



## EDWARD M. KENNEDY ORAL HISTORY PROJECT

### **Interviewer's Briefing Materials Patrick Leahy Interview, 08/05/2009**

Robert A. Martin, Research Director

#### **Miller Center Documents<sup>1</sup>**

- Patrick Leahy Timeline.
- Patrick Leahy Fact Sheet.

#### **Secondary Source Materials**

- Patrick Leahy bio, <http://bioguide.congress.gov>.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow and Company, Inc., 1999) p. 495.
- "Ashcroft Defends Antiterror Plan; Says Criticism May Aid U.S. Foes," *The New York Times*, 12/07/2001.
- "Worker Corps To Be Formed To Report Odd Activity," *The New York Times*, 07/26/2002.
- "FBI Seeks Data on Foreign Students; Colleges Call Request Illegal," *The Washington Post*, 12/25/2002.
- *Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1986) pp. 71-72.
- *Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1987) p. 271.
- "Democratic leaders split on Roberts vote: The Senators Must Make a Difficult Political Calculation," *Sacramento Bee*, 09/22/2005.
- *Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1989) pp. 261-262.
- *Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1992) p. 319.

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<sup>1</sup> These are original documents created by Miller Center researchers for the Edward M. Kennedy Oral History Project. Please acknowledge credit for any use of these materials.

## **Oral History Interviews**

- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/20/2006.
- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 01/06/2007.
- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 02/12/2007.
- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 10/08-09/2007.
- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 12/09/2007.
- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/28/2008.
- Nan Aron interview, Kennedy Oral History Project, Miller Center, University of Virginia, 01/26/2007.
- Stephen Breyer interview, Kennedy Oral History Project, Miller Center, University of Virginia, 06/17/2008, 09/28/2008.
- Edward Brooke interview, Kennedy Oral History Project, Miller Center, University of Virginia, 08/16/2006.
- Mary Beth Cahill interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/24/2009.
- Thad Cochran interview, Kennedy Oral History Project, Miller Center, University of Virginia, 09/19/2006.
- Ranny Cooper interview, Kennedy Oral History Project, Miller Center, University of Virginia, 02/25/2008.
- Marcia Greenberger interview, Kennedy Oral History Project, Miller Center, University of Virginia, 02/21/2007.
- Ellen Guiney interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/24/2008.
- Olatunde Johnson interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/22/2007.
- Judith Lichtman interview, Kennedy Oral History Project, Miller Center, University of Virginia, 02/21/2007.
- Trent Lott interview, Kennedy Oral History Project, Miller Center, University of Virginia, 07/22/2008.
- Melody Miller interview, Kennedy Oral History Project, Miller Center, University of Virginia, 10/07/2008.
- Michael Myers interview, Kennedy Oral History Project, Miller Center, University of Virginia, 08/28/2006.
- Ralph Neas interview, Kennedy Oral History Project, Miller Center, University of Virginia, 01/26/2007.
- Carolyn Osolinik interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/27/2007.
- Don Riegle interview, Kennedy Oral History Project, Miller Center, University of Virginia, 07/08/2008.

- Alan Simpson interview, Kennedy Oral History Project, Miller Center, University of Virginia, 05/10/2006.
- Thomas Susman interview, Kennedy Oral History Project, Miller Center, University of Virginia, 05/23/2007.
- David Sutphen interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/29/2007.
- William Taylor interview, Kennedy Oral History Project, Miller Center, University of Virginia, 01/25/2007.
- Sharon Waxman interview, Kennedy Oral History Project, Miller Center, University of Virginia, 05/11/2009.

## PATRICK JOSEPH LEAHY TIMELINE

*Prepared by Hilde Eliassen Restad and Bryan Craig  
Miller Center, University of Virginia, 08/04/2009*

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- 1940** Patrick Joseph Leahy is born in Montpelier, Vermont.
- 1961** Leahy graduates from St. Michael's College in Winooski, Vermont.
- 1964** Leahy receives his J.D. from Georgetown University, and practices law until he is elected to the Senate.
- 1966** Leahy is elected State's Attorney for Chittenden County, Vermont. He serves four terms.
- 1974** Leahy is elected U.S. senator at the age of 34, the second Democrat ever to be elected to Congress representing Vermont, as well as the first Democratic senator in Vermont's history.
- 1975**
- May* A group of Senate Democrats join Leahy, Senator Edward Moore Kennedy (EMK), and Senator Alan Cranston (D-CA) to mount a challenge to the Ford administration's 1976 Department of Defense budget requests. They want to create a "Great Debate" on post-Vietnam defense and foreign policy, and succeed in having a debate on the floor, which takes place on June 2<sup>nd</sup>. (Theo Lippman, Jr., *Senator Ted Kennedy: The Career Behind the Image*, New York: W.W. Norton & Company, Inc., 1976, p. 196)
- June* On the 2<sup>nd</sup> and 3<sup>rd</sup>, senators debate the 1976 Department of Defense budget requests, which, despite liberal efforts, is resolved in favor of the Republicans.
- 1979** EMK takes over the chairmanship of the Judiciary Committee, on which Leahy begins to serve.
- November* EMK announces he will challenge Carter for the Democratic presidential nomination.
- December* On the 18<sup>th</sup>, Leahy and EMK back "The Regulatory Flexibility and Administrative Reform Act of 1979," introduced by Senator John Culver (D-IA) and Senator Paul Laxalt (D-NV). Nine senators, all on the Judiciary Committee and of both parties, back it. The bill incorporates key parts of earlier proposals made by EMK, including a "High Noon" provision that provides for overall review of all agencies on fixed schedule by the president and the newly established Committee on Regulatory Evaluation. (*The Washington Post*, 12/19/1979)

