



August 16, 2018

Majority Leader McConnell
Russell Senate Office Building
Washington, DC 20510

Chairman Grassley
135 Hart Senate Office Building
Washington, DC 20510

Majority Leader McConnell and Chairman Grassley,

As leaders of the civil rights organizations listed below, we write to express our grave concern regarding the Senate's failure to protect the integrity of the confirmation process for the current vacancy on the United States Supreme Court. Each of our organizations is specifically committed to equal justice and protection for African Americans and have, on behalf of our members, constituents or clients, petitioned the United States Supreme Court for the vindication of those rights under the Constitution.

History has shown that the Supreme Court is often the final guardian of the rights of our nation's historically disenfranchised communities. For our organizations and the constituents that we represent, the Supreme Court has and continues to play a vital role in giving meaning to the words of the Constitution that guarantee equal protection, full citizenship, and protection from discrimination for African Americans. For these reasons, our organizations have a particular and powerful interest in a fair, open and transparent process for the lifetime appointment of justices to our nation's highest Court.

We believe that the Senate's failure to ensure a confirmation process of the highest integrity and transparency is inconsistent with the sacred obligation assigned to the Senate in our constitution to offer "advise and consent" for Supreme Court nominees and threatens the separation of powers as envisioned by the Framers. Thus, we regard your decision to commence confirmation hearings for Judge Kavanaugh before the Senate Judiciary Committee receives the full disclosure of all documents related to this nomination, including those held by the National Archives, as an unprecedented abdication of the Senate's constitutional obligation to meaningfully review and evaluate the fitness of this nominee on behalf of the American people.

In the past you have demanded full transparency and comprehensive evaluation of the records underlying Supreme Court nominees. Full, complete and comprehensive disclosure of all documents and records has been the guiding standard in place during the nominations of Justices Roberts, Alito, Kagan and Sotomayor. There is no legitimate reason to depart from that standard here.

Partisan politics should not and must not infect the integrity of the Supreme Court confirmation process. Our federal courts derive their legitimacy from the confidence of the people. Any process that undermines the legitimacy of our courts, weakens the court in the eyes of the American people. This attempt to push through the confirmation of a justice despite having no access to more than a million pages of documents strikes a devastating blow to the integrity of this confirmation process. Any nominee to emerge from a process shrouded in secrecy would sit on the Court bearing the stain of illegitimacy.

For these reasons, we demand that confirmation hearings for Judge Kavanaugh should be postponed until the Senate Judiciary Committee receives the full record from the National Archives from Judge Kavanaugh's extensive public service. Confirmation hearings should commence only after the Committee has had a meaningful opportunity to review the record and prepare for hearings with the nominee.

We regard this as a matter of great urgency and of the highest importance. We respectfully request a meeting with Senate leadership as soon as possible to discuss a process to restore the faith and trust of the communities we represent in the Senate and the legitimacy of the Supreme Court confirmation process.

Sincerely,

Melanie Campbell, President and CEO, National Coalition on Black Civic Participation

Kristen Clarke, President and Executive Director, Lawyers Committee for Civil Rights Under Law

Sherrilyn Ifill, President and Director-Counsel, NAACP Legal Defense and Educational Fund, Inc. (LDF)

Derrick Johnson, President and CEO, NAACP

Marc Morial, President, National Urban League

Rev. Al Sharpton, Founder and President, National Action Network

CC: Democratic Leader Charles S. Schumer and Senate Judiciary Ranking Senator Dianne Feinstein