

Statement for the Record | Senator Kamala D. Harris
Senate Judiciary Committee | May 22, 2019

Today, the Senate Judiciary Committee is holding a hearing on Daniel Bress, nominee to the U.S. Court of Appeals for the Ninth Circuit, despite the fact that California's two senators have not returned blue slips for this nomination.

Daniel Bress has been nominated to a federal judgeship in California, but he has lived and practiced law in the Washington, D.C. area for more than a decade. He clerked for two federal judges on the East Coast. And he has voted in Virginia for roughly the last decade. Simply put, Daniel Bress is not a California lawyer. He lacks strong ties to the California legal community that would appear in his courtroom every day. That is why I strongly oppose his nomination to the Ninth Circuit.

But more broadly, the nomination of Daniel Bress reaffirms that the blue slip has been completely eliminated at the circuit court level. When the Senate Judiciary Committee allows a nominee from a different state to fill a federal appeals court vacancy, it is clear that the blue slip has no currency going forward. And if this is the path we have decided to take, then it seems unlikely that the blue slip will be protected in other circumstances. Having discarded the blue slip on the circuit level, Senate Republicans should not expect to have it restored under a Democratic majority.

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