## 1980

*Feb.-Mar.* Carter nominates Charles B. Winberry, Jr. for a federal district judgeship in North Carolina. After getting a bad report from the American Bar Association (ABA), EMK agrees to have Leahy and Orrin Hatch (R-UT) investigate. The Judiciary Committee votes against the nomination by a 9-6 vote, the first time in 42 years the panel rejected a federal district judgeship. (*1980 CQ Almanac*, p. 372; *Washington Post*, 03/05/1980)

## 1981

*January* With the Republican take-over of the Senate, Senator Strom Thurmond (D-SC) becomes chairman of the Judiciary Committee and EMK becomes ranking member. The Committee shifts its attention from civil rights and criminal law reform to the issues of abortion, busing, and school prayer. (*1981 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., p. 407)

*May* EMK and Leahy block Senate proceedings to confirm John B. Crowell, Jr., as Assistant Secretary of Agriculture for natural resources and environment, in part because of questions about a potential conflict of interest. (*The New York Times*, 05/12/1981)

*June* EMK and Leahy both oppose a federal death penalty bill that re-establishes the death penalty for federal crimes such as treason, espionage, and killing the president. The bill is approved 13-5 in the Judiciary Committee, but is not acted upon by the full Senate in 1981. (*1981 CQ Almanac*, p. 419)

**1982** EMK gets Leahy, along with Senators Thurmond, Charles Grassley (D-IA), and Robert Dole (R-KS) to attach important amendments to the McClure Bill, a handgun control bill that hands the National Rifle Association a considerable defeat in Congress. (*The Washington Post*, 10/09/1983)

*March* On the 10<sup>th</sup>, the Senate Judiciary Committee's Constitution Subcommittee approves a proposed constitutional amendment giving Congress and the states joint authority to enact legislation restricting or banning abortion. EMK and Leahy vote against, but the measure is approved 10-7. It marks the first time since *Roe v. Wade* in 1973 that any congressional committee has approved anti-abortion legislation. (*1982 CQ Almanac*, p. 403)

*December* EMK announces he will not run for president in 1984.

## 1984

*March* EMK and Leahy oppose emergency military aid to the government forces of El Salvador. On the 29<sup>th</sup>, they try to attach amendments to the authorization in order to, among other things, require the Reagan administration to obtain congressional approval for any use of U.S. forces in combat in Central America. The bill passes and the liberal amendments are voted down. (*The New York Times*, 03/30/1984)

## 1986

*June* On the 17<sup>th</sup>, President Ronald Reagan announces the retirement of Chief Justice Warren E. Burger and the selection of Associate Justice William Hubbs Rehnquist as the next Chief Justice, along with Antonin Scalia as Rehnquist's replacement as Associate Justice.

*August* On the 14<sup>th</sup>, EMK and Leahy vote for Scalia to replace Rehnquist in the Judiciary Committee (18-0). They do this after they vote against Rehnquist (13-5). The votes against Rehnquist are all Democratic votes. EMK states upon commencement of Rehnquist's hearing that he is "too extreme to be Chief Justice." (*The New York Times*, 08/01/1986) Leahy, on the other hand, while opposing Rehnquist, states that his ideology is not the proper basis for judgment: "Ronald Reagan has a right, in fact he's earned a very substantial mandate, to nominate judges reflecting his philosophy." (*The New York Times*, 08/15/1986) EMK grills Rehnquist on his civil rights record. Leahy questions Rehnquist on a property deed to a home in Vermont barring sales to Jews, which Rehnquist says he was not aware of at the time. Scalia, although of the same conservative judicial philosophy, reportedly receives little critical questioning from the liberal members of the Judicial Committee. Later, Leahy says Scalia "was given too easy a time." (1986 *CQ Almanac*, pp. 71, 72; *The Washington Post*, 08/20/1986; *The New York Times*, 08/07/2005)

*September* After five days of debate, the Senate on the 17<sup>th</sup> confirms Rehnquist as the 16<sup>th</sup> chief justice by a vote of 65-33, which is the closest vote to date in American history for a nomination that won confirmation. (1986 *CQ Almanac*, p. 67)

On the 26<sup>th</sup>, Rehnquist and Scalia are sworn in to the Supreme Court.

*November* The Democrats regain control of the Senate in the mid-term elections.

The Iran-Contra scandal breaks in the media.

**1987** Leahy becomes Chairman of the [U.S. Senate Committee on Agriculture, Nutrition and Forestry](#). Senator Joseph Biden (D-DE) takes over chairmanship of the Judiciary Committee, and appoints Leahy to head a task force to scrutinize Reagan's judicial nominees. EMK becomes Chairman of the Judiciary's Immigration and Refugee Affairs Subcommittee.

*March* On the 2<sup>nd</sup>, EMK introduces the “Emergency Hunger Relief Act” even though he is not on a committee that can claim jurisdiction over the issue. Leahy, as the new Chairman of the Agriculture Committee (and who had restored the word “Nutrition” to the committee’s name), “steps back and co-sponsors” the bill with EMK. (Adam Clymer, *Edward M. Kennedy*, New York: William Morrow and Company, Inc., 1999, p. 435)

*June* Supreme Court Justice Lewis F. Powell, Jr., resigns on the 26<sup>th</sup>.

