

Loyalty Litmus:

The First Year of Trump 2.0's Federal Courts

2025
END OF
YEAR
REPORT

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Executive Summary

For nearly five decades, Alliance for Justice has advocated fiercely for a rights-expansive and diverse judiciary. In these tumultuous times, AFJ's continued mission to build a fair and independent federal judiciary through research, education, and advocacy remains more critical than ever.

While President Trump's first-term judicial nominees created lasting harms and destroyed many of the protections we previously took for granted, Trump's second term judicial nominees are poised to cause even greater harm to the American public. With the judiciary frequently standing as the last backstop to halt illegal executive actions, the seating of dangerous loyalist judges poses an even deeper threat to our democracy.

During the first year of his second administration, Trump nominated 34 individuals to lifetime positions on the federal bench and confirmed 26 of them. Instead of upholding an independent federal judiciary, many of Trump's second term nominees have demonstrated openness to a judiciary that serves as an extension of the administration. Like so many other Trump appointments, these nominees seem to have been selected for their unfettered loyalty to Trump, possibly even at the expense of adherence to the rule of law and the Constitution. And like the current Supreme Court supermajority, many of these nominees also share long histories with the same billionaire-funded far-right groups that are actively working to gut civil rights protections, dilute voting rights, cut off access to reproductive care, and hurt some of the most preyed-upon communities in the country.

Despite these challenges, the Trump administration's blatant corruption and continued attacks on the rule of law have jolted the broader public into action. The urgency of this moment continues to activate state, local, and national organizations to amplify judicial nominations with their constituencies. Even organizations that may not have previously engaged around courts and nominees are beginning to understand the importance of the federal judicial nominations process. At the same time, we're already seeing how many of the Biden-era judges AFJ advocated for are now successfully pushing back on Trump's unlawful activities, unauthorized power grabs, and illegal executive orders.

This is why AFJ's work must continue in these dire times — not just to slow down harmful judicial confirmations in the immediate, but to continue driving forward the national movement for fair and independent courts, including by highlighting the urgency of federal judicial nominations and their many downstream impacts on everyday people.

The urgency of this moment uniquely positions AFJ to educate our partners and the public on how federal judicial nominations can directly impact the day-to-day lives of individuals across our country. AFJ continues using this moment to strengthen our grassroots and state level networks to advocate for diverse nominees committed to the rule of law and a fair and independent judiciary. And AFJ will continue to proactively work with our members and partners to build a judiciary worthy of the people it serves.



Despite the Trump administration's willful ignorance to the rule of law, Congress and the captured Supreme Court are not holding this administration accountable for many of its illegal actions and misconduct.

Introduction

Alliance for Justice began in 1979 with a mission to build a fair and independent judicial system. Nearly five decades later, and working in partnership with a national association of nearly 140 organizations, AFJ is honored to continue this work. In these unprecedented and precarious times, AFJ is even more committed to boldly advocating for fair-minded judges and justices who uphold the rights of all and who reflect the diverse communities that make our country strong and resilient. AFJ continues to advocate for judicial nominees who have dedicated their life's work to fields that are people-focused: movement lawyers who have elevated civil rights, voting rights, workers' rights, labor law, reproductive rights, immigrants' rights, public defense, criminal justice reform, consumer protection, legal aid, and access to justice.

The federal courts play a critical role in maintaining a free and fair society. Courts are not abstract institutions but a center of power, and the federal judiciary holds immense power over people's rights and their day-to-day lives. Recently, two federal judges' [rulings](#) helped keep food on the table for some of the most vulnerable families in America. Federal judges are uniquely situated to either protect and uphold or erode civil liberties and civil rights, and their decisions have the power to impact entire communities. Judges' decisions can either acknowledge and empathize with an individual's lived experiences and perspectives, dismiss these experiences and perspectives entirely, or even worse, apply a biased and uneven interpretation and application of the law to persecute and hurt people.

We are at a crossroads in our country's history. The Trump administration and the billionaire oligarchy it serves have attacked our democracy, undermined our government, and even tried to destroy and politicize the agencies that are supposed to protect the public and keep us safe. Despite the Trump administration's willful ignorance to the rule of law, Congress and the captured Supreme Court are not holding this administration accountable for many of its illegal actions and misconduct. Without checks and balances and the separation of powers envisioned by our country's founders, many experts have agreed that the United States government is quickly veering towards authoritarianism.

