



September 19, 2020

Passing of Justice Ginsburg Message Guidance from Office of Senate Democratic Leader Chuck Schumer

Yesterday we learned of the death of Justice Ginsburg, a legal giant, a champion for justice, and a trailblazer for women. As we move forward, we must preserve her legacy and continue fighting for the civil rights of all Americans.

The Supreme Court fight to replace Justice Ginsburg on the bench puts every single American value at risk. The most important thing we can do now as we head into election season is communicate to the American people and protect what's at stake. Below I am sharing message guidance, tweets from Leader Schumer and @SenateDems, the letter Senate Judiciary Committee Democrats sent to Chairman Graham asking to delay filling the vacancy until after the inauguration, quotes from Leader McConnell and Judiciary Chairman Graham as well as a release with quotes from Donald Trump saying he will appoint judicial nominees who will strike down the Affordable Care Act. As always, please reach out with any questions.

1) Message Guidance on the Passing of Justice Ginsburg & The Supreme Court Vacancy:

- On Friday night, we learned of the devastating passing of Supreme Court Justice Ruth Bader Ginsburg. Justice Ginsburg was a trailblazer who led an extraordinary life and will always be remembered for her fierce advocacy.
- As we move forward, our number one goal must be to communicate the stakes of this Supreme Court fight to the American people.
- Everything Americans value is at stake. Health care, protections for pre-existing conditions, women's rights, LGBTQIA+ rights, workers' rights, labor rights, voting rights, civil rights, climate change, and so much else is at risk when we are considering this Supreme Court vacancy.
- We must honor Justice Ginsburg's legacy by continuing to fight for the rights she fought for her entire career.
- Health care is a critical issue for American across this country and right now, a case that could jeopardize the existence of the Affordable Care Act is pending before the Supreme Court.
- If Leader McConnell does not follow his own rules from 2016 and pushes through a Supreme Court nominee, within weeks the ACA could be gone and 20 million

Americans will lose their health care and people with pre-existing conditions will lose their protections.

- The American people deserve to have a voice in the selection of their next Supreme Court Justice. This vacancy should not be filled until we have a new president and Senate Democrats will fight tooth and nail to make sure that happens.

2) Recent Tweets from Leader Schumer and @SenateDems - Please RT/Amplify:

ICYMI: Leader Schumer put out the below tweets on Justice Ginsburg. We would like to point out that these are Leader McConnell's exact words from February 13, 2016 on the passing of Justice Scalia.

Leader Schumer: The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new president. [LINK](#)

Leader Schumer: Tonight, we mourn the passing of a giant in American history, a champion for justice, a trailblazer for women. She would want us all to fight as hard as we can to preserve her legacy. [LINK](#)

Senate Dems (NEW Video Feat. Leader McConnell): "Either way, our view is this: Give the people a voice in filling this vacancy." —Senator McConnell on the Supreme Court In 2016 when President Obama was in the White House [LINK](#)

Senate Dems (NEW Video Feat. Senator Graham): "If an opening comes in the last year of President Trump's term, and the primary process has started, we'll wait till the next election." — Judiciary Chairman Graham (R-SC) in 2018 [LINK](#)

3) Judiciary Committee Democrats to Chairman Graham: Delay Filling Supreme Court Vacancy Until After Inauguration [LINK](#)

Washington—Senate Judiciary Committee Ranking Member Dianne Feinstein (D-Calif.) today led all 10 Judiciary Committee Democrats in [calling on Chairman Lindsey Graham](#) to delay action on filling Justice Ruth Bader Ginsburg's seat on the Supreme Court until after the inauguration of the next president.

"In light of the vacancy created by Justice Ginsburg's death, we call upon you to state unequivocally and publicly that you will not consider any nominee to fill Justice Ginsburg's seat until after the next President is inaugurated," the senators said in the letter to Chairman Graham.

The senators continue, **"There cannot be one set of rules for a Republican President and one set for a Democratic President, and considering a nominee before the next inauguration would be wholly inappropriate."**

Full text of the letter is [here](#).