*July* On the 1<sup>st</sup>, Reagan nominates Judge Robert Heron Bork to replace Powell. Less than an hour after the nomination, EMK declares on the Senate floor, “Robert Bork’s America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens’ doors in midnight raids... and the doors of the Federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are the heart of our democracy.” (1987 *CQ Almanac*, p. 271)

Leahy praises EMK’s hunger effort when he says on the floor of the Senate on the 26<sup>th</sup>: “He has tirelessly worked to raise public awareness of hunger in America.” Leahy brings his own bill to the floor, but incorporates most of EMK’s ideas in the bill, which passes 90-7. (Clymer, p. 435)

On the 28<sup>th</sup>, Leahy resigns from his position as Vice Chairman of the Senate Intelligence Committee after an investigation into an alleged leak to a reporter regarding a non-classified draft report on the Committee’s investigation into the Iran/Contra scandal. The investigation is never made public. (1987 *CQ Almanac*, p. 158)

*September* On the 16<sup>th</sup>, the second day of the confirmation hearing on Judge Robert Bork to the Supreme Court, Leahy charges him with “confirmation conversion” in response to Bork’s stating that he favors a broader view of the First Amendment’s protection of free speech than he has previously expressed. (Clymer, p. 424)

On the 19<sup>th</sup>, Reagan signs the conference report on Leahy’s hunger bill.

*October* On the 23<sup>rd</sup>, Bork becomes the first Supreme Court nominee to be rejected since G. Harold Carswell in 1970. The margin of defeat, 42-58, is the largest in American history. (1987 *CQ Almanac*, p. 271)

## **1988**

*February* On the 3<sup>rd</sup>, Kennedy is confirmed 97-0 as Powell’s replacement on the Court. EMK and Leahy, at the Senate Judiciary Committee hearing, criticize the Reagan administration for not appointing enough women and minorities to federal district and appeals court judgeships. Leahy states this record is “at odds” with promises

made by Attorney General Edwin Meese during his confirmation hearings in 1985. (*Wall Street Journal*, 02/03/1988)

*September* On the 11<sup>th</sup>, Leahy questions Judge Clarence Thomas during the hearing on his confirmation to the Supreme Court about his abortion views. According to Clymer, Leahy wants Thomas to admit he holds an anti-abortion position. Thomas, however, insists he did not discuss *Roe v. Wade* with his fellow students even though it was enacted while Thomas attended Yale Law School. EMK says years later of Thomas' assertion: "Either he was lying or stupid." (Clymer, p. 495) After the allegations by Anita Hill are made public, Leahy, along with Biden and Senator Howell Heflin (D-AL) conduct the bulk of the questioning, whereas EMK plays only a minor role. (Clymer, p. 498)

*November* The [1988](#) senatorial election makes the national news when Leahy receives the endorsement of his [Republican](#) opponent, [Fred Tuttle](#). Tuttle is the lead actor in the Vermont movie *Man with a Plan*, in which a farmer decides to run for the House. Tuttle was persuaded to run in real life for the Senate; after a surprise defeat of the other Republican candidate, Jack McMullen, Tuttle tells voters to vote for Leahy because he does not want to move to Washington D.C. Leahy is touched by this gesture; he states that Tuttle is the "distilled essence of Vermonthood".

## 1989

*June* The Senate Judiciary Committee investigates the role of the American Bar Association (ABA) in evaluating nominees for the Supreme Court. Leahy, who has coordinated most of the Judiciary Committee's screening of nominations in 1988, charges the ABA with an inordinate amount of influence in pre-clearing nominees. He states he is concerned that both the Senate and the administration might be abdicating some of their responsibility to examine judicial nominees. During the hearings, EMK voices his dissatisfaction to Attorney General Dick Thornburgh regarding the lack of women and minority candidates. (*1989 CQ Almanac*, pp. 322, 324)

*July* On the 29<sup>th</sup>, the Senate Judiciary Committee approves S 747, which bars sales of five types of foreign semi-automatic weapons such as the AK-47 along with four domestic types. The bill is reportedly approved mainly because Leahy votes for it, going against his record of opposing gun control, as well as the fact that Senator Arlen Specter (R-PA) abstains. However, Congress fails to complete action on S 747, for which EMK blames the National Rifle Association (NRA). According to EMK, there was "a basic failure to take on the National Rifle Association." (*1989 CQ Almanac*, p. 265)

*September* The Senate votes to establish mandatory federal inspection of fish and shellfish for the first time. Leahy sponsors the bill with Senate Majority Leader George Mitchell (D-ME). The Senate rejects a competing bill sponsored by EMK,



Senators Ernest F. Hollings (D-SC), and Ted Stevens (D-AL), which gives the responsibility for the inspection to other agencies than does the Leahy-Mitchell bill. (1989 *CQ Almanac*, p. 398)

*October*

On the 2<sup>nd</sup>, the Senate votes 96-3 to approve President George H. W. Bush's actions against Iraq, prompted by Iraq's invasion of Kuwait. Leahy votes for it, but EMK opposes the resolution saying "It is, in effect, a Tonkin Gulf resolution for the Persian Gulf." (1989 *CQ Almanac*, p. 734)

