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Dear Majority Leader Mitch McConnell, Minority Leader Harry Reid, Judiciary Committee Chairman Chuck Grassley, and Judiciary Committee Ranking Member Patrick Leahy:

We write as bar leaders who have taken an oath to defend the Constitution. We call on the Senate to fulfill its constitutional duty to duly and promptly consider President Obama's nomination, 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, and, in the words of Justice Sandra Day O'Connor, "pick the best person you can under these circumstances, as the appointing authority must do."

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.

As Justice O'Connor has said, the position of Supreme Court justice is "an important position and one we care about as a nation, as a people." 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,

*The Board of Directors of Oregon Women Lawyers*

cc: United States Senators - Oregon  
President Barack Obama