4) Quotes from Senate Republicans, Republican Leader Mitch McConnell & Senate Judiciary Chairman Lindsey Graham:

- **Republican Leader Mitch McConnell (R-KY):** : Mr. President, the next Justice could fundamentally alter the direction of the Supreme Court and have a profound impact on our country, **so of course—of course the American people should have a say in the Court's direction.**” “As Chairman Grassley and I declared weeks ago and reiterated personally to President Obama, the Senate will continue to observe the Biden rule so that the American people have a voice in this momentous decision. **The American people may well elect a President who decides to nominate Judge Garland for Senate consideration. The next President may also nominate somebody very different. Either way, our view is this: Give the people a voice in the filling of this vacancy.**” ... “As we continue working on issues like these, the American people are perfectly capable of having their say on this issue. So let’s give them a voice. Let’s let the American people decide. The Senate will appropriately revisit the matter when it considers the qualifications of the nominee the next President nominates, whoever that might be.” [Floor Remarks, [3/16/16](#)]
- **Republican Leader Mitch McConnell (R-KY):** “No wonder he is working so hard now to give the people a voice in the direction of the Supreme Court. The next Supreme Court Justice could dramatically change the direction of the Court and our country for a generation.” [Floor Remarks, [3/10/16](#)]
 - “The American people obviously deserve to have a voice in this matter. It is the fairest and most reasonable approach we could take. During our current national conversation, Americans could make their voices heard on the kind of judicial philosophy they favor.”
- **Republican Leader Mitch McConnell (R-KY):** “The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new president.” [Politico, [2/13/16](#)]
- **Sen. Chuck Grassley (R-IA), Sen. Lindsey Graham (R-NC), Sen. John Cornyn (R-TX), Sen. Mike Lee (R-UT), Sen. Ted Cruz (R-TX), Sen. David Perdue (R-GA), and Sen. Thom Tillis (R-NC):** “[W]e are in the midst of a great national debate over the course our country will take in the coming years. **The Presidential election is well underway. Americans have already begun to cast their votes.** As we mourn the tragic loss of Justice Antonin Scalia, and celebrate his life’s work, the American people are presented with an exceedingly rare opportunity to decide, in a very real and concrete way, the direction the Court will take over the next generation. We believe The People should have this opportunity.” ... “Because our decision is based on constitutional principle and **born of a necessity to protect the will of the American people, this Committee will not hold hearings on any Supreme Court nominee until after our next President is sworn in on January 20, 2017.**” [Letter to Sen. Mitch McConnell, [2/23/16](#)]
- **Sen. Lindsey Graham (R-SC):** “As I have repeatedly stated, the election cycle is well under way and the precedent of the Senate is not to confirm a nominee at this stage in the process.” [Press Release, [3/16/16](#)]

For Immediate Release

Date: September 19, 2020

What's At Stake: A Vote To Confirm Any Trump SCOTUS Nominee Is a Vote To Strike Down Healthcare Coverage and Protections For Millions Of Americans During A Pandemic That Has Killed Nearly 200,000 Americans

Then-Candidate Donald Trump: "If I Win The Presidency, My Judicial Appointments Will Do The Right Thing Unlike Bush's Appointee John Roberts On Obamacare."

Then-Candidate Trump: "We're Going To Have A Very Strong Test." ... "I'm Disappointed In Roberts Because He Gave Us Obamacare."

Then-Candidate Trump Called Roberts "Among The Worst Appointments I Have Ever Seen" Because Of Decision To Preserve The Affordable Care Act

Then-Candidate Donald Trump: "If I win the presidency, my judicial appointments will do the right thing unlike Bush's appointee John Roberts on ObamaCare." [Verified Twitter, [6/25/15](#)]

Then-Candidate Donald Trump:

QUESTION: It's January 20, it's President Donald J. Trump. I know you like the sound of that. There are a lot of really old Supreme Court justices. There are a lot of really close, 5-4 Supreme Court decisions: Obamacare, Citizens United, voting rights. Give us a sense of whether or not there is a litmus test for Supreme Court justices in a Trump administration. And who might be the kind of person who you'd pick to sit on the Supreme Court please?

