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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

October 15, 2018

The Honorable Dianne Feinstein
Ranking Member
United States Senate Committee on the Judiciary
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

I write in response to your request that I postpone, for a second time, the nominations hearing scheduled for October 17, 2018. You agreed to the October 17 hearing date with full knowledge that the Senate could go into recess before then. And you specifically agreed not to object to the timing of hearings scheduled for October 10, 17, and 24.

As you might recall, the Judiciary Committee was originally scheduled to hold a hearing on September 26 for two Sixth Circuit nominees and three district court nominees. The Committee was also scheduled to hold a hearing for a Fourth Circuit nominee and five district court nominees on October 10. You agreed to these hearings in August.

Although I fully intended to hold the hearing on September 26 as scheduled, I agreed to postpone it for one week as an accommodation and a courtesy to you. The following week, you requested a second postponement, which I accommodated. This forced me to postpone the hearing scheduled for October 10—again, as a courtesy to you. In short, I postponed the September 26 hearing *twice* and already postponed the October 10 hearing *once*. These were done as accommodations to you and with your full agreement.

Yet, you have requested that I postpone a lower court hearing for the *fourth time*. It's unfair to the nominees, who have already flown to Washington, D.C. and made travel arrangements for their families, to further delay this hearing. And it's unfair to the American people. As a result of Democratic delay tactics, there are now 154 current and future judicial vacancies, 63 of which are classified as judicial emergencies. The judiciary simply cannot afford further obstruction from your side.

You admit that it's not unprecedented for the Committee to hold hearings during recess. You argue that it's unprecedented to do so without the minority's consent. But you neglect to mention that you *consented* to hearings scheduled for October 10, 17, and 24. You made this agreement after I accommodated your numerous requests for postponements and with full knowledge that it was

possible the Senate would go into recess in October. And you specifically agreed not to object to these hearing dates when I rescheduled them at your request.

Therefore, I will not be able to grant your request for a fourth postponement. The hearing will proceed as we agreed on October 17.

Sincerely,



Chuck Grassley
Chairman