

What the Senate Judiciary Committee Republicans Say They Will Do With President's Supreme Court Nominee

In a letter addressed to Senate Majority Leader Mitch McConnell (R-Ky.), the Republicans on the Senate Judiciary Committee unanimously made their intentions known regarding a potential Supreme Court nominee from President Obama.

No hearings. No votes.

"Accordingly, given the particular circumstances under which this vacancy arises, we wish to inform you of our intention to exercise our constitutional authority to withhold consent on any nominee to the Supreme Court submitted by this president to fill Justice Scalia's vacancy," he letter stated. "Because our decision is based on constitutional principle and born of a necessity to protect the will of the American people, this Committee will not hold hearings on any Supreme Court nominee until after our next president is sworn in on Jan. 20, 2017."

The letter was signed by chairman Chuck Grassley (R-Iowa) and committee members Orrin Hatch (R-Utah), Jeff Sessions (R-Ala.), Lindsey Graham (R-S.C.), John Cornyn (R-Texas), Mike Lee (R-Utah), Ted Cruz (R-Texas), Jeff Flake (R-Ariz.), David Vitter (R-La.), David Perdue (R-Ga.) and Thom Tillis (R-N.C.). The letter further states:

"As we mourn the tragic loss of Justice Antonin Scalia, and celebrate his life's work, the American people are presented with an exceedingly rare opportunity to decide, in a very real and concrete way, the direction the Court will take over the next generation. We believe The People should have this opportunity."

The letter invoked the comments of current Senate Minority Leader Harry Reid (D-Nev.), who in 2005 said, "The duties of the Senate are set forth in the U.S. Constitution. Nowhere in that document does it say the Senate has a duty to give the Presidential nominees a vote. It says appointments shall be made with the advice and consent of the Senate. That is very different than saying every nominee receives a vote."

Additionally, Vice President Joe Biden, as chairman of the Senate Judiciary Committee himself in 1992, invoked what later became known as the "Biden Rules" that in part said no Supreme Court nominees would be considered during a presidential election year. Grassley mentioned the Biden Rules during a floor speech given Monday in the Senate.

"It is my view that if the president goes the way of Presidents Fillmore and Johnson and presses an election-year nomination, the Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over," Biden said in 1992.

The letter also notes longstanding Senate precedent:

"Not since 1932 has the Senate confirmed in a presidential election year a Supreme Court nominee to a vacancy arising in that year. And it is necessary to go even further back—to 1888—in order to find an election year nominee who was nominated and confirmed under divided government, as we have now."