

EDITORIAL BOARDS AROUND THE NATION RECOGNIZE NEED TO FILL D.C. CIRCUIT U.S. COURT OF APPEALS & HOLD YES-OR-NO VOTES ON NOMINEES

EDITORIAL: Our View: Collins, Senate make right move on rules; A bipartisan coalition agrees that it's better to function than it is to fight over process. (*Portland Press Herald [ME]*, 07/18/13)

"Three nominations for vacancies on the U.S. Court of Appeals for the D.C. Circuit are also expected to come forward this summer, but their future is less certain. Republicans have filibustered one candidate for an opening on the court earlier this year and allowed another to be confirmed. Collins has joined other Republicans who say they think the court is big enough already and doesn't need any more judges. We hope the events of this week will change the Republican position on these confirmations. They should each get an up-or-down vote based on their qualifications, while opponents try to change the size of the court by passing a law."

Editorial: Approve judicial nominees (*Daily Iowan*, 06/19/13)

"President Obama nominated three high-profile lawyers to fill the vacancies on the U.S. Court of Appeals for the District of Columbia.... Grassley's analysis is little more than partisan blustering. Unlike the attempted 1937 court-packing power grab by Roosevelt, Obama is not seeking to create new seats on the Court of Appeals to tilt the court's partisan balance in his favor. Obama seeks only to fill judicial vacancies in accordance with his Constitutional job description.... Grassley argues that the court's relatively low caseload requires such a reduction in seats, but an April report from the nonpartisan Judicial Conference of the United States, a group led by Roberts, recommended keeping the number of judges on the D.C. court at 11. The actions and the rhetoric of Grassley and the rest of his Senate partisans smack ultimately of obstructionism."

The Register's Editorial: Grassley's 'court-packing' analogy goes astray: An independent commission, not politics, should guide the distribution of federal appeals judges (*Des Moines Register [IA]*, 06/17/13)

"Rather than adding judges to the federal appeals court, Obama is proposing to fill three existing vacancies on the appeals court, which is allotted 11 full-time judgeships by Congress. Filling vacancies on the federal courts is the president's constitutional duty. Unless any of the three is found to be unsuited for the bench, the Senate should confirm them.... U.S. Chief Justice John Roberts, an alumnus of the D.C. circuit, explained in a law review article that, because of the nature of the cases the D.C. circuit hears, the court is unique among the appeals courts. In any case, if there were a workload imbalance, you might think the federal judges who administer the appeals courts would have recommended this change. But they have not. ... Grassley voted with the majority to confirm all three of Bush's appointments to the court during his presidency, bringing the court to its full complement of 11 judges."

Obama not guilty of 'court packing': Our view; Filling existing vacancies is his job. (*USA Today*, 06/16/13)

Editorial: in an outbreak of Orwellian word-twisting, at least three leading Senate Republicans are accusing President Obama of trying to "pack" the nation's second most important court, the federal Court of Appeals for the District of Columbia Circuit. Obama's supposed offense? This month, he nominated three people to fill open seats on the D.C. Circuit. Which is what presidents are supposed to do. The ludicrous "court packing" charge — made by Sen. Chuck Grassley of Iowa, the

top Republican on the Judiciary Committee, and others who ought to know better ...the unusually complex cases the D.C. Circuit hears give it one of the most challenging and time-consuming dockets of any circuit court....Filibusters should be used only to stop nominees who are clearly unqualified or outside the broad judicial mainstream. And presidential elections should matter."

THE WEEK THAT WAS: It was a bad week for ... (*Arkansas Times*, 06/13/13)

"U.S. REP. TOM COTTON. Never one to shy away from serving up half-baked ideas meant to stimulate the teabag vote, Arkansas's Fourth District congressman accused President Barack Obama of "court packing" after Obama nominated three judges to the D.C. circuit of the U.S. Court of Appeals. The president is constitutionally charged with nominating judges to fill vacancies on the federal bench, and there are three vacancies on the D.C. circuit."

Our Views: Less politics on judgeships (*Advocate [Baton Rouge, LA]*, 06/12/13)

Editorial: The slow-walking of judicial nominations is unacceptable....Obama has selected three apparently qualified nominees for the District of Columbia appeals court. We have no doubt they are liberals; if Mitt Romney were president, they would be conservatives. One of Obama's nominees is a sitting judge, and one of them served in the Bush administration; overall, there are no surprises here. The three are qualified and deserve a quick and respectful hearing in Judiciary, and then an up-or-down vote on the Senate floor."

Editorial: Stop abusing the confirmation process (*Tampa Bay Times [FL]*, 06/07/13)

"Despite President Barack Obama's re-election, Senate Republicans still are filibustering highly qualified Cabinet-level and judicial picks to hamper the executive and judicial branches. Government and the courts cannot effectively function without confirmed appointments.... Obama wants the Senate to promptly confirm three new nominees to the U.S. Court of Appeals for the District of Columbia, the nation's second most important court after the U.S. Supreme Court. Senate Republicans would rather reduce the number of seats on the appeals court than allow Obama to fill them. ...Democrats should drop the nuclear option, and Republicans should quit abusing the confirmation process."

