

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Hearing on Judicial Nominations
January 24, 2018**

Good morning. Welcome everyone to this year's second nominations hearing.

Today, we'll hear from two panels. On the first panel we'll hear from Michael Brennan, nominated to serve as a Circuit Court Judge on the 7th Circuit. And on the second panel, we'll hear from a nominee to the District Court of Colorado and the nominee to Chair the Privacy and Civil Liberties Oversight Board.

Before I turn to the Ranking Member, I'll say just a few words about Mr. Brennan's nomination to the 7th Circuit. He is nominated for a Wisconsin-based seat that has been vacant since 2010. Mr. Brennan comes to the Committee today with bipartisan support, an impressive legal career—including experience in both the public and private sector, and as a state judge—and a "Well Qualified" rating.

Senator Ron Johnson returned his blue slip for Mr. Brennan. Senator Tammy Baldwin declined to return hers.

I've nevertheless concluded that Mr. Brennan should receive a hearing. As I've explained, a negative or unreturned blue slip won't necessarily prevent a Circuit Court nominee from receiving a hearing, unless the White House failed to consult with home-state senators before choosing the nominee.

After reviewing the record, it's clear the White House adequately consulted with Senator Baldwin regarding the nomination. In addition to Mr. Brennan, the White House also considered two candidates Senator Baldwin suggested.

Senator Baldwin expressed to me that she's frustrated by the state of Wisconsin's judicial nominating commission, which has been dysfunctional and unable to recommend candidates for judicial vacancies. While I sympathize with this concern, the commission's current shortcomings can't be allowed to impede the President's constitutional duty to appoint federal judges.

I'll also note that Senator Johnson returned his blue slip for President Obama's most recent nominee for this seat last Congress, even though the commission had also failed to act in accordance with its charter in that situation. I held a hearing for this nominee, and he was voted out of the Committee.

Finally, Mr. Brennan was the only candidate to receive bipartisan support from the commission last year. Based on the facts of the recommendation and the White House's consultation with both Senators, today we're moving forward on Mr. Brennan's nomination.