st Tenure (17 months)	17	83	100
Leahy 2nd Tenure (18 months)	10	48	58
Leahy total (35 months)	27	131	<b>158</b>
Hatch (2 years)	18	85	<b>104</b>
Specter (2 years)	16	35	<b>54</b>

**Judicial Vacancies**

*At the end of Clinton administration (January 21, 2001)*

Total vacancies: 80 (This rose to 100 with retirements early in Bush administration)

Circuit vacancies: 26 (This rose to 32 with retirements early in Bush administration)

District vacancies: 54

*Currently under Chairman Leahy (July 23, 2008)*

Total vacancies: 39 (14 with no nominee)

Circuit vacancies: 10 (2 with no nominee)

District vacancies: 29 (12 with no nominees)

*Election Year Comparison:*

**July 23, 2000**

Total Vacancies: 60 (35 nominees pending)

Circuit vacancies: 20 (15 nominees pending)

District vacancies: 41 (21 nominees pending)

**July 23, 2008**

Total vacancies: 39 (25 nominees pending)

Circuit vacancies: 10 (8 nominees pending)

District vacancies: 29 (17 nominees pending)

# Judicial Nominations: The Facts

As prepared by the office of  
Senator Patrick Leahy, Chairman, Senate Judiciary Committee



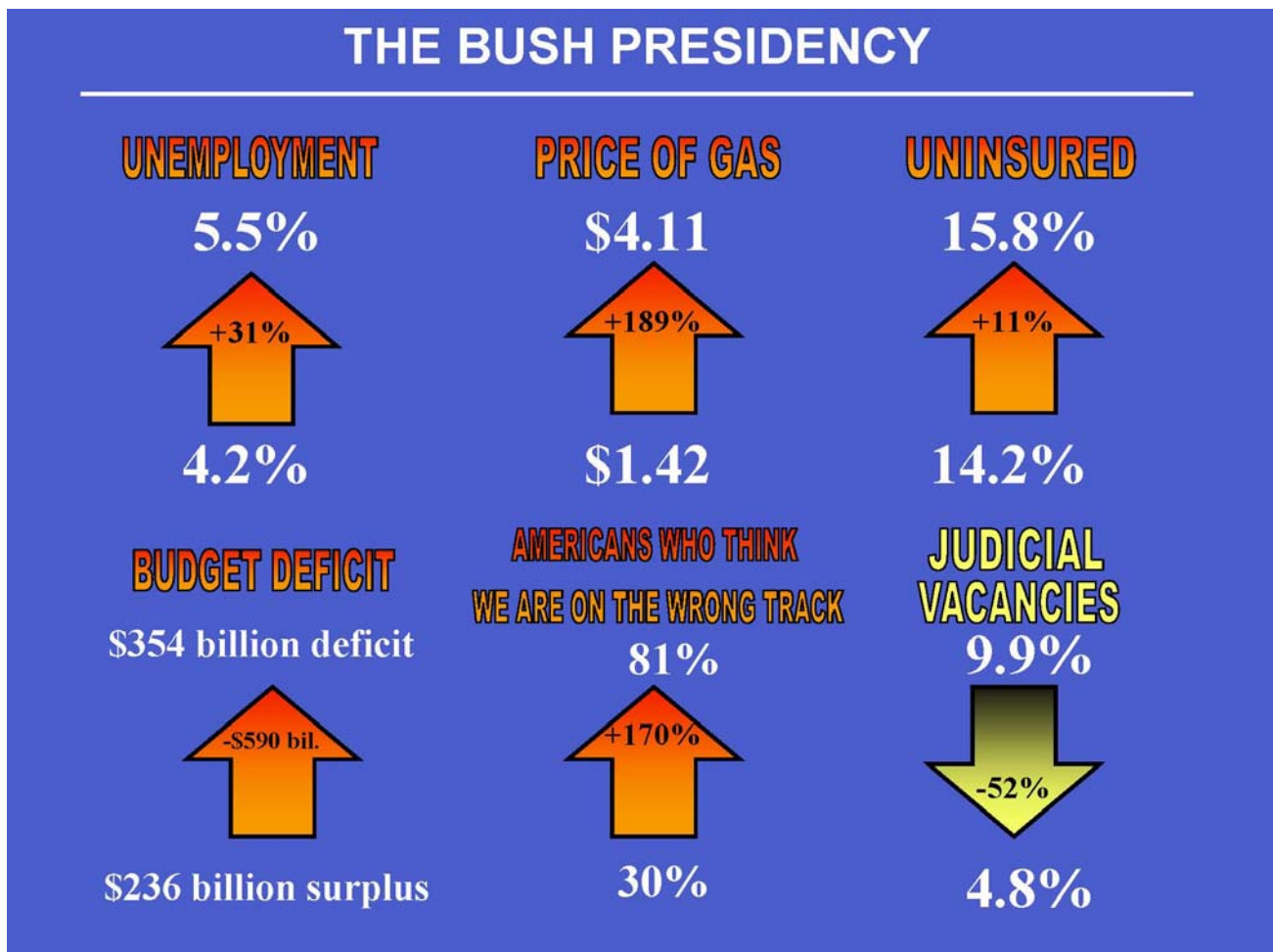
- At a time when Americans are most concerned about skyrocketing gas prices, steep declines in home values, and rising unemployment, Republicans in the Senate are intent on making a partisan election year issue of judicial confirmations. Meanwhile, the price of gas has risen from \$1.42 a gallon when President Bush took office to over \$4.00, and June marked the sixth straight month of job losses, bringing the total number job losses for the year to over 425,000. Consumer confidence is at its lowest level in more than two decades. **These** are the numbers that Americans care about, not a small handful of nominees seeking confirmation to a lifetime appointment.
- The inundation of bad economic news is nothing new for Americans under the Bush administration. During his administration, President Bush and all Americans have seen unemployment rise more than 20 percent and trillions of dollars in budget surplus have been turned into trillions of dollars of debt, with an annual budget deficit of hundreds of millions of dollars. **These are the REAL issues facing the American people.**
- The pace of confirmation of President Bush's nominations has been faster with a Democratic Majority than with a Republican Majority.
  - **The Senate has confirmed 158 nominees in just three and one half years of Democratic leadership.** Democrats have matched in a shorter time the total confirmed in four full years of Republican leadership.
