

## CENTER FOR INDIVIDUAL FREEDOM Judicial Scorecard

www.cfif.org

## 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.



#### Pricilla 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?

Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Score
Alabama																	
Richard Shelby (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Jeff Sessions (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Alaska																	
Ted Stevens (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Lisa Murkowski (R)	+	+	+	+	+	NV	NV	NV	+	+	+	+	+	+	+	+	81%
Arizona																	
John McCain (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Jon Kyl (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Arkansas																	
Blanche Lincoln (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Mark Pryor (D)	-	-	_	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
California																	
Dianne Feinstein (D)	-	-	_	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Barbara Boxer (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Colorado																	
Ben Nighthorse Campbell (R)	+	+	+	+	+	+	+	+	+	+	+	+	NV	+	+	+	94%
Wayne Allard (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Connecticut																	001
Christopher Dodd (D)	-	-	<u> -</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Joseph Lieberman (D)	-	-	-	-	NV	NV	ΝV	ΝV	ΝV	-	NV	-	NV	-	-	-	0%
Delaware (D)		X TT .							ſ								00/
Joseph Biden (D)	-	NV	_	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Thomas Carper (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	NV	-	-	0%
Florida	) II /		L		) II /	) II I			3 TT 7								00/
Bob Graham (D)	NV	-	-	-	ΝV	NV	-		NV	-	-	-	-	-	-	-	0%
Bill Nelson (D)	+	+	+	+	-	+	+	-	-	+	-	-	-	NV	NV	NV	44%
Georgia			L			) II I											0.407
Zell Miller (D)	+	+	+	+	+	NV	+	+	+	+	+	+	+	+	+	+	94%
Saxby Chambliss (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Hawaii			L											3 IX 7	N 13 7	> 1 × 7	00/
Daniel Inouye (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	ΝV	NV	ΝV	0%
Daniel Akaka (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Idaho		i	Ļ		ī		_						1	,			1000/
Larry Craig (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Mike Crapo (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Illinois Richard Durbin (D)																	00/
. ,	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	0% 100%
Peter Fitzgerald (R) Indiana			$\top$	Т	T	T	Т	Т	Т	Τ.	Т	Т		Т	Т		100%
Richard Lugar (R)	+		_	+		+	上	+		_				+			1000/
Evan Bayh (D)	-	+	+	Т*	+	-	+	-	+	+	+	+	+	-	+	+	100%
Iowa	_	_									_				_		U / 0
Charles Grassley (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Tom Harkin (D)	_	_	_	-	_	_	<u> </u>	_	-	_	-	_	<del>                                     </del>	_	<u> </u>	_	0%
Kansas													Ĺ				U / U
Sam Brownback (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Pat Roberts (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Kentucky						<u>'</u>						'	<u> </u>		_		100/0
Mitch McConnell (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Jim Bunning (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Louisiana																	100/0
John Breaux (D)	+	+	+	+	_	+	+	_	_	+	-	+	_	_	_	_	50%
Mary Landrieu (D)	-	<u> </u>	Ė	<u> </u>	<del>-</del>	-	<u> </u>	-	-	<u> </u>	-	-	Ė	<u> </u>	<del>                                     </del>	<del>-</del>	0%
Maine																	0 / 0
Olympia Snowe (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Susan Collins (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Maryland						<u>'</u>						'	<u> </u>		_		100/0
Paul Sarbanes (D)	_	-	-	-	NV	_	_	_	_	-	_	_	_	_	_		0%
r adi barbarios (D)	<u> </u>		ت	_	1 V	<u> </u>	<u> </u>		<u> </u>	ـــــــــــــــــــــــــــــــــــــــ	<u> </u>	<u> </u>	U/0				

