

Qualified Conservative Judges Score Huge Victory in the Senate

U.S. Senate Judiciary Committee Chairman Chuck Grassley has just taken a critically important step to overcome the extra-constitutional roadblocks that have been used to stall President Trump's eminently qualified nominees to the federal judiciary.

In November 2016, the American people went to the polls and selected Donald Trump as the person who would be tasked with appointing judges for vacancies on the federal bench. At the same time, they elected a U.S. Senate to be tasked with providing advice and consent on these nominees. Both of these responsibilities are enshrined in Article II, Section 2 of the U.S. Constitution.

For too long, however, the U.S. Senate has gone beyond what the Constitution requires and has instituted its own customs and courtesies that have sometimes allowed a single senator to prevent a president's nominee from even receiving a hearing—much less a vote in the U.S. Senate.

Maybe the most egregious example of this is what has become known as the “blue slip.” At its root, the blue slip is a process by which the Senate Judiciary Committee Chairman solicits the advice of a nominee's two home-state senators. In some cases, however, a single home-state senator has been able to effectively veto a president's nominee simply by declining to return the blue slip. This extra-Constitutional maneuver has often allowed one Senator to override the will of both the president and a majority of the full Senate. It is why we called for Leader McConnell and Chairman Grassley to move forward with the consideration of nominees who have not had

their blue slips returned.

Fortunately, both Leader McConnell and Chairman Grassley have demonstrated a proper understanding of their obligations under the Constitution, and Chairman Grassley has scheduled a hearing for two judges who have not had both their blue slips returned. This will provide the Judiciary Committee and the full U.S. Senate with an opportunity to do its job and will prevent a single U.S. senator from overriding the will of the full chamber.

As Senator Grassley explained, “The Democrats seriously regret that they abolished the filibuster, as I warned them they would. ... But they can’t expect to use the blue slip courtesy in its place. That’s not what the blue slip is meant for.”

Make no mistake about it—this is a victory for the Constitution and a victory for filling vacancies on the federal courts with qualified judges who will respect the plain wording of the Constitution.

It is also a significant move toward the expedited confirmation of qualified judges. We will continue to call on the U.S. Senate to aggressively fulfill its duty to promptly and thoroughly consider the nominees it receives from the president.

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