Editorial: Filibuster: Thwarting democracy (*Charleston Gazette [WV]*, 06/07/13)

"But now the far-right clique calls filibusters frequently and no talkathon is needed. ... This week, President Obama is preparing to nominate three judges to U.S. District Court in Washington -- and Senate Republicans plan to filibuster to obstruct them. (Sen. Charles Grassley, R-Iowa, even has drafted a bill to abolish the three court seats, rather than let Obama fill them.) ... Preferably, Senate rules should be changed to abolish filibusters entirely."

Our View: Filling vacancies is not 'packing the court' (*Idaho Mountain Express*, 06/07/13)

"President Obama nominated three people to fill empty judicial seats on the District of Columbia Court of Appeals this week. Unless someone amended the U.S. Constitution without telling anyone, the president is responsible for naming justices to federal courts. It is Congress' job to approve or reject those nominees....When McConnell on Tuesday signaled he might not let any of Obama's nominees to the powerful D.C. Circuit Court of Appeals come to a vote, no matter how qualified those nominees, he ignored his constitutional responsibility."

Editorial: Let Kansan Sri Srinivasan be the first of many federal court confirmations (*Kansas City Star*, 06/06/13)

"On Tuesday, the president nominated three people to fill the remaining vacancies on the D.C. appeals court. It's a start....The federal judiciary is in crisis. Courts lack judges to keep up with their caseloads. The current environment also discourages the most qualified people from seeking appointment. Why submit to rigorous public scrutiny when there is a good chance you will never even get a confirmation vote? ... The president must follow through with even more nominees. Republicans must stop blocking them except in extreme circumstances.... A couple of years ago, the two Kansas senators obstructed a nominee to the 10th Circuit Court of Appeals in Kansas City, Kan. The nominee, former Kansas Attorney General Steve Six, was qualified, but anti-abortion groups did not approve of him. The unexpected rejection of Six is cited as a reason for the gridlock on nominations."

Editorial: Obama's nominations will test Reid's ability to lead (*Reno Gazette-Journal* [NV], 06/05/13)

"Democrat Reid, the Senate majority leader, will have to work some political magic in the Senate to win approval of the judges or make Republicans pay a high price for their obstructionism....Republicans are trying to prevent Obama from naming any more judges to the D.C. circuit court. Sen. Chuck Grassley, R-Iowa, top Republican on the Senate Judiciary Committee, has proposed eliminating the three unfilled seats and accused the president of trying to "pack" the court, a reference to, and distortion of, President Franklin D. Roosevelt's attempt to add seats on the Supreme Court so he could fill them with supporters of his programs. Filling vacancies, on the other hand, is the president's job."

EDITORIAL: Advise and Consent (*New York Times*, 06/05/13)

"By singling out the District of Columbia Circuit through sabotage of previous nominations, and by threatening to reduce the court's size to forestall new Obama appointees, Republicans have caused something not far from a crisis in our constitutional system....Senators Mitch McConnell and Charles E. Grassley have contended that in making this trio of nominations, the president is "court-packing," as if he were improperly adding seats to the court. ...It is Mr. Grassley who wants to change the size of the court, by eliminating the three seats for which the president has just made nominations, so Republican-appointed judges can maintain influence on a court that often rules on important regulatory and governmental issues."

Nuke 'em, Harry: Reid should break the minority's filibuster grip (*Pittsburgh Post-Gazette* [PA], 06/05/13)

"One of the worst areas in which the Senate has shut itself down is judicial nominations. Many nominees have not been confirmed a year or more after the president sent their names to the Senate. The motive is simple: Republicans do not want more liberal judges on the federal bench. But instead of insisting on moderation, as they claim, they are simply refusing to fill vacancies....what is happening now is an unprecedented power grab....This president, like others, deserves to staff his administration. Courts cannot do justice with empty benches."

Editorial: Senate showdown; A fight over Obama's judicial nominees and other appointees is about the politics of minority rule in the Senate (*Toledo Blade* [OH], 06/04/13)

"One of the worst areas in which the Senate has shut itself down is judicial nominations. Many nominees have not been confirmed a year or more after the President sent their names to the Senate. Other nominations never got made, because Republican senators refused to send recommendations to Mr. Obama — a traditional Senate function.... what is happening now is an

unprecedented power grab. The filibuster threat is used to block not an occasional nomination, but most nominations. So Mr. Obama is picking a fight. He is nominating three judges to the U.S. Court of Appeals for the District of Columbia, which is second in importance among federal courts only to the Supreme Court....This president, like any other, deserves to staff his administration. Courts cannot do justice with empty benches."

Mr. Wilkins goes to the Senate; Our view: The man who successfully fought against racial profiling in Maryland is now treated as a political pawn by Senate Republicans (*Baltimore Sun*, 06/04/13)

"Today, Mr. Wilkins faces a new kind of discrimination. Now employed as a federal district court judge, he was one of three people nominated to fill vacancies on the U.S. Court of Appeals for the District of Columbia Circuit today by President Barack Obama. Republicans are already lining up to oppose those nominations with charges that Mr. Obama is "packing the court," even though he is merely filling three unoccupied seats on the 11-member bench.... But what's going on here appears to be an effort to keep power in the hands of conservative judges who can block the kind of federal regulations — those designed to keep the environment clean or perhaps protect consumers or prevent bank failures — that the GOP so often find distasteful. That's shameful, and what an irony that this sort of discrimination is being perpetrated against Judge Wilkins."

