

March 19, 2015

(202) 626-8820

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

Dear Chairman Grassley:

The National Right to Life Committee (NRLC), the federation of state right-to-life organizations, strongly commends your work to prevent reimposition of a supermajority requirement for confirmation of nominees to the federal judiciary.

There have been unconfirmed reports that during Senate consideration of a pending executive branch nomination, some senator may raise a point of order that would, in effect, force a vote on whether to reimpose the supermajority requirement. We hope that this does not occur, but if it does occur, we strongly urge you and your colleagues to vote to preserve the current practice regarding nominations.

We are aware that some Republican senators advocate “going back” to the interpretation of Rule XXII that preceded the exercise of the “nuclear option” by Majority Leader Reid in 2013. But in reality, no matter what Rule XXII says at any given time, there is no way to prevent the other party from returning to the 50-vote threshold any time they gain the majority and choose to again employ the “nuclear option” process. Thus, the notion of “going back” is based on self-deception or wishful thinking. If acted on, it would establish a destructive asymmetry, under which Republican presidents with Republican Senate majorities will enjoy far narrower options in making viable nominations to the federal courts than do Democratic presidents with Democratic Senate majorities – undermining efforts to restore the federal judiciary to its constitutionally proper role. To make such a change merely to block a short-term executive branch nomination could prove a pyrrhic victory indeed.

Moreover, as these matters are debated, we urge you and your colleagues to refrain from issuing pledges to never employ the “nuclear option” in the future. Such pledges may fail to fully take into account the exigencies that may arise, and amount to another form of unilateral disarmament.

Respectfully,



Douglas D. Johnson
Legislative Director