

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:

The AFL-CIO urges you to oppose the nomination of Howard Nielson to serve on the United States District Court of Utah. In our view, his record of extreme ideological partisanship makes him an unfit candidate.

In 2002, Mr. Nielson, then Counselor to the United States Attorney General, was one of four “Screening Committee” members for the Department of Justice’s Honors and Summer Law Intern Programs. According to the Department’s 2008 Inspector General’s report, the screening committee inappropriately “de-selected” candidates for these non-political positions based on candidates’ political or ideological affiliations; they rejected those “with Democratic Party and liberal affiliations apparent on their applications. . . .” Responding to questions from Senators about this malfeasance, the Inspector General expressed the view that those involved in the politicized screening process “should never get a job with the Department or . . . any other Federal agency based upon the conduct” of that screening committee.

We also have concerns that Mr. Nielson’s record is one of representing corporations and corporate interests at the expense of working families. Over the course of his career, he has challenged the constitutionality of the Affordable Care Act, opposed the Supreme Court’s marriage equality decision in *Obergefell v. Hodges*, and advocated for a Michigan ballot initiative to end affirmative action in state universities. Nielsen also asserted the deeply troubling position that a gay judge should disqualify himself from ruling on California’s Proposition 8, which would have banned same-sex marriage in California, “because his judgment is clearly compromised by his own sexual proclivity.”

Working Americans deserve judges who will apply the law fairly, no matter the personal characteristics or political affiliations of the litigants. Our review of his record leads us to the conclusion that Howard Nielsen does not possess that background. We urge you to oppose his nomination to the U.S. District Court of Utah.

Sincerely,



William Samuel
Government Affairs Director

American Federation of Labor and Congress of Industrial Organizations

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