

AFL-CIO

LEGISLATIVE ALERT

February 6, 2019

Chairman Lindsey Graham
Ranking Member Diane Feinstein
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington D.C. 20510-6050

Dear Chairman Graham and Ranking Member Feinstein:

On behalf of the AFL-CIO, I urge you to oppose the nomination of Eric Miller to serve on the U.S. Court of Appeals for the Ninth Circuit. We have both procedural and substantive concerns about this nomination.

Senators must be provided an opportunity to examine the complete record of judicial nominees in order to fulfill their constitutional obligation to provide “advice and consent.” Despite the opposition of Democratic committee members, however, Mr. Miller’s Senate Judiciary Committee hearing occurred during a Senate recess with only two Republican Senators in attendance. Mr. Miller further lacks the support of both Washington Senators Murray and Cantwell, and, historically, this fact alone would have prohibited even scheduling consideration of this nomination.

Nominees with controversial records deserve extra scrutiny, and Mr. Miller’s private practice career raises concerns about his ability to be fair and impartial. There are more than 400 federally recognized Indian tribes within the jurisdiction of the Ninth Circuit, and this nominee has built a law practice focused on challenging tribal interests and tribal sovereignty. The National Congress of American Indians (NCAI) and the Native American Rights Fund (NARF) oppose Mr. Miller’s nomination, noting that his advocacy often advanced extreme positions and used pejorative language to denigrate tribal rights. Mr. Miller also frequently has represented powerful corporations against consumers and employees in cases involving worker safety and employment discrimination.

Mr. Miller is now the seventh circuit nominee for whom Chairman Grassley has ignored the Senate’s “blue slip” tradition, and now is one of six circuit and 15 district court nominees scheduled for votes in a single session. The AFL-CIO urges you to oppose his nomination to the Ninth Circuit Court of Appeals.

Sincerely,



William Samuel, Director
Government Affairs Department

American Federation of Labor and Congress of Industrial Organizations

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