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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510–6275

April 10, 2008

The Honorable Patrick J. Leahy
Chairman
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Leahy:

We are writing to request that you schedule a hearing this month on the nomination of Judge Robert Conrad to be United States Circuit Judge for the Fourth Circuit.

Judge Conrad meets every criterion you have laid out for determining whether a nominee should receive prompt consideration by the Judiciary Committee. First, he enjoys the enthusiastic support of both of his home state Senators, who have praised his qualifications, his integrity, and his record of public service. Second, he has been rated unanimously well-qualified by the American Bar Association, whose evaluations you have called "the gold standard by which judicial candidates are judged." Third, he was previously approved by the Judiciary Committee and by the full Senate for the district judgeship he currently holds, and both votes were non-controversial voice votes. Finally, the seat to which he has been nominated has been deemed a judicial emergency by the Administrative Office of the Courts, and you have previously indicated that when a vacancy has been deemed a judicial emergency, it should be filled quickly. The need to fill this seat is especially acute, given that it has been vacant for well over a decade and that the Fourth Circuit is currently one-third vacant.

Judge Conrad's nomination has been pending for over 250 days, and he has long deserved the Judiciary Committee's full and fair consideration. However, a recent allegation, levied against Judge Conrad during last Thursday's Executive Business Meeting, makes it even more imperative that he receive a prompt hearing.

On Thursday, April 3rd, in response to a question from Senator Coburn as to why this nominee has not received a hearing, you suggested that Judge Conrad has been accused of making "anti-Catholic" comments. We can say with confidence that we are aware of no instance in which Judge Conrad—himself a Roman Catholic—has made any remarks disparaging of the Catholic Church or of any individual on the basis of his or her Catholic faith. We are aware of a 1999 letter in which Judge Conrad criticized the writings of anti-death penalty advocate Sister Helen Prejean. This letter was well known to the Judiciary Committee when it first confirmed Judge Conrad to the federal bench, and it nowhere criticizes Sister Prejean on the basis of Catholic belief. If you or other members of the Judiciary Committee have concerns about this or

any of Judge Conrad's past statements, though, those concerns should be addressed in a hearing before the Judiciary Committee, where the nominee may defend himself and his record in a public setting.

For these reasons, we believe it is essential that you schedule a hearing for Judge Conrad as soon possible, and by the end of April at the latest. With no full Judiciary Committee hearings and no markup scheduled for this week, and with only one full Committee hearing scheduled for next week, we believe that there is certainly time in the Committee's agenda to give this honorable public servant the hearing he has long deserved.

Sincerely,

Chuck Grassley