

# AFL-CIO

## LEGISLATIVE ALERT

June 28, 2018

Chairman Charles Grassley  
Ranking Member Diane Feinstein  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington DC 20510-6050

Dear Chairman Grassley and Ranking Member Feinstein:

I am writing on behalf of the AFL-CIO to urge you to oppose the nomination of David J. Porter to serve on the United States Court of Appeals for the Third Circuit. We have both substantive and procedural bases for our opposition to this nominee.

Mr. Porter has a controversial record and extensive connections to a network of conservative organizations. He is a trustee of Grove City College, a private religious institution that in order to avoid compliance with Title IX disallows student acceptance of federal financial aid. He wrote an article in 2012 for the Center for Vision & Values suggesting that Supreme Court decisions “upholding the National Labor Relations Act, Fair Labor Standards Act, and federal civil rights laws” stretch[ed]” the Constitution. He vocally opposed the legality of the Affordable Care Act and wrote an op-ed belittling Chief Justice Roberts opinion’ after the Supreme Court upheld the law. Mr. Porter also was a founder of the Pennsylvania Judicial Network, which formed in 2009 to oppose the nomination of Sonia Sotomayor to the Supreme Court.

Questions have also risen about Mr. Porter’s veracity. During his confirmation hearing, he attempted to deny any significant relationship with the Pennsylvania Judicial Network. Yet the organization’s materials listed Mr. Porter as one of the Pennsylvania Judicial Network’s founders, and the Chief Counsel of the Judicial Crisis Network praised Porter in just April of this year as “part of the network of conservatives” that “organized in opposition to the confirmation of Judge Sonia Sotomayor to the Supreme Court.”

The Senate Judiciary Committee should not have even considered Mr. Porter's nomination as Senator Casey has withheld his support. Such opposition would have been enough to halt this nomination during most of the past century, but Mr. Porter is the fourth circuit court nominee from this administration to advance despite objections from at least one of their home-state senators.

Our courts need judges who are forthright and respect the rule of law. Mr. Porter does not meet this test and we urge you to oppose his nomination to the Third Circuit.

Sincerely,



William Samuel, Director  
Government Affairs Department

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**American Federation of Labor and Congress of Industrial Organizations**

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