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February 4, 2019

Senator Lindsey Graham, Chairman  
Senator Dianne Feinstein, Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Senators Graham and Feinstein,

We write to you to express our grave concern with recent incidents of apparent religious intolerance in the proceedings of the Judiciary Committee.

Much to our surprise, in the course of the Committee's consideration of some judicial nominees over the past year, some Senators on the Committee have suggested through their questioning that a nominee's religious faith or membership in a religious organization disqualified the nominee.

This line of questioning amounts to a religious test for office – something which, as you know, is explicitly prohibited by Article VI of the U.S. Constitution.

While this objectionable line of questioning has, most recently, been put to nominees who are Catholic, we – especially as members of a minority faith community – must convey our alarm; for we know that intolerance applied to one faith community endangers the religious liberty of all faith communities.

One of the most important ways in which the United States is a beacon to the world is that we have embraced, championed and legally protected a model of religious pluralism that enables people of all faiths to believe and practice their faith without fear of discrimination. While America has never been perfect, it has consistently strived to be the place that (in George Washington's famous words to the Jews of Newport) "gives to bigotry no sanction, and to persecution no assistance."

Senators: as the Committee commences confirmation hearings in this new Congress, we ask you to be vigilant on this critical matter and to insist that no member of the Judiciary Committee be permitted to pursue a line of questioning that is at odds with fundamental American principles.

Sincerely,

*Mark Bane*

*Jerry Wolasky*

*Nathan J. Diament*

*Allen Fagin*