Prepared Statement for the Record by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
November 30, 2017

Since Senators brought the issue up, I want to briefly make a few comments regarding yesterday's nominations hearing and the blue slip history.

My colleagues made some statements yesterday regarding the blue slip courtesy that suggest I'm abandoning the 100-year tradition. Clearly, they didn't read my floor statements or they're choosing to ignore the 100-year history of the blue slip.

First, I've said repeatedly that I'm maintaining the blue slip courtesy. I'm keeping the policy that the vast majority of my predecessors had. A negative or unreturned blue slip will not necessarily prevent a hearing unless the White House failed to consult with home-state senators. This policy comes directly from a long line of practice including Chairman Joe Biden's letter to President George H.W. Bush in 1989.

Of course, Senator Leahy had his preferred blue slip policy, which required both home state senators to return blue slips before he'd schedule a hearing. That was his prerogative as Chairman. But it was out-of-step with historical practice. And it's not my blue slip policy.

Second, my colleagues have accused me of having a different blue slip policy for President Obama's nominees in 2015 and 2016. This isn't true. Five of the nominees who didn't receive a hearing were district court nominees. As I've explained repeatedly, I'm unlikely to proceed on district court nominees without two positive blue slips.

It's worth mentioning that my *Des Moines Register* op-ed—which Senator Franken brought up yesterday—concerned two district court nominees. Nothing in the editorial suggests I planned to strictly require two positive blue slips from home-state senators for circuit court nominees.

With respect to the four circuit court nominees who didn't receive hearings, I explained yesterday that their nominations simply came too late in the Congress to process. They were nominated in a presidential election year. Assuming a similar timeline as Justice Stras's nomination, we wouldn't have held a hearing for these nominees until July 2016—during the political conventions and when the Leahy-Thurmond Rule presumptively barred additional confirmations.

I also pointed out that these four nominees lacked floor support and it would've been a waste of time and resources to proceed. That was my judgment as chairman. Senator Leahy similarly refused to hold hearings for six circuit court nominees for a variety of reasons that didn't involve blue slips. Likewise, my decision not to hold hearings for these four nominees wasn't based solely on the lack of blue slips.

Finally, any suggestion that I dragged my feet in scheduling hearings during the final two years of the Obama Administration is untrue. I held hearings for 54 judicial nominees, not far off from Senator Leahy’s hearings for 57 nominees in the final two years of the Bush Administration.

-30-