  - With 40 judicial confirmations last year and another 18 so far this year, the Democratic Senate majority has **already exceeded the confirmation total for the entire last Congress,** two full years with a Republican chairman and a Republican Senate majority working to confirm the judicial nominees of a Republican President.
- Under a Democratic Majority, the Senate has dramatically cut judicial vacancies under President Bush, in stark contrast to the Republican Majority that doubled judicial vacancies under President Clinton.
  - On July 14, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a presidential election year, there were 61 judicial vacancies. Twenty were circuit court vacancies. In contrast, as of July 23, 2008, **there were just 39 total judicial vacancies throughout the country,** and circuit court vacancies **totaled just 10.**
  - **By pocket filibustering more than 60 of President Clinton's nominees, the Republican majority doubled the number of judicial vacancies. Democrats have cut them more than in half,** already lowering the 32 circuit court vacancies that existed when Democrats took the majority in the summer of 2001 to only 10, and lowering total judicial vacancies from 100 to only 39.

# Judicial Nominations: The Facts

*As prepared by the office of  
Senator Patrick Leahy, Chairman, Senate Judiciary Committee*



- In fact, as the presidential elections in 2000 drew closer, and when the judicial vacancy rate stood at 7.2 percent, then-Judiciary Committee Chairman Orrin Hatch declared that “There is and has been no judicial vacancy crisis” and that 7.2 percent was a “rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies.” [Congressional Record, October 11, 2000.] **The current vacancy rate is 4.6 percent.**
- In July of 2000, then-Chairman Hatch stated, “In presidential election years, the confirmation of appellate court nominees historically has slowed.” [Executive Business Meeting, July 20, 2000.] In fact, in that year, under Chairman Hatch, nearly 80 percent of confirmations of judicial nominees occurred before July 16.
- **During the 1996 Congressional session, during a presidential election year, the Republican Senate majority confirmed no circuit court nominees all year** and no nominees at all after August 2. The average number of circuit court confirmations in 1996 and 2000, with a Republican Senate majority considering President Clinton’s nominees, was **four, the same number of circuit court nominees the Democratic Senate majority has confirmed this year,** with a much lower vacancy rate.

