

AFL-CIO

LEGISLATIVE ALERT

December 10, 2019

Dear Senator:

The AFL-CIO urges you to oppose the nomination of Lawrence VanDyke to fill a vacancy on the United States Court of Appeals for the Ninth Circuit. Our opposition to Mr. VanDyke, who currently serves as the Deputy Assistant Attorney General for the Environment and Natural Resources Division at the U.S. Department of Justice, is rooted in both substantive and procedural grounds.

Mr. VanDyke has a rather extraordinary record of extremely partisan advocacy. Throughout his career he has demonstrated hostility toward civil rights, access to reproductive health, public education and consumer protections. Six retired justices of the Montana Supreme Court cited his extreme conservative, partisan ideological views in a letter to the Senate opposing Mr. VanDyke's nomination, and noted "he has neither the qualifications nor the temperament to serve as a federal court of appeals judge." The American Bar Association also concluded that he is unqualified, and wrote, "Mr. VanDyke would not say affirmatively that he would be fair to any litigant before him, notably members of the LGBTQ community."

Mr. VanDyke also has demonstrated a particularly narrow conception of the rights of working people. During his brief tenure as Nevada's solicitor general he led a lawsuit against a Department of Labor rule that would have entitled 4.2 million more workers to become eligible for overtime pay whenever they work more than 40 hours in a week. Indeed, his Senate Judiciary questionnaire lists this work as among his "most significant legal activities" He also sued to invalidate the Dodd-Frank Act during his tenure as Montana's solicitor general.

Mr. VanDyke has been nominated to a Nevada seat on the Ninth Circuit, but lacks the support of Nevada Senators Cortez-Masto and Rosen, who have stated: "We're frustrated the White House is choosing to ignore the bipartisan work undertaken by our offices in concert with Nevada's legal community to identify and recommend qualified Nevadans for the Ninth Circuit." Their opposition alone should have prohibited the Senate Judiciary Committee from considering his nomination.

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

Sincerely,



William Samuel
Director, Government Affairs