Barbara Mikulski (D)	Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Score
Edward Kennedy (D)		-	-	-	-	-		-	-	-	-	-			-	-	-	
John Kerry (I)  John Kerry (I)  Nichigan  Carl Levin (D)  Debbic Stabenow (D)  Debbic Stabeno	Massachusetts																	
Michigan Carl Levin (D) Debie Stabenow (D) Minnesota Mark Dayton (D) Norm Coleman (R) H + H + H + H + H + H + H + H + H + H +	Edward Kennedy (D)	-	-	-	-	-	-	NV	NV	-	NV	-	-	-	-	-	-	0%
Carl Levin (D)		-	NV	-	NV	•	NV	•	-	NV	NV	NV	NV	NV	NV	NV	NV	0%
Debbic Stabenow (D)																		
Mark Dayton (D)  Mark Dayton (D)  Norm Coleman (R)  ## + # + # + # + # + # + # + # + # + #		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mark Dayton (D)	` /	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Norm Coleman (R)														NIX /				00/
Missispipi   Thad Cochran (R)				<u> </u>	<u>-</u>											_	-	
Ihad Cochran (R)		_	T	_	Т	Т	Т	T	_	Т	Т	Т	Т	Т	T			10070
Trent Latt (R)		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Missouri				_												-		
Christopher Bond (R)																		10070
Jim Talent (R)		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Max Baucus (D)		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Conrad Burns (R)	Montana																	
Nebraska				<u> </u>	-	-	_	-								-	-	
Chuck Hagel (R)		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Ben Nelson (D)																		1000
Nevada Harry Reid (D) John Ensign (R) New Hampshire Judd Gregg (R) John Sununu (R) New Hampshire Judd Gregg (R) John Sununu (R) New Jersey John Corzine (D) Frank Lautenberg (D)				_												-		
Harry Reid (D)		+	+	+	+	+	+	+	+	+	+	+	ΝV	+	+	+	+	94%
John Ensign (R)																		00/
New Hampshire Judd Gregg (R)	3 ( )			<u> </u>	+											-	+	
Judd Gregg (R)		1	'	Ė	'	1	'	ı	'	ļ ļ	ľ	ı	'	'	ı			10070
John Sununu (R)		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
New Jersey   Jon Corzine (D)				_												-		
Jon Corzine (D)	` '																	
New Mexico Pete Domenici (R)	·	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Pete Domenici (R)	Frank Lautenberg (D)	-	-	-	-	ı	-	ı	ı	-	-	ı	-	-	-	-	-	0%
Jeff Bingaman (D)																		
New York  Charles Schumer (D)		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Charles Schumer (D)		-	-	_	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Hillary Clinton (D)  North Carolina  John Edwards (D)  Elizabeth Dole (R)  North Dakota  Kent Conrad (D)  Byron Dorgan (D)  Ohio  Mike DeWine (R)  George Voinovich (R)  Don Nickles (R)  James Inhofe (R)  Coregon  Ron Wyden (D)  Gordon Smith (R)  Pennsylvania  Arlen Specter (R)  Rick Santorum (R)  Rick Santorum (R)  Rick Santorum (R)  Rick Carolina  Rick Conrad (D)  Rick Conrad																		00/
North Carolina  John Edwards (D)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
John Edwards (D)		-	-	_	-	-	-	-	-	-	-	-	-	-	-	-	-	070
Elizabeth Dole (R)			NV					_		NV			NV	NV	NV	NV	NV	0%
North Dakota  Kent Conrad (D)	. ,																	
Kent Conrad (D)	. ,		ļ							ļ								10070
Ohio         Mike DeWine (R)       + + + + + + + + + + + + + + + + + + +		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
Ohio         Mike DeWine (R)       + + + + + + + + + + + + + + + + + + +			_	<u>l</u> -			_						_	_		<u> </u>		0%
George Voinovich (R)	Ohio																	
Oklahoma         Don Nickles (R)       + + + + + + + + + + + + + + + + + + +																		
Don Nickles (R)		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
James Inhofe (R)																		1000/
Oregon         Ron Wyden (D)																		
Ron Wyden (D)		+	+	+	+	ΝV	+	+	+	+	+	+	+	+	+	+	+	94%
Gordon Smith (R)																		00/-
Pennsylvania         Arlen Specter (R)       + + + + + + + + + + + + + + + + + + +																		
Arlen Specter (R)			<u>'</u>	Ė				<u>'</u>				<u>'</u>			_ '			100/0
Rick Santorum (R)		+	+	+	+	+	NV	+	+	+	+	+	+	+	+	+	+	94%
Rhode Island       Jack Reed (D)																		
Jack Reed (D)       -       <																		
South Carolina	Jack Reed (D)		_	-		_				_	_	-			_	_		
	. ,	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Ernest Hollings (D)   -   -   -   -   -   -   -   -   -	South Carolina																	
	Ernest Hollings (D)		_	<u> -</u>		-		-		-	-	-	_	_		-	_	0%