On the 17<sup>th</sup>, the Senate Judiciary Committee votes to authorize the death penalty for a number of federal crimes, reinstating it after the Supreme Court moratorium of 1972. Leahy and EMK both vote against it, concerned, among other things, with racially biased applications of the death sentence. (1989 *CQ Almanac*, p. 261)

## 1992

*September*

On the 9th, the Senate votes to confirm Bush's nomination of Edward Earl Carnes Jr., to the 11th U.S. Circuit Court of Appeals, over strong objections from EMK and leading civil rights groups. EMK is critical of Carnes' role as Alabama's assistant attorney general, as the head of the state's capital punishment litigation since 1981. States EMK, "Death penalty justice in American is separate and unequal ... and the Senate should not confirm a nominee who cannot see it." Leahy votes for Carnes in the Judiciary Committee but against him in the full Senate, explaining "I was not able to convince myself that Carnes could be an impartial arbiter in death penalty cases." (1992 *CQ Almanac*, p. 319)

On the 19th, the Senate passes its version of the FY 1993 defense authorization bill, to which EMK and Leahy attach amendments on mines. Leahy attaches an amendment banning for one year the sale or export of anti-personnel land mines, calling on the president to negotiate an international ban on the transfer of such weapons. EMK attaches an amendment requiring a report to Congress on the desirability of Pentagon assistance to mine-clearing operations in countries such as Afghanistan, Cambodia, and Angola. (1992 *CQ Almanac*, p. 491)

*November*

Clinton is elected president, as the Democrats win the House, Senate, and White House.

## 1993

*July*

In what has become an annual exercise, the Senate Judiciary Committee approves on the 22<sup>nd</sup> a balanced budget amendment 15-3 (sponsored by Senator Paul Simon (D-IL) and Rep. Charles W. Stenholm (D-TX)). EMK and Leahy vote against it, as does Howard M. Metzenbaum (D-OH). (1993 *CQ Almanac*, p. 145)

- August* On the 3<sup>rd</sup>, Ruth Bader Ginsburg is confirmed 96-3 for the Supreme Court of the United States. Both Leahy and EMK vote for her. (1993 CQ Almanac, p. 30-S)
- November* On the 30<sup>th</sup>, President Bill Clinton signs the Brady Handgun Violence Prevention Act, also known as the Brady Bill, which goes into effect on February 28, 1994. Leahy votes for cloture but against the Brady Bill. EMK, on the other hand, is part of the conference delegation to meet with the House and is a proponent of the bill. (1993 CQ Almanac, pp. 303, 58-C)

## 1994

- January* EMK asks Leahy to call the White House to support the visa of Sinn Fein leader, Gerry Adams, so he may enter the U.S.

- July* On the 29<sup>th</sup>, Stephen Breyer is confirmed by the Senate to the Supreme Court of the United States. Both Leahy and EMK vote for the confirmation.

- 1995** After the 1994 midterm elections, the Republicans gain the majority and Leahy loses the chairmanship of the U.S. Senate Committee on Agriculture, Nutrition and Forestry.

- September* On the 19<sup>th</sup>, the Senate overwhelmingly votes for welfare reform, 87-12. Only a few Democratic Senators vote against it, among them EMK and Leahy. States EMK, "After more than 60 years of maintaining a good-faith national commitment to protect all needy children, the Senate is on the brink of committing legislative child abuse." (*The New York Times*, 09/20/1995)

## 1996

- May* On the 2<sup>nd</sup>, the Senate passes HR. 2202, which *The New York Times* calls a "sensible" version of a House immigration bill. EMK, along with Senator Spencer Abraham (R-MI), successfully remove most restrictions on legal immigration and Leahy amends provisions that would have required refugees to arrive with a full set of valid travel documents. (1996 CQ Almanac, pp. 5-3, 5-12; *The New York Times*, 05/07/1996)

On the 3<sup>rd</sup>, Leahy and EMK, along with Labor Secretary Robert B. Reich, Senators Carl Levin (D-MI) and Paul Wellstone (D-MN), hold a news conference to create publicity around the proposed increase in the minimum wage from \$4.25 to \$5.15. (*The New York Times*, 05/04/1996)

- September* On the 10<sup>th</sup>, the Senate overwhelmingly votes in favor of the so-called "Defense of Marriage Act," of which EMK is a staunch opponent. Leahy votes for the act. States EMK of the bill, "We all know what is going on here. I regard this bill as a mean-spirited form of Republican legislative gay-bashing cynically calculated to

try to inflame the public eight weeks before the Nov. 5 election.” The Senate subsequently narrowly defeats a bill to outlaw workplace discrimination against gays, which Leahy votes in favor of. The bill proposes to extend federal employment discrimination protections under the 1964 Civil Rights Act to sexual orientation. (1996 CQ Almanac, pp. 5-28, C-46)

## 1997

*July* On the 24<sup>th</sup>, the Senate Judiciary Committee approves a juvenile crime bill crafted by the GOP to make punishments harsher for juveniles who commit crimes. Leahy and EMK oppose it. States Leahy, “I don’t know anybody, or any organization, that supports this legislation.” (1998 CQ Almanac, p. 17-17)

## 1999

*January* On the 8<sup>th</sup>, the Senate reaches a bipartisan compromise on the impeachment proceedings of Clinton, in large part due to the cooperation between EMK and Senator Phil Gramm (R-TX). Although some Democrats are weary of the blueprint, Leahy states: “You know, we didn’t ask for this trial, we didn’t ask for the president to conduct himself the way he did, and we didn’t ask for the House to make a mishmash of this thing. But all that’s happened and now we have to preserve the Senate and give the country a sense of credibility.” (*The New York Times*, 01/09/1999)

