

**Open Letter to the President and Senate
From California Bar Associations Regarding
Filling the Vacancy on the Supreme Court of the United States**

March 8, 2016

The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

The Honorable Mitch McConnell
United States Senate
Majority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid
United States Senate
Minority Leader
522 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Chuck Grassley
United States Senate
Chair, Committee on the Judiciary
135 Hart Senate Office Building
Washington, D.C. 20510

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

Dear Mr. President, Senator McConnell, Senator Reid, Senator Grassley, and Senator Leahy:

We write on behalf of numerous California bar associations and as bar leaders who have taken an oath to defend the Constitution. We call on President Obama to act with deliberate speed to nominate an exceptionally qualified person to the Supreme Court. We also urge the Senate to fulfill its constitutional duty to advise and consent, so that our highest Court may continue to perform its critical function at the apex of our third branch of government.

Article II of the Constitution requires the President, “with the advice and consent of the Senate,” to appoint judges to the Supreme Court. Through this section, the framers placed in the hands of the executive and legislative branches of our government a duty to ensure that the third pillar of our democracy, our courts, would be protected from entanglement in partisan politics. We trust that you will fulfill this duty.

While careful evaluation and reasoned debate regarding the qualifications of the nominee are central to the Senate’s role to advise and consent, it would undermine the rule of law and risk nullifying the Supreme Court’s power to serve its constitutional role as arbiter of disputes, were the confirmation process to be delayed until a new president is inaugurated. Were such a path to be followed, the Court would be forced to sit for two terms, and over a year, with a vacancy. The implications of this course of action would be significant, subjecting people in different regions of the country to different legal standards on matters of constitutional importance and leaving open the specter of an unresolved constitutional crisis. The rule of law requires an ultimate arbiter. The Constitution has placed the Supreme Court in that role.

We ask that you carry out your constitutionally prescribed roles with full fealty to the oaths you have taken so that our Supreme Court is returned to its full membership.

Sincerely,

Alameda County Bar Association
Los Angeles County Bar Association
Lake County Bar Association
Yolo County Bar Association
Asian Americans Advancing Justice – Asian Law Caucus
Asian American Prosecutors Association
Asian Pacific American Bar Association of Los Angeles County
Bay Area Lawyers for Individual Freedom – BALIF
California Employment Lawyers Association
Charles Houston Bar Association
East Bay La Raza Lawyers Association
Filipino Bar Association of Northern California
Korean American Bar Association of Northern California
Korean American Bar Association of Southern California
Marin County Women Lawyers
Mexican American Bar Association
Queen’s Bench Bar Association of the San Francisco Bay Area
Women Lawyers of Alameda County
*David Pasternak, President, California State Bar **

cc: United States Senators

*Title for identification only. Signed in personal capacity and not official capacity.