



PRESIDENT
NAN ARON

CHAIR
PAULETTE MEYER

December 4, 2020

Dear Senator:

On behalf of Alliance for Justice, a national association representing over 120 public interest and civil rights organizations, I write to strongly oppose the confirmation of Stephen Schwartz to the United States Court of Federal Claims (CFC).

To begin, Schwartz's confirmation in a lame duck session would fly in the face of the will of the American people, who have elected Joe Biden as the next President; indeed the last judge nominated by President Obama was confirmed in July, 2016 (and nominees of his to the Court of Claims never received a floor vote). Further, as the nation is in the midst of a harsh wave of the COVID-19 pandemic, it is shameful that the Senate is rushing to confirm more judges rather than prioritizing providing much needed relief to the American people. Anytime, but certainly in the midst of a health crisis, it is stunning that the Senate is considering confirmation of an individual to such an important court with such contempt for measures that ensure the health and well-being of his fellow citizens.

The CFC has been [called](#) the “keeper of the nation’s conscience” and “the People’s Court.” It hears monetary claims against the United States government deriving from the Constitution, federal statutes, executive regulations, and civilian or military contracts. An individual so callous about the health and well-being of the American people and with such contempt for the federal government and the people it serves has no business adjudicating cases on the CFC. If Schwartz is confirmed and has an opportunity to implement his radical views as a judge, the consequences for your constituents could be devastating.

In writings that Schwartz concealed when he was first nominated, Schwartz advocated for the privatization of Social Security and elimination of *all* health care and other social programs. He [wrote](#):

Government spending on Social Security, welfare, medical care, and the like is harmful not only to society as a whole but also to the beneficiaries of such programs ... [P]eople who come to depend on an outside agent (be it a patron, government, or parent) for their livelihoods are inevitably somewhat less than fully mature adults.

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In the same article, Schwartz wrote:

The modern aim of guaranteeing [the elderly] a comfortable, modern standard of living and full medical coverage is not... a worthwhile goal for the government to undertake.

Moreover, Schwartz has built his short career around relentless advocacy for ideologically-driven efforts to erode basic Constitutional rights that strongly suggest he will not be a fair and unbiased jurist.

Schwartz has [argued](#) that the entire Departments of Transportation, Education and Agriculture – and therefore the critical services these agencies provide to millions of people in your states – are unconstitutional. Schwartz fought to make it harder for African-Americans to vote, [defending](#) a North Carolina law that the Fourth Circuit [observed](#) “target[ed] African Americans with almost surgical precision.” He vigorously opposes reproductive rights, including access to [abortion](#) and [contraception](#). He [challenged](#) equality for transgender children.

As detailed more fully in our [report](#) on his nomination issued in 2017 and an [article](#) on his newly released writings, Alliance for Justice strongly opposes his confirmation, and urges you to reject his nomination.

Sincerely,



Nan Aron
President