

# United States Senate

WASHINGTON, DC 20510-1304

February 1, 2021

The Honorable Lindsey O. Graham  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairman Graham:

I write to urge you to proceed with a February 8 Judiciary Committee hearing to consider Judge Merrick Garland's nomination to be Attorney General. I find it regrettable that we have been unable to reach agreement on a timeline for processing this nomination. While I remain committed to working with you and Senator Grassley, the Committee's incoming Ranking Member, to find bipartisan consensus on timing, there is simply no justification for delaying Judge Garland's hearing any further.

On January 6, then-President-Elect Biden alerted both Democratic and Republican Committee members and staff that he would nominate Judge Garland as the nation's next Attorney General. Given the Attorney General's role as the nation's top law enforcement officer, this Committee should promptly consider Attorney General nominees as a general practice. But the events of January 6 — when armed insurrectionists attacked the Capitol, killed Officer Brian Sicknick, injured dozens of other law enforcement officers, and threatened the lives of lawmakers and staff — made even clearer the need to quickly process Judge Garland's nomination.

Following Judge Garland's introduction as the nominee, my staff quickly sought to work with Republican Committee staff to map out a process that would provide sufficient time to review Judge Garland's record while still swiftly advancing his nomination. As early as January 14 — just one week after then-President-Elect Biden formally announced Judge Garland's nomination — Committee staff had bipartisan, preliminary conversations laying out possible hearing dates and logistics. Those conversations have continued in earnest, yet we now encounter obstacles that needlessly delay the Committee's consideration of an eminently qualified pick who has bipartisan support to lead the Justice Department.

At this point, there is simply no justification to object to a February 8 hearing for Judge Garland. First, a February 8 hearing accommodates your desire not to hold a hearing on Judge Garland's nomination during a day when the Senate will be conducting the impeachment trial of former President Trump.

Second, a February 8 hearing affords ample time to review Judge Garland's record. In fact, the Committee has had access to the bulk of Judge Garland's record since 2016, when he provided a Questionnaire and thousands of pages of materials in connection with his Supreme Court nomination. Moreover, Judge Garland's case record is available to review via online databases and that review could have commenced as soon as January 6, when Judge Garland was

first identified as the Attorney General nominee. Notably, February 8 is 13 days after the Committee received Judge Garland's Senate Judiciary Questionnaire (SJQ), the same amount of time between the receipt of then-Judge Amy Coney Barrett's SJQ and her Supreme Court nomination hearing.

Third — and most importantly — to delay Judge Garland's hearing jeopardizes our national security. The Attorney General oversees a multitude of Justice Department components and agencies that are vital to protecting the homeland from threats both foreign and domestic. Expediting Judge Garland's confirmation is particularly urgent in the aftermath of January 6 insurrection. As numerous Committee Republicans have recognized, the Senate should prioritize the confirmation of a President's national security nominees and afford considerable deference to a President's Cabinet selections. We should not apply one standard to Republican nominees and a different standard to Democratic ones.

It is my hope, then, that you will reconsider your objections to proceeding with a February 8 hearing. Judge Garland will serve the Justice Department and our country with honor, independence, and integrity. He is a mainstream, consensus pick who should be confirmed swiftly both on his merits and because of the pressing need to respond to the January 6 insurrection and other national security risks. Indeed, there may be no one better equipped to prevent future attacks and bring the January 6 perpetrators to justice than Merrick Garland, who oversaw the investigation and prosecution of the biggest domestic terrorism attack in recent U.S. history. Although I hope we can proceed in a bipartisan fashion, I am prepared to take other steps to expedite the Senate's consideration of Judge Garland's nomination should his hearing not go forward on February 8.

I look forward to your response and hope you will join me in moving Judge Garland's nomination forward.

Sincerely,



Richard J. Durbin  
United States Senator