Editorial: Rep. Grassley should pack it in (*Daily Review [Towanda, PA]*, 06/03/13)

"President Obama plans to nominate three candidates to fill all three vacancies on the 11-member court, to which Republican presidents have made 15 of the last 19 appointments. In an extraordinary act of hypocrisy, Sen. Charles Grassley, an Iowa Republican, has labeled as "court-packing" the president's intention to exercise his constitutional authority to appoint judges to existing open seats. He has introduced a bill to reduce the number of seats from 11 to eight, which would preserve the conservative majority now on the court - court-packing in reverse....when the D.C. Circuit's caseload was lighter he vigorously promoted President George W. Bush's appointments to fill all 11 seats. Caseloads aren't a matter of numbers alone. The D.C. Circuit handles some of the most complex cases in the federal court system and should have its full complement of judges to do so."

Editorial: To break D.C. logjam, Sen. Reid should revive the 'nuclear option'; The GOP is threatening to block Obama from filling three seats on a key appellate court in Washington. If it continues, Sen. Reid should revive the 'nuclear option' to halt judicial filibusters. (*Los Angeles Times*, 06/02/13)

"As President Obama prepares to nominate three new judges for what is probably the nation's most important federal appeals court, Republicans in the Senate are escalating their attempts to stand in his way.... Sen. Chuck Grassley (R-Iowa), the ranking Republican on the Senate Judiciary Committee, has accused Obama of trying to "pack" that court and has introduced legislation to abolish the three seats Obama plans to fill and reallocate two of them to supposedly busier regional appeals courts. ... filling existing vacancies isn't "packing" the court. If anyone is emulating FDR it's Grassley: Like Roosevelt, he wants to manipulate the number of seats on a court as a way to shape its decision-making.... studies have shown that appellate judges are influenced toward moderation by their colleagues. One study found a "dampening" effect on the views of Republican-appointed judges in environmental cases when they served on a panel with one or two Democrat-appointed judges....If Obama nominates three qualified candidates for the remaining vacancies on the D.C. Circuit and

Republicans filibuster or drag their feet, pressure will increase on Senate Majority Leader Harry Reid (D-Nev.) to revisit the issue of the "nuclear option." "

Editorial: What Makes the D.C. Circuit Different? (*New York Times*, 06/01/13)

"Senator Charles E. Grassley, Republican of Iowa, is pushing a bill misleadingly called the Court Efficiency Act, which would eliminate three unfilled seats on the United States Court of Appeals for the District of Columbia Circuit. Next week, President Obama is expected to nominate three highly qualified lawyers for those seats, to bring the court to its full complement of 11 active judges. The Senate should confirm them quickly.... In April, the Judicial Conference of the United States, which Chief Justice Roberts leads, told the Senate Judiciary Committee that "based on our current caseload needs," the D.C. Circuit should continue to have 11 judgeships. The Democrats should do everything they can to fill all open seats on the court. Senator Grassley's blatantly obstructionist "efficiency" plan is an insult to the Senate as well as to the appellate judges. The Judiciary Committee should torpedo the plan now, before it does serious harm to this important court."

Editorial: The Post's view: The battle over Obama's judicial nominees [Print headline: The battle over the nominees; Republicans use twisted logic in the fight over D.C. Circuit appointments] (*Washington Post*, 06/01/13)

"But it would take gall for Republicans to filibuster qualified nominees to bona fide openings on the D.C. Circuit on the grounds that Mr. Obama is trying to pack the court. That logic could be used to criticize any nomination that might upset the ideological disposition of an appeals bench. The president doesn't just get to appoint judges to vacancies when the stakes are low. Republicans had no objection to the size of the court when they voted to confirm Mr. Bush's nominees not so long ago. Now they have flipped for the sake of pure partisanship. We have enough of that in Washington already."

Editorial: Fill seats on key D.C. court (*Scranton Times-Tribune [PA]*, 05/31/13)

"The U.S. Court of Appeals for the District of Columbia Circuit widely is considered to be the nation's second most important court, ... It has exclusive jurisdiction over certain national security matters, environmental regulations and law regarding workers' rights, consumer protections and other major aspects of federal domestic policy....In an extraordinary act of hypocrisy, Sen. Charles Grassley, an Iowa Republican, has labeled as "court-packing" the president's intention to exercise his constitutional authority to appoint judges to existing open seats. He has introduced a bill to reduce the number of seats from 11 to eight, which would preserve the conservative majority now on the court - court-packing in reverse.... when the D.C. Circuit's caseload was lighter he vigorously promoted President George W. Bush's appointments to fill all 11 seats. Caseloads aren't a matter of numbers alone. The D.C. Circuit handles some of the most complex cases in the federal court system and should have its full complement of judges to do so. The Senate should reject Mr. Grassley's court-packing bill and give a fair hearing to the nominees."

