



January 7, 2020

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Lindsey Graham  
Chairman, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Leader McConnell and Chairman Graham:

As the Fair Courts Task Force of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we are writing with a commonsense demand that should be respected. The Articles of Impeachment recently approved by the House of Representatives state that the president of the United States has abused the powers of his office by soliciting a foreign government to interfere with the 2020 elections and has obstructed Congress' efforts to investigate the matter. Few things could be more toxic to a free people than to have the chief executive act as if he is above the law and abuse the authority temporarily entrusted to him to sabotage our democratic system of government established by the Constitution. While any president is under the cloud of impeachment for such high crimes and misdemeanors, the Senate and the Judiciary Committee must put a hold on processing that president's nominees for lifetime positions in the federal judiciary.

The Senate must live up to what the Constitution requires and conduct a full and fair trial into the serious charges being raised. Only by doing so can the Senate ensure a government that the American people can believe in. Hearings and votes for the president's judicial nominees would send a powerful signal to the American people that senators do not take the gravity of their obligation and this process seriously. This would exacerbate the damage already done by Senator McConnell's public declaration of collaboration with the impeached president to ensure that his trial serves his interests rather than the nation's and the public statement of Senate Judiciary Chairman, Lindsey Graham, that he is "not trying to pretend to be a fair juror."<sup>1</sup>

This is only the third president in the history of the United States to be impeached. Impeachment is so rare because it is an extraordinary remedy, but one that the framers of the Constitution expressly contemplated for extraordinary circumstances such as we find ourselves in as a nation.

As long as the cloud of impeachment exists, it would be a grave mistake for the Senate to allow the president to continue making lifetime appointments to the federal judiciary. Such appointments are nearly irrevocable; federal judges serve for life and can be removed only through their own impeachment.

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<sup>1</sup> [https://www.washingtonpost.com/politics/lindsey-graham-not-trying-to-pretend-to-be-a-fair-juror-here/2019/12/14/dcaad02c-1ea8-11ea-b4c1-fd0d91b60d9e\\_story.html](https://www.washingtonpost.com/politics/lindsey-graham-not-trying-to-pretend-to-be-a-fair-juror-here/2019/12/14/dcaad02c-1ea8-11ea-b4c1-fd0d91b60d9e_story.html)

While Congress is engaged in determining under the Constitution whether the president should continue to serve in office, consideration of Article III appointments should be suspended.

Federal judges are appointed to positions that are the most central to maintaining the rule of law and the preservation of our constitutional democracy. Federal judges have a unique role in protecting our most fundamental rights, including the right to vote. A president under the cloud of impeachment for abusing his power and assaulting the legitimacy of our elections cannot be trusted to appoint the judges who are supposed to protect our elections and the right to vote.

Proceeding on lifetime judicial nominees under these circumstances would also be an abdication of the Senate's role in the separation of powers that protects our liberty. The separation of powers provided in the Constitution presumes that each branch of government will zealously protect its prerogatives and honor its role in checking the power of the other branches. This design breaks down if senators elevate party loyalty and obedience above the integrity of the institution in which voters have given them the honor to serve.

The Senate must come together now to do what is right and choose country over partisan interest. As long as the current crisis continues, business cannot continue as normal and the Senate must stop consideration of the president's judicial nominees.

Sincerely,

The Leadership Conference on Civil and Human Rights  
People For The American Way, Fair Courts Task Force Co-Chair  
National Women's Law Center, Fair Courts Task Force Co-Chair  
African American Ministers in Action  
Alliance for Justice  
American Constitution Society  
Bend the Arc: Jewish Action  
Center for American Progress  
Center for Popular Democracy Action  
Common Cause  
Demand Justice  
Demos  
Equality California  
Human Rights Campaign  
Jobs With Justice  
MoveOn  
NAACP  
NAACP Legal Defense and Educational Fund, Inc.  
NARAL Pro-Choice America  
National Action Network  
National Center for Transgender Equality



National Council of Jewish Women  
National Employment Lawyers Association  
National Partnership for Women & Families  
Planned Parenthood Federation of America  
Service Employees International Union  
Sierra Club  
Silver State Equality – Nevada  
Transformative Justice Coalition