

# United States Senate

WASHINGTON, DC 20510

September 7, 2017

Donald F. McGahn II  
White House Counsel  
The White House  
1600 Pennsylvania Ave.  
Washington, DC 20500

Dear Mr. McGahn:

We are writing today to inform you that, as previously communicated, in order to properly serve the interests of Oregonians we cannot return a blue slip on any judicial nominee that has not been approved by our bipartisan judicial selection committee.

As you are aware, in May, we wrote you to explain Oregon's long bipartisan tradition of working together to identify the most qualified candidates for judicial vacancies. As Senators charged with the task of advice and consent in the selection of candidates, we take our responsibility to identify and recommend candidates to fill Oregon judicial vacancies very seriously. We have a long history of organizing a committee charged with thoroughly vetting applicants from the Oregon legal community. At that time, we communicated our intent to begin our selection process with the goal of providing you with a list of names for you to consider. We encouraged you to direct all potential nominees to our selection committee.

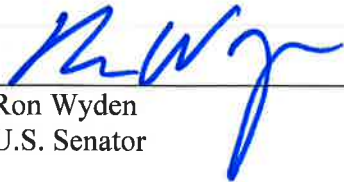
In the meantime we attempted to accommodate your desire for speed by expressing a willingness to expedite U.S. District Judge Marco Hernandez, an excellent, currently serving, Republican-appointed federal judge who has already been through the thorough vetting process. We have also moved to provide you qualified candidates for additional vacancies. In August, as promised, we provided you with recommendations for two positions: United States Marshal for the District of Oregon and United States Attorney for the District of Oregon.

Unfortunately, it is now apparent that you never intended to allow our longstanding process to play out. Instead, you have demonstrated that you were only interested in our input if we were willing to preapprove your preferred nominee. Disregarding this Oregon tradition returns us to the days of nepotism and patronage that harmed our courts and placed unfit judges on the bench. The judicial selection process is not a rubber stamp, and the insinuation that our offices were purposefully delaying the process is an indication of the partisanship with which you are pursuing this nomination.

Throughout this process, we have maintained regular and open communication with you and your staff. As you mentioned, our staffs have spoken on the phone numerous times over the summer. We have kept you updated on our progress and we have attempted to accommodate your desire for timeliness. Together with Congressman Walden, we are soliciting applications and adhering to our longstanding bipartisan process. As we have made clear, we do not intend to


return our blue slips for Ryan Bounds or any other nominee that has not been selected through our judicial selection process. We have been working in good faith to conduct our process and look forward to providing you with the results expeditiously once the process is complete.

Sincerely,



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Ron Wyden  
U.S. Senator



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Jeffrey A. Merkley  
U.S. Senator

cc: The Honorable Chuck Grassley  
Chairman  
U.S. Senate Committee on the Judiciary

The Honorable Dianne Feinstein  
Ranking Member  
U.S. Senate Committee on the Judiciary