

United States Senate

September 19, 2020

The Honorable Lindsey O. Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Graham:

We were all saddened to learn of Justice Ruth Bader Ginsburg's passing last night. Justice Ginsburg was a trailblazer and a powerful voice for equal justice and the rights of all Americans. In light of the vacancy created by Justice Ginsburg's death, we call upon you to state unequivocally and publicly that you will not consider any nominee to fill Justice Ginsburg's seat until after the next President is inaugurated.

When Justice Scalia died on February 13, 2016, Senate Republicans refused to consider Judge Merrick Garland, President Obama's nominee to fill that seat. Senate Republicans immediately argued that the vacancy should not be filled until a new president was in office.

You joined other Senate Republicans in arguing against the Senate's consideration of any nominee.

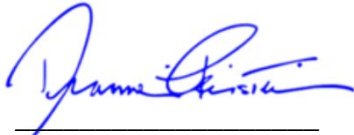
For instance, in March 2016, you said that the "election cycle [was] well under way and the precedent of the Senate is not to confirm a nominee at this stage in the process." That same month you also said "If there is a Republican President in 2016 and a vacancy occurs in the last year of the first term, you can say 'Lindsey Graham said let us let the next President, whoever it might be, make that nomination.' And you could use my words against me, and you would be absolutely right."

Two years later, you reiterated that the standard Republicans established in 2016 should apply equally in 2020. As you noted, "[i]f an opening comes in the last year of President Trump's term, and the primary process has started, we'll wait until the next election."

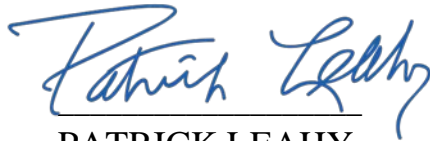
There cannot be one set of rules for a Republican President and one set for a Democratic President, and considering a nominee before the next inauguration would be wholly inappropriate.

We urge you to adhere to your own words and commit publicly that you will not consider any nominee to fill Justice Ginsburg's seat until after the next President is inaugurated.

Sincerely,



DIANNE FEINSTEIN
Ranking Member



PATRICK LEAHY
United States Senator



RICHARD J. DURBIN
United States Senator



SHELDON WHITEHOUSE
United States Senator



AMY KLOBUCHAR
United States Senator



CHRISTOPHER A. COONS
United States Senator



RICHARD BLUMENTHAL
United States Senator



MAZIE K. HIRONO
United States Senator



CORY A. BOOKER
United States Senator



KAMALA D. HARRIS
United States Senator