



April 27, 2016

## **GIVE JUDGE MERRICK B. GARLAND A HEARING AND A VOTE**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations, we urge you to support regular order – a hearing and an up-or-down vote – on the nomination of Judge Merrick B. Garland to be Associate Justice of the United States Supreme Court. In every step of his career, Judge Garland has distinguished himself through his outstanding intellectual credentials, his independence of thought, and his strong respect for the rule of law, establishing himself beyond question as qualified and ready to serve on the Court. The Senate should fulfill its constitutional responsibility to provide “advice and consent” on his nomination, instead of allowing this eminently reasonable selection to become obstructed by election-year partisan gamesmanship.

As evidenced by his academic background and remarkable legal career, Judge Garland will be an impartial, thoughtful, and highly-respected addition to the Supreme Court. After graduating with distinction from Harvard College and Harvard Law School, Judge Garland served as a law clerk for two giants of the 20<sup>th</sup> century judiciary, Judge Henry J. Friendly of the Second Circuit and Justice William J. Brennan, Jr. of the Supreme Court. Since that time, he has excelled in both private practice and public service – including as a partner at the firm of Arnold & Porter, and in several roles at the U.S. Department of Justice, where he played a key supervisory role in high-profile cases such as the Oklahoma City bombing, the “Unabomber” case, and the 1996 Atlanta Olympics bombing. In 1997, he was confirmed on a solid 76-23 vote to serve as a judge on the U.S. Court of Appeals for the D.C. Circuit, and he became Chief Judge of that court in 2013.

Given his stellar record and his reputation for fairness, Judge Garland has garnered broad support across partisan and ideological lines, earning strong and widespread praise from colleagues in the judiciary, academia, and legal profession who know him best. Former Oklahoma Governor Frank Keating spoke in glowing terms about Judge Garland’s work in the Oklahoma City bombing case. Chief Justice John Roberts, a former colleague of Judge Garland on the D.C. Circuit, noted during his confirmation hearing that the judicial process was “well-served” by Judge Garland’s “reasonable” arguments even when the two disagreed on the outcome of a case. The praise from stakeholders and commentators was especially pronounced in 2010, when his name was being floated as a possible replacement for former Justice John Paul Stevens. For example, Sen. Orrin Hatch praised him as a “consensus nominee.” Ed Whelan of the Ethics and Public Policy Center (and a former clerk to the late Justice Scalia) said at the time that Judge Garland had “earned the respect of a range of folks, including conservatives, and I think he is the most likely to exercise judicial restraint.” Curt Levey of the conservative Committee for Justice predicted “if not a love fest, something close to it,” if Judge Garland had been nominated.

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Since his nomination in March, the support has been just as strong and widespread. Fifteen former presidents of the American Bar Association called him “one of the most outstanding judges in the country,” and urged the Senate to move forward with the confirmation process. Judge Brett Kavanaugh, his colleague on the D.C. Circuit, called him a “role model” in his current position and “supremely qualified” for elevation to the Supreme Court. CNN senior legal analyst Jeffrey Toobin perhaps summed it up best: “the one thing that you can say about this nomination is that it really does take the issue of qualifications off the table. There is certainly no one in the United States more qualified to be on the Supreme Court than Merrick Garland.”

We urge Senators not to be swayed by ideological extremists who have been urging this body to stall Judge Garland’s confirmation through disingenuous and constitutionally unsound arguments about the handling of election-year vacancies – and, in some cases, through baseless attacks on Judge Garland himself. Countless legal experts have pointed out that there is simply no historical precedent for blocking a Supreme Court nominee in a presidential election year, and they have warned that leaving a vacancy in place until well into 2017 would hamstring not just the work of the Supreme Court but our national legal system as a whole. As far as Judge Garland’s alleged views about the Second Amendment or judicial deference to agency decisions, two issues that some have attempted to raise in an effort to smear him, it is disingenuous for stakeholders to cite substantive concerns and then to oppose any hearing in which those substantive concerns might be addressed.

To any honest observer, it is abundantly clear that Judge Garland is a highly thoughtful and well-respected jurist with a rich diversity of experience, who will play an important role in healing a fractured Court and in protecting the rights of all Americans. In any other year, his nomination would not even be remotely controversial, and the public interest in a fully-functioning Supreme Court demands that it not be controversial this year either. We strongly urge the Senate to promptly move forward with a hearing and a confirmation vote.

Thank you for your consideration of our views. If you have any questions, please feel free to contact Senior Counsel Rob Randhava at (202) 466-6058.

Sincerely,

Wade Henderson  
President & CEO

Nancy Zirkin  
Executive Vice President