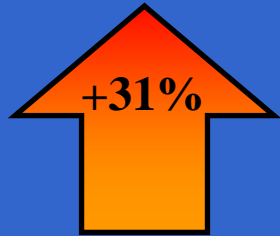


as of 7/14/08

# THE BUSH PRESIDENCY

## UNEMPLOYMENT

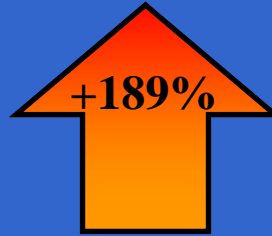
5.5%



4.2%

## PRICE OF GAS

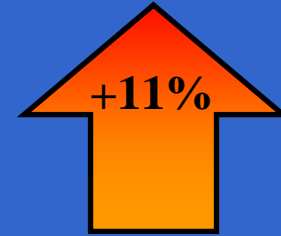
\$4.11



\$1.42

## UNINSURED

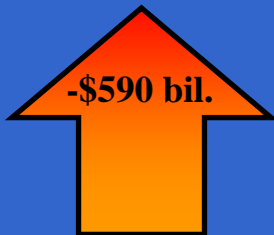
15.8%



14.2%

## BUDGET DEFICIT

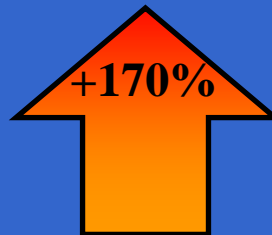
\$354 billion deficit



\$236 billion surplus

## AMERICANS WHO THINK WE ARE ON THE WRONG TRACK

81%



30%

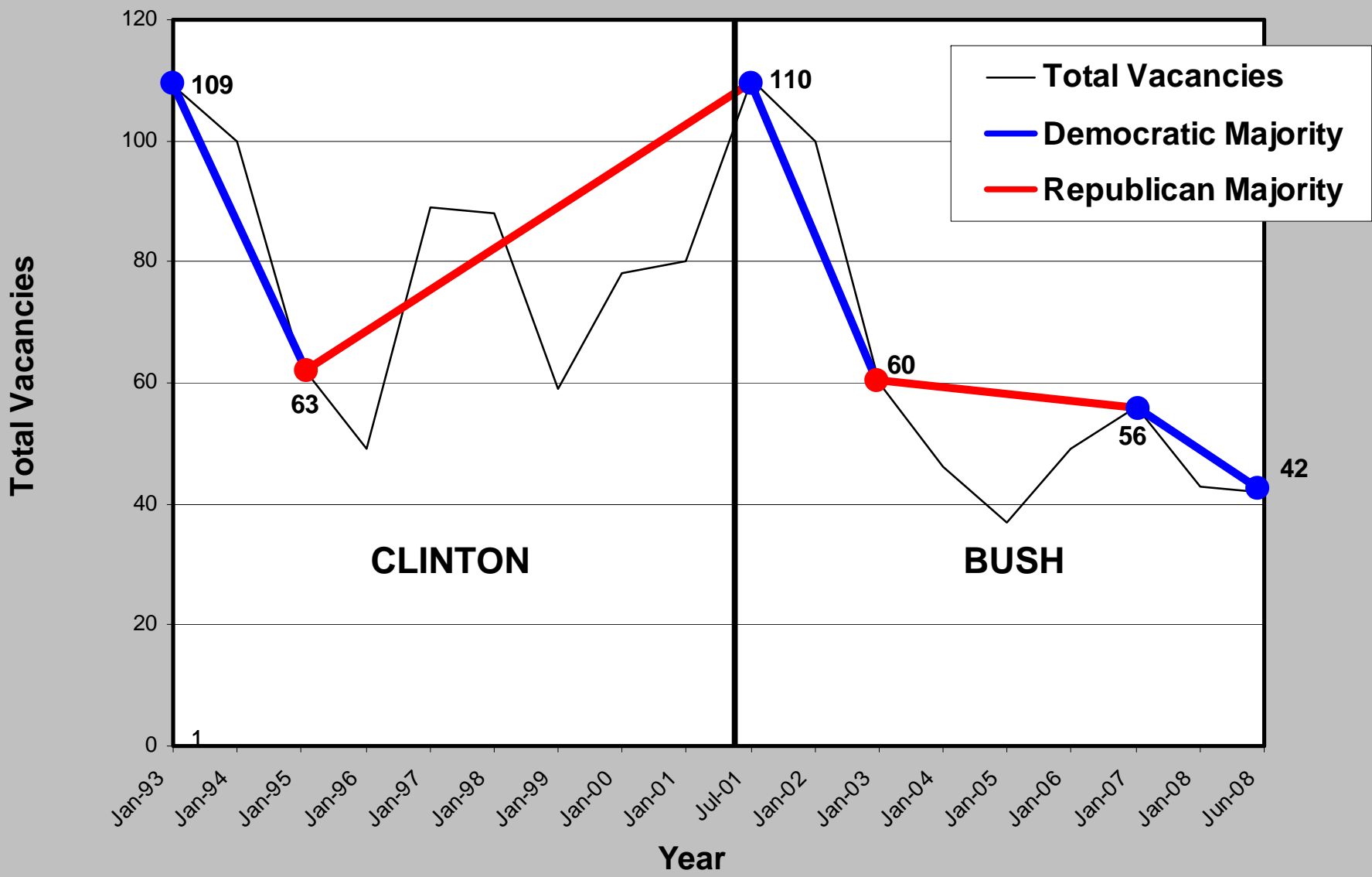
## JUDICIAL VACANCIES

9.9%

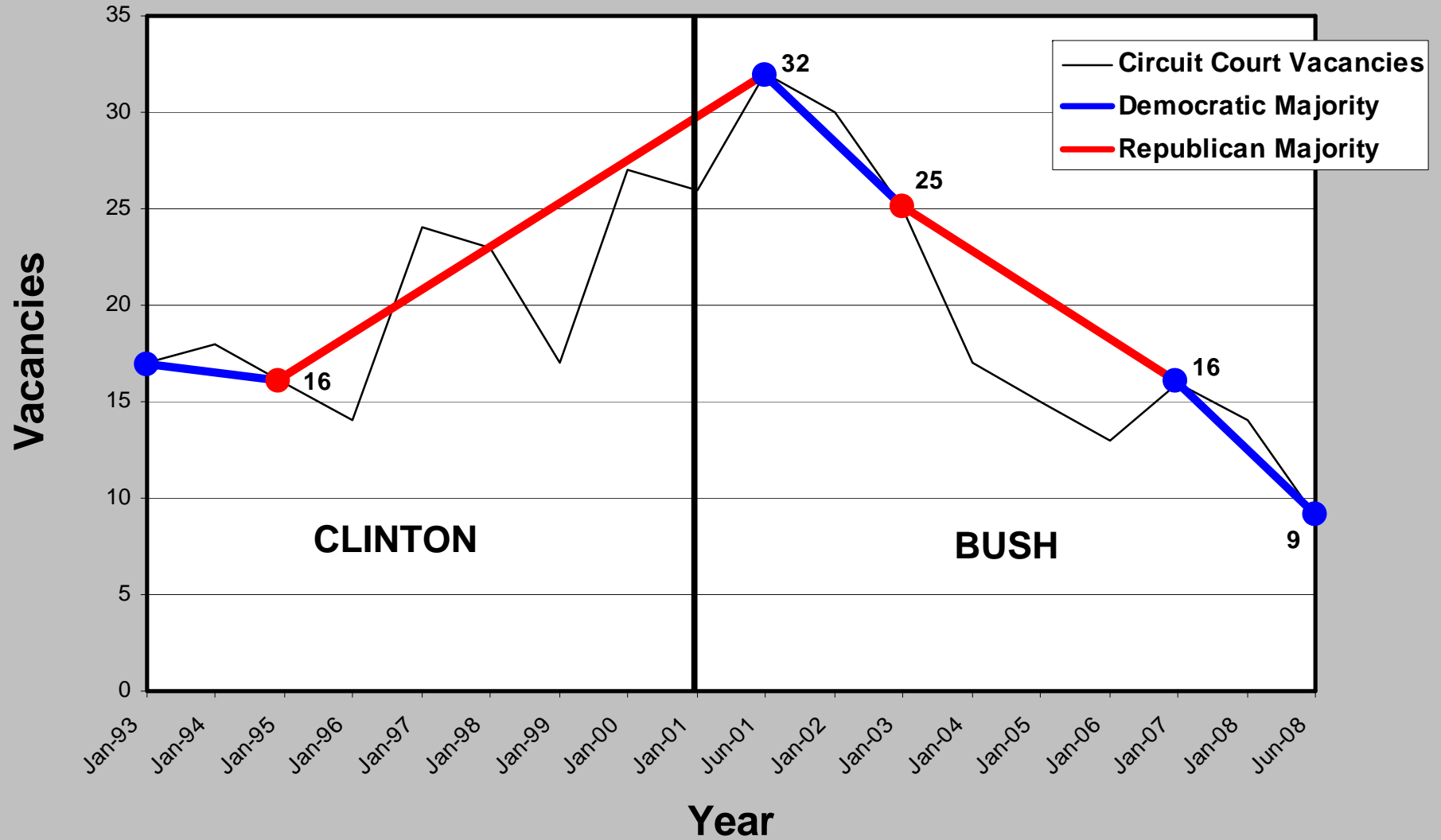


4.8%

# Judicial Vacancies: The Clinton and Bush Years



# Circuit Court Vacancies: The Clinton and Bush Years



# U.S. SENATOR PATRICK LEAHY

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VERMONT

## Senate Confirms Two Judicial Nominations

WASHINGTON (Wednesday, July 23, 2008) – Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) praised the