



February 4, 2022

President Joseph R. Biden  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20510

Dear President Biden,

The retirement of Supreme Court Associate Justice Stephen Breyer gives a president the rarest and most prized opportunity to make a lifelong appointment to the highest court in our land. The League of Women Voters appreciates your commitment to giving serious consideration of an African American female nominee as this process moves forward. With a lifetime appointment, the incoming justice will decide cases that touch nearly every American's life, including— access to healthcare, fair elections, equitable access to education, and voting rights. As you contemplate this important decision, the League of Women Voters wants to highlight some important qualities we hope you will consider and then questions to pose of any nominee as you finalize your deliberations.

**Quality 1: Irrefutable respect for the importance of an independent judiciary.**

The League has studied and promoted judicial independence for more than two decades. In 2001, state and local Leagues assessed the levels of judicial independence in their states and developed citizen education campaigns to educate their communities. In the following years, in more than 200 communities nationwide, the League organized forums, meetings, and workshops to educate the public about the importance of an independent judiciary. Our work has crossed several administrations as the composition of the bench evolved. And while the current hostile, hyper-partisan state of politics resides just beyond the steps of the Supreme Court, all jurists must remain immune to these outside influences that stifle democracy, collaboration, and unity. Thus, the next nominee to the Court must have unmistakable respect for the necessity to perpetuate judicial independence throughout their lifelong appointment. Anything less is a miscarriage of justice and conspirator against the very structures of democracy.

**Quality 2: Ensuring a bench reflective of the racial, ethnic, and democratic principles of our country.**

Your intention to appoint an African American female to the court is an important step toward increasing diversity and trust in the U.S. Supreme Court. The American court system needs more diverse judges to help restore public trust. Much like the legislative and executive branches, the judicial branch should reflect the American people in the racial, ethnic, and commitment to preserving democracy. The thoughtful and intentional act of diversifying the Supreme Court bench will strengthen the federal judiciary and ensure a justice system that is more reflective of the American people it serves.

**Quality 3: Nominating a jurist who understands the power of the SCOTUS seat.**

With this appointment, we encourage you to consider appointing someone who will understand the long-ranging impact their opinions will have on future generations. The League believes that a jurist must be open-minded and balance the independent facts while applying them with the intent and spirit of the law, while exercising extreme care to avoid disrupting oft-relied upon jurisprudence. The Supreme Court jurist must circumvent any temptation towards radicalization or polarization of political moments, and instead must be steadfast in protecting the rule of law and exercising judicial restraint.

**Quality 4: Have a demonstrable reputation of honesty, integrity, and equity.**

In this moment of our nation's history, the next appointed jurist must possess and have a record of honesty, integrity, and commitment to equity. Honesty is the quality of fairness, while integrity is the quality of adhering to high moral standards which are paramount to building and maintaining public trust. The next appointee can be honest without having integrity but cannot have integrity without honesty. The jurist must have a keen understanding that equity includes eliminating disparities and improving outcomes for the litigants before the court. Appointing a jurist with these qualities ensures our country continues striving towards the founding principles and ideals of the U.S. Constitution.

**Quality 5: Compassion, empathy, and respect for the essential dignity of all persons.**

The appeal to the Supreme Court is often the last stop for parties to gain relief. Decisions of this court set a critical precedent for the country. The widescale impact of the decisions requires that the jurist understand the weight of their decisions and thus, approach cases with an unwavering sense of responsibility towards maintaining respect and dignity for all individuals before them as well as those individuals who are similarly situated.

The Court plays a critical role in protecting rights when all other branches of government fail, fall short, or get stuck. Over the last decade, the Court's decisions on voting rights cases have largely either diminished individual's rights and civil liberties, or stalled clarity around important voting rights, elections, campaign finance, and redistricting policies and laws. With the gravity of this nomination, the League of Women Voters continues to believe that any Supreme Court nominee must share their views on these fundamental issues. Specifically, we would ask the next nominee to the Supreme Court the following questions:

1. Does the nominee believe that voting rights and voting rights enforcement is a vital component of our representational democracy, or can limitations be justified under the U.S. Constitution?
2. What is the role of federal courts in ensuring the United States conducts a full count of every person in the country every ten years?
3. What is the role of U.S. Supreme Court in protecting our system of checks and balances so that no one branch of government can dominate other branches of government?
4. How would the nominee describe their judicial temperament and what situations in their career display instances where judicial restraint was prioritized as a jurist?



The confirmation of any jurist to the U.S. Supreme Court is paramount, and the appointment of the first African American woman to the Court is a historical achievement. The League of Women Voters urges you to explore the above qualities and the four fundamental questions with any nominee before appointing the next Supreme Court justice. We appreciate the time you are taking to fully consider the next jurist and commend you on your decision to make the bench more reflective of the rich diversity of our country. The American people deserve a champion of voting, human, and civil rights on the bench and we wish you a smooth, bi-partisan appointment process as you work to confirm the next U.S. Supreme Court jurist.

Sincerely,

A handwritten signature in black ink, reading "Virginia Kase Solomón". The signature is written in a cursive style with a large, prominent initial "V".

Virginia Kase Solomón  
CEO