Lindsey Graham (R)	+ + + + + + + -	+ + + + + + + + + + + + + + + + + + + +	+ + + + + + +	+ + + + + + +	+ + + + + +	+ + + + + +	+ + + +	+ + + + +	+ + + + +	+ + + + +	+ + + +	+ + + + +	100% 0% 0% 100% 100%
Thomas Daschle (D)	+ + + + + +	+ + + + + +	- + + +	- + + +	+ + + + +	+ + + +	+	+ + +	+	+	+	+	0% 100% 100%
Tim Johnson (D)	+ + + + + +	+ + + + + +	- + + +	- + + +	+ + + + +	+ + + +	+	+ + +	+	+	+	+	0% 100% 100%
Tennessee           Bill Frist (R)         + + + + + +           Lamar Alexander (R)         + + + + +           Texas         Kay Bailey Hutchison (R)         + + + + +           John Cornyn (R)         + + + + +           Utah         Orrin Hatch (R)         + + + + +           Robert Bennett (R)         + + + + +           Vermont         Patrick Leahy (D)            James Jeffords (I)            Virginia         John Warner (R)         + + + + +           George Allen (R)         + + + + +           Washington         Patty Murray (D)            Maria Cantwell (D)          -           West Virginia         Robert Byrd (D)          -           John Rockefeller (D)          -	+ + + + + +	+ + + + + +	+ + + + +	+ + + + +	+ + + + +	+ + + +	+	+ + +	+	+	+	+	100% 100%
Bill Frist (R)	+ + + + + +	+ + + + + +	+ + + + +	+ + + +	+ + + + +	+ + + +	+	+	+	+	+	+	100%
Lamar Alexander (R)	+ + + + + +	+ + + + + +	+ + + + +	+ + + +	+ + + + +	+ + + +	+	+	+	+	+	+	100%
Texas           Kay Bailey Hutchison (R)         + + + + +           John Cornyn (R)         + + + + +           Utah            Orrin Hatch (R)         + + + + +           Robert Bennett (R)         + + + + +           Vermont            Patrick Leahy (D)            James Jeffords (I)            Virginia            John Warner (R)         + + + + +           George Allen (R)         + + + + +           Washington            Patty Murray (D)            Maria Cantwell (D)            West Virginia         Robert Byrd (D)           John Rockefeller (D)	+ + + + +	+ + + +	+ + +	+ + +	+ + +	+	+	+	+	+	+		
Kay Bailey Hutchison (R)       + </td <td>+ + + +</td> <td>+ + +</td> <td>+ +</td> <td>+</td> <td>+</td> <td>+</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>+</td> <td></td>	+ + + +	+ + +	+ +	+	+	+						+	
John Cornyn (R)	+ + + +	+ + +	+ +	+	+	+						+	
Utah	+ +	+	+	+	+		+	+	+	+			100%
Orrin Hatch (R)	+	+				+					+	+	100%
Robert Bennett (R) + + + + + + + + + + + + + + + + + + +	+	+				+							j
Vermont           Patrick Leahy (D)          -			+	+		' '	+	+	+	+	+	+	100%
Patrick Leahy (D)	-	-			+	+	+	+	+	+	+	+	100%
James Jeffords (I)          Virginia       - + + + +         John Warner (R)       + + + + +         George Allen (R)       + + + + +         Washington          Patty Murray (D)          Maria Cantwell (D)          West Virginia          Robert Byrd (D)          John Rockefeller (D)	-	-	- 1										j
Virginia           John Warner (R)         + + + + +           George Allen (R)         + + + + +           Washington            Patty Murray (D)            Maria Cantwell (D)            West Virginia            Robert Byrd (D)            John Rockefeller (D)			-	-	-	-	-	-	-	-	-	-	0%
John Warner (R)       + + + + +         George Allen (R)       + + + + +         Washington          Patty Murray (D)          Maria Cantwell (D)          West Virginia          Robert Byrd (D)          John Rockefeller (D)	-	1 - 1	-	-	-	-	NV	+	-	-	-	-	6%
George Allen (R) + + + + + + + + + + + + + + + + + + +													
Washington         Patty Murray (D)          Maria Cantwell (D)          West Virginia         Robert Byrd (D)          John Rockefeller (D)	+	+	+	+	+	+	+	+	+	+	+	+	100%
Patty Murray (D)          Maria Cantwell (D)          West Virginia         Robert Byrd (D)          John Rockefeller (D)	+	+	+	+	+	+	+	+	+	+	+	+	100%
Maria Cantwell (D)          West Virginia          Robert Byrd (D)          John Rockefeller (D)													j
West Virginia Robert Byrd (D) John Rockefeller (D)	-	NV	-	-	-	-	-	-	-	-	-	-	0%
Robert Byrd (D) John Rockefeller (D)	-	NV	-	-	-	-	-	-	-	-	-	-	0%
John Rockefeller (D)													j
	-	-	-	-	-	-	-	-	-	-	-	-	0%
Wisconsin	-	-	-	-	-	-	-	-	-	-	-	-	0%
VV ISCONSIN													
Herbert Kohl (D)		_	7	-	-	-	-	-	-	-	-	-	0%
Russ Feingold (D)	-		-	1	1	-	-	-	-	-	-	-	0%
Wyoming	-	-											
Craig Thomas (R) + + + +	-	-					7	+	+	+	+	+	100%
Michael Enzi (R) + + + +	- - +	- +	+	+	+	+	+		1				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
- ${\bf 6.\ Motion\ to\ Invoke\ Cloture:\ Nomination\ of\ Miguel\ Estrada,\ D.C.\ Circuit}$
- 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

		LEGI	END	
Code	+	-	Р	NV
Value	Voted for Cloture	Voted Against Cloture	Voted Present	Did Not Vote