



## Action Alert

A Publication of CNP Action, Inc.

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### Justice Under Assault Stop Liberal Senators from Politicizing America's Judicial System

Looking for an example of the judicial confirmation process gone awry? Senator Carl Levin blocked votes on four qualified nominees to the 6<sup>th</sup> Circuit Court of Appeals until the President agreed to nominate his cousin to the bench.<sup>1</sup> Judicial hijacking of this kind undermines every American's right to a speedy trial and disregards the current judicial emergencies existing in eight United States Appellate Courts. Conservatives must fight to end this abuse of power by pressuring their senators to immediately provide an up or down vote on all of the President's judicial nominees. Below are a list of key senators and their contact information so that you can turn up the heat right away!

Senator	State	Contact Number
<i>Baucus, Max</i>	<i>Montana</i>	<i>(202) 224-2651</i>
<b>Biden, Joseph</b>	<b>Delaware</b>	<b>(202) 224-5042</b>
<b>Cardin, Benjamin</b>	<b>Maryland</b>	<b>(202) 224-4524</b>
<b>Durbin, Richard</b>	<b>Illinois</b>	<b>(202) 224-2152</b>
<b>Feingold, Russell</b>	<b>Wisconsin</b>	<b>(202) 224-5323</b>
<b>Feinstein, Diane</b>	<b>California</b>	<b>(202) 224-3841</b>
<i>Johnson, Tim</i>	<i>South Dakota</i>	<i>(202) 224-5842</i>
<b>Kennedy, Edward</b>	<b>Massachusetts</b>	<b>(202) 224-4543</b>
<b>Kohl, Herb</b>	<b>Wisconsin</b>	<b>(202) 224-5653</b>
<i>Landrieu, Mary</i>	<i>Louisiana</i>	<i>(202) 224-5824</i>
<b>Leahy, Patrick</b>	<b>Vermont</b>	<b>(202) 224-4242</b>
<i>Pryor, Mark</i>	<i>Arkansas</i>	<i>(202) 224-2353</i>
<i>Rockefeller, John</i>	<i>West Virginia</i>	<i>(202) 224-6472</i>
<b>Schumer, Charles</b>	<b>New York</b>	<b>(202) 224-6542</b>
<b>Whitehouse, Sheldon</b>	<b>Rhode Island</b>	<b>(202) 224-2921</b>

\*Italics denote senators up for re-election in November.

\*Senator Leahy is the Chairman of the Senate Judiciary Committee.

<sup>1</sup> <http://www.frc.org/get.cfm?i=WA08E08#WA08E08>

## **AMERICA, WE HAVE A PROBLEM!**

**Eight U.S. Appellate Courts, which preside over 33 states and 4 territories, suffer from a total of 17 seats qualifying as judicial emergencies.<sup>2</sup> Judicial emergencies exist when:<sup>3</sup>**

- any vacancy results in weighted filings exceeding 600 per judgeship.
- an 18-plus month vacancy results in weighted filings of 430 to 600 per judgeship.
- a court with more than one authorized judgeship has only one active judge.

President Bush submitted nominees to fill 14 of the 17 vacancies,<sup>4</sup> but **Senate Democrats** refuse to vote on them. Partisan politics run so deep that even senators representing states immediately affected by judicial emergencies oppose the Bush nominees. Even Senators Harry Reid (D-NV) and Patrick Leahy (D-VT) represent states in circuits affected by more than one emergency seat! Their inaction disregards their constitutional responsibility to ensure an effective judiciary. The judicial system needs help. Call your senators now and insist they begin lobbying their colleagues to allow an immediate vote on all judicial nominees.

## **HOME-STATE HYPOCRISY?**

Senators Reid and Leahy also ignore Senate tradition. Customarily, nominees with the support of their home-state senators quickly receive an up or down vote. Both Judge Robert Conrad (NC) and Mr. Steve Matthews (SC), nominated for the extremely over-loaded 4<sup>th</sup> Circuit, boast the support of their home-state senators. Despite the 4<sup>th</sup> Circuit's 33 percent vacancy rate, the two nominees remain in limbo. What's the problem? Senator Mitch McConnell knows: "It looks like if a Democratic senator in the 4<sup>th</sup> Circuit opposes a nominee, then the Committee will not move the nominee. And that if a Democratic senator in the 4<sup>th</sup> Circuit supports a nominee, then the Committee will move the nominee. But if two Republican senators in the 4<sup>th</sup> Circuit—or, in this case, four Republican senators in that circuit—support two nominees, that doesn't seem to mean anything."<sup>5</sup>

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## **REID'S BROKEN PROMISE?**

Last month, Senator Reid agreed to confirm three judges by Memorial Day. Of course, Reid only caved because Senator McConnell threatened to kill a piece of legislation Reid supports.

<sup>2</sup> [http://www.uscourts.gov/cfapps/webnovada/CF\\_FB\\_301/index.cfm?fuseaction=Reports.ViewEmergencies](http://www.uscourts.gov/cfapps/webnovada/CF_FB_301/index.cfm?fuseaction=Reports.ViewEmergencies)

<sup>3</sup> [http://www.uscourts.gov/cfapps/webnovada/CF\\_FB\\_301/index.cfm?fuseaction=Reports.ViewEmergencies](http://www.uscourts.gov/cfapps/webnovada/CF_FB_301/index.cfm?fuseaction=Reports.ViewEmergencies)

<sup>4</sup> [http://www.uscourts.gov/cfapps/webnovada/CF\\_FB\\_301/index.cfm?fuseaction=Reports.ViewVacancies](http://www.uscourts.gov/cfapps/webnovada/CF_FB_301/index.cfm?fuseaction=Reports.ViewVacancies)

<sup>5</sup> <http://mccconnell.senate.gov/record.cfm?id=295906&start=21>

However, even if Senator Reid fulfills his promise (*not likely*), confirming a mere three judges clearly fails to meet the needs of U.S. courts. As the Senate's leader, the duties and powers entrusted to the Senate by the Constitution fall on his shoulders. If he dislikes the President's nominations, he should rally his colleagues to vote against them and force the President to nominate new people. **Blocking votes does not solve problems.**

**[YOU CAN MAKE A DIFFERENCE!](#)**

Clearly, the leadership of the majority party in the Senate continues to clog the arteries of the American justice system by refusing to allow an up or down vote on judicial nominees. Ideological differences between the two parties aside, the nominees deserve a vote. The judges serving on overworked courts deserve relief. The appellants and appellees deserve a speedy end to their suits. Follow the steps below to help strengthen a system under assault.

**ACTION ITEMS**

- 1) **Call your senators before May 23 and urge them to lobby their colleagues to provide an up or down vote for all the current nominees.** Contact information for your senators can be found at:  
[http://www.senate.gov/general/contact\\_information/senators\\_cfm.cfm](http://www.senate.gov/general/contact_information/senators_cfm.cfm)
- 2) **Write an editorial in your local newspaper to inform your neighbors of this situation.**
- 3) **Get the word out to your friends and family.** Urge them to take action as well.

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