

Senator Minority Leader Chuck Schumer

Senate Floor Remarks

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Madam President, tomorrow the Rules committee will markup Senator Lankford's resolution to change the rules on the consideration of nominees to benefit the Senate majority. Of course the majority in the Senate can already approve of the nominations on a party line vote for all nominees up to and now including the Supreme Court since Leader McConnell elected to change those rules last year. Why the need for further erosions to minority rights in the Senate? Republicans argue it's because their facing, "historic obstruction of the president's nominees."

A few points on that. First and foremost, the truth is the Democrats have cooperated with the majority of noncontroversial nominees, like career ambassadorships and civil servants for a long time now. Before each recess there is a long list of names that are approved. Before the last recess, the Senate had confirmed as nearly as many nominations in 2018 as President Obama had confirmed in the analogous year, 2010. Let me repeat that before the last recess the Senate has confirmed almost the exact same number of nominees in 2018 as President Obama had confirmed in 2010, the second year of his presidency. So this idea that it's historic, bunk. You can tell it's bunk because the President and Vice President at the same time our Republicans and even the President himself on some days complains about obstruction, on other days the President and Vice President are boasting about how many judges they filled on the bench. This morning President Trump said, "We put on a tremendous amount of federal district court judges. We are setting records." Well, I say to my Republican friends and the President, you can't have it both ways, on the one hand historic obstruction and on the other a record pace of confirmations that your brag to your base about. You can't have it both ways. It is hypocrisy.

A second point. The Republican majority has already taken brazen steps this congress to limit minority rights on nominations. I mentioned the leader breaking the rules on Supreme Court nominees. Let's not forget he broke the rules after letting Merrick Garland sit there, and not allowing a nomination. It takes a lot of gall to complain about obstruction when Leader McConnell open the gates to obstruction; made obstruction his watch word, when he did when he did to Merrick Garland. And he didn't stop. The Republicans have not stopped this year. The Republicans engaged in hard ball tactics at the district and circuit court levels. Here's what happened. Take the seat that's vacant on the seventh circuit. Because Senator Leahy, then chairman, and later Senators Hatch and Grassley, honored the blue slip, a seat in the seventh circuit that belongs to Wisconsin was held open for six years, six years, by refusing to approve two nominees by President Obama. Now the President has nominated a very conservative judge, Michael Brennan, who failed to earn the recommendation of the bipartisan commission - respected in Wisconsin, set up by both senators, Baldwin and Johnson, one a democrat, one a republican to recommend federal nominees, but this administration has no concern about the real qualifications of the judges as long as they meet the hard right checklist. Despite the fact that Senator Baldwin has not returned a blue slip for Mr. Brennan, chairman Grassley moved him out of committee anyway. The second time chairman Grassley ignored the blue slip tradition. The blue slip tradition was faithfully honored by Senator Leahy when he was chairman. Our Republican colleagues used it to an

extent that certainly be, "historic obstruction." Six years a seat was vacant on the circuit court and not the only one that had long-term vacancies.

(4:33-4:57) And now all of a sudden because Democrats want to discuss this, mull this for few days, Senator Lankford wants to change the rules. I know he only came to the Senate in 2014, but he ought to look a bit at the history before he gets into high dudgeon.

The issue of nominations has been fraught and it's true there have been escalations on both sides. I'd be the first to say that. Democrats, despite the rhetoric from the majority party, have worked this year in good faith to clear noncontroversial nominations expeditiously. When nominees require vetting, the Senate should have the tools to consider them thoroughly because clearly this administration is not taking the task of vetting seriously. And this is a final argument there are many good ones I'd like to make. This Trump administration has done the worst job of vetting nominees than any administration I can remember. It seems a slap dash process. So, they had to withdraw the nominee from the Labor Department because he wasn't properly vetted, fired the secretaries of HHS and VA and face a host of other controversies with staff and turnovers. I dare say if Mr. Pruitt had been properly vetted they may never have nominated him given what we've found out. And now we hear that the new nominee for V.A. Secretary, the President's personal doctor, is on hold because of some troubling allegations. How did he get through the process with all of these allegations, not even being made public? My guess, not proper vetting. I wasn't there, but it's speculative that maybe one day that the president, who we know acts on impulse, had this nominee in the room, his doctor, and said, hey, let's put you up without any vetting. So the President is putting forward nominees without appropriate vetting. It's our job to vet and we will not be rushed through, particularly when this administration has such a poor record of looking at the qualifications and the problems that each nominee brings.

(7:03-7:26) More than ever -- more than ever with this president it's the Senate's job to advise and consent, not be a rubber stamp. So the rules changed proposed by Senator Lankford is totally unmerited, inadvisable, and lacks any knowledge of history of the Senate.

You know, we're trying to return to some comity here. The Omnibus Bill was very good working between Speaker Ryan, Leader Pelosi, Leader McConnell, and myself. We are going to talk about doing the Appropriations process on regular order and going back to the days when we did that which I know the majority leader wants to do that as do I, as does Senator Shelby as does Senator Leahy. Something like this, so partisan and so unfair and so unacknowledging of the history that has gone before doesn't help the sense of comity in the Senate. I urge Republicans and Democrats alike on the rules committee to reject this terribly ill-advised proposal.

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