

FACT vs. FICTION

Sotomayor Hearing Schedule Tracks Roberts Schedule

FICTION: “It will be the shortest confirmation time of any recent nominee. It is a time well shorter than that of Justice Roberts, now Chief Justice Roberts.” (*Sen. Sessions, Senate Floor, 6/9/2009*)

FACT: If confirmed before the Senate recesses for August – on August 7 – Judge Sotomayor will be confirmed 73 days after the announcement of her designation. Chief Justice Roberts was confirmed in 72 days. Justice Ginsburg was confirmed in 50 days.

FICTION: “If that was the standard four years ago...I don’t know why it isn’t the standard today.” (*Sen. McConnell, Senate Floor, 6/9/2009*)

FACT: The standard applied four years ago to the consideration of Chief Justice Roberts’ nomination provided for confirmation by the Senate in 72 days. If confirmed before the August recess, Judge Sotomayor will be confirmed in the same period of time. Delaying the confirmation hearings on her nomination until September will nearly double the time in which her nomination is considered.

FICTION: “[Democrats] run the risk of destroying the kind of comity and cooperation that we expect of each other here in the Senate, all of which was granted in the case of Chief Justice Roberts and Justice Alito.” (*Sen. McConnell, Senate Floor, 6/9/2009*)

FACT: Democrats agreed to set a hearing for 48 days after Roberts’ nomination was announced. At the same time, they agreed to abbreviate the post-hearing consideration of the nomination, committed to submitting questions for the record within 24 hours of the conclusion of the hearing, and agreed to waive their right to hold over the nomination in Committee for one week as is permitted by Committee rules. Senate Republicans have not approached Senate Democrats with such a proposal. The Sotomayor hearings are scheduled for 48 days after her designation.

FICTION: “If this goes forward as planned, it would be 48 days from nomination announcement, really to the first hearing...I wonder if the Senator...would acknowledge that for Justice Breyer, 65 days, Judge Roberts was 55, the shortest. And so this would be a shorter period of time that would be given for this nominee.” (*Sen. Sessions, Senate Floor, 6/9/2009*)

FACT: In fact, it was just 60 days between the announcement of Justice Breyer’s nomination and the start of his confirmation hearings, and just 48 days between the announcement of Chief Justice Roberts’ nomination and the original date scheduled to begin his confirmation hearings. Under the date announced by Chairman Leahy, Judge Sotomayor’s confirmation hearings will begin 48 days after her nomination was announced by President Obama. This is the same standard which Senate Republicans applied to the consideration of the Roberts nomination.

FICTION: “The last nominee, whose record was much like this nominee, Justice Alito, was coming up in December, and the Democratic leader then on the Judiciary Committee, Senator Leahy, asked that it be put off until after Christmas.” (*Sen. Sessions, Senate Floor, 6/9/2009*)

FACT: Senators Specter and Leahy agreed that holding hearings to consider the Alito nomination in December was not feasible. Senator “Specter said the call for hearings in December was ‘not in my judgment practical or realistic...’ Given...a Committee staff that has ‘been stretched very, very thin’ over the last several months, he and Leahy settled on a ‘sensible schedule’ of hearings...Specter said.” (National Journal’s Congress Daily, 11/4/2005)

TIMING FACT: Chairman Leahy has waited longer to announce the start of the confirmation hearings for Judge Sotomayor than Senate Republicans did for Chief Justice Roberts and Justice Alito.

ROBERTS:

Designation Announced: July 19

Hearing Announced: July 29

TOTAL: 10 Days

ALITO:

Designation: Oct. 31

Hearing Announced: Nov. 4

TOTAL: 4 Days

SOTOMAYOR:

Designation: May 26

Hearing Announced: June 9

TOTAL: 14 Days