## 2000

*January* Leahy meets with Columbian President Andrés Pastrana on the 25<sup>th</sup> to discuss a \$1.3 billion aid package the Clinton administration wants to provide his embattled government. Leahy and EMK insist on the aid package coming with conditions of human rights improvement. “I don’t want us to make the mistake in the drug war that we made in the cold war, where we gave money to people regardless of their human rights records as long as they were anti-Communist,” Leahy states. “I am concerned that we could end up supporting people involved in human rights violations – this time for what is considered the greater good of fighting drugs.” (*The New York Times*, 01/26/2000)

*May* The Senate passes legislation to expand trade with Sub-Saharan Africa, Central America, and the Caribbean on the 11<sup>th</sup>. EMK and Leahy oppose the bill, arguing that the bill will do too little to protect workers in the affected countries from exploitation by big corporations. (2000 CQ Almanac, p. 20-27)

*November* George W. Bush defeats Al Gore in a contested presidential election. The Democrats pick up seats in the Senate to force a 50-50 split.

## 2001

- January* The Democrats regain control of the Senate for 17 days until Gore, who has been the tie-breaking vote in the evenly split Senate as Vice President, is replaced by Dick Cheney, giving the GOP control of the House, Senate, and White House.
- After EMK's staff gets damaging information on John Ashcroft, Bush's nominee for Attorney General, and shares it with Leahy, both senators criticize Ashcroft's record in Senate Judiciary hearings on the 16<sup>th</sup>. States EMK, "The vast majority of Americans support vigorous enforcement of our civil rights laws, and those laws and our Constitution demand it. Senator Ashcroft, however, spent significant parts of his term as attorney general of Missouri and his term as governor strongly opposing school desegregation and voter registration in St. Louis." (*The New York Times*, 01/17/2001)
- On the 29<sup>th</sup>, Leahy announces he will vote against Ashcroft's confirmation, remarking on the Senate floor, "John Ashcroft's unyielding and intemperate positions on many issues raise grave doubts both about how he will interpret the oath he would take as attorney general to enforce the laws and uphold the Constitution and about how he will exercise the enormous powers of that office." Leahy also says he will oppose a filibuster against Ashcroft, a possibility raised earlier by EMK. (*The New York Times*, 01/30/2001)
- June* Leahy becomes Chairman of the Senate Judiciary Committee when Senator James Jeffords (R-VT) changes from Republican to Independent, changing the partisan composition of the Senate from 50-50 to 49 Republicans, 50 Democrats, and 1 Independent.
- July* In an article for the conservative magazine *National Review*, Leahy is cited as being "the most partisan Democrat in the Senate." The article states that EMK is viewed as less partisan than Leahy by Senate Republicans. (*National Review*, 07/09/2001)
- September* After September 11, Leahy is the primary author of the controversial USA PATRIOT Act, and is a leading proponent of enforcing sunset provisions for the sections of the Act that allegedly infringe on Americans' civil liberties. States Leahy, "The worst thing that could happen is that we damage the Constitution. If the Constitution is shredded, the terrorists win." EMK votes for the bill. (*2001 CQ Almanac*, p. 14-4)
- November* On the 16<sup>th</sup>, Leahy is targeted in the anthrax attacks, but the letter meant for him is intercepted before it reaches his office.
- December* On the 6<sup>th</sup>, Ashcroft defends the Bush administration's antiterrorism proposals before the Senate Judiciary Committee and argues that critics of the program aid terrorists by "providing ammunition to America's enemies." EMK argues that the

administrations seems to be “putting the interests of the gun lobby above the nation’s public safety in the battle against terrorism” due to its opposition to more strict gun control, and Leahy criticizes the administration for its lack of consultation with Congress, especially on the controversial issue of military tribunals for terrorists. (*The New York Times*, 12/07/2001)

## 2002

*July*                   EMK and Leahy, along with Charles Schumer (D-NY), criticize the Bush administration’s new TIPS program (Terrorism Information and Prevention System) on the 25<sup>th</sup> for being a “snitch system.” Leahy argues “the system would enlist thousands, even millions, of civilians as TIPS informants to report their suspicions to the Justice Department. We could be vigilant, but we don’t want to be vigilantes.” Leahy draws parallels to the 1917 Justice Department invention, the American Protective League. (*The New York Times*, 07/26/2002)

*December*           EMK and Leahy send a letter to Attorney General Ashcroft where they criticize a recent Federal Bureau of Investigation (FBI) request to colleges and universities around the country to provide the Bureau with personal information about all foreign students and faculty. The Justice Department argues the antiterrorism language in the PATRIOT Act allows these institutions to provide such information to the government without notifying those involved. According to EMK and Leahy, “the legality of this request is not so clear.” In fact, they say, the Act was specifically designed to limit government access to student records. (*The Washington Post*, 12/25/2002)

**2003**                   The midterm elections in 2002 give the Republicans the majority in the Senate, and Leahy loses the chairmanship of the Judiciary Committee.

