



## SUMMER 2017 CONGRESSIONAL RECESS ISSUE GUIDE

### Protecting Our Courts

#### Background for this recess:

The extreme Right wants control of America's courts so they can increase big money in politics, sabotage church-state separation, weaken or eliminate our most important constitutional rights, increase corporate power, and weaken Congress's ability to address major issues of national concern. Since the Supreme Court hears so few cases, the circuit courts of appeal are usually the last word on whether regulations will be upheld or on what the law will be within the large, multi-state jurisdictions covered by those circuits. Frighteningly, Donald Trump is nominating extreme right wing zealots to these important courts.

Without the filibuster, one of the only ways Democrats have left to ensure extensive scrutiny of Trump's extremist nominees is something called the "blue slip." Under longstanding Senate tradition, confirmation hearings won't be held until both home-state senators give their written permission via a blue slip of paper. If a senator doesn't have major concerns about letting the process begin, they submit the blue slip. Senators can choose to withhold their blue slips and stop extreme nominees – and there are several Trump nominees (*see page 2*) currently being considered for confirmation by the Senate that are far too extreme, and their home-state senators should withhold their blue slips.

#### Key Points

- Senators have an obligation to protect the courts—and our rights—by not returning blue slips for current or future extremist nominees from their states.
- On average, the delay attributable to [GOP senators not returning blue slips](#) for President Obama's circuit court nominees was more than 7 months.
- Many of the current vacancies exist only because Republicans needlessly blocked President Obama's nominees. Democrats shouldn't reward the far right by letting extremists fill these vacancies.

#### What you can do:

- Lobby your members of Congress in person while they are home for recess!
- Write a letter to the editor!
- Raise awareness in your own community and networks!
- Get the word out on social media!

Find resources to help you do all of that and more at [www.pfaw.org/ResistanceRecess](http://www.pfaw.org/ResistanceRecess)



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### Trump's Extreme Nominees:

- David Stras (MN): passed the Federalist/Heritage litmus tests and is on Trump's list of potential Supreme Court nominees
- Allison Eid (CO): also on the SCOTUS list; supports an expanded federalism that would narrowly construe congressional authority under the Constitution
- Michael Brennan (WI): founder of Milwaukee's Federalist Society chapter, close ally of Scott Walker
- Joan Larsen (MI): believes in very extensive presidential authority, has written that the president should sometimes put protecting the country above the law. Despite her record, Sens. Stabenow and Peters both returned their blue slips.
- Senators should also oppose two young and extreme nominees to the Court of Federal Claims who conservatives are setting up to be future SCOTUS justices.
  - Damien Schiff: wrote that SCOTUS should "overturn precedents upon which many of the unconstitutional excrescences of the New Deal and Great Society eras depend;" maligned environmental litigants as having harmful hidden agendas unrelated to the environment; very young (38) and being positioned for elevation to circuit/ Supreme Court
  - Stephen Schwartz: has devoted his career to advocating for ultra-conservative ideologically-driven positions including discriminatory voter laws, severely restricted access to abortion, and discriminatory policies against transgender students; very young (34) and being positioned for future elevation to circuit/Supreme Court