

United States Senate

WASHINGTON, DC 20510

October 9, 2020

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

Dear Chairman Graham,

In the wake of news that Senators Lee and Tillis tested positive for COVID-19 after attending the White House event announcing Amy Coney Barrett's nomination to the Supreme Court, Judiciary Committee Democrats asked that you postpone her confirmation hearings to ensure that we don't risk the health and safety of fellow Senators, Senate staff, other Senate employees, as well as Judge Barrett and her family. To date, we understand that you plan to proceed with these hearings on October 12, 2020, despite the serious risks they present. We urge you against unsafely moving forward with these hearings while no clear testing regime is in place to ensure that they do not become another super-spreader of this deadly virus.

As you know, both Senators Lee and Tillis attended the Committee's Executive Business Meeting on October 1. In addition, four other Judiciary Committee members attended the White House event on September 26, two of whom are currently self-quarantining given close interactions with Senator Lee. Some members of the Committee have refused to be tested. The Senate is currently recessed until October 19 due to the number of infected senators. No plausible public health or scientific rationale justifies proceeding with Senate Judiciary Committee hearings next week.

We need not proceed in such a reckless and blind fashion. The Senate must immediately implement rigorous procedures adhering to CDC best practices if the hearings are to proceed. First, every Senator and staffer who plans to attend the hearings must test negative for COVID-19 on two prior consecutive days. Second, anyone who tests positive for COVID-19 or who has come in close contact with someone who has tested positive must quarantine for the appropriate, CDC-recommended period. Third, you must establish mandatory, daily COVID-19 testing for anyone who attends or comes in contact with someone who attends the hearings. Finally, testing must be conducted by an independent body, like the Attending Physician of the U.S. Congress, and the results of tests for Senators should be released publicly. No indoor seating arrangement is a substitute for systematically testing individuals who may be infected by COVID-19 and potentially infect others.

Without these precautionary measures in place, Senators, Senate staff, press, Judge Barrett and her family will face a serious, unnecessary risk of contracting COVID-19. We also have a moral responsibility to protect the workers who make it possible for us to do our jobs in the Senate each and every day. Absent these protocols, you are ignoring CDC best practices and may force

Senators to participate in this hearing remotely which, for such a consequential hearing, would be entirely unprecedented. As Chairman of the Senate Judiciary Committee, your first and foremost obligation is to ensure the safety and well-being of Committee members and staff. We urge you to honor that obligation in the days ahead.

Sincerely,



Patrick Leahy
United States Senator



Cory A. Booker
United States Senator



Kamala D. Harris
United States Senator