

AFL-CIO

LEGISLATIVE ALERT

February 1, 2019

Chairman Lindsay Graham and Ranking Member Dianne Feinstein
Senate Committee on the Judiciary
226 Dirksen Senate Office Building
Washington DC 20002

Dear Chairman Graham and Ranking Member Feinstein:

I am writing on behalf of the AFL-CIO to urge you to oppose the nomination of Naomi Rao to the United States Court of Appeals for the D.C. Circuit. Her nomination should be rejected in favor of a more moderate, mainstream nominee.

The decisions of the D.C. Circuit have a direct and profound impact on the lives of millions of working men and women across the United States. It reviews more decisions of the National Labor Relations Board than any other court, and frequently hears challenges to health and safety protections adopted by OSHA, MSHA, and other federal agencies. The D.C. Circuit is also the court that most often reviews other federal agency rules and decisions concerning worker and environmental protections, civil rights, and other issues of importance to working Americans.

Based on her record, we see no evidence that Ms. Rao will bring an objective non-ideological lens to the cases that might come before her should she become a federal court judge. Ms. Rao has used her current position as administrator for the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) to implement the Trump Administration's aggressive agenda to dismantle regulatory protections that protect working people. Indeed, her tenure has been marked by a particular willingness to implement rules that roll back civil and human rights and to eviscerate regulations that are unpopular with business interests.

Since college, Ms. Rao has associated herself with extreme ideological and disturbing views concerning date rape, racial and gender discrimination, and LGBTQ rights. As a law professor, founder, and director of the Koch Foundation-funded Center for the Study of the Administrative State at the Antonin Scalia Law School, her academic writings reflect views far beyond the legal mainstream. She has advocated for at-will presidential removal of officials in independent agencies and the elimination of agency independence. She has argued that agency actions should be limited to those explicitly spelled out by Congress, and has been critical of the *Chevron* doctrine.

Ms. Rao is in no-way suited for a lifetime appointment to United States Court of Appeals for the D.C. Circuit, and we urge you to oppose her nomination.

Sincerely,



William Samuel
Government Affairs Department

American Federation of Labor and Congress of Industrial Organizations

815 16th St., N.W. • Washington, D.C. 20006 • 202-637-5000 • www.aflcio.org

RICHARD L. TRUMKA
PRESIDENT

ELIZABETH H. SHULER
SECRETARY-TREASURER

TEFERE GEBRE
EXECUTIVE VICE PRESIDENT