



CENTER FOR INDIVIDUAL FREEDOM
Judicial Scorecard

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Stop the

Escalating partisan animus continues to infect the judicial confirmation process in the 108th Congress. A minority of U.S. Senators have chosen to obstruct justice and to abandon their responsibility to the American people by refusing simple up or down votes on President Bush's nominees. This scorecard details 16 Senate votes this year that would have ended the partisan filibusters now blocking five of President Bush's nominees and has caused one to withdraw his nomination. The partisan antics of U.S. Senators like Tom Daschle, Harry Reid and Ted Kennedy should not go unnoticed by the American people. These politicians were elected with a responsibility to support and defend the U.S. Constitution – a responsibility that has been grossly neglected.

Filibusters

Nominees Held Hostage



Janice Rogers Brown

Justice Brown currently serves as an Associate Justice of the California Supreme Court, a position she has held since 1996. She is the first African-American woman to serve on that State's highest court and is well-respected by her peers. As the daughter of an Alabama sharecropper, Justice Brown has achieved the American Dream despite the hurdles of segregation during her youth. She received her B.A. in Economics from California State University in Sacramento and her J.D. from the UCLA School of Law.



Carolyn Kuhl

Justice Carolyn Kuhl currently serves as the Supervising Judge of Civil Division in the California court system. Throughout her career, Judge Kuhl has been dedicated to improving the law and the administration of justice. She graduated from Duke Law School with distinction and served as the editor of the Duke Law Journal. Judge Kuhl's public service record is exemplary, and she has received the highest rating of "well qualified" from the American Bar Association.

Charles W. Pickering, Sr.

Judge Charles Pickering currently serves as a judge on the U.S. District Court for the Southern District of Mississippi. Judge Pickering has a long and exemplary record of commitment to the preservation of civil rights. In 1967, he testified against the Imperial Wizard of the KKK for fire bombing a civil rights activist in Mississippi. He put both himself and his family and great risk by challenging those who refused to accept equal rights for all Americans.



Priscilla Owen

Since 1995, Justice Priscilla Owen has served on the Supreme Court of Texas. In 2000, Justice Owen was re-elected to the Texas Supreme Court with 84% of the vote and has a long and outstanding record of public service. Justice Owen has received a unanimous "Well Qualified" rating from the American Bar Association. Justice Owen graduated *cum laude* from Baylor University and Baylor Law School. In 1997, Justice Owen earned the highest score on the Texas State Bar Exam.



William H. Pryor

William H. Pryor currently serves as Alabama's Attorney General. He is an ardent supporter of states rights and remains committed to implementing justice in a fair and balanced manner. Attorney General Pryor has repeatedly proven his commitment to upholding the law despite his own personal beliefs as demonstrated in the Alabama Ten Commandments Case. Attorney General Pryor received his B.A. from the University of Louisiana at Monroe, graduating *magna cum laude*, and graduated *magna cum laude* from the Tulane University School of Law.



In Their Own Words

“I find it simply baffling that a Senator would vote against even voting on a judicial nomination.”
– *Senate Minority Leader Tom Daschle (D-SD)*

“I think the Senate is entitled to a vote in this matter, and I think the president is entitled for the Senate to vote, and I think the country is entitled for the Senate to vote.” – *Senator Patrick Leahy (D-VT)*

“Vote the person up or down. They are qualified or they are not. But to impose all of the burden on the executive branch and to step away from our responsibility I don’t think is fair.”
– *Senator Richard Durbin (D-IL)*

“This body should act on the qualifications of those men and women to serve on the court, not based upon the Republican or Democratic composition of the court.” – *Senator John Edwards (D-NC)*

“It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote ‘yes’ or ‘no.’”
– *Senator Edward Kennedy (D-MA)*

“The basic issue of holding up judgeships is the issue before us, not the qualifications of the judges, which we can always debate . . . It is an example of Government not fulfilling its constitutional mandate because the President nominates, and we are charged with voting on the nominees.”
– *Senator Charles Schumer (D-NY)*

“A nominee is entitled to a vote. Vote them up; vote them down.”
– *Senator Dianne Feinstein (D-CA)*

“I consider it a judicial emergency when a judgeship is vacant for one day more than necessary.”
– *Senator Bob Graham (D-FL)*

“I submit to my colleagues, however, that if there is one subject that should remain immune from political games and pressure it is our federal judicial system.” – *Senator Paul Sarbanes (D-MD)*

“Hispanic or non-Hispanic, African American or non-African American, woman or man, it is wrong not to have a vote on the Senate floor.”
– *Senate Minority Leader Tom Daschle (D-SD)*

And Those Words Mean What Today?