Editorial: Report Card: A for Asheville economic growth ... F to Sen. Chuck Grassley, R-Iowa, for pushing the "court-packing" talking point (*Asheville Citizen-Times [NC]*, 05/30/13)

"Grassley, who is normally sensible, joined Kentucky Sen. Mitch McConnell, who normally isn't, in accusing President Obama of trying to pack the court and playing politics with plans to nominate three judges to the D.C. Circuit Court. Now politicians play politics, but the case made here is quite astonishing. ... in 2005 the Senate confirmed the 10th and 11th active judges for this court and in 2006 again confirmed the 10th active judge. In 2007 Congress moved the 12th seat out of the D.C.

Circuit, reducing its membership to 11. Now there's a push to reduce the number of seats to eight. Court unpacking, we'd say. It looks at best that there's a different set of rules being played here."

Editorial: Escalating obstruction (*Akron Beacon Journal [OH]*, 05/30/13)

"Caitlin Halligan and Goodwin Liu, two nominees with outstanding credentials, were caricatured, labeled as too liberal, their nominations eventually abandoned. ... What Republicans have done in recent years is take the practice to a new level, applying the filibuster in record numbers and devising other tactics for delay, ... regarding the D.C. appeals court, the White House has signaled its intention to put forward three nominees at once.... Republicans have countered with the unwise suggestion of reducing the size of the court, shifting the three vacancies to other appeals courts. Mitch McConnell, the Senate minority leader, even claimed that the "whole purpose" of the president is "to stack the court." Not really. The court has vacancies, and it is the president's job to make nominations. ...it shouldn't take seven years to fill a position — or anything close to that long."

Our View: Sen. Collins, GOP colleagues trying to slow government; The D.C. Circuit court should be allowed to regain full strength without political maneuvering. (*Portland Press Herald [ME]*, 05/29/13)

"Sen. Susan Collins is in the center of a showdown between the White House and Senate Republicans over judicial nominations. It's taking place over the U.S. Court of Appeals for the D.C. Circuit ... This court has the final say on complex regulatory questions, affecting environmental policy, health and safety issues and financial regulations.... Earlier this year, Republican senators (including Collins) filibustered a nomination for a vacancy on the court until the candidate withdrew. ... Now some Republican senators, again including Collins, are proposing stripping those seats from the court completely. ... without acknowledging that the kind of cases the D.C. Circuit hears can be more time-consuming than the ones other judges see. This is a move that would freeze in place the current political makeup of the court, which favors Republicans.... they should not filibuster these nominations. The Senate should be doing the people's business, not blocking it."

Editorial: Injustice in the Senate (*Times-Union [NY]*, 05/27/13)

"The federal courts are sick. The symptoms have been worsening for some time, resulting in too few judges with too many cases and slowing justice to a glacial pace. ... Over the course of President Barack Obama's tenure, Republicans in the Senate, which has the power of advice and consent on judicial nominations, have been holding up appointments of the Democratic president's nominees at both ends of the process. Republican senators are withholding their "blue slips" from the Judiciary Committee review and abusing the filibuster to hold up Senate votes. As a result, some 10 percent of the 874 federal judgeships are vacant. ... Court of Appeals for the District of Columbia Circuit. That court is arguably the most in crisis now"

Editorial: Hometown pride (*Lawrence Journal-World [KS]*, 05/21/13)

"Congratulations to Lawrence High School graduate Sri Srinivasan, whose nomination for a seat on the U.S. Court of Appeals for the District of Columbia Circuit on Thursday unanimously sailed through the Senate Judiciary Committee and is headed to the full Senate....The court to which Srinivasan is nominated hears most challenges to presidential actions and is considered one of the nation's most important."

EDITORIAL: Nuking the filibuster; If Senate Republicans won't give Obama nominees an up-or-down vote, it may be time to change the body's rules. (*Los Angeles Times*, 05/15/13)

"Senate Republicans have hijacked the confirmation process, not only to thwart individual nominees but to undermine laws they don't agree with. If they continue in their obstructionism, Senate Majority Leader Harry Reid (D-Nev.) should revisit the possibility of doing away with the filibuster for nominations."

EDITORIAL: The N.L.R.B.'s Contested Poster (*New York Times*, 05/09/13)

"The appeals court ruling is a reminder of why the court is sometimes known as the graveyard of federal regulation — and why it is good news that Sri Srinivasan, President Obama's current nominee for the court, has a good chance to be confirmed by the Senate, with strong support from conservative as well as liberal lawyers. The court has four vacancies, out of 11 seats. Republican obstructionism has blocked new appointments during the Obama administration. A decision on a subject as politically charged as this one shows why it is important to have balance on the court."

The Register editorial: Grassley wants to whittle down court (*Des Moines Register [IA]*, 04/20/13)

"U.S. Sen. Chuck Grassley has gotten a lot of attention for his proposal to reduce the size of the second most powerful federal court from 11 judges to eight. ... Grassley insists he just wants to redistribute court resources without increasing the judiciary budget. Maybe, but we don't remember Grassley having these budget concerns when Republican presidents were packing the court."

