March 31, 2016

The Honorable Dan Coats
493 Russell Office Building
Washington, D.C. 20510

Dear Senator Coats:

We the undersigned are law professors in Indiana. We urge you to give fair consideration to the nomination of Chief Judge Merrick B. Garland to the Supreme Court of the United States, and encourage Senate leadership to hold a confirmation hearing and schedule a timely up-or-down vote on his nomination.

Chief Judge Garland’s fitness to serve on the Supreme Court is unquestioned. He has more federal judicial experience than any Supreme Court nominee in history, having served the past 19 years on the United States Court of Appeals for the District of Columbia Circuit. In that time, he has demonstrated a proven judicial temperament, enormous intelligence, and an unwavering commitment to impartiality, fairness, and the rule of law. It is therefore no surprise that he enjoys support from across the political spectrum, including from conservative legal luminaries like Miguel Estrada, Alberto Gonzales, and Kenneth Starr. Indeed, Judge Garland’s judicial record has validated the votes cast by you and a majority of Senate Republicans (including then-Indiana Senator Richard Lugar) to confirm him to the D.C. Circuit in 1997.

Of course, it is entirely appropriate for every senator to thoroughly review Judge Garland’s record and qualifications. But an outright refusal to even consider his nomination runs counter to the Senate’s obligation, under Article II of the Constitution, to provide “advice and consent.” There is no exception that allows senators to withhold advice and consent during a presidential election year, nor is there an insufficient amount of time remaining to complete the confirmation process. Over the past two decades, the longest confirmation process for a Supreme Court nominee lasted 99 days, and President Obama has nearly 300 days remaining in his term.

Chief Judge Garland is an eminently qualified nominee who deserves fair consideration of his nomination. Refusing to do so is an abdication of the Senate’s constitutional duty to provide advice and consent. We hope that you will meet with Chief Judge Garland and urge your Senate colleagues to hold a prompt hearing and timely confirmation vote.

Sincerely

The Undersigned

Cc: Senator Donnelly

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Please note: Organizational affiliation for all signatories is included for identification purposes only; individuals represent only themselves, not the institutions where they are teaching or other organizations in which they are active.