Senate Democratic majority’s work in confirming judicial appointments Tuesday night, as the Senate reached a milestone with the confirmation of two nominees for lifetime appointments to the federal bench. In just three and a half years, Democrats have now matched the total number of President Bush’s judicial appointments confirmed by Republicans in the more than four years in which they held the majority.

With Tuesday’s confirmation of Cathy Seibel for the Southern District of New York and Glenn Suddaby for the Northern District of New York, the Senate has now confirmed 58 judicial nominees in the 110<sup>th</sup> Congress, and 316 total Bush nominees. Democrats have worked quickly to confirm the President’s nominees, and vacancies are at the lowest level in more than a decade. Vacancies nationwide are less than half what they were at the start of the Bush administration, and circuit court vacancies have been reduced by more than two-thirds, from 32 to just 10. Circuit vacancies have been reduced in nine of the 13 federal circuits.

“The federal judiciary is the one arm of our government that should never be political or politicized, regardless of who sits in the White House,” said Leahy. “I have always said that we would treat this President’s nominees more fairly than Republicans treated President Clinton’s. And we have. We have matched the confirmation record that Republicans achieved for a President from their own party.”

Judicial vacancies have fallen from 9.9 percent at the start of the Bush administration to less than 4.5 percent today. The Administrative Office of the Courts listed 60 vacancies on July 23, 2000, including 20 circuit vacancies, while today there are just 39 judicial vacancies, and only 10 circuit vacancies.

For more information on judicial nominations, [click here](#).

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