Editorial: Judicial gridlock felt in Texas; Our confirmation system is stuck in tit-for-tat, and we're starting to feel it. (*Houston Chronicle*, 04/18/13)

Sen. "Cruz, along with Sen. John Cornyn and other Republican senators, has signed on to a plan that is the near opposite of FDR's failed court packing scheme. Instead of adding judicial seats to expand presidential appointment power, the so-called Court Efficiency Act will eliminate some of the vacant seats on the D.C. Circuit Court of Appeals. But this meddling with the fundamentals of our judiciary is court packing by another name, and it does not pass the smell test. It is time to lay off the political maneuvering and get back to basics - either approve President Obama's judicial nominees or vote them down. ... Voters should not be content with politicians who hold our judiciary hostage in a race to the bottom."

Former Kansan's judicial nomination key for Obama (*Wichita Eagle [KS]*, 04/15/13)

WE [Editorial Department] Blog by Rhonda Holman: "The D.C. Circuit Court of Appeals has four vacancies, including, unbelievably, the one created when Chief Justice John Roberts left that bench in 2005. President Obama is hoping his latest nominee for that court, Sri Srinivasan, will avoid a GOP filibuster. Srinivasan, who played basketball in high school with Danny Manning while growing up in Lawrence, is the Obama administration's principal deputy solicitor general and has been endorsed by the likes of Kenneth Starr. He had an uneventful hearing"

Editorial: Senators must stop filibustering well-qualified judicial appointments (*Buffalo News [NY]*, 04/15/13)

"President Obama has been blocked from filling any of the four vacancies on the U.S. Court of Appeals for the District of Columbia. ... An understaffed court makes it difficult for the remaining judges to properly carry out their duties. Russell Wheeler, a Brookings Institution scholar who studies the federal courts, has written that delays in sorting out contractual disputes, along with other matters left unresolved, will have an economic impact. Not to mention the injustice created by delays in hearing criminal appeals and claims of discrimination and civil liberties violations. If that is

not enough, the failure to promptly fill judicial vacancies discourages well-qualified candidates from ever seeking judgeships.... Republicans will soon have another chance to allow a vote on an Obama nominee, one with such solid credentials that he should be easily confirmed. Both liberals and conservatives have been busy writing letters of support for Sri Srinivasan."

The Post's View: Republicans' D.C. Circuit barricade [Print headline: "Barricading the courthouse: how far will Republicans go to block Mr. Obama's nominees"] (*Washington Post*, 04/10/13)

"Senate Republicans unjustifiably blocked an up-or-down confirmation vote on Caitlin J. Halligan, nominated by President Obama to fill one of four empty spots on one of the country's top courts, the U.S. Court of Appeals for the District of Columbia Circuit. ... The Senate Judiciary Committee will hold hearings on the president's other nominee for the D.C. Circuit, Principal Deputy Solicitor General Sri Srinivasan, whose gold-plated legal resume is outmatched only by the glowing terms conservative advocates such as Theodore B. Olson, Kenneth W. Starr and Paul Clement used in their endorsements of his nomination."

Editorial: Courts Without Judges (*New York Times*, 04/06/13)

"The number of vacancies on the nation's federal courts has reached an astonishingly high level, creating a serious shortage of judges and undermining the ability of the nation's court system to bestow justice.... By far the most important cause of this unfortunate state of affairs is the determination of Senate Republicans, for reasons of politics, ideology and spite, to confirm as few of President Obama's judicial choices as possible. ... The prestigious and important United States Court of Appeals for the District of Columbia Circuit offers a particularly striking example of Republican obstructionism. ... Mr. Bush appointed four judges to the court ... Obama has not been putting forth candidates with strong ideological profiles."

The Register editorial: Filibusters on judicial nominees are wrong by GOP and Democrats; Using obstructionist tactics to block votes on judicial nominees is creating huge problems for courts (*Des Moines Register [IA]*, 03/27/13)

"Halligan was a highly qualified candidate for the federal judiciary. But Senate Republicans twice used the threat of a filibuster to block a "yes" or "no" vote on her confirmation. The National Rifle Association aggressively opposed Halligan because she had represented the state of New York in a lawsuit against gun manufacturers. She was also tarred with the "judicial activism" brush, even though she was acting not in the role of judge but as an advocate for her client, the attorney general of the state of New York. By that standard, criminal defense lawyers apparently support criminal activity, and those who represent huge Wall Street banks endorse corporate greed.... Only one Republican voted to give her the courtesy of an up-or-down vote. That senator, sad to say, was not Chuck Grassley."

EDITORIAL: Senate filibustering amounts to contempt of the courts; The Senate's habit of filibustering judicial nominees must end. Both Republicans and Democrats are to blame. (*Los Angeles Times*, 03/22/13)

"Nearly two and a half years after she was first nominated, a candidate for a seat on a federal appeals court in Washington has been denied an up-or-down confirmation vote by Senate Republicans who persist in obstructing President Obama's judicial appointments. ... Sen. Charles E. Grassley of Iowa, the senior Republican on the Judiciary Committee, complained that Halligan had advanced a "novel legal theory," which of course is something lawyers often do on behalf of their clients.... This page

supported Republicans when they threatened to abolish filibusters of judicial nominations in 2005, and we were disappointed that Senate Democrats this year agreed to only minimal changes in the filibuster. Halligan is paying the price for that timidity, and so are the federal courts."

