



AMERICANS FOR TAX REFORM

# LEGISLATIVE ALERT

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## **DEFEND THE CONSTITUTION: OPPOSE THE SCHUMER PROPOSAL FOR JUDICIAL NOMINEES**

**ATR strongly opposes any attempt to address the issue of judicial nominations in a manner inconsistent with the Constitution.**

In an April 30 letter to President Bush, Senator Charles Schumer (D-NY) proposed the creation of nominating commissions in every state, the District of Columbia, and each Circuit Court of Appeals. Each commission would consist of an equal number of Republicans and Democrats, chosen by the President and the opposition leader in the Senate. The commission would then have to produce one candidate for each vacancy, and “barring evidence that any candidate proposed by a Commission is unfit for judicial service, the President will nominate the individual and the Senate will confirm her or him.”

Article II, Section 2 of the Constitution states that the President “shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for.” However, Schumer’s proposal, as he described it, would place the nominating power in the hands of state commissions, turning a formal presidential nomination into a rubber stamp.

Furthermore, more government bureaucracy will not solve anything. It will only serve to further complicate the process, increase the cost to taxpayers, and to create 63 deadlocked commissions in place of one deadlocked Senate.

There is no question that the Senate has delayed too many of President Bush’s judicial nominees for too long, but the solution to this problem is simply to follow the Constitution.