

100 Years of Blue Slip Policies and Practices

- The blue slip is not a formal Senate rule. Rather, it is a courtesy extended by the committee chairman that has evolved over its 100-year history.
- Over the life of the blue slip, only two chairmen had policies preventing consideration of nominees based on a negative or unreturned blue slip. Sixteen other chairmen would either allow consideration or did not have a policy with regard to blue slips.
- Senate Democrats unilaterally changed the rules in 2013 to prevent 41 senators from blocking nominees *after* evaluating their credentials. Now that the Democrats are in the minority, they want to allow a single senator to block nominees *before* the Committee can even evaluate them.

Committee could consider nominees with a negative or unreturned blue slip		
1917-1956	All 11 Chairmen	✓
1956-1978	Chairman James Eastland	✗
1979-1981	Chairman Edward Kennedy	✓
1981-1987	Chairman Strom Thurmond	✓
1987-1995	Chairman Joseph Biden, Jr.	✓
1995-2001 2003-2005	Chairman Orrin Hatch	✓
2005-2007	Chairman Arlen Specter	n/a
2001-2003 2007-2015	Chairman Patrick Leahy*	✗

*Chairman Leahy's blue slip policy not only allowed home-state senators to block committee consideration of nominees via the blue slip, but he also allowed the Democratic senators from Michigan to block consideration of two Ohio-based circuit nominees even though the Ohio senators returned positive blue slips.

"'Advice and consent' was never envisioned as a check that involved a minority of the Senate being able to block a presidential [nomination]."

-Sen. Jeff Merkley (D-Ore.)

"More often than not, however, [the blue slip] is and will be used to stop nominees for political or other reasons having nothing to do with qualifications."

-Sen. Dianne Feinstein (D-Calif.)

The blue slip should not be "abused simply to delay [the Committee's] ability to make progress filling vacancies."

-Sen. Patrick Leahy (D-Vt.)

History of the Blue Slip Courtesy & Committee Consideration

- Committee could consider nominees with negative/unreturned blue slips
- Negative/unreturned blue slip blocked committee consideration of nominee
- No clear blue slip policy