The Post's View: Filibuster wars in the Senate, again [Print headline: "Filibuster wars, again: Republican senators should stop abusing their prerogatives"] (*Washington Post*, 03/17/13)

"In January, Senate leaders struck a bipartisan agreement to snip a few of the chamber's procedures, with the goal of speeding the legislative process in the perpetually backlogged body.... But since January, Republicans have continued their filibuster abuse. One example: blocking a vote on the nomination of attorney Caitlin Halligan for a seat on the U.S. Court of Appeals for the D.C. Circuit. Ms. Halligan is well-qualified to serve on the under-staffed D.C. Circuit, and a distinguished group of prominent liberal and conservative legal minds endorsed her candidacy enthusiastically. Senators have agreed only to filibuster judicial nominees under exceptional circumstances, a standard that the Republicans' latest move obviously fails to meet."

Editorial: Going nuclear (*Richmond Times-Dispatch [VA]*, 03/17/13)

"Senate Republicans are filibustering President Barack Obama's nomination of Caitlin Halligan to the U.S. Court of Appeals for the District of Columbia. A recent cloture vote failed. Republicans will not allow her nomination to receive the up-or-down vote that only a few years ago they considered every nominee's birthright. Were they lying from the start?"

Editorial: Hollow judiciary (*Toledo Blade [OH]*, 03/17/13)

"Republicans this month blocked Ms. Halligan's nomination from coming to a vote. ... The Senate-imposed shortage of judges means that America's courts cannot provide the speedy trials guaranteed in criminal cases by the Sixth Amendment, or the efficiency individuals and corporations need to resolve contractual disputes."

Editorial: Hollow judiciary; Obstructionist senators are hobbling the courts (*Pittsburgh Post-Gazette [PA]*, 03/15/13)

"Once again Congress, in not doing its job -- this time, on the confirmation of judges ... The most recent example of Republican obstruction was the case of former New York State Solicitor General Caitlin J. Halligan ... Today there are 17 vacancies at the 13 federal appeals courts. Four of the openings are on the 11-seat District of Columbia circuit ... the legislative branch is disabling the judiciary in its ability to function, hobbling it by blocking the confirmation of judges to fill vacancies."

Editorial: Standing up, hiding behind (*Tideland News [NC]*, 03/13/13)

"Mitch McConnell, was able to thwart an up-or-down vote on the nomination of Caitlin Halligan to a D.C. circuit court judge by simply threatening to filibuster. ... Simply invoking the rule of a 60-vote majority is nothing more than a way to ensure a legislative quagmire."

Editorial: Senators should have to filibuster with their words (*Keene Sentinel [NH]*, 03/12/13)

"Once a rarity involving hours of debate on the Senate floor, filibustering today has become a common and ongoing means of shutting down business in Congress. With a two-thirds, or 60 vote, "cloture" required to end a filibuster, senators with enough support can simply block up-down votes on any range of issues (while moving on to other business) indefinitely. That's been the case for

several of the Obama administration's nominations for key leadership posts in federal agencies and 32 pending judgeships. ... a confirmation vote for New York lawyer Caitlin Halligan to fill a seat on the U.S. Court of Appeals in Washington D.C. was delayed with a filibuster by Republican senators who claim she'll be an activist judge. Halligan has been waiting to get on the federal court since her 2010 nomination.... Democrats — including Senate Majority Leader Harry Reid of Nevada, who has blocked voting on a filibuster-related bill — and Republicans alike should stop taking advantage of filibusters and work together to make it a last-ditch practice, rather than a go-to delay tactic."

Our View: Judicial filibuster shows same old Senate; The Republican minority continues to use the Senate rules to prevent appointments (*Portland Press Herald [ME]*, 03/11/13)

Editorial: "Halligan has strong legal credentials, including six years as New York state's solicitor general, and has argued 50 cases before the Supreme Court. But McConnell did not want to allow her nomination to come up for a vote, and all but one of his Republican senators, Lisa Murkowski of Alaska, voted with him, which prevented the Democrats from getting the 60 votes needed to end debate and leaves the seat on the court vacant. This means that in his fifth year in office, President Obama has not been able to name a single judge to this important court, which is run by conservative Bush appointees. It also means that the supposed reforms to the filibuster negotiated by McConnell and Democratic leader Harry Reid have not ended minority rule and dysfunction in the U.S. Senate.... Maine Sen. Susan Collins had a different rationale for her vote. She unearthed a 2006 letter signed by Democratic senators who opposed a Bush administration appointment to the court by saying that there were too many judges on it already. "My vote solely reflects my determination that this seat does not need to be filled by anyone," said Collins, a Republican. If Halligan were to be nominated for a different vacancy, "I would likely vote to confirm her." ... this kind of procedural gamesmanship made the last Congress one of the least effective and least popular in history."

