

June 6, 2018

Dear Senator,

On behalf of Alliance for Justice, a nationwide alliance representing 130 groups committed to justice and civil rights, I write to oppose the confirmation of Ryan Bounds to the United States Court of Appeals for the Ninth Circuit.

Senate Judiciary Chairman Chuck Grassley's decision to advance Ryan Bounds's nomination is particularly outrageous, an affront to every senator's constitutional role in judicial nominations, and a dangerous yielding of power to the President. Bounds's nomination has been soundly rejected by both of his home-state senators. In light of opposition from both Senators Wyden and Merkley, Bounds should not even receive a vote. Indeed, according to the Congressional Research Service, no nominee has *ever* been confirmed without at least one blue slip. Every senator should take notice: with this vote, Chairman Grassley is disrespecting the senators from Oregon in favor of the Trump Administration to advance a nominee they vocally oppose. In the future, any senator, of either party, could find himself or herself in the same position.

It is particularly egregious that, after vigorously maintaining the blue slip policy under President Obama, Chairman Grassley is so willing to destroy the century-long custom here. The White House initially nominated Bounds before Oregon's independent bipartisan selection committee had even begun its process of vetting possible nominees, and without any consultation with home-state senators. Then, a majority of members of the independent committee that ultimately evaluated Bounds withdrew their support after making clear that Bounds "misled" them about offensive writings denigrating communities of color, LGBTQ individuals, and survivors of sexual assault, among others.

Under President Obama, Republican members of the Senate Judiciary Committee made clear that a nominee's writings, including those dating back to the nominee's time in college, were grounds to oppose confirmation. For example, Republicans on the Senate Judiciary Committee, including Senators Mike Lee and Jon Kyl, pressed Jesse Furman, a former Assistant United States Attorney in New York, about an article he wrote as an undergraduate critical of the National Rifle Association. As Senator Chuck Grassley said in opposing Furman, "When we considered his nomination last year, a few items of concern were raised. These issues included writings he made while in college on gun control[.]"

In his own earlier writings, Bounds made intolerant and outrageous remarks about people with backgrounds and beliefs different from his. He wrote critically about "strident racial factions in the student body" and their work to "build tolerance" and "promote diversity." He went on to claim that the efforts of these students "seem always to contribute more to restricting consciousness, aggravating intolerance, and pigeonholing cultural identities than many a Nazi bookburning." He complained about multicultural organizations who "divide up by race for their feel-good ethnic hoedowns." He also wrote condescendingly and dismissively about sexual assault on campus and argued that to identify and punish alleged perpetrators, the university

should maintain the ironclad “beyond a reasonable doubt” standard of proof used by law enforcement. He wrote: “Expelling students is probably not going to contribute a great deal toward a rape victim’s recovery; there is no moral imperative to risk egregious error in doing so.” Moreover, he decried “sensitivity” towards racial minorities and the LGBTQ community, and activism by those communities as a “pestilence” that “stalks us” and “threatens to corrupt our scholastic experience.”

These comments all raise serious questions on whether *all* Oregonians, and all persons in the Ninth Circuit, can feel that he will approach cases without bias.

Given all these concerns, and as detailed in our report on his nomination issued prior to his hearing, which can be found at the following link, <https://www.afj.org/wp-content/uploads/2018/02/AFJ-Snapshot-Ryan-Bounds.pdf>, we ask the Judiciary Committee to reject Ryan Bounds for the United States Court of Appeals for the Ninth Circuit. We stand ready to answer any questions you may have about our conclusions regarding this nominee.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Aron".

Nan Aron