

GIVING QUALIFIED JUDGES AN OPPORTUNITY TO SERVE

Wednesday, Senate Majority Leader Bill Frist (R-TN) is expected to bring up Justice Priscilla Owen (TX) and Justice Janice Rogers Brown (CA) for Senate confirmation. To help put a face on the debate, Members could highlight the qualifications of these very qualified nominations:

- Both Justices Priscilla Owen and Janice Rogers Brown have bipartisan, majority support and are well qualified to serve on the bench.
- Both will make good judges who will strictly interpret the law, not make the law.

Top Five Message Points

1. Do not refer to the “nuclear option” – it should be called the constitutional option.
2. The Senate will ~~not be changing the rules~~ – if we use constitutional option, it is restoring precedent and 200 years of tradition.
3. Repeat, repeat, repeat these statements – “The Democrats’ judicial obstruction is unprecedented,” and “All judicial nominees deserve a fair, up or down vote on the Senate floor.”
4. No one is trying to remove the legislative filibuster – if the Senate acts, it’s only to end the unprecedented judicial filibusters of majority-supported nominees that started in 2003.
5. Democrats used filibuster to block votes – other cloture votes in past were to work out differences to bring nominees to a vote – that’s the difference – all 10 filibustered nominees (seven re-nominated) have bipartisan, majority support and would be serving on the bench now if it weren’t for the Democrats playing politics.

← *bamboozlement instructions*

Democrats’ partisan obstruction of President Bush’s judicial nominees is unprecedented.

- Never before has a judicial nominee with clear majority support been denied an up-or-down vote on the Senate floor.
- In 2003, the Democratic minority unilaterally changed the rules to require a new confirmation standard of 60 votes, instead of 51, for certain judicial nominees.
- A minority of Democrats used partisan filibusters to permanently block votes for 10 qualified, majority-supported appeals court nominees, and threatened 6 others.
- Now with seven of the 10 re-nominated, the minority is making irresponsible threats to shut down the Senate if they don’t get their way.

Republicans’ Exhaustion of Debate and Deliberation

- Republicans have sought only one thing in the standoff – a fair, up-or-down vote – but Democrats refuse to compromise.
- Democrats can’t blame their partisan obstruction on a lack of deliberation. The Senate devoted far more time to debate in the 108th than any previous Congress.
- When asked how many hours Democrats needed to debate Priscilla Owen, Sen. Harry Reid said, “There is not a number in the universe that would be sufficient.” (*Congressional Record*, April 8, 2003)

This is an issue of fairness and constitutional duty to provide up-or-down votes for all nominees who reach the floor.

- Every judicial nominee deserves a fair, up-or-down vote.
- All Senators have a duty to give advice and consent by voting yes or no.
- Republicans have devoted more than 150 hours to debating judicial nominees and tried repeatedly to reach a compromise that would allow up-or-down votes.

Ending judicial filibusters safeguards the balance of power and will not affect legislative filibusters.

- Constitutional principle demands that the Senate act to restore more than 200 years of precedent and guarantee fair treatment for all judicial nominees.
- The majority continues to support the legislative filibuster due to its longstanding place in Senate tradition, unlike the judicial filibuster, which always was rejected.
- The majority is committed to upholding the separation of powers and our system of checks and balances, which includes an independent judiciary.

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