AFJ continues using this moment to strengthen our grassroots and state level networks to advocate for diverse nominees committed to the rule of law and a fair and independent judiciary.



Trump 2.0: Year 1

Trump nominated 69 lifetime federal judges to the bench in the first year of his first administration. In the first year of his second administration, Trump was much slower to nominate lifetime federal judges. He nominated just 34 district and circuit court judges.

Yet the Senate worked faster to confirm Trump’s judges during the first year of his second administration. Trump’s first year of his first administration resulted in 19 confirmations across district courts, circuit courts, and the Supreme Court confirmation of Justice Gorsuch. This time around, Trump has confirmed 26 federal judicial nominees in 20 district courts and six circuit courts. Not only do many of them have ties to extremist far-right organizations, but the litmus test for nominees also seems to include selecting people who have a track record of loyalty to Trump, even siding with Trump over the Constitution, justice, and the law.

Confirmed Third Circuit nominee and former Trump loyalist attorney Emil Bove openly threatened and fired government officials who disagreed with his political agenda in his leadership role at the Department of Justice. In congressional testimony about Trump’s immunity case, confirmed Third Circuit nominee Jennifer Mascott argued that subjecting a president to criminal prosecution for official acts would be an unacceptable threat to the office. And when asked by Sen. Cory Booker whether Democrats are “relentless and evil,” confirmed Ninth Circuit nominee Eric Tung refused to answer, calling the question a “personal and policy-laden question.”

A federal bench composed of fair-minded and diverse candidates is only one part of the federal judiciary delivering equal justice. As we’ll explore in this report, the recent surge of shadow docket cases (with no explanation or reasoning) reiterates the importance of a non-captured Supreme Court and the need for court reform. The Supreme Court should not be above the law and should not be playing favorites with the political party that appointed them. Justices, like every other judge in the land, should also follow enforceable ethics guidelines, accountability, and transparency requirements.

Where Congress and the Supreme Court seem, at times, to act in lockstep with Trump’s authoritarian and far-right agenda, there are still many instances when federal judges *are* acting independently and fairly. We’re already seeing how some of the Biden-appointed judges that AFJ advocated for are striking down illegal executive orders and curbing unauthorized power grabs by the Trump administration. With less than 1% of all federal cases ending up at the Supreme Court and much of the heavy lifting done at the district court level, such decisions and a continued volume of them play an important role in holding the administration accountable.

AFJ’s research, education, and advocacy are more critical than ever to understanding the nominees to these courts and their biases. And while the immediate road ahead feels like rolling a Sisyphian boulder up a never-ending hill to hold the line on our democracy, we must keep vigorously educating the public and legislators on the impacts of Trump’s nominees. We’ve been at this for nearly 50 years, and advocacy and education are key to laying the groundwork for the next 50 years and beyond. With each new nominee, we will continue to shine a light on their records and loudly oppose nominees who will not be fair-minded, independent, and who are not fit for a lifetime appointment to the federal judiciary.



Even Conservative Judges Are Concerned

Trump has made it his mission to wield the power of the executive branch in increasingly unconstitutional ways against his political enemies and our most vulnerable communities. This administration's actions have been so extreme that even conservative judges are voicing their dissent. Conservative Reagan-appointed Massachusetts Judge Mark Wolf recently **resigned** from the federal bench to speak out against the "White House's assault on the rule of law."

Wolf explained: "I no longer can bear to be restrained by what judges can say publicly or do outside the courtroom. President Donald Trump is using the law for partisan purposes, targeting his adversaries while sparing his friends and donors from investigation, prosecution, and possible punishment. This is contrary to everything that I have stood for in my more than 50 years in the Department of Justice and on the bench. The White House's assault on the rule of law is so deeply disturbing to me that I feel compelled to speak out. Silence, for me, is now intolerable."

Other judges are speaking out in the way that they are able to through their decisions. One hallmark of this administration has been its cruel policies against immigrant communities. Mass deportation is both a policy priority and a threat used to bully communities into silence. After the Trump administration attempted to weaponize immigration policy to curb free speech expression on college campuses, Judge William Young, a Reagan appointee, **penned a sharp rebuke**, calling the conduct "truly scandalous and unconstitutional" and warning further that "the President's palpable misunderstanding that the government simply cannot seek retribution for speech he disdains poses a great threat to Americans' freedom of speech." Such sharp condemnation underscores the gravity of the administration's abuse of power. Judge Young's decision makes clear that even those appointed by conservative presidents are alarmed by this administration's willingness to trample the First Amendment to punish political opposition — a move that marks a dangerous and unprecedented assault on the core constitutional right to free speech.

