

April 12, 2005

The Honorable William H. Frist, MD  
Majority Leader  
United States Senate  
S-230 Capitol  
Washington, DC 20510

The Honorable Harry Reid  
Minority Leader  
United States Senate  
S-221 Capitol  
Washington, DC 20510

Dear Senators Frist and Reid:

The undersigned 142 organizations that take few, if any, positions on judicial nominations urge you to oppose any efforts to eliminate the over 200-year-old filibuster in the United States Senate. The framers of the Constitution created the Senate as a deliberative body to check the impulses of the House of Representatives and the appointment powers of the President. The historic intent of the framers of our Constitution was to create the Senate as a body of equals to protect against the tyranny of the majority.

Respect for the rights of the minority is especially critical when the same party rules both the White House and the Senate. Former Senate Majority Leader Howard Baker wrote in 1993 that destroying the right to filibuster “would topple one of the pillars of American Democracy: the protection of minority rights from majority rule.” In 1995, when he chaired the Judiciary Committee, Senator Hatch said the filibuster is “one of the few tools that the minority has to protect itself and those the minority represents.”

The Constitution gives the Senate the responsibility to advise and consent to the President’s nominees. History has demonstrated the Senate’s unique role as a bulwark against partisan extremism. In fact, columnist George Will recently noted that “[T]he filibuster...enable[s] democratic government to measure and respect not merely numbers, but also intensity in public controversies...Conservatives, who do not think government is sufficiently inhibited, should cherish this blocking mechanism.”

The Republican Senate leadership is threatening to use a simple majority to change the Senate Rule on the filibuster, even though 67 votes are required under the current rules. There has never been a distinction between filibusters of legislation or nominations. Thus, we are concerned that if the so-called “nuclear option” is exercised to eliminate the filibuster on judicial nominations, it may also be exercised to eliminate senators’ right to filibuster legislation.

We urge you to protect the U.S. Senate’s constitutional role of advice and consent by opposing any efforts to eliminate senators’ right to filibuster. If you have any questions, please feel free to contact Kevin Curtis, National Environmental Trust Vice President for Government Affairs, at (202) 887-8832; or Virginia Davis, National Congress of American Indians Associate Counsel, at (202) 466-7767.

Sincerely,

National

ACORN National  
ADA Watch/National Coalition for Disability Rights  
AIDS Action Council  
Alliance for Retired Americans  
American Academy of HIV Medicine  
American Association of People with Disabilities  
American Counseling Association  
American Humanist Association  
American Jewish Committee  
Americans for Democratic Action  
Americans for Religious Liberty  
Americans United for Separation of Church and State  
Arc of the United States  
Asian American Legal Defense and Education Fund  
Association of University Centers on Disabilities  
Bazelon Center for Mental Health Law  
Bill of Rights Defense Committee  
Black Leadership Forum  
Bradford Environmental Research  
Center for Civil Justice  
Center for Community Change  
Center for Health and Gender Equity  
Center for Justice & Democracy  
Center for Reproductive Rights  
Center on Race, Poverty & the Environment  
Children's Rights  
Citizens Advocating for Responsible Release  
Common Cause  
Communications Workers of America  
Compassion & Choices  
Corporation for Supportive Housing  
Council of Parent Attorneys and Advocates  
DAC (disabled Action committee)  
Defenders of Wildlife  
Disciples Justice Action Network  
Equal Justice Society  
Equality State Policy Center  
Families USA  
Feminists for Free Expression  
Friends Committee on National Legislation (Quaker)  
General Board of Church & Society, The United Methodist Church  
Interfaith Alliance  
Jewish Labor Committee  
Jewish War Veterans  
Justice and Witness Ministries, United Church of Christ  
Labor Council for Latin American Advancement, AFL-CIO

Lambda Legal  
Lawyers' Committee for Civil Rights Under Law  
League of Conservation Voters  
League of United Latin American Citizens  
Legal Aid Society-Employment Law Center  
Legal Environmental Assistance Foundation  
Mercy Housing  
Methodist Federation for Social Action  
National Alliance of Postal and Federal Employees  
National Asian Pacific American Legal Consortium  
National Asian Pacific American Women's Forum  
National Association of People with AIDS  
National Association of Social Workers  
National Coalition for Women and Girls in Education  
National Committee to Preserve Social Security and Medicare  
National Congress of American Indians  
National Council of La Raza  
National Council on Independent Living  
National Education Association  
National Fair Housing Alliance  
National Gay and Lesbian Task Force  
National Health Law Program, Inc.  
National Jewish Democratic Council  
National Latina Institute for Reproductive Health  
National Lawyers Guild  
National Migrant & Seasonal Head Start Association  
National Network for Immigrant and Refugee Rights  
National Urban League  
National Women's Political Caucus  
National Network to End Violence Against Immigrant Women  
Native American Rights Fund  
O.N.E. Company  
Open Society Policy Center  
Parents, Families and Friends Of Lesbians and Gays (PFLAG)?  
Pride At Work  
Progressive Jewish Alliance  
Public Citizen  
Public Justice Center  
Religious Coalition for Reproductive Choice  
Sargent Shriver National Center on Poverty Law  
Service Employees International Union  
Sexuality Information and Education Council of the United States  
Small Business Law Center, LLC  
Southern Poverty Law Center  
Stop Family Violence  
Sugar Law Center for Economic and Social Justice, National Lawyers Guild  
Unitarian Universalist Association of Congregations  
Unitarian Universalist Service Committee  
United Cerebral Palsy

United States Hispanic Leadership Institute  
United Steelworkers of America  
Veteran Feminists of America  
Violence Policy Center  
Women Employed  
Women of Reform Judaism  
Women's Environment and Development Organization  
Women's Institute for Freedom of the Press  
Women's International League for Peace and Freedom  
Women's Sports Foundation  
Workmen's Circle/Arbeter Ring  
Workplace Fairness  
YWCA USA

State & Local

Access Now, Inc.  
AIDS Foundation of Chicago  
Children's League of Massachusetts  
Citizen Alert  
Citizens for a Scenic Wisconsin  
East Bay Asian Local Development Corporation  
Education Law Center of Pennsylvania  
Environmental Coalition of Mississippi  
Housing Works, Inc.  
Inland Empire Communities Action Partnership  
Lighthouse Central Florida, Inc.  
Living Earth in Portland, Oregon  
Los Angeles Alliance for a New Economy  
Natural Resources Council of Maine  
New Jersey Association for Biomedical Research  
New Mexico Coalition to Repeal the Death Penalty  
New Mexico Environmental Law Center  
Oregon Natural Resources Council  
Peace Action Wisconsin  
Pennsylvania League of Conservation Voters  
Planned Parenthood Affiliates of California  
Progressive Leadership Alliance of Nevada  
Residents for Affordable Housing  
reStart Inc.  
Seacoast Outright  
Self-Determination Housing Project of Pennsylvania  
Southern Vermonters for a Fair Economy and Environmental Protection  
Suburban Essex Housing Development Corp.  
Tennessee Health Care Campaign  
Virginia Interfaith Center for Public Policy  
Vote Solar Initiative  
Washington Association of Churches  
Washington Physicians for Social Responsibility  
Women's Leadership Alliance