

November 28, 2012

The Honorable Chuck Grassley, Ranking Member
Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Grassley:

We are writing to you in your role as ranking member of the Judiciary Committee to request that you abandon the practice of routinely delaying votes on judicial nominees in Committee and permit the judicial nominees currently scheduled to be considered at the Judiciary Committee Executive Business Committee meeting on November 29, 2012 to go forward.

Although permitted under Committee rules, the practice of “holding over” nominees in the past was invoked only when there has been a significant question about a particular nominee that warranted additional attention. Under your tenure and that of your predecessor as Ranking Member of the Committee, President Obama’s judicial nominees have virtually all been routinely delayed, despite the absence of any questions, indeed of any debate, on most of the ones held over.

In fact, of the more than 180 men and women who have been scheduled for a Committee vote, all but five – 97 percent – have seen their votes delayed. Indeed, during your tenure as ranking member, all but one nominee’s initially scheduled vote has been blocked.

No matter the nominee, no matter their qualifications, no matter their bipartisan support ... it has been your practice to delay the vote – generally without explanation. This occurs despite an unprecedented vacancy crisis on the federal bench. This isn’t about learning more about a nominee, and it isn’t about delaying someone you think might not be qualified to sit on our federal courts. This is about obstruction, pure and simple. And it is precisely the kind of senseless gridlock that the American people have made clear they reject.

Americans want and need Congress to be able to debate the serious issues before us and work together on crafting solutions. But cooperation on areas of contention seems all but impossible if you cannot even work with the president on areas where you agree, such as the vast majority of judicial nominees.

The committee obstruction is part of a larger picture, one involving deliberate delay and obstruction at all stages of the nomination and confirmation process. But the routine and needless

delaying of Committee votes is the form of obstruction for which you bear direct responsibility. And that gives you the power to change the tone by foregoing the practice.

Fortunately, you do not have to wait until the 113th Congress to show the American people your ability and willingness to work cooperatively with the president and your Democratic colleagues. The Senate Judiciary Committee has scheduled votes on five judicial nominations for November 29. That is good news for the people of New York, California, and Florida, the states where judicial vacancies would be filled. Three of those courts are in such dire straits that the Administrative Office of the U.S. Courts has formally designated the vacancies as emergencies. All five nominees – three women and two men – testified to the Judiciary Committee back in September, more than two months ago.

You can set the cooperative tone that the American people expect by allowing the Committee to vote on the five nominations as scheduled. Especially with time running out before the end of this Congress, an unwarranted demand to delay the committee votes for these five nominees would be particularly damaging and – should the Committee approve them – would seriously diminish the chances of their confirmation this year. It would also send a terrible signal to the American people of your intentions.

Sincerely,

Alliance for Justice

American Association for Justice (formerly the Association of Trial Lawyers of America)

American Association of University Women (AAUW)

Communications Workers of America (CWA)

Compassion & Choices

Constitutional Accountability Center

Defenders of Wildlife

Iowa Citizen Action Network

Lambda Legal

The Leadership Conference on Civil and Human Rights

National Council of Jewish Women

National Fair Housing Alliance

One Iowa

People For the American Way

Progress Iowa

Working Families Win