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September 24, 2020

U.S. Senate  
Washington, DC 20510

Dear Senator:

On behalf of our 3 million members and the 50 million students they serve, we strongly urge you to you to heed the voters' will and wait until after the inauguration to confirm the successor to Justice Ruth Bader Ginsburg.

The unseemly rush to fill the Supreme Court vacancy created by the death of Justice Ginsburg—a dignified, principled defender of justice for all—is deeply disturbing. When Justice Scalia died in 2016, more than 30 members of the GOP, including the current Majority Leader and Judiciary Committee Chairman, declined to fill the vacancy—out of respect for the people's voice, they said. They also claimed to create a new policy: not filling any Supreme Court vacancy during the last year of a president's term. The presidential election was nine months away when that policy was created, not already in progress as it is now.

The rush to fill the current vacancy, announced just hours after Justice Ginsburg's passing, revealed a terrible truth about the priorities of the Senate majority—ironically, just as our nation was passing the tragic milestone of 200,000 deaths due to COVID-19. For more than four months after the House passed a robust COVID-19 relief and stimulus bill, the majority hit the pause button and refused to provide either the resources necessary to reopen our schools safely or economic relief for the tens of millions of Americans who have lost jobs, health coverage, and homes due to COVID-19. It then brought forward a woefully inadequate bill. Now, the majority is moving with unparalleled speed to confirm Justice Ginsburg's successor while continuing to take no meaningful action on COVID-19 relief. Meanwhile, voting has begun.

The choice of the next Supreme Court justice has profound implications. On November 10, the Court will hear the latest challenge to the Affordable Care Act, in which the Department of Justice is pushing to do away with the entire law. If that happens, the immediate effects will include more than 20 million Americans losing health coverage, skyrocketing premiums for the 133 million Americans with pre-existing conditions, the return of lifetime caps on coverage, and kicking children off their parents' health plans well before age 26. Collective bargaining, public education, voting and LGBTQ rights, First Amendment protections, racial and social justice, and much more are also at stake.

Just days before she died, Justice Ginsburg told her 27-year old granddaughter, “My most fervent wish is that I will not be replaced until a new president is installed.” We urge you to grant

that wish to help fulfill the promise engraved above the entrance to the Supreme Court: equal justice under law.

The next Supreme Court justice—the successor to the valiant Ruth Bader Ginsburg—should be chosen and confirmed by the winners of the 2020 elections.

Sincerely,

A handwritten signature in black ink that reads "Marc Egan". The signature is written in a cursive, flowing style.

Marc Egan  
Director of Government Relations  
National Education Association