RESOLUTION ON FEDERAL JUDICIAL VACANCIES

Sponsor:

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Summary: Excessive vacancies on the federal bench have caused a significant backlog of cases, delaying justice to many and eroding the perception of our judiciary to act fairly. This resolution focuses on the process of vetting judicial nominees and duty of the U.S. Senate in either confirming or denying nominees, based on timely consideration and examination of qualifications, while putting partisan politics aside. This resolution seeks to reinforce the principles outlined in the 2002 Judicial Nominees resolution and underscore the importance of a nominee’s experience, judicial temperament, and commitment to the rule of law, the Constitution, and Bill of Rights. This resolution was submitted just after the Plenum 2017 draft resolutions were circulated to member agencies.

"The world rests on three things: justice, truth, and peace" (Avot 1:18). Both our tradition as a Jewish community and American values see justice as a critical element in our society. The judicial branch is responsible for the administration of justice through conducting civil and criminal trials and handling appeals, playing a critical role in interpreting our laws and deciding whether they are constitutional. Our cohesion as a nation depends in great part on our joint acceptance of the legitimacy and fairness of our judiciary. For this reason, it is essential that nominees to the federal bench receive proper scrutiny by the Senate, and that only those committed to the rule of law, and protecting justice for all, as set forth in the Constitution and the Bill of Rights, be confirmed.

While our judiciary was designed to be independent and insulated from partisanship; in recent memory both parties have played politics with court appointments. Currently, there are over 100 judicial vacancies on the federal bench, including one very
important empty seat on the Supreme Court. These vacancies have delayed justice for countless Americans (and justice delayed is often justice denied). While it is important that these vacancies be filled as soon as possible, confirmation should only come after adequate hearings and examination of a full record. Nominees who have a record of ruling against the quintessential American value that all individuals are created equal, and endowed with certain unalienable rights, should not be confirmed to serve on our nation’s highest courts.

The Jewish Council for Public Affairs believes that:

• The administration of justice through the judiciary branch is a cornerstone of American democracy and vacancies on the federal bench should be filled by well vetted, qualified individuals, committed to upholding the rule of law, Constitution, and Bill of Rights.

• The Senate should give timely consideration of all presidential appointments to fill vacancies on the federal bench; and should confirm those nominees with appropriate experience and judicial temperament, and who are committed to, the rule of law and the protection of individual, civil, and human rights.

The community relations field should:

• Educate the community on the essential role of the courts in our justice system and advocate for a process which will result in appointment to federal judgeships of individuals dedicated to upholding the Constitution and our nation’s body of laws.
• Work in coalition with state and local partners to review the experience, judicial temperament, judicial bias, writings and opinions, and public record on and off the bench, of nominees to fill positions in your circuit or district, and express any concerns or questions you may have regarding a nominee to JCPA and your Senators.