Our Views: Filibuster on judges (*Advocate [Baton Rouge, LA]*, 03/10/13)

Editorial: "it was a slip of paper from his Kentucky colleague, GOP Leader Mitch McConnell, that in the same week sank a nomination of a New York lawyer to a seat on the U.S. Court of Appeals for the District of Columbia. .. A majority of senators favor President Barack Obama's nomination of Caitlin Halligan to the influential court. Senators objecting think Halligan is too liberal, as if they live in a fantasy world where a conservative won the last presidential election.... the way the Senate really operates is McConnell's way. It is unfair to nominees and to the majority, whatever party that is."

Editorial: Will of the Senate (*Akron Beacon Journal [OH]*, 03/09/13)

"Two years ago, President Obama nominated Caitlin Halligan to sit on the federal court of appeals for the District of Columbia. Unfortunately, the Xenia native, former New York solicitor general and current general counsel for the Manhattan district attorney's office has been the target of a filibuster. On Tuesday, Sen. Rob Portman of Ohio and all but one of his Republican colleagues blocked a final vote on her nomination.... Many people may disagree with the argument she advanced. It hardly rates as radical or disqualifying. Anyway, the position didn't belong to her. She represented her client, the state of New York, its elected attorney general. Halligan has an impressive, bipartisan array of supporters, including officials who served in the solicitor general's office in the Reagan, Clinton and George W. Bush administrations. She received the highest rating from the American Bar Association, no renegade outfit. More, the appeals bench could use the help, with four of 11 seats vacant. The Portman spokeswoman lamented the Obama White House

choosing “to dismiss the will of the Senate.” Halligan already has a majority of the Senate on her side.”

Roses & Thistles: ... a balky senator (*Des Moines Register [IA]*, 03/09/13)

Editorial Staff: "A thistle to Sen. Chuck Grassley for going along with the Senate's regrettable slide back to its bad, old ways of the filibuster. Last week we gave Grassley a rose for his bipartisan effort with Sen. Tom Harkin to move the president's nomination of Jane Kelly of Cedar Rapids to the 8th Circuit U.S. Court of Appeals. Then, on Wednesday, Grassley voted to sustain the filibuster of another federal circuit court nominee who has been targeted by the NRA. Her sin: Representing her boss (then the New York attorney general) in a liability suit against gun manufacturers. We thought it had gone out of fashion to hold lawyers responsible for their clients' views. Then again, we thought Republicans believed judicial nominees deserve an up-or-down vote. So, another election has come and gone in which voters say they are fed up with Washington gridlock, and yet nothing changes."

Our opinion: Partisan politics weakens U.S. court (*Berkshire Eagle [MA]*, 03/07/13)

"Wednesday, for the second time in three years, the eminently qualified Caitlin Halligan, a former solicitor general in New York state, received a majority vote for confirmation to a seat on the U.S. Court of Appeals for the District of Columbia, which hears most appeals related to national security issues and federal regulations. She did not receive 60 votes, however, which in this era of minority rule meant that she cannot get past a filibuster ... Comically, Senate Minority Leader Mitch McConnell accused Ms. Halligan of judicial activism when the U.S. Supreme Court's right wing regular engages in that practice (Citizens United is a glaring example ... Ms. Halligan's views and legal briefs have far less to do with the GOP's opposition than does the party's desire to spite President Obama in general and protect the right wing's 4-3 majority on an important court now operating with four vacancies ... Senate Republicans pay lip service to the integrity of the judicial system, but they deprive this and other federal courts of full memberships for purely partisan reasons, and are apparently willing to do so for eight years of the Obama administration. Mr. McConnell and his colleagues are primarily responsible for this travesty"

The Post's View: Give Caitlin Halligan an up-or-down vote [Print headline: It's time to vote; On a judicial nomination, senators again abuse the filibuster] (*Washington Post*, 03/07/13)

"CAITLIN J. HALLIGAN has been waiting to become a federal circuit judge ever since President Obama nominated her — in 2010. Since then, she has languished in Senate confirmation hell ... again, Republicans successfully filibustered, denying a qualified nominee a fair shot at a seat on the bench and leaving the U.S. Court of Appeals for the D.C. Circuit short-staffed. ... the D.C. Circuit has lost another judge, leaving four vacancies. Yet it is the forum for some of the nation's weightiest legal disputes, involving a wide range of federal matters — from Environmental Protection Agency regulations to detentions at the Guantanamo Bay naval base.... If it were fair to ascribe the views of clients to the lawyers who represent them, many members of Congress would no doubt have trouble explaining themselves.... Ms. Halligan's record doesn't come close to justifying what should be an extraordinary resort, filibustering a judicial nominee. That's a standard that not only we believe in; it's also one endorsed in 2005 by a group of senators known as the “Gang of 14.” Yet three of those senators — Susan Collins (R-Maine), Lindsey O. Graham (R-S.C.) and John McCain (R-Ariz.) — voted to sustain Wednesday's filibuster against Ms. Halligan. ... When lawmakers hold nominees hostage to politics and ideology, trampling the legitimate prerogative of the president to staff the

government and the judiciary, it degrades the effectiveness of government and the courts, deters qualified people from pursuing public service and poisons the politics in Washington."

