

February 26, 2016

The Honorable Charles Grassley, Chairman
The Honorable Orrin Hatch
The Honorable Jeff Sessions
The Honorable Lindsey Graham
The Honorable John Cornyn
The Honorable Michael Lee
The Honorable Ted Cruz
The Honorable Jeff Flake
The Honorable David Vitter
The Honorable David Perdue
The Honorable Thom Tillis

Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senators:

We, the undersigned organizations, urge you to reconsider your unprecedented and destructive refusal to give fair consideration to any Supreme Court nomination until after the next President is sworn into office on January 20, 2017, as announced in your February 23rd letter to Senate Majority Leader Mitch McConnell.

Your letter claims that your refusal to hold a hearing on—or to even meet with— any potential nominee is part and parcel to executing your “constitutional authority to withhold consent on any nominee.” This is a clear perversion of your constitutional duties as understood by almost every scholarly authority on the topic and by most Americans.

It is a dereliction of your constitutional duty to handcuff the Supreme Court for two terms. Your proposed course of action would cause a constitutional crisis that would shake the very foundation of our democracy.

We condemn this unprecedented overreach, and call on you to uphold the Constitution by giving fair consideration, including timely hearings and votes, to the next nominee to the Supreme Court.

Under Article II, Section 2 of the U.S. Constitution, the President shall nominate a Justice to the Supreme Court “by and with the Advice and Consent of the Senate.” This does not give a select few senators veto power over the President’s role in selecting and nominating a candidate. The Senate’s duty is to evaluate a nominee’s fitness and qualifications, not to pick the President making the nomination.

Our legal system is based on the rule of law and requires stability and certainty. The course you have charted would mean that a new justice would not be confirmed until well into 2017 at the earliest. Shackling the court for two terms would undermine the rule of law, leave legal questions unresolved, and hamper the administration of justice across our nation.

Refusing to consider any nominee, without due evaluation of his or her merits, credentials, and experiences, is a direct repudiation of your constitutional duties.

We believe in upholding the Constitution. So should you.

Sincerely,

The Leadership Conference on Civil and Human Rights
Philip Randolph Institute
AFL-CIO
African American Ministers In Action
Alliance for Justice
American Association for Access, Equity and Diversity
American Association For Justice
American Family Voices
American Federation of State, County, and Municipal Employees
American Federation of Teachers
American-Arab Anti-Discrimination Committee
Americans for Democratic Action (ADA)
Americans United for Change
Andrew Goodman Foundation
Asian & Pacific Islander American Health Forum
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance, AFL-CIO (APALA)
Association of Asian Pacific Community Health Organizations (AAPCHO)
Bazon Center for Mental Health Law
Bend the Arc Jewish Action
Center for American Progress
Center for Community Change
Center for Pan Asian Community Services, Inc. (CPACS)
Coalition on Human Needs
Common Cause
Communications Workers of America
Constitutional Accountability Center
Defenders of Wildlife
Disability Rights Education & Defense Fund
Earthjustice
Equal Justice Society
Feminist Majority Foundation
Human Rights Campaign
International Association of Official Human Rights Agencies (IAOHRA)
Iota Phi Lamda Sorority, Inc.
Japanese American Citizen League
Jewish Labor Committee
Korean American Resource & Cultural Center
Korean Resource Center
Lambda Legal
Lawyers' Committee for Civil Rights Under Law
League of Conservation Voters
League of United Latin American Citizens
MALDEF

MoveOn.org Civic Action
NAACP
NAACP Legal Defense and Educational Fund, Inc.
NAACP-National Voter Fund
NARAL Pro-Choice America
National Asian Pacific American Families Against Substance Abuse
National Association of Social Workers (NASW)
National Black Justice Coalition
National Coalition for Asian Pacific American Community Development
National Congress of American Indians
National Council of Asian Pacific Americans (NCAPA)
National Council of Jewish Women
National Education Association
National Employment Law Project
National Employment Lawyers Association
National Fair Housing Alliance
National Korean American Service & Education Consortium
National LGBTQ Task Force Action Fund
National Partnership for Women & Families
National Queer Asian Pacific Islander Alliance
National Tongan American Society
National Urban League
National Women's Law Center
People For the American Way
Planned Parenthood Federation of America
PolicyLink
Project Vote
Reconstructionist Rabbinical Association
Service Employees International Union
Sierra Club
South Asian Bar Association of North America
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
TASH
Union for Reform Judaism
United Auto Workers (UAW)
Workmen's Circle

CC: The Honorable Mitch McConnell, Senate Majority Leader