



United States Senate  
Washington, DC 20510

**Re: Oppose the judicial nomination of Justin Walker to the United States Court of Appeals for the D.C. Circuit.**

Dear Senator,

The League of Conservation Voters (LCV) believes our earth is worth fighting for because everyone has a right to clean air, water, lands, and a safe, healthy community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

We urge you to oppose the judicial nomination of Justin Walker to the United States Court of Appeals for the D.C. Circuit. Justin Walker is not a serious candidate for this significant court; he lacks the basic experience and temperament required to competently serve as a judge, and his nomination is the result of his loyalty to Senator McConnell and President Trump and willingness to side with partisan political interests over the rule of law.

The D.C. Circuit Court of Appeals is one of our nation's most important federal courts, responsible for determining the future of critical public protections that safeguard the health of our communities, and serving as a check on presidential overreach. Walker, who has not argued a case in court and was deemed "Not Qualified" by the American Bar Association for a district court seat six months ago,<sup>1</sup> has been selected to serve as a rubber stamp for this Administration, and as a reward for his frequent appearances on Fox News to support the President.<sup>2</sup>

Walker's limited academic writings demonstrate his desire to use a position on the court to undermine critical environmental and public health protections, siding with conservative and big corporate interests rather than serving as an unbiased judge.<sup>3</sup> His criticisms of the Affordable Care Act<sup>4</sup> and the role of government experts in formulating public protections is particularly galling at a time when we are in the midst of a public health crisis. But Walker is far more concerned about protecting the privileges of wealthy and powerful, not the rights of all people, lamenting in one article not about the harms of pollution but rather "*who will pay to clean the air and to clean the water.*"<sup>5</sup>

Walker's clear lack of temperament makes him unfit to serve as a judge, let alone at one of the highest levels of the federal courts. In his public statements, Walker has made clear that he has no interest in serving fairly as a judge, but instead as an extension of the Republican Party. He spent months attacking sitting Senators on Fox News for investigating the serious allegations of sexual assault by Justice Kavanaugh. In March at his investiture ceremony, Walker gloated gleefully about opposition to his nomination, and bragged about his desire to follow a partisan agenda in the courtroom, arguing that conservatives "*are winning but have not won. And that although we celebrate today, we cannot take for granted tomorrow or we will lose our courts and our country to critics who call us 'terrifying' and who describe us as 'deplorable'.*"<sup>6</sup> This vitriolic and bombastic



statement was made mere minutes after taking the oath to “faithfully and impartially” perform his duties as a judge.

This nomination is not worthy of serious consideration, further undermines the credibility of the federal judiciary, and it is unrealistic for any party to expect to receive a fair, unbiased and competent ruling in a case before Justin Walker. At a time when our nation requires immediate, sustained and bipartisan efforts to address this unprecedented health crisis, the decision to prioritize this nomination is unconscionable, and lays plain the desire of this Administration and Senator McConnell to place party politics over the well-being of our nation.

For these reasons, LCV strongly urges you to oppose the judicial nomination of Justin Walker to the United States Court of Appeals for the D.C. Circuit. We will consider including this confirmation vote in the 2020 Scorecard. If you need more information, please call my office at (202) 785-8683 and ask to speak with a member of our government relations team.

Sincerely,

A handwritten signature in black ink that reads "Gene Karpinski".

Gene Karpinski  
President

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<sup>1</sup> Letter from the American Bar Association Standing Committee on the Federal Judiciary to the U.S. Senate Judiciary Committee, *Re: Nomination of Justin R. Walker to the United States District Court for the Western District of Kentucky* (July 30, 2019),

[https://www.americanbar.org/content/dam/aba/administrative/government\\_affairs\\_office/2019-07-30NQ-rating-Justin-R-Walker.pdf](https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/2019-07-30NQ-rating-Justin-R-Walker.pdf)

<sup>2</sup> Justin Walker made at least 161 media appearances in 2018, including 35 on Fox News, to defend the President and the nomination of Brett Kavanaugh. *See* Alliance for Justice, *Nomination of Justin Walker* (April 22, 2019), <https://www.afj.org/wp-content/uploads/2020/04/Walker-Report-4.22.20.pdf>.

<sup>3</sup> Justin Walker, *The Kavanaugh Court and the Schechter-to-Chevron Spectrum: How the New Supreme Court Will Make the Administrative State More Democratically Accountable*, INDIANA LAW JOURNAL (Feb. 28, 2019), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3332672](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3332672).

<sup>4</sup> Justin Walker, *Brett Kavanaugh Said Obamacare Was Unprecedented And Unlawful*, THE FEDERALIST (July 3, 2018), <https://thefederalist.com/2018/07/03/brett-kavanaugh-said-obamacare-unprecedented-unlawful/>.

<sup>5</sup> *Id.*

<sup>6</sup> Walker Investiture, *Judge Justin Walker Investiture Part Four - Judge Walker Speech*, YOUTUBE (March 13, 2020), available at <https://www.youtube.com/watch?v=k5iUfudxuM8>.