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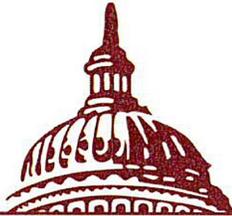
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June 8, 2018

Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Honorable Charles Grassley
Chairman
Judiciary Committee
United States Senate
Washington, D.C. 20510

Honorable Dianne Feinstein
Ranking Member
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Leader McConnell, Leader Schumer, Chairman Grassley, and Ranking Member Feinstein,

We write today to reiterate our strong opposition to the coordinated effort between the Trump administration and Senate Majority Leader McConnell to significantly reconfigure the federal judiciary while demonstrably avoiding robust vetting protocols. A legacy that will endure long after the president departs office, judges appointed with lifelong positions will have a profound impact on thousands of cases, affecting millions of Americans. At a time when the caseload of the lower courts is only growing, we have legitimate concerns about the federal judiciary's ability to protect Americans' fundamental rights. Just last year, filings for the U.S. Courts of Appeals increased by more than 5,000 and criminal and civil filings in U.S. District Courts increased by almost 14,000. Against this backdrop, it is obvious that only the most qualified and capable jurists should be serving the American people with these cherished and important lifetime appointments. Sadly, the Trump administration and its enablers in the Senate have refused to exercise the same rigorous approach to the consideration of judicial nominees, opting for rubber stamping offensive and unqualified persons for some of the most important positions in our government. This has to stop.

Prior to the 2016 presidential election, Senate Republicans engaged in an egregious obstruction strategy against the previous administration's nominees. This misguided scheme reached a shameful crescendo when the Senate Majority Leader refused to grant a hearing to D.C. Circuit Chief Judge Merrick Garland—a supremely qualified U.S. Supreme Court nominee. These practices, which left federal courts across the nation irresponsibly unfilled, paved the way for a staggering 112 judicial vacancies when President Trump was inaugurated.

By comparison, President Obama inherited less than half that amount in January 2009. President Trump has seized on this opportunity to pack the courts by selecting nominees who lack pragmatism, and are often embarrassingly unqualified. We have seen a fundamental shift towards nominees that embrace ideology at the fringes of mainstream legal thought. Specifically, the current administration has nominated, and with help of Senate Republicans, has confirmed a range of nominees whose confirmation hearings portend a precarious legal fate for communities of color moving forward. Many of their records demonstrate callous racism, ignorance of important racial dynamics or other abhorrent forms of discrimination that are unacceptable to the Congressional Black Caucus and hearken back to a darker time when structural and institutional discrimination worked to ensure that the rights of the underrepresented classes in this country were trampled upon. Given that the president's first 15 circuit court nominees were confirmed mostly through party line votes, we are troubled that the traditional bipartisan levers of Senate consideration are no longer being honored or exercised.

Not only have recent federal judicial nominations lacked robust legal qualifications and racial sensitivity, they have also lacked racial and gender diversity. Considered to be the least diverse slate of nominees since President Reagan, we are concerned that there will be few opportunities to reverse this trend because of the relative young age of recently appointed judges. Given the nation's constantly evolving demographics, we believe it is increasingly likely that white judges with activist views will overwhelmingly preside over racially diverse communities. This potential dynamic is particularly pronounced in southern states like North Carolina, where judicial nominee Thomas Farr is on the verge of Senate confirmation despite well-documented connections to racially motivated and unconstitutional voter suppression efforts. As of April, the percentage of white federal judges exceeded the percentage of white population in all southern states except West Virginia and Kentucky.

We cannot overstate our opposition to reshaping the federal courts in such a haphazard, careless way. Ignoring prudent review of these nominees, disregarding our strength in diversity, and promoting ideologically repulsive nominees abdicates our responsibility to the American people and is an affront to democracy and the rule of law. The federal bench should reflect our values as a nation and reaffirm our commitment to upholding justice and ensuring all Americans have equal protection under the law. We strongly urge the Senate to stop packing the courts with unqualified and problematic nominees. In making these important decisions Senators must decide if they will be courageous or complicit. History will be your judge.

Sincerely,



Cedric L. Richmond
Chair, Congressional Black Caucus



Eleanor Holmes Norton
Chair, CBC Judicial Nominations Working Group