

AFL-CIO

LEGISLATIVE ALERT

July 16, 2018

Dear Senator:

The AFL-CIO urges you to oppose the nomination of Andrew Oldham to serve on the United States Court of Appeals for the Fifth Circuit when the Senate Judiciary Committee considers his nomination.

Oldham has articulated absolutist legal theories that appear to reflect his inability to balance competing legal considerations—the core responsibility of a judge—and that favor corporate interests over those of working families.

In particular, Oldham has said that the Sherman Act is unconstitutional, embracing corporate mergers, whether or not they are anti-competitive or adverse to workers' and consumers' interests. He also has declared the "entire existence" of federal agencies "constitutionally suspect," positing that federal regulations are "illegitimate."

Oldham has advocated for the "restoration" of the Commerce Clause to "its original meaning." Such an interpretation would turn the clock back to enable corporations to fire employees because of union activity, to intimidate workers from joining unions, and to discriminate against workers because of their race.

Oldham has attacked the very legitimacy of the U.S. Supreme Court—the opinions of which, if confirmed as a federal appeals judge, he would be obligated to uphold and apply. Oldham diminished Supreme Court decisions as "just the whim of five unelected lawyers who happen to wear black robes."

Oldham also has worked to eviscerate the Voting Rights Act, suppress voting rights, bar those with criminal histories from being hired in Texas for "any . . . job the State and its Legislature deem appropriate," restrict programs for DREAMERS and parents of U.S. Citizens, and challenge the constitutionality of the Affordable Care Act.

Our nation deserves judges who treat all Americans fairly, who do not promote corporate interests over those of working families, and who have respect for the rule of law and the U.S. Supreme Court. Oldham's record does not meet that test. We urge you to oppose his nomination to the Fifth Circuit.

Sincerely,



William Samuel, Director
Government Affairs Department