



NAACP

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May 14, 2019

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

**RE: OPPOSITION TO JUDICIAL NOMINATION OF WENDY VITTER & ALL
NOMINEES WHO REFUSE TO ENDORSE *BROWN V. BOARD OF EDUCATION***

Dear Senators McConnell and Schumer:

On behalf of the NAACP, our nation's oldest, largest, and most widely recognized grassroots-based civil rights organization, I strongly urge you to oppose the nomination of Wendy Vitter to the U.S. District Court for the Eastern District of Louisiana. Ms. Vitter's refusal to endorse the Supreme Court's ruling in *Brown v. Board of Education* is completely disqualifying. At the same time, we urge you to oppose every other judicial nominee who refuses to embrace this foundational decision.

Later this week, our nation will celebrate the 65th anniversary of the Supreme Court's ruling in *Brown v. Board of Education*. The *Brown* ruling is bedrock constitutional doctrine. Its affirmation of equality transformed every facet of our democracy. The Supreme Court's pronouncement decades ago that racial segregation violates the Constitution is not subject to debate. For a judicial nominee to treat *Brown* with anything less than universal acceptance is deplorable. For the NAACP, the refusal to affirm *Brown* is disqualifying.

Ms. Vitter is nominated to the Eastern District of Louisiana. This federal court played an outsized role in our nation's desegregation history. Like many Southern jurisdictions, the school district in New Orleans engaged in massive resistance to *Brown's* mandate; its defiance was all the more significant because of a very young student prominently involved in the struggle. Ruby Bridges was only six years old when she became the first African-American child to integrate an all-white Southern elementary school. A federal court ordered her admission to the William Frantz Elementary School in 1960. Photographs of Ruby Bridges being escorted to school by federal marshals symbolized the struggle for racial equality, and the scene was captured in an iconic painting by Norman Rockwell. It was U.S. District Judge J. Skelly Wright of the Eastern District

of Louisiana who ordered Ruby Bridges' admission. After issuing this order, Judge Wright was threatened with physical injury, and a cross was burned on the yard in front of his home.

The Southern court that famously ordered Ruby Bridges' admission to an all-white school is the very court on which Wendy Vitter seeks to serve. Yet fifty-eight years later, Ms. Vitter refused to embrace the landmark *Brown* ruling. When asked at her Senate Judiciary Committee hearing in April, 2018 whether *Brown v. Board of Education* was correctly decided, Ms. Vitter responded: "I don't mean to be coy but I think I get into a difficult area when I start commenting on Supreme Court decisions which are correctly decided and which I may disagree with."

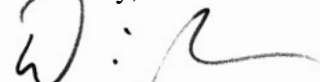
Wendy Vitter's response was shocking then, and it is shocking now. Issued by the Supreme Court in a famously unanimous ruling, the *Brown* ruling is sacred. Its principle of equal justice is now a cornerstone of our democracy. Sixty-five years later, this ruling must be held inviolable. Indeed, recent Republican and Democratic nominees to the Supreme Court all have affirmed the decision's exalted place in our nation's jurisprudence and in our collective history. Robert Bork, who questioned the *Brown* ruling during the 1987 hearing on his Supreme Court nomination, was rejected by the Senate.

Since Ms. Vitter's unacceptable response over one year ago, dozens of Donald Trump's judicial nominees have answered the *Brown* question in similar fashion. While their answers may vary slightly, the impact is the same: Nominees for lifetime judicial appointments are suddenly refusing to endorse the most significant and celebrated civil rights decision ever issued by the Supreme Court. This is anathema to our system of justice and must be condemned by the Senate in the strongest terms.

Nominees to lifetime positions on our federal courts should be the first to pay respect to fundamental legal principles regarding equality and justice. Judges are the guardians of the rule of law. More than any other decision, *Brown* stands as a testament to the rule of law. The *Brown* ruling was met with massive public resistance throughout the South. It was federal appellate and district court judges, famously known as "unlikely heroes," who courageously enforced the Supreme Court's ruling despite grave personal danger and ostracism. That nominees to these very same courts refuse to embrace *Brown* decades later is deeply offensive to this history and to the rule of law itself.

The NAACP urges the Senate to stand on the right side of history. It must refuse to confirm Wendy Vitter and all nominees to the federal bench who have similarly refused to endorse the *Brown* ruling. If you have any questions or comments, please contact Hilary Shelton, Director of the Washington Bureau and Senior Vice President for Policy and Advocacy at his office at (202) 463-2940.

Sincerely,



Derrick Johnson
President and CEO