

Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Hearing on Nominations
November 13, 2018

Good morning and welcome to all the nominees and their families.

I'd like to briefly mention why we're holding a hearing for Paul Matey despite the lack of two positive blue slips from his home-state senators. My policy is that unreturned or negative blue slips will not necessarily preclude a hearing for a circuit-court nominee, unless the White House failed to consult with home-state senators. This is consistent with the blue-slip policies of nearly all 18 prior Judiciary Committee chairmen who extended the blue slip courtesy, including Chairmen Ted Kennedy and Joe Biden.

Only two chairmen had strict policies requiring the return of two positive blue slips before holding a hearing: Chairman Patrick Leahy, who allowed members to use blue slips to block President George W. Bush's judges, and Chairman James Eastland, who allowed southern senators to use blue slips to block the appointment of judges who were sympathetic to *Brown v. Board of Education*.

What Democrats' objections today are really about is buyer's remorse for abolishing the filibuster in 2013. Back then, Democrats believed that 41 senators should not be able to block a nominee with majority support. Now they claim the right for two senators to have that authority. I will not allow the blue slip to be abused for political or ideological reasons.

It's clear the White House adequately consulted with the New Jersey senators regarding Mr. Matey's nomination. The White House first reached out to the New Jersey senators in April 2017. The White House made several extremely generous offers in an attempt to reach an agreement with the senators regarding all federal court vacancies in New Jersey. There are now six such vacancies. In the yearlong consultation period, the New Jersey senators did not agree to even meet with Mr. Matey nor did they recommend anyone else for the vacancy. And the only reason the New Jersey senators gave for the reluctance to agree to Mr. Matey's nomination is that he was "too conservative."

In my opinion, the White House attempted meaningful consultation, but their efforts were not reciprocated. The New Jersey senators declined to return their blue slips for political and ideological reasons. I don't consider this a valid reason for declining to hold a hearing.

I would now like to turn it over to the Ranking Member for any opening remarks.