



# Leadership Conference on Civil Rights

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*Asian American Justice Center*

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Wade J. Henderson

September 22, 2009

Dear Minority Leader McConnell:

On behalf of the undersigned organizations, we seek your cooperation in eliminating the troubling backlog of judicial and executive branch nominees that exists to date in the 111<sup>th</sup> Congress. The obstruction of many of President Obama's nominees through filibuster threats and anonymous "holds" is hindering the important work of our judicial and executive branches of government and threatening any prospect of bipartisan cooperation on many pressing national issues important to all Americans.

Since his inauguration, President Obama has nominated 18 individuals to serve as Article III judges. Yet, only one judge in addition to Justice Sonia Sotomayor has been confirmed. While we recognize the time and energy required to confirm a Supreme Court nominee, it is time for the Senate to move forward without delay on the growing backlog of lower court nominees who have been cleared by the Judiciary Committee. President Obama has worked with the Senate on a bipartisan basis to select extraordinarily well-qualified judicial nominees who could easily be confirmed by widespread margins and begin serving the public, if brought to a vote before the full Senate.

In addition, a significant number of nominees to positions in the President's Administration, including high-level positions in the Department of Justice, have not yet been confirmed. Obstructing important executive branch nominees through filibusters or anonymous holds frustrates the legitimate business of government. This obstruction grows increasingly problematic as we approach the ninth month of President Obama's administration.

We are particularly troubled, for example, by the refusal to allow Professor Dawn Johnsen's nomination to the Office of Legal Counsel (OLC) within the Department of Justice to receive an up-or-down vote before the full Senate. Professor Johnsen has already served with distinction in the OLC, and is undoubtedly well-qualified for the position. Her nomination was approved by the Senate Judiciary Committee in March. The OLC plays a highly important role within the Administration, and the failure to confirm the President's nominee to lead the office prevents the OLC from providing crucial legal advice on a wide range of issues currently confronting our nation.

Similarly, Senate confirmation of Thomas E. Perez as Assistant Attorney General for the Department of Justice's Civil Rights Division (CRT), our nation's chief enforcer of civil rights laws and policies, has been delayed for nearly three months. Mr. Perez has an outstanding record of public service both inside and outside the CRT, including significant management responsibilities. Because the CRT currently faces severe challenges, including the need to ameliorate the loss of a significant number of career



staff, to correct for troubling past hiring practices, and to remedy past failures to fully enforce federal civil rights laws, a prompt vote on Mr. Perez's confirmation is essential.

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 obstruction of these 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.

For these reasons, we strongly urge you to work with Senate Majority Leader Harry Reid to move forward with President Obama's stalled nominees to the judiciary and the executive branch. Thank you for your consideration.

Sincerely,

Alliance for Justice  
Leadership Conference on Civil Rights  
People for the American Way  
ADA Watch/National Coalition for Disability Rights  
American Association of People with Disabilities  
American Association on Intellectual & Developmental Disabilities  
American Diabetes Association  
American Federation of Labor and Congress of Industrial Organizations  
American for Democratic Action, Inc.  
Americans United for Separation of Church and State  
Asian American Justice Center  
Bazelon Center for Mental Health Law  
Center for Inquiry  
Change to Win  
DEMOS  
Epilepsy Foundation  
Feminist Majority  
Human Rights Campaign  
Interfaith Alliance  
Japanese American Citizens League  
Lawyers' Committee for Civil Rights Under Law  
Legal Momentum  
Mexican American Legal Defense and Educational Fund  
NAACP Legal Defense and Educational Fund, Inc.  
National Council on Independent Living  
National Abortion Federation  
National Association for the Advancement of Colored People (NAACP)  
National Congress of American Indians  
National Council of Jewish Women  
National Council of La Raza  
National Disability Rights Network



National Employment Lawyers Association  
National Fair Housing Alliance  
National Health Law Program  
National Partnership for Women & Families  
National Senior Citizens Law Center  
National Spinal Cord Injury Association  
National Urban League  
National Women's Law Center  
OMB Watch  
Parent, Families and Friends of Lesbians and Gays (PFLAG) National  
Service Employees International Union (SEIU)  
Union for Reform Judaism  
United Spinal Association  
Women of Reform Judaism