*January*             On the 23<sup>rd</sup>, Leahy, EMK, along with Senators Richard J. Durbin (D-IL) and John Edwards (D-NC) urge their fellow senators in a letter to support efforts to reform the insurance industry. The proposal, in an effort to counter a Bush administration proposal, makes it illegal for malpractice insurers to collude in setting rates or otherwise engage in “price fixing, bid rigging or market allocations.” (*The New York Times*, 01/24/2003)

*April*                   EMK and Leahy oppose provisions that will prevent federal judges from using their discretion to give prison terms that are shorter than ones prescribed by federal sentencing guidelines. According to *The New York Times*, the provisions “upset the balance between uniform sentencing and individualized punishment that the system of sentencing guidelines was supposed to deliver.” (04/14/2003)

Leahy co-sponsors a child crimes law with Judiciary Chairman Hatch in order to bolster the AMBER child-abduction alert system, outlaw "virtual" child pornography, and mandate stiffer penalties. The bill receives added publicity and momentum due to the March rescue of a kidnapped Utah teenager, Elizabeth Smart. The only issue that slows final action on the bill is a dispute involving

EMK over sentencing provisions that cap the number of judges who can serve on the U.S. Sentencing Commission and require the attorney general to report on judges who are too lenient. EMK argues the provisions will undermine the sentencing commission, but ultimately drops his objection and votes to adopt the conference report. Bush signs the bill on the 30<sup>th</sup>. (2003 CQ Almanac, p. 13-4)

*June* On the 27<sup>th</sup>, EMK and Leahy both vote in favor of the bill adding a prescription drug benefit to Medicare and giving private health care plans a bigger role in the program. (The New York Times, 06/28/2003)

*August* EMK and Leahy oppose the Bush administration's nomination of William Pryor, Alabama's Attorney General, to the Atlanta-based 11<sup>th</sup> Circuit Court of Appeals. The Bush administration argues the opposition is due to Pryor being a Catholic. In the Senate debate, Leahy asks why "fair-minded Republican senators" are not standing up to their party's demagoguery and "religious McCarthyism." (The New York Times, 08/04/2003)

*November* On the 5<sup>th</sup>, Bush signs the "partial-birth abortion" bill, a victory for social conservatives as the first federal statute to restrict an abortion procedure since *Roe v. Wade* legalized it in 1973 (Clinton had vetoed such bills in 1996 and 1997). Leahy, along with fifteen other Democrats, vote for the bill on Feb 14. EMK votes against. (2003 CQ Almanac, p. 3-3)

On the 18<sup>th</sup>, Leahy and EMK, along with three other Democrats and one Republican on the Judiciary Committee, write a letter to the leaders of the Senate Select Intelligence Committee warning that the expanded search powers granted to the FBI in the intelligence authorization bill can be used to seize personal financial records traditionally protected under financial privacy laws. (2003 CQ Almanac, p. 10-11; The New York Times, 11/19/2003)

**2004** Leahy is awarded the Electronic Privacy Information Center's Champion of Freedom Award for efforts in information privacy and open government.

Leahy sponsors the Innocence Protection Act, which addresses flaws in the administration of capital punishment. Parts of Leahy's death penalty reform package will reduce the risks that innocent people are executed by providing for post-conviction DNA testing and better access to competent legal counsel. (<http://leahy.senate.gov/biography/sketch06index.html>)

*June* On the 22<sup>nd</sup>, Leahy and Vice President Dick Cheney participate in the U.S. Senate class photo. During this time, Cheney upbraids Leahy for his recent excoriations of Cheney over Halliburton's alleged war profiteering. The discussion ends with Cheney telling Leahy to "...go fuck yourself." (The Washington Post, 06/25/2004)

*November* Bush defeats Kerry in the presidential election.

## 2005

- June*           EMK tables a Senate resolution calling on the IRA to disarm and the DUP to commit itself to power sharing. The resolution is co-sponsored by Senators Dodd, Biden, Leahy, John McCain (R-AZ) and Susan Collins (R-ME). The resolution recognizes the Belfast (Good Friday) Agreement as “the blueprint for lasting peace in Northern Ireland” and demands that the IRA “immediately complete the process of decommissioning, cease to exist as a paramilitary organisation and end its involvement in any way in paramilitary and criminal activity.” (*The Irish Times*, 06/20/2005)
- July*           Bush nominates Judge John G. Roberts, Jr., on the 20<sup>th</sup> to the Supreme Court to replace Justice Sandra Day O’Connor. EMK and Leahy both state that it is critical not to prejudge the nominee. (*The Washington Post*, 07/21/2005)
- August*       Just before August recess, EMK and Schumer criticize Leahy, the ranking Democrat on the Judiciary Committee, for making concessions to Republicans in exchange for a September hearing date. He is criticized for his accommodating attitude and friendship with Specter, the Republican chairman of the Judiciary Committee. “Pat is not a person that puts confrontation up front,” says EMK in an interview. Leahy voted earlier to confirm Roberts to the Circuit Court of Appeals, a decision he explains as a “leap of faith. The special interest groups said, ‘Are you out of your mind?’ But I was convinced that while he would be conservative a lot more than I would like to see, that he would follow stare decisis.” (*The New York Times*, 08/07/2005)
- September*   On the 21<sup>st</sup>, Leahy announces his support for John Roberts to be Chief Justice of the United States Supreme Court. In a speech on the Senate floor, Leahy states, “Judge Roberts is a man of integrity. I can only take him at his word that he does not have an ideological agenda.” He goes on to say that it would be easier politically for him to vote no, but that “in my conscience I find it is better to vote yes.” EMK, on the other hand, voices concerns over Roberts’ civil rights record while working for the Reagan administration in the 1980s, as well as his unwillingness to discuss a number of his ideological positions during the confirmation hearings, and the White House’s refusal to release certain documents involving Roberts’ government service. (*Sacramento Bee*, 09/22/2005)
- On the 22<sup>nd</sup>, the Senate Judiciary Committee approves Roberts’ confirmation 13-5. Leahy votes for, EMK against.
- On the 29<sup>th</sup>, Roberts is confirmed 78-22, with the Democrats numbering 44 in the Senate.
- October*       On the 31<sup>st</sup>, Bush nominates Judge Samuel Anthony Alito, Jr., to replace Justice Roberts as he takes over the late Rehnquist’s position as Chief Justice of the Supreme Court. Leahy and EMK, along with Schumer and Senate Minority