Editorial: An actual old-fashioned filibuster brings drones to the forefront (*St. Louis Post-Dispatch [MO]*, 03/07/13)

By the Editorial Board: "he brought attention to how truly broken the Senate is by using an old-school filibuster. Just a day before Mr. Paul's filibuster, the Senate blocked yet another of Mr. Obama's judicial appointments. We don't know why. We don't know who. Nobody stood. Nobody talked. Maybe that's why Mr. McCain was so upset on Thursday: Mr. Paul called out his own party for its failure to have the courage of its convictions. The truth hurts."

Editorial: Confirm Caitlin Halligan for the Federal Bench (*New York Times*, 03/06/13)

"The Senate is scheduled to vote Wednesday on the long-stalled nomination of Caitlin Halligan for a seat on the United States Court of Appeals for the District of Columbia Circuit. This will show whether there are Republicans who care enough about the proper functioning of the federal courts to help defeat their party's filibuster attempt. ... In a rational world, she would be considered just the sort of experienced and accomplished lawyer who should be on the bench. Instead, she has been the victim of obstructionism by Republicans ... her confirmation is even more urgent now. ... Two years ago, the 11-member bench had three vacancies. Today there are four empty seats, a vacancy level that could harm the court's ability to handle its docket of complex cases. "

Editorial: A broken process of confirmation (*Virginian-Pilot*, 02/01/13)

"The U.S. Senate won't do its job. It is paralyzed by the most venal and petty partisanship, hostage to a tribal rivalry that renders it as broken as the House of Representatives it was supposed to balance. ... Once upon a more reasonable time, the Senate saved the filibuster for monumental issues. ... Members of the Senate's Republican minority have deployed the filibuster at a rate unparalleled in American history and over matters small and large.... Senate inaction carries real costs, as the U.S. Constitution makes clear: The president shall, with the "advice and consent" of two-thirds of the Senate, "appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States." A Senate hostage to the filibuster and other parliamentary shenanigans means that even the most minor appointments can be held up for months not because lawmakers disapprove but because they won't vote. At the end of last year, the Senate's list of hostage nominations ran for two dozen pages, including judges, board members and lesser secretaries. Some were first presented in 2011. Each represents government work that isn't getting done, soldiers who don't have the benefit of new leadership, litigants who can't get a case heard."

Editorial: Judges Needed for Federal Courts [Print subhead: President Obama and the Senate must make filling the judiciary a paramount priority] (*New York Times*, 12/13/12)

"There has been a severe breakdown in the process for appointing federal judges. ...President Obama must make fully staffing the federal courts an important part of his second-term agenda — starting with the immediate Senate confirmation of the 18 nominees approved by the Senate Judiciary Committee. A significant reason for the slowdown has been the partisan opposition of Republicans to appeals court and even to trial court nominations, even though almost none of the nominees have backgrounds that raise ideological issues. The Republicans have time and again used the filibuster, the threat of filibuster, holds on nominations and other tactics to block confirmations. ... In a critically important court like the United States Court of Appeals for the District of Columbia

Circuit, three unfilled vacancies and a fourth expected this winter, out of 11 judgeships, hobble the court's ability to make expeditious rulings in significant cases about regulation of the environment, financial markets and other social and economic matters. Many statutes channel review of such cases to the federal courts in the District of Columbia for their expertise about administrative law and for geographic convenience."

Editorial: Politics and the Courts (*New York Times*, 10/17/12)

Currently, 32 positions, considered "judicial emergencies" by court administrators, are unfilled, creating heavy workloads for judges on those courts. ... Much of the problem, of course, has been the broken confirmation process in the Senate, where Republicans have used the filibuster to block judicial nominees for no reason except to prevent President Obama from filling the seats...The United States Court of Appeals for the District of Columbia, one of the nation's most important courts, has suffered particularly in this process, with three unfilled seats and no judge confirmed for the court since 2006. Politicization has also crept into the process for approving district court nominees. ... During the Obama years, nominees presenting no ideological threat have been held up in the Republicans' campaign of partisan attack and obstruction — even against trial judges whose decisions are rarely ideological and can be appealed. The holdups have cost Americans dearly — in justice delayed (it now generally takes two years to get a federal civil trial) and justice denied. It is time to adopt a more efficient, less political approach to district court confirmations."

Editorial: Constitutional Principles: Filibusters (*Richmond Times-Dispatch [VA]*, 06/24/12)

"President Barack Obama has nominated Caitlin Halligan and Sri Srinivasan to fill vacancies on the United States Court of Appeals for the District of Columbia Circuit, a court considered junior only to the Supreme Court. This is Halligan's second try. Obama nominated her to a similar position in 2011. Senate Republicans launched a filibuster against her. The Senate failed to invoke cloture. Despite her apparent qualifications for a federal judgeship, Halligan lost. The Senate GOP believes that only Republican nominees deserve up or down votes, or so it seems."

###