

Congress of the United States
Washington D.C. 20515

September 25, 2020

Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Honorable Lindsey Graham
Chairman
Judiciary Committee
United States Senate
Washington, D.C. 20510

Honorable Dianne Feinstein
Ranking Member
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Leader McConnell, Leader Schumer, Chairman Graham, and Ranking Member Feinstein,

As leaders of the Congressional Pro-Choice Caucus of the U.S. House of Representatives, we mourn the devastating loss of Supreme Court Justice Ruth Bader Ginsburg, a fervent champion of equality and justice, including reproductive freedom. During her career as a litigator and later a jurist, Justice Ginsburg never lost sight of the people harmed by the system of laws that too often perpetuate injustice. The power of her legacy stems, not only from her sharp arguments and striking dissents, but from her unwavering commitment to gender equality, equal rights, and representation under the law, for all people.

Justice Ginsburg's passing creates a vacancy on the Supreme Court at a time when the health of our communities and our fundamental rights are under tremendous pressure. President Trump has vowed to nominate justices who are extremely hostile to reproductive health, rights, and justice, and he has already fulfilled that promise twice before. President Trump has made perfectly clear that a commitment to overturning *Roe v. Wade* is a litmus test for any new justice. The confirmation of a third justice to the Supreme Court during the Trump Administration would further tip the balance of the court against our fundamental rights, including reproductive freedom, for generations.

Already the right to legal abortion has not meant true access for many of our most vulnerable communities. Abortion coverage bans and state-based restrictions, weaving their way up to the Supreme Court, pose a true threat. To understand what happens when abortion care is pushed out of reach, we need only look to the impact of the Hyde Amendment and other restrictions. Even as abortion remains legal, anti-choice politicians use restrictions like the Hyde Amendment and clinic shut-down laws to push it out of reach for people already marginalized by our health care system, especially Black, brown, indigenous, low income and other people of color.

When it comes to birth control, as with abortion, the right to care has not meant true access. Over the years, Justice Ginsburg was a consistent, strong voice for people who need birth control. The Supreme Court has taken up four cases related to birth control in the last six years and will likely

return to this issue again in the coming years. Her seat should only be filled with someone who would be able to carry that mantle when the next birth control case is before the Court.

Lives are on the line. The next Supreme Court Justice could be the deciding vote on protecting health care access for 20 million people, keeping abortion safe and accessible, ensuring access to contraception, preventing discrimination, protecting our right to vote, safeguarding the environment, and so much more. Giving President Trump another appointment to the Supreme Court in the middle of an election could roll back these fundamental rights for an entire generation.

We call on the Senate to wait to consider any Supreme Court nominee until it can be made by the winner of the November 3rd election. It is critical that the American people have the opportunity to have their voices heard in the upcoming election to determine who will nominate the next Supreme Court Justice.

Our nation is in an unprecedented and devastating public health crisis. Over 200,000 people have died this year in the United States from COVID-19, and many now have a lifelong preexisting condition as a result. In the midst of this devastating pandemic, millions are struggling with hunger, housing insecurity, and joblessness. It is imperative that the Senate put the health and welfare of our country over politics and take swift action to address this suffering. However, contrary to the precedent set in 2016 when Leader McConnell blocked President Obama's nominee to fill a Supreme Court vacancy during an election year, Senate Republicans are more interested in engaging in their power grab and shaping the federal bench with people who are committed to dismantling the Affordable Care Act and reproductive rights. As elected officials, it is our responsibility to show leadership in this critical moment when our fundamental rights hang in the balance.

Finally, just days before her death, Justice Ginsburg made a request, "My most fervent wish is that I will not be replaced until a new president is installed." As leaders of the Pro-Choice Caucus, we urge our colleagues in the Senate to honor Justice Ginsburg's final wish and legacy.

Sincerely,



Diana DeGette

Member of Congress

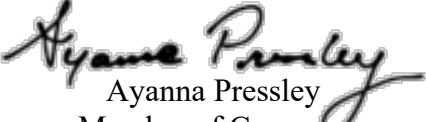
Co-Chair of the Congressional Pro-Choice Caucus




Barbara Lee

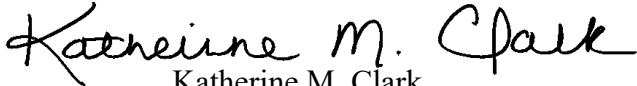
Member of Congress

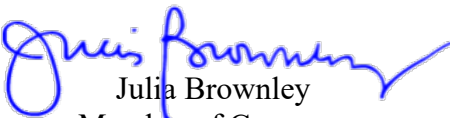
Co-Chair of the Congressional Pro-Choice Caucus



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Member of Congress
Abortion Rights and Access Task Force Lead



Jackie Spier
Member of Congress
International Women's Rights Task Force Lead

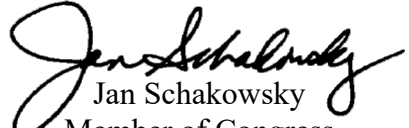

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