



February 9, 2015

The Honorable David Vitter  
United States Senate  
Washington, DC 20510

Dear Senator Vitter:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations working to protect and advance civil and human rights, and the National Urban League, a historic civil rights and urban advocacy organization founded in 1910, we write to urge you to drop your opposition to the nomination of Loretta Lynch to be Attorney General of the United States. Your opposition appears to be based wholly on politics unrelated to the nomination and fails to consider the outstanding merits of this exceptional nominee for this historic nomination.

As Ms. Lynch clearly demonstrated at her confirmation hearing before the Senate Judiciary Committee on January 28, and as some of your Republican colleagues as well as those who testified or submitted letters on her behalf confirmed, she is extraordinarily qualified for the job.<sup>i</sup> Her commitment to public service is unwavering, as is her dedication to our justice system. Ms. Lynch is a strong, independent prosecutor, who has twice headed one of the most important U.S. Attorney offices in the country, and who has decades of experience as a lawyer and leader. She knows the Department of Justice, has a distinguished record of success prosecuting major cases, and is an experienced manager. Ms. Lynch has served in both the public and private sectors, holding the position of partner for eight years at a prestigious international law firm, and twice serving as U.S. Attorney for the Eastern District of New York, the position she has held since 2010.

We were disturbed by your announcement in December 2014, which came in advance of Ms. Lynch's hearing and before you even met with her, that you would oppose her confirmation based solely on President Obama's executive actions on immigration. Your objection is obviously not based on the merits of the nominee, but on your decision to oppose any efforts at immigration reform taken by the executive branch. On December 10, for example, you indicated your opposition on the Senate floor to Ms. Lynch, not because of her qualifications or experience, but for a reason wholly unrelated to her candidacy. You stated, "If you believe that President Obama's actions are illegal or unconstitutional through executive amnesty, then you need to oppose his attorney general nomination... The attorney general is one of the lynchpins to Obama's amnesty plan, and Congress has a responsibility to stop it."<sup>ii</sup>

This blatant political posturing is inappropriate in general but especially so in this case because it involves a presidential cabinet nominee. Your behavior raises questions about your ability to serve fairly on the Senate Judiciary Committee. Pursuant to the "Advise and Consent" clause of the U.S. Constitution, your role requires you to give full and fair consideration to any presidential nominee. Your use of this responsibility for political gain is shameless and leads us to question the integrity of your decisions. It appears that your overtly political action is connected to your effort to run for Governor of the State of Louisiana. In fact, the website set up for your gubernatorial run includes a page asking visitors to sign a petition to oppose the nomination of the Attorney General because of the

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Executive Vice President & COO  
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President's executive actions.<sup>iii</sup> We urge you to take down this and similar posts and to rethink your blanket opposition to this truly qualified nominee.

Notwithstanding, the legality of the President's executive actions on immigration is broadly accepted.<sup>iv</sup> At the Federalist Society's annual national convention in November 2014, "by and large, the panelists agreed the president has wide legal latitude to prioritize and shape deportation laws."<sup>v</sup>

Again, regardless of your position on the President's executive actions, attempting to block his cabinet nominee as a way to challenge his immigration action is a shameful abdication of your responsibility as a member of the Senate Judiciary Committee. It is simply irresponsible to use this reason to oppose a non-controversial, eminently qualified candidate. Ms. Lynch demonstrated substantive, thoughtful, and responsive testimony and answers at her confirmation hearing. Every witness who testified on the second day of her confirmation hearing endorsed Ms. Lynch's candidacy, noting her skill, character and fitness for office.<sup>vi</sup>

We urge you to redirect your efforts to challenge the President's actions away from blocking a qualified, ethical, experienced, and broadly supported candidate for Attorney General. Opposition to a presidential executive action should be demonstrated in an appropriate manner and through the proper channels. Filling the position of the nation's top law enforcement official is simply too important to our country to allow extraneous issues and a political sideshow to interfere.

Sincerely,

Wade Henderson  
President and CEO  
The Leadership Conference on  
Civil and Human Rights

Marc H. Morial  
President and CEO  
National Urban League

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<sup>i</sup> In addition, the Senate Judiciary Committee received numerous letters of support for Ms. Lynch's nomination from a wide range of supporters including law enforcement organizations, legal and business leaders, former U.S. Attorneys, members of Congress, former FBI Director Louis Freeh, civil rights organizations and many others. See <http://www.judiciary.senate.gov/nominations/executive/pn2136-113>

<sup>ii</sup> Beamon, Todd. "Sen. Vitter Opposes AG Nominee Loretta Lynch," Newsmax, Dec 10, 2014  
<http://www.newsmax.com/Politics/David-Vitter-Loretta-Lynch-nomination-AG/2014/12/10/id/612345/>

<sup>iii</sup> <http://www.davidvitter.com/block>

<sup>iv</sup> In September 2014, 136 scholars and immigration law professors sent a letter to the White House analyzing the legality of the president's executive actions. It was signed by professors from 32 states, DC and Puerto Rico: <http://www.washingtonpost.com/r/2010-2019/WashingtonPost/2014/09/03/Editorial-Opinion/Graphics/Law%20Professor%20Letter%20Executive%20Action%20on%20Immigration%20%289.3.14%209%20%28final,%20with%20addresses%29.pdf>. The same group of immigration scholars and law professors updated their letter in November 2014, after the president announced the executive actions: <https://pennstatelaw.psu.edu/sites/default/files/documents/pdfs/Immigrants/executive-action-law-prof-letter.pdf>. In addition, a group of legal and constitutional scholars from Harvard, Yale, Columbia, and Chicago sent a November letter affirming the legality of the president's actions on immigration: [http://www.huffingtonpost.com/geoffrey-r-stone/are-the-presidents-action\\_b\\_6198972.html](http://www.huffingtonpost.com/geoffrey-r-stone/are-the-presidents-action_b_6198972.html). See also Henry Fernandez, "Executive action on immigration has a



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long legal precedent,” November 19, 2014, <http://www.msnbc.com/msnbc/executive-action-immigration-has-long-and-lawful-history>

<sup>v</sup> Stein, Sam, “Legal Panel At Federalist Society Begrudgingly Accepts Obama’s Immigration Powers,” November 19, 2014, [http://www.huffingtonpost.com/2014/11/18/federalist-society-obama-immigration\\_n\\_6182350.html](http://www.huffingtonpost.com/2014/11/18/federalist-society-obama-immigration_n_6182350.html)

<sup>vi</sup> Republican Witness Professor Johnathan Turley, J.B. & Maurice C. Shapiro Professor of Public Interest Law at George Washington University Law School began his oral testimony with the following statement: “I have great respect for Miss Lynch. Her extraordinary career as a prosecutor pays great credit to her and to her nomination. Indeed, if confirmed, and I hope she is, I believe she could be a great attorney general.” His full written testimony can be found at <http://www.judiciary.senate.gov/imo/media/doc/01-29-15%20Turley%20Testimony.pdf>