



April 11, 2013

The Honorable Patrick Leahy, Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Charles Grassley, Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley:

We are writing on behalf of Constitutional Accountability Center, a public interest law firm, think tank and action center dedicated to fulfilling the progressive promise of the Constitution's text and history, to urge that Sri Srinivasan be reported favorably out of Committee and confirmed promptly to the United States Court of Appeals for the District of Columbia Circuit.

Mr. Srinivasan, currently the Principal Deputy Solicitor General of the United States, is extremely well-qualified to serve as a federal appellate judge. He is, by all accounts, a brilliant lawyer and one of this country's foremost appellate advocates. A graduate of Stanford Law School, Mr. Srinivasan went on to clerk for Judge J. Harvie Wilkinson III (4th Cir.) and then for Justice Sandra Day O'Connor. He has had a distinguished career in private practice and in public service, and has argued an impressive 24 cases before the Supreme Court.

Mr. Srinivasan's nomination has garnered broad support, including from 12 former Solicitors General and Principal Deputy Solicitors General who have served in Democratic and Republican Administrations. These former high ranking officials, including Walter Dellinger, Drew Days, Ted Olson, and Ken Starr, have described Mr. Srinivasan as having "a first-rate intellect, an open-minded approach to the law, a strong work ethic, and an unimpeachable character," and have urged his "swift confirmation."¹ Justice O'Connor herself has called the nomination of Mr. Srinivasan "a wonderful choice."² At his hearing before the Committee on April 10, Mr. Srinivasan ably demonstrated why prominent lawyers and officials from across the ideological spectrum have advocated his confirmation. He rightly celebrated the "genius" of the Constitution and its "enduring, fixed quality," and stressed the

¹ Letter of Neal Katyal, *et al.*, to The Hon. Patrick Leahy and The Hon. Charles Grassley (April 1, 2013), available at: <<http://www.judgingtheenvironment.org/library/letters/Srinivasan-former-SGs-letter-4-1-2013.pdf>>

² Jeffrey Toobin, "O'Connor and Her Clerk," *The New Yorker* (June 11, 2012), available at: <<http://www.newyorker.com/online/blogs/newsdesk/2012/06/oconnor-srinivasan-dc-court-of-appeals.html>>

importance of "fidelity to the rule of law." It was not surprising that several Senators rhetorically questioned how anyone could oppose Mr. Srinivasan's nomination.

As you know, four of the eleven authorized judgeships on the D.C. Circuit -- nearly 40% -- are currently vacant, making Mr. Srinivasan's prompt confirmation not only well-justified but also a matter of some urgency and national importance. The Senate should not allow any court, let alone one as critical to the nation's interests as the D.C. Circuit, to remain so understaffed; our judicial system, and the American people, deserve better.

Mr. Srinivasan clearly has the qualifications, experience, intellect and temperament to serve with great distinction on the D.C. Circuit. We urge every Senator to support his confirmation.

Respectfully,

A handwritten signature in black ink that reads "Doug Kendall". The signature is written in a cursive, flowing style.

Douglas T. Kendall
President

A handwritten signature in blue ink that reads "Judith E. Schaeffer". The signature is written in a cursive, flowing style.

Judith E. Schaeffer
Vice President

cc: All Members, Senate Judiciary Committee