



May 7, 2012

## Obama Has Only Himself to Blame on Judges

President Obama has been [blaming Senate Republicans](#) for vacancies in the federal judiciary. He will continue the hype today at the White House in what the Washington Times has described as a “strategy session on judges” with his political supporters. The facts do not support the President’s hype and blame. Most of the vacancies that exist in the federal judiciary are due to the Administration’s continued failure to nominate qualified individuals.

### The Senate Is Keeping Pace Despite Obama’s Failure to Nominate

- In recent months, the Senate Majority Leader acknowledged that the Senate has “[done a good job on nominations](#).”
- Just a few short weeks ago, the Senate Majority Leader hailed the Senate’s ability to work together to confirm judges as a “[victory for our nation’s justice system](#).”
- Some Democrats have admitted the President’s failure to make nominations to vacant judgeships [leaves him without standing](#) to complain about judicial vacancy rates.
- Unfortunately, confirming judges has given way to the President’s re-election strategy of running against Congress instead of on his own record.

### Obama’s Judicial Nominees Are Being Treated Fairly

- During President Bush’s second term and President Obama’s first term, both presidents nominated two Supreme Court Justices. 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 considering other judges. That is why the fairest comparison is how each President fared during the presidential term in which he had Supreme Court nominations.
- **President Obama already has had *more lower court confirmations* (143) in a little over three years of his presidency than President Bush had in his last four years (120).**

- 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 to nominations actually made.
  - Specifically, although President Obama has fewer lower court confirmations than President Bush did in his first term, *President Obama has 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 in what way 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*.

### **Judicial Vacancies Are Due to Democrats**

- After today’s vote, there will be [76 judicial vacancies](#), meaning that 91 percent of federal judicial seats are filled.
- Of the 76 vacancies that exist, the Administration has made only **29** nominations; leaving **47** vacancies with no action yet from the President.
  - **88 million** Americans live in judicial districts where vacancies exist because the President has failed to make nominations.
- In fact, three-fourths of the 76 current vacancies – **57 nominees** – are stuck in either the Obama White House or the Democrats’ Judiciary Committee.

The Senate should disregard the President’s election-year attempts to blame Republicans for federal judicial vacancies when it is his failure to make nominations that are to blame.