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KEITH THIRION

CHAIR

PAULETTE MEYER

February 25, 2025

Senator Charles Grassley
Chair, Senate Judiciary Committee

Senator Richard Durbin
Ranking Member, Senate Judiciary Committee

Dear Chairman Grassley and Ranking Member Durbin,

On behalf of Alliance for Justice (AFJ), a national association representing nearly 140 public interest organizations, I urge you and your Senate Judiciary Committee colleagues to oppose the nomination of Dean John Sauer to serve as Solicitor General of the United States.

As solicitor general, Sauer would be responsible for representing the federal government before the Supreme Court. The solicitor general wields immense power and influence and plays an integral role in shaping the interpretation of federal law. Scholars have noted that Supreme Court justices regard the opinion of the solicitor general as so important that they are hailed as being the 'tenth justice.' Simply put, Sauer's confirmation would threaten the rule of law, our long-held principles of democracy, and the remaining checks and balances between the co-equal branches of government.

Sauer promotes election denialism, holds an egregious record of attacking fundamental rights, and has repeated dangerous iterations about unchecked executive power. In fact, his record demonstrates his dedication to advancing Trump's personal agenda, including at the expense of our democratic institutions and the rule of law.

Sauer recently represented Trump in *Trump v. United States*, the precedent-shattering immunity case in which the Supreme Court granted the president sweeping immunity from prosecution for crimes committed while in office. At the U.S. Court of Appeals for the D.C. Circuit, Sauer notoriously argued that the president could not be indicted if he ordered an assassination on his political rivals unless he was impeached first. Sauer repeated this dangerous assertion during oral argument at the Supreme Court. Sauer's shameless advocacy for the Court to depart from a cornerstone of our Constitution and democratic theory, that no president is above the law, is deeply concerning and serves as grim foreshadowing for the integrity of our democratic institutions, our country's form of governance, and the rule of law if he is confirmed.

Additionally, recent interventions by Sauer at the Supreme Court raise alarming ethical questions and demonstrate his unsuitability and unfitness for the office of solicitor general. Specifically, in the intervening period between Trump’s announcement of his intention to nominate Sauer to be solicitor general and his confirmation process, Sauer filed two briefs on behalf of Trump personally at the Supreme Court. On January 7, 2025 Sauer intervened in Trump v. New York, requesting the justices halt Trump’s sentencing in his hush money case, in which the president was convicted of 34 counts of falsifying business records. Moreover, on December 27, 2024, Sauer submitted a brief on behalf of Trump requesting the justices halt the federal law that sought to ban TikTok. Multiple constitutional law commentators have raised the alarm about these actions, with one esteemed scholar arguing that they could inflict “long-term, harmful effects on the government’s relationship with the court.”

Sauer’s troubling loyalty to Trump and anti-democratic ideals are further evidenced by his legal efforts to overturn the 2020 election. In December 2020, Sauer filed an amicus curiae brief on behalf of the state of Missouri supporting Texas’s unsuccessful efforts to overturn the 2020 election in multiple swing states won by Biden. Sauer’s active participation in amplifying and attempting to give legal legitimacy to baseless, harmful conspiracy theories shows that he is unfit to hold the office of solicitor general.

Moreover, if confirmed, Sauer would directly threaten the rights and liberties of millions of Americans. Sauer’s appalling track record of undermining and attacking fundamental rights extends to his time as solicitor general of Missouri, a role in which he routinely spearheaded efforts to strip away reproductive freedom and health care access. To provide one example, Sauer led a 2019 case involving the sinister tracking of menstrual cycles of Planned Parenthood’s patients, in which he mercilessly defended Missouri’s health department over its effort to revoke the license for the state’s only abortion clinic.

While serving as solicitor general of Missouri, Sauer advocated for many other harmful, extreme, and inhumane causes at the Supreme Court. This includes the 2017 case Bucklew v. Precythe, in which Sauer defended Missouri’s lethal injection policy, which the inmate asserted violated the Eighth Amendment because of the likelihood that he would choke on his own blood. Furthermore, in 2022, Sauer unsuccessfully challenged lifesaving COVID-19 policies at the Supreme Court, filing a brief impugning the Biden administration’s vaccine mandate for workers in federally funded health care facilities.

Throughout his career, Sauer has advanced troubling, anti-democratic theories in our courts and relentlessly attempted to cut back our most cherished fundamental rights. The danger he poses to our democracy, the rule of law, and the foundational principles of our government cannot be overstated.

We strenuously urge the Judiciary Committee to reject Sauer’s nomination to serve as solicitor general. We stand ready to answer any questions you may have about our conclusions regarding this nominee.

Sincerely,

A handwritten signature in cursive script that reads "Keith Thirion".

Keith Thirion
Interim Co-President, Alliance for Justice