May [XX], 2016

The Honorable Charles Grassley

Chairman

Committee on the Judiciary

United States Senate

Washington, DC 20510

Dear Chairman Grassley:

On behalf of the XX undersigned organizations that serve the Asian American and Pacific Islander community, we write to urge you and the Senate Judiciary Committee to consider President Obama’s nomination of Chief Judge Merrick Garland to serve on the U.S. Supreme Court.

The Senate Judiciary Committee began holding hearings for Supreme Court nominees in 1916, and every pending Supreme Court nominee has received a hearing—except for nine nominees who were confirmed within eleven days.

Since 1975, the time between formal nomination and a Judiciary Committee hearing for Supreme Court nominees is an average of 42 days. Chief Judge Merrick Garland was nominated on March 16, and as of today [May XX], he has waited longer than any of the past 14 nominees for a hearing. In fact, the full Senate confirmed half of those 14 nominees—including Chief Justice John Roberts and Justice Sonia Sotomayor—in the time that your Judiciary Committee has not acted.

We agree with your [statement](http://www.grassley.senate.gov/news/news-releases/prepared-floor-statement-senator-grassley-nomination-judge-samuel-alito) in 2006, regarding the nomination of Justice Samuel Alito, in which you said, “The Constitution provides that the President nominates a Supreme Court Justice, and the Senate provides its advice and consent, with an up or down vote.”

We also agree when you further explained that “A Supreme Court nomination is not a forum to fight any election. It is the time to perform one of our most important constitutional duties and decide whether a nominee is qualified to serve on the nation’s highest court.”

Chief Judge Merrick Garland—with more federal judicial experience than any Supreme Court nominee in history—is unquestionably qualified on serve on the nation’s highest court. Now is the time for you and the Senate Judiciary Committee to perform one of your most important constitutional duties.

The Constitution does not provide an exception to this duty in presidential election years. Indeed, since 1900, the Senate has confirmed six Justices in presidential election years, most recently in 1988, when a Democratic-controlled Senate unanimously confirmed President Reagan’s nomination of Justice Anthony Kennedy.

With regard to the myriad Asian American and Pacific Islander communities across this nation, the Supreme Court continues to consider and decide critical issues that directly impact our communities -- from immigration to women's health. We understand the importance of a fully-functioning Supreme Court and the need for nine Justices to establish uniform, nationwide rules. The guarantee of justice owed to the people of this country requires nothing less, and a vacancy on our nation’s highest court for nearly two full court terms is unacceptable.

We strongly urge you to fulfill your constitutional duty and to follow history and precedent. The Judiciary Committee must provide Chief Judge Garland a fair hearing and vote without any further delay.

Sincerely,

National Council of Asian Pacific Americans (NCAPA)

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