

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

November 13, 2018

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairman Grassley:

We write to request second hearings for the nominees who appeared before the Committee on October 17 and 24, during a month-long recess of the Senate.

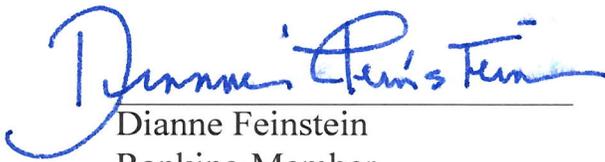
We previously asked you to reschedule these hearings for when the Senate was back in session. Unfortunately, the hearings – which included controversial nominees for the Fourth and Ninth Circuits – went forward, even though no Democratic members and fewer than three Republican members were able to attend both hearings – meaning over 85 percent of Committee members were unable to attend.

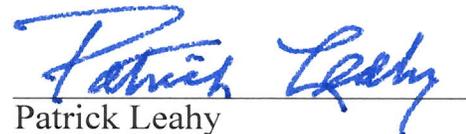
In addition, every other Senate Committee that had previously scheduled hearings when the Senate went into recess postponed their hearings. And, as you know, holding nominations hearings during a recess had never been done before in this Committee without the consent of the minority.

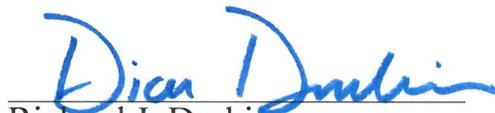
We take our constitutional duty to evaluate nominees for lifetime appointments to the federal bench seriously. Providing the Senate with a meaningful opportunity to question nominees in a public hearing is a key part of that process. When Republicans were in the minority, you and other members defended your role zealously. For example, Republicans demanded a second hearing for Judge David Hamilton, an Obama nominee, in a letter to Chairman Leahy which read, in part, “consideration of the views of the minority is one of the hallmarks of the United States Senate, and the importance of minority participation is enshrined in numerous Senate and Committee Rules.” In response, Chairman Leahy granted the request for a second hearing. We ask you do the same here.

The nominees who appeared before the Committee on the 17<sup>th</sup> and the 24<sup>th</sup> are scheduled for the Committee markup this week. We respectfully ask that you postpone further Committee action and invite these nominees back for a second hearing, as has been done in response to Republican requests in the past in order to allow for meaningful participation of both the majority and the minority in the nominations process.

Sincerely,

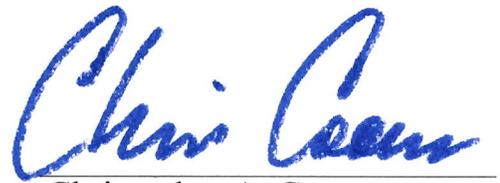
  
Dianne Feinstein  
Ranking Member

  
Patrick Leahy  
United States Senator

  
Richard J. Durbin  
United States Senator

  
Sheldon Whitehouse  
United States Senator

  
Amy Klobuchar  
United States Senator

  
Christopher A. Coons  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Mazie K. Hirono  
United States Senator

  
Cory A. Booker  
United States Senator

  
Kamala D. Harris  
United States Senator