

AFL-CIO

AMERICA'S UNIONS

June 3, 2020

Chairman Lindsey Graham
Ranking Member Dianne Feinstein
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 Judge Justin Walker to the United States Court of Appeals for the District of Columbia Circuit. The DC Circuit is of immense importance to workers and their families, as approximately two-thirds of its case load concerns involve actions of the federal government. It is considered the most influential circuit court in the country as it reviews complex challenges to the conduct of federal agencies.

Judge Walker was confirmed to his current position on the District Court for the Western District of Kentucky less than a year ago, and the AFL-CIO opposed confirmation for reasons that still hold true. Admitted only in 2019 to practice in the Western District of Kentucky, he began his service on the bench barely ten years after his graduation from law school, and at the time had very limited legal experience, minimal trial experience, and a deeply partisan record that raised serious concerns about his ability to be fair and open-minded.

Mr. Walker's inexperience alone should disqualify him from a seat on the critically important DC Circuit. Judges on the DC Circuit are called upon to decide a majority of the administrative law cases that come before the circuit courts from executive branch and independent agencies. His very brief service since he became a district court judge has not provided any substantial additional trial experience—nor anything else—to justify so rapid an elevation to this important circuit court.

Although his legal experience is limited, his support for corporate interests over the rights of working people has been robust. Prior to assuming the bench, Mr. Walker served as co-counsel to Rockwell Mining LLC in a pending case before the U.S. Court of Appeals for the District of Columbia Circuit, where he argued that the court should vacate a National Labor Relations Board decision. In *Rockwell Mining LLC*, 367 NLRB No. 46 (2018), the Republican members of the Board found Rockwell Mining unlawfully failed and refused to recognize and bargain with the union in violation of the National Labor Relations Act. In representing Rockwell Mining, Mr. Walker sought to undermine the collective bargaining rights of the employees to achieve better wages, benefits and working conditions afforded by the NLRA.

American Federation of Labor and Congress of Industrial Organizations

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RICHARD L. TRUMKA
PRESIDENT

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TEFERE GEBRE
EXECUTIVE VICE PRESIDENT

Moreover, Mr. Walker has repeatedly expressed vehement opposition to the Affordable Care Act and to the Supreme Court ruling in *NIFB v. Sebelius* that largely upheld the ACA's extension of healthcare coverage for millions of Americans. He has criticized the federal government's ability to protect the public, and written that requiring employer-based health plans to cover a full range of birth control options is unconstitutional.

Our nation deserves judges who are both qualified and unbiased. Nothing in his record suggests that Mr. Walker meets that standard. We urge you to oppose his nomination for a lifetime appointment to the U.S. Circuit Court for the District of Columbia.

Sincerely,



William Samuel
Director, Government Affairs

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