

AFL-CIO

LEGISLATIVE ALERT

November 8, 2019

Dear Senator:

The AFL-CIO urges you to oppose the nomination of Steven Menashi to serve on the United States Court of Appeals for the Second Circuit. Our opposition is rooted in both substantive and procedural grounds.

Throughout Mr. Menashi's career, he has demonstrated hostility toward the most vulnerable members of society. He has authored inflammatory articles, editorials and blog posts opposing equal rights and undermining legal protections for women, communities of color, and LGBTQ Americans. He has opposed need-based financial aid because it purportedly harms wealthy families, and has argued that democratic countries work better when everyone is of the same ethnicity. Mr. Menashi has also repeatedly expressed disdain for those who advocate on behalf of consumers, workers, and human rights. He also criticized the authority of government agencies, such as the National Labor Relations Board, to safeguard workers, consumers, and investors.

Mr. Menashi has served the Trump Administration as Deputy General Counsel for Postsecondary Education and Acting General Counsel at the Department of Education. In that capacity, he worked with Secretary of Education Betsy DeVos to dismantle protections for students of color, victims of deceptive loan practices, sexual assault survivors, and LGBTQ students. More recently as Special Assistant to President Trump and Associate Counsel to the President, he has worked closely with Stephen Miller on advancing the anti-immigration policies of this administration. The federal courts have ruled most of these attempted policy changes unlawful.

Mr. Menashi expresses his positions in a vitriolic and disdainful way, and is disrespectful of those who hold opposing views. His behavior during his confirmation hearing was evasive and contemptuous, frustrating even Republican Senators who were trying to get him to answer their questions. Simply put, his writings and behavior in no way demonstrate the temperament required of a federal judge.

Furthermore, Mr. Menashi lacks the support of both New York Senators Schumer and Gillibrand, and historically, this fact alone would have prohibited committee consideration of his nomination. The Senate Judiciary Committee should not have granted Mr. Menashi a committee hearing and certainly should not have held a vote.

Our nation deserves judges who treat all Americans fairly and demonstrate respect for democratic values. Nothing in Mr. Menashi's record leads us to the conclusion that he would be such a judge. We urge you to oppose his nomination to the Second Circuit.

Sincerely,



William Samuel
Director, Government Affairs