



March 13, 2012

## **Senate Democrats Wrong on Judges** *Reid Puts Politics over Precedent*

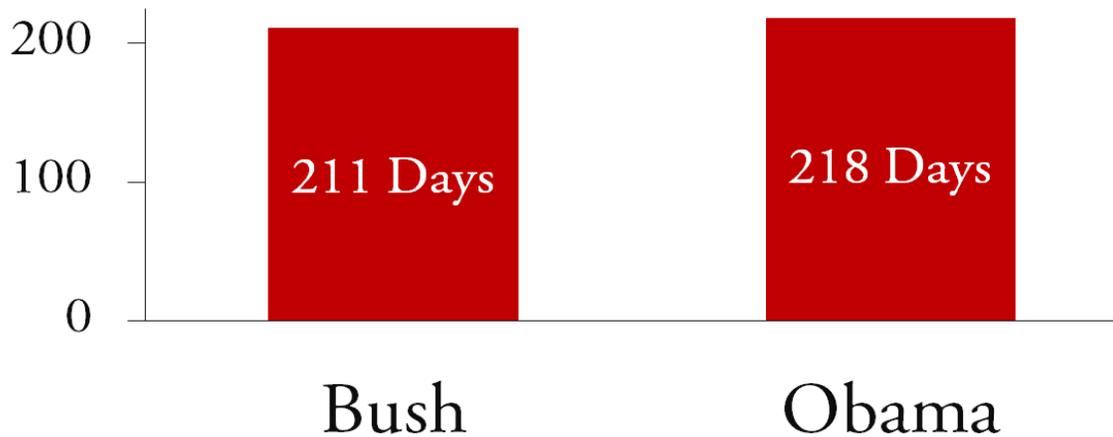
### **Unprecedented Maneuvering on Judges**

Yesterday, Senate Majority Leader Reid made an unprecedented maneuver to jam the minority and their constituents by filing cloture petitions on **17 nominees for lifetime judicial positions**.

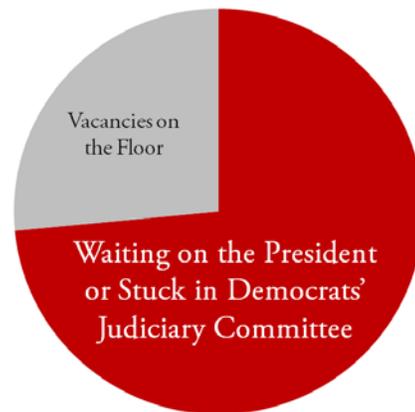
- Despite Democrats' complaints about Republican treatment of President Obama's judicial nominees, any way you look at it, President Obama's nominees are being treated just as well as President Bush's.
  - **President Obama already has *more* lower court confirmations** (129) in three years of his presidency than President Bush had in his final four years (120).
  - Supreme Court nominations require far more time and effort both by the Judiciary Committee and the rest of the Senate, and leave less time for consideration of other judges. That is why the fairest comparison is how each President fared during the presidential term in which he had Supreme Court nominations.
- Even comparing apples to oranges -- President Obama's first term, in which he had *two* Supreme Court appointments, with President Bush's first term in which he had none -- President Obama has had about the same ratio of lower court confirmations.
  - In other words, although President Obama has fewer lower court confirmations than President Bush did in his first term, *President Obama made far fewer judicial nominations in the first three years of his presidency* than President Bush did in his first three years (173 versus 215).
  - Considering the smaller number of nominations made by President Obama, as well as the considerable time spent processing his two Supreme Court nominees, it's hard to see where President Obama is being treated unfairly. President Obama has had about the same number of lower court confirmations *relative to the number of nominations he has made*.

## Democrats Are Responsible for Three-Fourths of Judicial Vacancies

- The average time from nomination to confirmation of judges in the Bush Administration is within a week of the average time in the Obama Administration. And President Obama has enjoyed a Democrat-run Senate for his entire term.



- The problem is that President Obama has been slow to nominate judges.
- For 83 judicial vacancies, the Administration has made only 39 nominations; leaving 44 vacancies with no action yet from the president.
- Of the 39 actual nominations, nearly half of those (17) are stalled in the Democratic-controlled Senate Judiciary Committee.
- So nearly three-fourths of the 83 current vacancies (61 total) are stuck in either the Obama White House or the Democrats' Judiciary Committee.



- The Senate has been regularly moving President Obama's judicial nominees.
  - In recent months, the Senate Majority Leader acknowledged that the Senate has "[done a good job on nominations](#)" and, according to one Judiciary Committee Democrat, has even been "[speeding up the confirmation of judges](#)."
  - Unfortunately, confirming judges has given way to the Democrats' election year political strategy of running against Congress instead of on their record.
  - The Senate should reject this heavy-handed tactic and return to the regular order Democrats recently admitted works.