TRUMP: We're going to have a very strong test. We want good strong conservative people that are extremely smart. Scalia is a terrific judge. Clarence Thomas, you look at him, he's been a stalwart, he's been terrific, and we have others. I'm disappointed in Roberts because he gave us Obamacare. He had two chances to end Obamacare, he should have ended it by every single measurement and he didn't do it, so that was a disappointing one. Everybody thought he was good, he was a Bush appointee, he was somebody that should have, frankly, ended Obamacare, and he didn't. That's one of the truly very important positions

of a president, and I think you'll be very happy with the people we put in. [Trump Interview With WGBH, [2/8/16](#)]

Then-Candidate Donald Trump:

HALPERIN: So let's talk about the Supreme Court. If you're president that's one of the big responsibilities, the president nominating justices. Is there somebody you have in mind, either a current or past justice who would be kind of a model for you?

TRUMP: I would have had Justice Roberts not come out with that horrible decision on Obamacare, which was a disaster. He should have ended Obamacare. I really liked his gait. I really liked his thought process. I liked his background, but he is not at -- I'm not at all a fan. [Bloomberg, [8/26/15](#)]

Then-Candidate Donald Trump:

STEPHANOPOULOS: But Ted Cruz says he's going to appoint rock rib conservatives with a paper trail. What are you going to do?

TRUMP: Well, I'm going to appoint conservative judges. I'm going to appoint people that have great reputations, that are great with the legal profession...

STEPHANOPOULOS: Like?

TRUMP: Well, I can say like any -- you know a judge who is a totally underrated and not spoken is Justice Thomas. I mean, if you look at -- if you look at some of the judges that we have like on the Supreme Court, Justice Roberts turned out to be a nightmare for conservatives. I mean...

STEPHANOPOULOS: But how are you going to...

TRUMP: Wait, let me first say. Ted Cruz, was the one that really wanted Justice Roberts to go on the Supreme Court. You know that, right? Have you heard that? (CROSSTALK)

TRUMP: Let me just say, he was pushing him hard. Justice Roberts gave us Obamacare. Obamacare would have been terminated twice if it weren't for Justice Roberts. First time, 100 percent, second time 90 percent it would have died of its own weight. But Justice Roberts could have killed Obamacare, and should have, based on everything. Should have killed it twice. Ted Cruz is the one that was promoting him. Ted Cruz and also Jeb Bush. But Justice Roberts was the man that gave us -- and remember it -- he gave us Obamacare almost as much as Obama himself. [ABC This Week Special Edition, [1/17/16](#)]

Then-Candidate Donald Trump: "Well, let me just tell you about appointees. Justice John Roberts gave us Obamacare twice. He could've foiled, he could've ended Obamacare twice. He had two votes. He went up, shockingly, he voted in favor of Obamacare. He got there because Ted Cruz pushed him like wild. And by the way, Jeb Bush pushed him through the brother. They were close. And Jeb Bush and Cruz pushed Justice John Roberts and now we have Justice John Roberts. What happened is he, twice, could have ended Obamacare and he didn't

do it. So Cruz shouldn't be talking because that was among the worst appointments I have ever seen. We have Obamacare because of Ted Cruz, Jeb Bush and George Bush." [ABC This Week, [2/14/16](#)]

Then-Candidate Donald Trump:

ROBERTS: Ted Cruz, Marco Rubio would certainly consider you to be the frontrunner, and you are their target. Ted Cruz especially going after you. There was a pro-Cruz commercial I saw today saying he was the only one that can defend the Constitution and protect our liberty.

He failed to overturn Obamacare. Do you think that you can overturn the ACA if elected?

TRUMP: Well, I'll tell you what. Not only did he fail to overturn Obamacare, he appointed the judge that gave us Obamacare because he was the one that pushed so hard for John Roberts to be a judge, you know, justice of the Supreme Court. So Ted Cruz really, really did a great disservice to the people like myself that want to see Obamacare totally repealed and replaced.

He was really -- I mean, if you look at John Roberts, he had two chances to end it, and he voted against. So it was a disaster and, you know, he gave us that. [MSNBC, [2/17/16](#)]

###