[illegible]

Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Score
Barbara Mikulski (D)	-	-	-	-	-	NV	-	-	-	-	-	-	-	-	-	-	0%
Massachusetts																	
Edward Kennedy (D)	-	-	-	-	-	-	NV	NV	-	NV	-	-	-	-	-	-	0%
John Kerry (D)	-	NV	-	NV	-	NV	-	-	NV	NV	NV	NV	NV	NV	NV	NV	0%
Michigan																	
Carl Levin (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Debbie Stabenow (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Minnesota																	
Mark Dayton (D)	-	-	-	-	-	-	-	-	-	-	-	-	NV	-	-	-	0%
Norm Coleman (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Mississippi																	
Thad Cochran (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Trent Lott (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Missouri																	
Christopher Bond (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Jim Talent (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Montana																	
Max Baucus (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Conrad Burns (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Nebraska																	
Chuck Hagel (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Ben Nelson (D)	+	+	+	+	+	+	+	+	+	+	+	NV	+	+	+	+	94%
Nevada																	
Harry Reid (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
John Ensign (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
New Hampshire																	
Judd Gregg (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
John Sununu (R)	+	+	+	+	+	+	+	+	+	+	+	+	NV	+	+	+	94%
New Jersey																	
Jon Corzine (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Frank Lautenberg (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
New Mexico																	
Pete Domenici (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Jeff Bingaman (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
New York																	
Charles Schumer (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Hillary Clinton (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
North Carolina																	
John Edwards (D)	-	NV	-	-	-	-	-	-	NV	-	-	NV	NV	NV	NV	NV	0%
Elizabeth Dole (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
North Dakota																	
Kent Conrad (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Byron Dorgan (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Ohio																	
Mike DeWine (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
George Voinovich (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Oklahoma																	
Don Nickles (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
James Inhofe (R)	+	+	+	+	NV	+	+	+	+	+	+	+	+	+	+	+	94%
Oregon																	
Ron Wyden (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Gordon Smith (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Pennsylvania																	
Arlen Specter (R)	+	+	+	+	+	NV	+	+	+	+	+	+	+	+	+	+	94%
Rick Santorum (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Rhode Island																	
Jack Reed (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Lincoln Chafee (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
South Carolina																	
Ernest Hollings (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%

Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Score
Lindsey Graham (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
South Dakota																	
Thomas Daschle (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Tim Johnson (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Tennessee																	
Bill Frist (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Lamar Alexander (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Texas																	
Kay Bailey Hutchison (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
John Cornyn (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Utah																	
Orrin Hatch (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Robert Bennett (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Vermont																	
Patrick Leahy (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
James Jeffords (I)	-	-	-	-	-	-	-	-	-	-	NV	+	-	-	-	-	6%
Virginia																	
John Warner (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
George Allen (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Washington																	
Patty Murray (D)	-	-	-	-	-	NV	-	-	-	-	-	-	-	-	-	-	0%
Maria Cantwell (D)	-	-	-	-	-	NV	-	-	-	-	-	-	-	-	-	-	0%
West Virginia																	
Robert Byrd (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
John Rockefeller (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Wisconsin																	
Herbert Kohl (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Russ Feingold (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Wyoming																	
Craig Thomas (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Michael Enzi (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%

What the Votes Mean

1. Motion to Invoke Cloture: Nomination of Miguel Estrada, D.C. Circuit
2. Motion to Invoke Cloture: Nomination of Miguel Estrada, D.C. Circuit
3. Motion to Invoke Cloture: Nomination of Miguel Estrada, D.C. Circuit
4. Motion to Invoke Cloture: Nomination of Miguel Estrada, D.C. Circuit
5. Motion to Invoke Cloture: Nomination of Priscilla Owen, 5th Circuit
6. Motion to Invoke Cloture: Nomination of Miguel Estrada, D.C. Circuit
7. Motion to Invoke Cloture: Nomination of Miguel Estrada, D.C. Circuit
8. Motion to Invoke Cloture: Nomination of Priscilla Owen, 5th Circuit
9. Motion to Invoke Cloture: Nomination of Priscilla Owen, 5th Circuit
10. Motion to Invoke Cloture: Nomination of Miguel Estrada, D.C. Circuit
11. Motion to Invoke Cloture: Nomination of William H. Pryor, Jr., 11th Circuit
12. Motion to Invoke Cloture: Nomination of Charles W. Pickering, 5th Circuit
13. Motion to Invoke Cloture: Nomination of William H. Pryor, Jr., 11th Circuit
14. Motion to Invoke Cloture: Nomination of Priscilla Owen, 5th Circuit
15. Motion to Invoke Cloture: Nomination of Carolyn Kuhl, 9th Circuit
16. Motion to Invoke Cloture: Nomination of Janice Rogers Brown, DC Circuit

LEGEND

Code Value	+	-	P	NV
	Voted for Cloture	Voted Against Cloture	Voted Present	Did Not Vote