

END THE JUDICIAL NOMINATIONS BACKLOG

November 17, 2010

Dear Majority Leader Reid and Minority Leader McConnell:

The undersigned organizations strongly urge you to end the troubling backlog of judicial nominees that exists to date in the 111th Congress. The obstruction of many of President Obama's nominees through filibuster threats and anonymous "holds" is hindering the important work of our judicial branch, particularly in the many areas of our nation that now face judicial emergencies due to unfilled vacancies on the bench.

Throughout the 111th Congress, President Obama has worked with the Senate on a bipartisan basis to select extraordinarily well-qualified judicial nominees who could easily be confirmed by wide margins and begin serving the public, if brought to a vote before the full Senate. Yet a troubling number of these nominees, many of whom have been cleared by the Committee on the Judiciary with little or no opposition, have been blocked from up-or-down confirmation votes for reasons that defy explanation. Indeed, many of President Obama's judicial nominees who have been confirmed, to date, have been confirmed by unanimous votes – but only after languishing for many months on the Senate floor, raising significant doubts about the legitimacy of the ongoing delays in confirmation proceedings.

Due to arcane floor procedures that allow a single member to impede the important business of the Senate, our judicial branch has reached a state of crisis. Out of 872 federal judgeships, 106 are currently vacant, with 50 of those vacancies now characterized as "judicial emergencies" in which courts are being overwhelmed by filings that cannot be considered. As a result, a growing number of Americans, from all walks of life and across all economic strata, are finding it increasingly more difficult to assert their legal rights and to have their fair day in court.

In the meantime, the Senate is badly failing in its constitutionally-mandated role of considering the nominees **that President Obama has selected**. Prior to entering its pro forma session, the Senate failed to confirm any of the 23 nominees who are currently pending on the Senate floor, 17 of whom advanced through the committee process with no opposition whatsoever. **Moreover, 11 of the pending nominees would fill seats designated as judicial emergencies – and more than half of the pending nominees are people of color, while 10 of them are women, who would bring badly-needed and long-overdue diversity to our judicial branch.**

We write to you at a time when our nation faces numerous challenges that cry out for bipartisan cooperation, including major economic challenges and continued international threats. We strongly believe that the continued obstruction of nominations will poison the political atmosphere, needlessly heighten partisan tensions, and make it far more difficult for the federal government to serve the public interest in any respect. These consequences are all but certain to continue into the 112th Congress and beyond.

For these reasons, in the remaining weeks of the 111th Congress, we strongly urge you to work together in a bipartisan fashion to proceed with confirmation votes on the nearly two dozen judicial nominees who remain pending on the Senate floor. Thank you for your consideration. If you have any questions, please contact Rob Randhava, Senior Counsel for The Leadership Conference, at (202) 466-6058.

Sincerely,

AFL-CIO

Alliance for Justice
American-Arab Anti-Discrimination Committee
American Association for Affirmative Action
American Association of People with Disabilities
American Association of University Women
American Federation of Government Employees
American Federation of Teachers
Americans for Democratic Action
Asian & Pacific Islander American Health Forum
Asian American Justice Center
Common Cause
Constitutional Accountability Center
Defenders of Wildlife
Equal Justice Society
Families USA Foundation
Feminist Majority
Hispanic National Bar Association
Hispanics for a Fair Judiciary
Human Rights Campaign
Japanese American Citizens League
Judge David L. Bazelon Center for Mental Health Law
Lambda Legal
Lawyers' Committee for Civil Rights Under Law
The Leadership Conference on Civil and Human Rights
League of United Latin American Citizens
Legal Momentum
Mexican American Legal Defense and Educational Fund
NAACP
NAACP Legal Defense & Educational Fund, Inc.
National Asian Pacific American Bar Association
National Asian Pacific American Families Against Substance Abuse
National Asian Pacific American Women's Forum
National Association of Consumer Advocates
National Association of Human Rights Workers
National Association of Social Workers
National Bar Association
National Black Justice Coalition
National Congress of Black Women, Inc.
National Council of Jewish Women
National Disability Rights Network
National Employment Lawyers Association
National Fair Housing Alliance
National Partnership for Women & Families
National Urban League
National Women's Law Center
OCA
People For the American Way
Secular Coalition for America
SEIU
Sikh American Legal Defense and Education Fund
Sikh Coalition