

United States Senate

April 17, 2008

The Honorable Arlen Specter
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Specter:

Thank you for contacting me regarding the motion before the Senate Judiciary Committee to discharge the pending nominations of Mr. Peter Keisler, Judge Robert Conrad, and Mr. Steve Matthews. It is my hope that the Senate Judiciary Committee would act swiftly to approve these nominees and then send the nominations to the full Senate for an up-or-down vote either confirming or rejecting them.

Each of these nominees is qualified to serve on the Federal bench, faces no opposition from their home state senators and has seen their nomination linger before the committee for a lengthy period. I find the almost two year delay in considering Mr. Keisler's nomination most surprising considering the American Bar Association (ABA) unanimously rated him as "well qualified" and Chairman Leahy has previously referred to the ABA's approval as "the gold standard by which judicial candidates are judged."

Shaping the judiciary through the appointment power is one of the most important and solemn responsibilities a President has and certainly one that has a profound and lasting impact. I believe a President, in appointing judges, should not only insist on persons who are faithful to the Constitution, but persons who had a record that demonstrates that fidelity. I believe these nominees, and recent nominee Justice Stephen Agee, meet such criteria and should be approved by the Judiciary Committee and confirmed by the full Senate promptly.

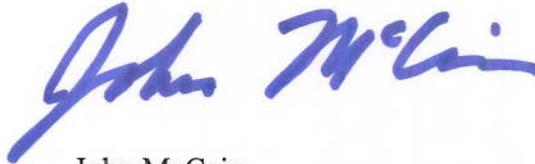
I understand that Majority Leader Reid has made a "good faith commitment" to Minority Leader McConnell to provide an up-or-down vote on three circuit court judges before Memorial Day. It is my hope that the Committee will approve your petition to discharge and vote out of Committee these qualified candidates to allow the full Senate to confirm them before Memorial Day.

Despite Majority Leader Reid's commitment to have the full Senate vote on three circuit court nominees, there remain additional judicial nominees that are also deserving of the Judiciary Committee's action and Senate's prompt consideration. As you likely know, under Presidents Clinton, George Bush, and Reagan, the opposing party in control of the Senate confirmed an average of 75 district-court and 17 appeals-court nominees during the president's final two years in office. So far the 110th Congress has confirmed only 31 district-court and just seven appeals-

court nominees. This is unacceptable and such partisan gridlock only serves to harm all Americans who seek justice in our courts only to find our courts understaffed.

Thank you for seeking my views on your motion to discharge.

Sincerely,

A handwritten signature in blue ink that reads "John McCain". The signature is written in a cursive, flowing style.

John McCain