Leader Harry Reid (D-NV) call it a “needlessly provocative nomination.” (*The Seattle Times*, 11/02/2005)

*December* On the 13<sup>th</sup>, Leahy voices criticism over certain PATRIOT Act provisions Congress is considering renewing. “This much unchecked power doesn’t make us any safer. It makes us less safe. ...Ultimately, you’re secure only if you maintain basic liberties.” (*USA Today*, 12/14/2005)

## 2006

*January* On the 5<sup>th</sup>, Leahy and EMK, along with Schumer, separately announce their intent to question Alito on his views about executive power. The issue is pertinent after recent revelations that the Bush administration has authorized wiretapping of Americans’ international calls despite a 1978 law requiring warrants for such surveillance. (*The Boston Globe*, 01/06/2006)

On the 19<sup>th</sup>, Leahy and EMK announce they will vote against Judge Samuel Alito to be a Supreme Court Justice, stating Alito will not provide a judicial check against the expansion of presidential power or be properly vigilant about protecting the rights of ordinary Americans. (*The Washington Post*, 01/20/2006)

On the 31<sup>st</sup>, Alito is confirmed by the Senate 58-42.

*March* On the 2<sup>nd</sup>, 2006, Leahy and EMK are two of ten senators to vote against the USA PATRIOT Improvement and Reauthorization Act, a bill to extend the USA PATRIOT Act.

*April* The Senate Judiciary Committee passes the EMK-McCain immigration reform bill. Senate Majority Leader Bill Frist (R-TN) offers a narrower version of the bill, one with greater focus on border security as a substitute, but his bill makes no headway. The Senate passes the bill, but negotiations break down in a joint committee over the border fence in September. (*Sacramento Bee*, 04/03/2006; *The New York Times*, 05/26/2006; *The Washington Post*, 09/30/2006)

*July* On the 19<sup>th</sup>, the Senate Judiciary Committee passes a twenty-five year extension of the VRA. It unanimously passes the Senate the next day. The House passed it a week before and Bush signs into law. (*CQ Weekly*, 07/24/2006; *The New York Times*, 07/21/2006)

*November* The Democrats regain control of the House and Senate. EMK regains chairmanship of the HELP Committee and Leahy the Judiciary Committee.

## 2007



<i>January</i>	The Senate Judiciary Committee holds a hearing on Iraqi refugees as experts state that the problem is reaching a crisis as the U.S. puts a cap on Iraqis from entering the country due to security screening. Both EMK and Leahy urge the Bush administration to do more about the problem. ( <i>The Washington Post</i> , 01/17/2007)
<i>February</i>	The Senate Judiciary Committee holds a hearing on immigration reform hoping to gain Bush's support for immigration reform for this year. EMK is expecting to introduce a bill in early March. ( <i>The Washington Times</i> , 02/23/2007)
<i>Spring</i>	Efforts to revive the EMK-McCain legislation reportedly stall as McCain, who is running for president, continues to draw strong criticism for working with EMK and his position on "amnesty." The press also reports that EMK's demand for labor-related provisions like wage guarantees are a sticking point. EMK changes tactics and works with the White House and Senator Jon Kyl (R-AZ) to revive the Senate's bipartisan immigration bill. ( <i>The Washington Times</i> , 05/09/2007; <i>USA Today</i> , 05/14/2007)
<i>May</i>	Senate leaders from both parties announce they have reached an agreement on immigration that would toughen border security and create a guest worker and path-to-citizenship program. As a concession to conservatives, the plan shifts the U.S. visa system from family- to merit-based, in which a point system would evaluate visa candidates on the basis of job skills, education and English language proficiency. Leahy is unsure if he will support the bill as it exists since the bill bypassed the Judiciary Committee. He supports the idea that foreign born spouses and minor children would continue to receive preference in the allocation of visas. ( <i>The Washington Post</i> , 05/22/2007; <i>The New York Times</i> , 05/22/2007)
<i>June</i>	<p>Facing bipartisan opposition, the EMK-Kyl-Bush Administration-backed immigration compromise collapses when the Senate is unable to break a filibuster and move to a final vote. Reid pulls the bill from the Senate and no further action is taken. (<i>The Washington Post</i>, 06/29/2007; <i>Los Angeles Times</i>, 06/29/2007)</p> <p>U.S. military judges dismiss war crimes against two detainees at Guantanamo Bay. EMK, Leahy, and other Senate Democrats use this action to pressure Bush to close Guantanamo and reinstate habeas corpus for the rest of the detainees. (<i>The Washington Post</i>, 06/06/2007)</p>
<i>July</i>	On the 13 <sup>th</sup> , EMK, Leahy, and four other Senators send a letter to Secretary of State Condoleezza Rice urging her not to transfer Guantanamo detainees to countries with poor human rights records. ( <i>The Washington Post</i> , 07/14/2007)
<i>November</i>	EMK and Leahy oppose Ashcroft's successor for Attorney General Michael Mukasey for not saying waterboarding and other coercive interrogations are illegal, but he is confirmed by the Senate in a 53-40 vote. ( <i>USA Today</i> , 11/09/2007)

