March 10, 2016

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

The Honorable Harry Reid
Minority Leader
United States Senate
Washington, D.C. 20510

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

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

Dear Leader McConnell, Leader Reid, Chairman Grassley and Ranking Member Leahy:

We, the undersigned, are Attorneys General representing 19 states, the District of Columbia and the Commonwealth of Puerto Rico. We are united in the belief that the United States Senate must act promptly to consider a nominee to fill the vacancy on the United States Supreme Court. We believe that a failure to do so would undermine the rule of law and ultimately impair the functioning of state governments within our federal system.

The Constitution clearly sets out the process for filling a Supreme Court vacancy. The President has a duty to make a nomination. President Obama, duly elected twice by the American people, has pledged to do so. The Senate, then, has the responsibility to consider and approve or disapprove the nomination. While simple, this is the law and it should be followed.

Throughout our history, the Senate—without exception—has acted promptly to consider qualified nominees to the Supreme Court. The longest the Senate has ever taken to confirm a President’s Supreme Court nominee is 125 days and since 1975, a nominee has, on average, received a vote by the full Senate within 67 days of his or her nomination. Moreover, every nominee since 1875 has received a confirmation hearing. And since 1900, six justices have been confirmed during election years, including Justice Anthony Kennedy, who was confirmed in the final year of the Reagan Administration.

The states and territories have a unique and pressing interest in a full and functioning Supreme Court. We rely on the Supreme Court to resolve questions of federal law, to resolve disputes
between the states, to evaluate the constitutionality of state laws, and to ensure that federal and constitutional law are interpreted and applied uniformly across all states and territories. The Supreme Court not only resolves disputes that implicate States’ vital interests, it often does so in closely divided cases.

We urge the Senate to carry out its responsibilities by allowing for full consideration of a qualified nominee to the Supreme Court by holding a hearing and a vote without unnecessary delay.

Sincerely,

Kamala Harris  
California Attorney General

George Jepsen  
Connecticut Attorney General

Matt Denn  
Delaware Attorney General

Karl A. Racine  
District of Columbia Attorney General

Douglas Chin  
Hawaii Attorney General

Lisa Madigan  
Illinois Attorney General

Tom Miller  
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Janet Mills  
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Brian Frosh  
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Maura Healey  
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Lori Swanson  
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Chris Koster  
Missouri Attorney General
Hector Balderas
New Mexico Attorney General

Eric Schneiderman
New York Attorney General

Roy Cooper
North Carolina Attorney General

Ellen F. Rosenblum
Oregon Attorney General

César Miranda
Puerto Rico Secretary of Justice

Peter F. Kilmartin
Rhode Island Attorney General

William H. Sorrell
Vermont Attorney General

Mark Herring
Virginia Attorney General

Robert W. Ferguson
Washington Attorney General