

Dear Congresswoman Jayapal:

As state and local elected leaders, we write to thank you for supporting the Judiciary Act of 2021. The Republican Party has created a 6-3 supermajority on the Court, composed of extremely conservative justices whose primary fealty is to corporate and Republican Party interests. Republicans accomplished this by blocking President Obama's nominee for the last ten months of his presidency and then dismantling any rules or Senate norms that impeded the confirmation of three Trump nominees in four years -- including forcing through confirmation of Justice Amy Coney Barrett after 60 million Americans had already voted.

As you well know, the result of their scorched earth politics is a Supreme Court that is vastly out of step with Americans and that no longer represents the country it is meant to serve. In order to protect the fundamental rights that we have long held dear and to ensure that we can continue to make progress on the critical issues our country faces, Democrats must pass The Judiciary Act of 2021, which would immediately add four seats to the Supreme Court.

Adding four seats to the Supreme Court is the fastest way to restore balance to a Court that has become tilted too far in favor of corporate and partisan special interests. Congress has changed the size of the Supreme Court seven times, and this bill is simply another exercise of Congress's constitutional prerogative to set the number of Supreme Court justices in order to modernize and reform the Court. Having 13 justices would also return us to the historical tradition of matching the number of justices to the number of circuit courts so that each justice can preside over one circuit.

The 6-3 supermajority on the Court today puts in immediate peril our ability to effectively address the most pressing issues of the day. The Court has proven itself to be primarily loyal to corporate and Republican Party interests, siding with the Chamber of Commerce in 70 percent of the cases in which it has filed briefs, refusing to address extreme partisan gerrymandering that overwhelmingly benefits Republicans, and greenlighting voter suppression measures. Likewise, the Court has severely inhibited Democratic efforts to make much-needed progress on the issues we care so deeply about. For instance, the conservative majority on the Court has struck down gun violence prevention measures, campaign finance reforms, and worker and health care protections, and it is very likely to do so again if given the opportunity. We cannot make real progress on urgent priorities such as climate change, gun violence prevention, and income inequality, among other important issues, as long as the current Court can be expected to dismantle that progress.

The conservative supermajority on the Court also poses an immediate threat to long-standing fundamental rights, such as the right to an abortion, the right to be free from discrimination, and, most alarmingly, the right to vote. For example, the Court recently allowed a near total ban on abortion to take effect in Texas, in clear violation of *Roe v. Wade*. This Court has become part and parcel of the Republican Party's agenda to maintain minority control at all costs, having been installed in plainly anti-democratic ways, and consistently ruling to further entrench the GOP's

minority power. Winning elections fairly will likely become more and more difficult should this Court continue to chip away at the right to vote. Moreover, winning elections may never be enough to bring balance back to the Court through nominations alone, given Minority Leader McConnell's willingness to abdicate his duties in order to deprive the Democratic Party of a seat on the Court. Indeed, Senator McConnell has already pledged to do to President Biden in 2024 -- and possibly even 2023 -- what he did to President Obama in 2016.

Fortunately, a solution exists that would immediately restore balance to the Court, the Judiciary Act of 2021, which you have co-sponsored. If passed, the Judiciary Act would add four seats to the Supreme Court. It is the only way that state and local elected officials will be free to legislate on behalf of the people without undue interference by the Republican supermajority on the Supreme Court. Adding four seats would ensure that the Supreme Court is more reflective of the people it purports to represent. And of course, adding four seats could be accomplished by a simple act of Congress with a simple majority vote.

All of our plans to protect fundamental rights and to enact progressive change are empty promises if the illegitimate 6-3 supermajority on this Supreme Court is given the last word. Your co-sponsorship of the Judiciary Act of 2021 demonstrates needed leadership on this critical issue. For that, and your continued hard work to best represent the people of Washington, we offer our most sincere thanks and appreciation.

With gratitude,

State Legislative:

Senator Bob Hasegawa, 11th LD
Representative David Hackney, 11th LD
Representative Steve Bergquist, 11th LD
Representative Tara Simmons, 23rd LD
Senator Yasmin Trudeau, 27th LD
Representative Jesse Johnson, 30th LD
Senator Karen Keiser, 33rd LD
Senator Joe Nguyen, 34th LD
Representative Liz Berry, 36th LD
Senator Rebecca Saldaña, 37th LD
Representative Kirsten Harris-Talley, 37th LD
Representative Emily Wicks, 38th LD
Representative Nicole Macri, 43rd LD
Senator Mona Das, 47th LD

County:

King County Councilmember Girmay Zahilay
King County Councilmember Jeanne Kohl-Welles
Snohomish County Councilmember Megan Dunn

City:

Seattle City Councilmember Lisa Herbold
Seattle City Councilmember Tammy Morales
Seattle City Councilmember Dan Strauss
Seattle City Councilmember Andrew Lewis
Seattle City Councilmember Teresa Mosqueda

Tukwila City Councilmember Cynthia Delostrinos Johnson
Tukwila City Councilmember Zak Idan
Tukwila City Councilmember De'Sean Quinn

Burien City Councilmember Hugo Garcia

Renton City Councilmember Carmen Rivera

Special/Other:

Seattle School Board Director Brandon Hersey
Seattle School Board Director (former) Zachary DeWolf
Mary Fertakis, State Board of Education, Western WA Region 3