Unfortunately, and perhaps as intended, there continue to be Trump-appointed judges who sanction Trump's actions, even when their colleagues do not. Trump appointed Fifth Circuit **Judge Andrew Oldham** supported the administration's weaponization of the Alien Enemies Act (AEA), misusing the law to further policies that would deny immigrants due process protections. While the majority correctly **held** that the AEA could not be used outside of declared war or an "invasion" and rejected efforts by the administration to argue that incidences of drug trafficking or illegal border crossings constitute an "invasion," Judge Oldham **dissented**. He argued that whether an "invasion" exists is solely up to the president, effectively granting the executive branch with unchecked authority and elevating the decision beyond judicial review.

Oldham's reasoning would turn a narrowly tailored wartime statute into a blank check for presidential power, erasing due process and shielding executive actions from any form of accountability. His opinion reflects a broader effort by Trump-aligned judges to strip courts of their ability to check unlawful executive overreach, allowing the presidency to operate without constitutional or legal restraint.



Trump has made it his mission to wield the power of the executive branch in increasingly unconstitutional ways against his political enemies and our most vulnerable communities.

Trump's First Term Loyalist Nominees

During the Trump administration's first term, 234 Article III judges were confirmed to lifetime appointments. Most of these judges demonstrated an extreme bias against LGBTQ+ people, immigrants, reproductive rights, workers' rights, consumer rights, economic justice, and access to affordable healthcare and education, just to name a few biases. A wide group of stakeholders, including many in the progressive community, opposed these nominees. They were still confirmed despite glaring issues and an extreme lack of diversity among the nominees. For example, of the 53 nominees confirmed to the federal courts of appeal, only one was Latinx and none were Black.

We were right to be worried about the kinds of judges that were confirmed during the first Trump administration. As expected, opinions that many of these Trump 1.0 confirmed judges have issued since their confirmations fall far outside the mainstream and have been penned in a way that almost appears as if some of these district court judges are "auditioning" with the Trump administration for higher level judicial appointments.



One of the most egregious of these judges is Matthew Kacsmaryk, a judge for the Northern District of Texas. He **issued** a nationwide injunction that revived the Trump administration's "remain in Mexico" policy, which required asylum seekers to wait out their petitions outside the United States, a decision later overturned by the Supreme Court. He has written numerous opinions that struck down LGBTQ+ rights, including **workplace** protections and anti-discrimination healthcare protections for transgender people. Kacsmaryk also oversaw *Alliance for Hippocratic Medicine v. FDA*, a lawsuit that challenged the Food and Drug Administration's approval of the drug Mifepristone, one of the drugs used in medication abortion. Exclusively using language implemented by anti-abortion activists, he **issued** a nationwide injunction suspending the FDA's approval of the drug, a decision wildly out of step with his judicial authority that was ultimately **overturned** by the Supreme Court.