EMK, Leahy, and nine other Democratic Senators write a letter to Bush about Columbian president Alvaro Uribe's crackdown on opposition in his country. (*The Washington Post*, 11/17/2007)

## 2008

- January* EMK announces his support for Democratic presidential candidate Barack Obama.
- EMK and Specter introduce the State Secrets Protection Act which allows a judge to examine evidence in cases the state secrets privilege is invoked and use unclassified summaries of evidence with lawyers who have the appropriate security clearance. Judges could exclude the evidence, but the entire case would not have to be dismissed. Leahy is a co-sponsor and schedules hearings. (*The New York Times*, 02/02/2008)
- The Senate Judiciary Committee holds a hearing on the destruction of CIA videotapes showing coercive interrogations. Leahy and EMK press Mukasey about the unlawfulness of those methods. Giving Judiciary Democrats a concession, Mukasey states that the Justice Department probe of the tapes could expand to examine the actions of CIA employees who used such methods, but stops short of saying that the actions are illegal. (*The Washington Post*, 01/31/2008)
- April* A Justice Department legal memorandum is released authorizing the use of harsh interrogation techniques. Both EMK and Leahy use this memo to call for release of more documents and criticize the Bush administration for its use of these techniques. (*The New York Times*, 04/03/2008)
- May* EMK is diagnosed with a brain tumor. Leahy states, "I'm having a hard time remembering a day in my 34 years here I've felt this sadly." (*The Washington Post*, 05/21/2008)
- August* EMK makes a surprise appearance and speech at the Democratic National Convention.
- December* EMK, Leahy, three other Senate Democrats, and Joseph Lieberman (I-CT) send a letter to Bush about their disapproval of his executive order stripping the collective bargaining power of almost 1,000 Federal employees. (*The Washington Post*, 12/09/2008)

## 2009

- January* EMK introduces the Serve America Act to increase funding for volunteer programs with Leahy as a co-sponsor. The House bill becomes law in April. (THOMAS on S 277)

- February*      Leahy re-introduces the State Secrets Protection Plan with EMK as a co-sponsor. (THOMAS on S 417; *The Washington Post*, 05/11/2009)
- March*          EMK introduces the Medical Device Safety Act of 2009 with Leahy as a co-sponsor. (THOMAS ON S 540)
- EMK introduces the Employee Free Choice Act (EFCA) of 2009 with Leahy as a co-sponsor. (THOMAS on S 560)
- April*          EMK introduces the Matthew Shepard Hate Crimes Prevention Act with Leahy as a co-sponsor. (THOMAS ON S 909)
- May*            EMK introduces the Family Smoking Prevention and Tobacco Control Act to give the Food & Drug Administration (FDA) authority to regulating tobacco products with Leahy as a co-sponsor. A similar House bill becomes law in June. (THOMAS on S 982)

## **PATRICK JOSEPH LEAHY (D-VT) FACT SHEET**

*Prepared by Bryan Craig*

*Miller Center, University of Virginia, 07/30/2009*

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### *Committees with EMK:*

- Judiciary (1979-2008; Ranking Member, 1997-2000, 2004-2006; Chairman, 2001-2003, 2007-2008). Patents, Copyright, and Trademarks Subcommittee (1987-1994).

### *Other Senate committees:*

- Agriculture, Nutrition and Forestry (1975-Present; Chairman, 1987-1994).
- Appropriations (1977-Present).
- Judiciary (2009; present Chairman).

### *Issues that Leahy worked on with EMK:*

- 1980-1981 EMK chairmanship of Judiciary Committee.
- Death Penalty. Both men opposed both the 1981 and 1989 federal death penalty bills, and the 1992 Edward Earl Carnes Court of Appeals nomination.
- Gun control. Generally Leahy does not support gun control like the Brady Bill, but he has voted with EMK on McClure Bill in 1982 and semi-automatic weapons ban in 1989.
- Ban on anti-personnel land mines. In 1992, both worked to pass legislation to ban sales and exports.
- 1981 O'Connor nomination.
- 1986 Rehnquist nomination.
- 1986 Scalia nomination.
- 1987 Bork nomination.
- 1987 Kennedy nomination.
- 1990 Souter nomination.
- 1991 Thomas nomination.
- 1993 Ginsburg nomination.
- 1994 Breyer nomination.
- 2001 John Ashcroft nomination for Attorney General.
- 2005 Roberts nomination.
- 2005 Alito nomination.
- 2007 Michael Mukasey nomination for Attorney General. Both men opposed it.
- USA PATRIOT Act. Leahy was the primary author of this legislation which EMK supports. However, they oppose Ashcroft's use of it to gather information as infringing on people's civil liberties. They both vote against reauthorization in 2006.
- Immigration reform. Kennedy-McCain bill.
- Detainee rights. Both men supported the reinstatement of habeas corpus, suspension of torture, and the closure of the detention facility at Guantanamo Bay.
- State Secrets Protection Act. EMK and Leahy sponsored this bill to allow classified information to be used in a trial. It was introduced in 2008 and in 2009.