

February 26, 2016

The Honorable Charles E. Grassley  
U.S. Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Patrick Leahy  
U.S. Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

RE: Filling the Vacancy on the Supreme Court of the United States

Dear Chairman Grassley and Ranking Member Leahy:

The National Asian Pacific American Bar Association (NAPABA) has a long history of supporting judicial nominees from both Democratic and Republican presidents. Our bipartisan organization represents the interests of almost 50,000 Asian Pacific American attorneys across the country.

As a professional legal membership organization and representative of Asian Pacific American attorneys, we have consistently maintained that it is both the President and the Senate's constitutional responsibility to ensure that our courts are fully functioning.

The President has the constitutional right to nominate Article III judges—including U.S. Supreme Court Justices—"by and with the Advice and Consent of the Senate," under Article II, Section 2 of the U.S. Constitution.

Article II, Section 2 of the U.S. Constitution further makes it clear that the Senate fulfills *its* constitutional responsibility to ensure the effective functioning of our courts by giving that nominee fair consideration on the merits and a timely up or down vote.

The Constitutional obligations of the President and the Senate hold true irrespective of who is in the White House, the identity of the individual nominee, or the political affiliation of any individual Senator.

As attorneys, we are deeply concerned about the effect and impact that the current rhetoric and stated positions will have on the effective operation of the judiciary, and on public perception of the American justice system. A full complement of Supreme Court Justices is critical to ensuring the smooth functioning of the judiciary and our legal system. The mere prospect of two terms of the Court without a full bench opens the door to uncertainty in the legal system. Any actuality of an incomplete Court will hamper the administration of justice. The Court must be able to resolve questions of constitutional and statutory importance and resolve disagreements between the lower courts to ensure uniformity of federal law. It needs a full Court to be able to do so effectively. Delay in the Supreme Court's ability to fulfill its duties by intentionally leaving it incomplete will have a direct impact on the legal rights of Americans, individuals and businesses of all backgrounds, across the country, and further erode public confidence in our legal system and in the functioning of our democracy.

We strongly urge the Senate to uphold its Constitutional duty by holding a fair hearing and timely vote on any Supreme Court nominee to ensure the effective operation of our judicial system.

Sincerely,

A handwritten signature in black ink that reads "Jin Y. Hwang". The signature is written in a cursive, flowing style.

Jin Y. Hwang  
President