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Vanita Gupta

May 4, 2020

Dear Leader McConnell and Chairman Graham:

As members of the Fair Courts Task Force of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to urge a cessation of the consideration of lifetime judicial nominees at a time when a continued focus on support and resources to address the COVID-19 pandemic should be paramount.

The United States is in the midst of the worst public health and economic crisis our nation has faced in at least 100 years. COVID-19 is wreaking havoc throughout society, laying siege to our lives, our health, our economic well-being, our schools, our justice system, our security, and our democracy. The current moment requires that we all focus on ensuring that the support and resources needed for individuals and businesses to endure are in place and are implemented in a timely and equitable manner. We are just beginning to realize and understand the impact of this pandemic and the provisions that must be implemented. It is of critical importance that the Senate focus its attention on vulnerable communities and properly address the health care and economic crisis. Prioritizing judicial nominations as if there were no pandemic and ignoring the business that is most urgent for relief and recovery would be irresponsible. Therefore, the Senate Judiciary Committee, and the Senate as a whole, must take the necessary and commonsense action of putting the processing of judicial nominations on hold until the devastating impact of the pandemic has been diminished.

The COVID-19 pandemic has devastated the country and presents a crisis unlike any other. Recent reports indicate that more than 67,000 Americans have died from COVID-19<sup>1</sup>, more than 1.1 million people have tested positive,<sup>2</sup> and more than 30 million people have filed for unemployment<sup>3</sup> since the start of the pandemic. And the impact of the pandemic is largely falling on the most vulnerable communities. The country faces not only a public health crisis, but also an economic crisis rapidly approaching severity comparable only to the Great Depression.<sup>4</sup> Entire industries have been razed, elections have been disrupted, and large social gatherings have been halted for the foreseeable future. The COVID-19 pandemic is

<sup>1</sup> "Coronavirus in the U.S.: Latest Map and Case Count," New York Times (last visited May 4, 2020) <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

<sup>2</sup> Id.

<sup>3</sup> Rachel Siegel and Andrew Van Dam, "3.8 million Americans sought jobless benefits last week, extending pandemic's grip on the national workforce" (April 30, 2020), <https://www.washingtonpost.com/business/2020/04/30/weekly-jobless-claims-unemployment>.

<sup>4</sup> Id.

predicted to significantly alter the fabric of American life and warrants the full and undivided attention of Congress.

Families and communities need unprecedented levels of assistance and innovative solutions, yet Majority Leader McConnell has indicated that when the Senate returns on May 4, his first priority will be to continue to fulfill his goal of transforming the courts.<sup>5</sup> At a time when our country is engulfed in a pandemic, the Senate's immediate goal should be to respond to this crisis and provide relief to those who need it most.

The Senate must use its time to address the growing concerns of a nation confronting increasing death and illness, severely high unemployment, rampant food insecurity, insufficient access to health care, and long-term economic uncertainty. The Senate cannot be so reckless and negligent as to prioritize judicial confirmations. Rather, the Senate must prioritize its efforts to mitigate the spread of the virus, reduce economic devastation, and deliver relief to the people who need it most.

The Senate must come together to legislate for the people of America. At this crucial time, when we have just begun to address the COVID-19 pandemic, business in the Senate cannot continue as usual and the Senate must halt the consideration of judicial nominees.

Sincerely,

The Leadership Conference on Civil and Human Rights  
National Women's Law Center, Fair Courts Task Force Co-Chair  
People For the American Way, Fair Courts Task Force Co-Chair  
AFL-CIO  
Alliance for Justice  
American Association for Justice  
American Atheists  
American Constitution Society for Law & Policy  
American Federation of State, County and Municipal Employees (AFSCME)  
American Federation of Teachers  
American-Arab Anti-Discrimination Committee (ADC)  
Americans United for Separation of Church and State  
Autistic Self Advocacy Network  
Ayada Leads  
Bazelon Center for Mental Health Law  
Center for American Progress  
Demand Justice  
Earthjustice  
Equality California

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<sup>5</sup>Jordan Carney, "McConnell says GOP will confirm Trump court picks through pandemic" The Hill (Apr. 22, 2020) <https://thehill.com/homenews/senate/494089-mcconnell-says-gop-will-confirm-trump-court-picks-through-pandemic>

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NARAL Pro-Choice America  
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