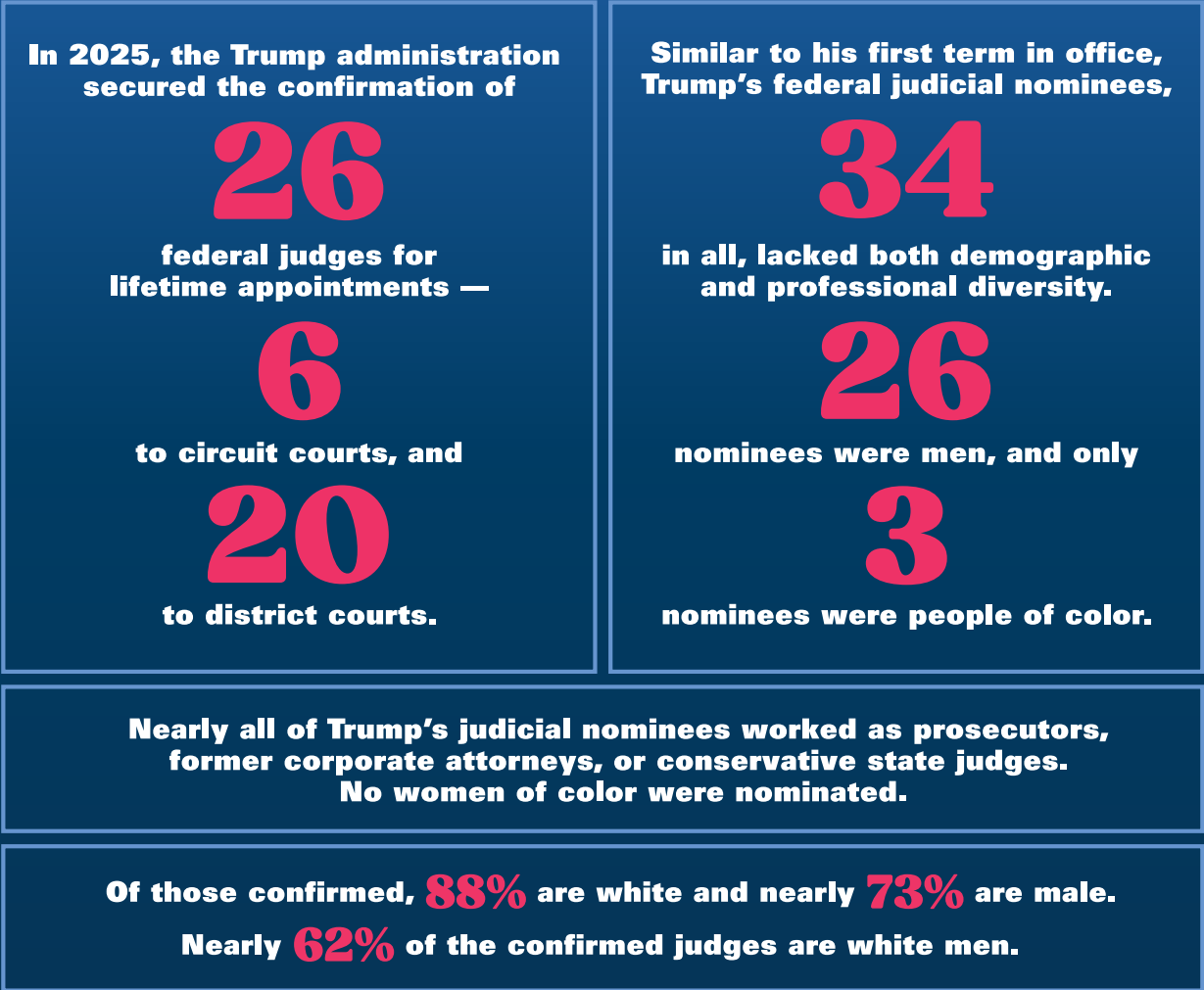
Fifth Circuit judge Stuart Kyle Duncan was presented with a petition from an incarcerated transgender woman seeking a name and pronoun change on her judgement of confinement. Instead of giving a simple yes or no answer, he authored a 17-page **opinion** about why courts do not need to respect the names or pronouns of litigants that appear before them. He misgendered and deadnamed the plaintiff throughout the entire opinion, saying that there was no authority that would require the court to refer to "gender-dysphoric litigants with pronouns matching their subjective gender identity." Indeed, Duncan never uses the word "transgender" to refer to the plaintiff, choosing instead to call her and other transgender people "gender-dysphoric persons." This lack of basic respect for litigants appearing before the court will have a chilling effect on transgender people reaching out to the courts for justice.

And then there's Southern District of Florida judge, Aileen Cannon. When classified materials were taken from Trump's Mar-a-Lago home by the FBI, he petitioned Cannon to appoint a special master to go over the materials.

Despite the DOJ already having reviewed the materials for documents that might fall under attorney-client privilege, Cannon **granted** Trump's request for a special master to complete the same review of the documents, halting the FBI's case until the review was complete. Cannon took particular care to cater to Trump's personal interests and to save him from great "reputational harm." This pandering to the president foreshadowed the kind of nominees that Trump would go on to nominate during his second term.

These are just a handful of examples from Trump's first administration. They demonstrate that AFJ's previous concerns about nominees being unqualified and unfit were well justified. Not only did the nominees from Trump's first administration prepare us to be more vigilant about his second-term nominees, his second administration picks have records that are even more egregious than their predecessors.

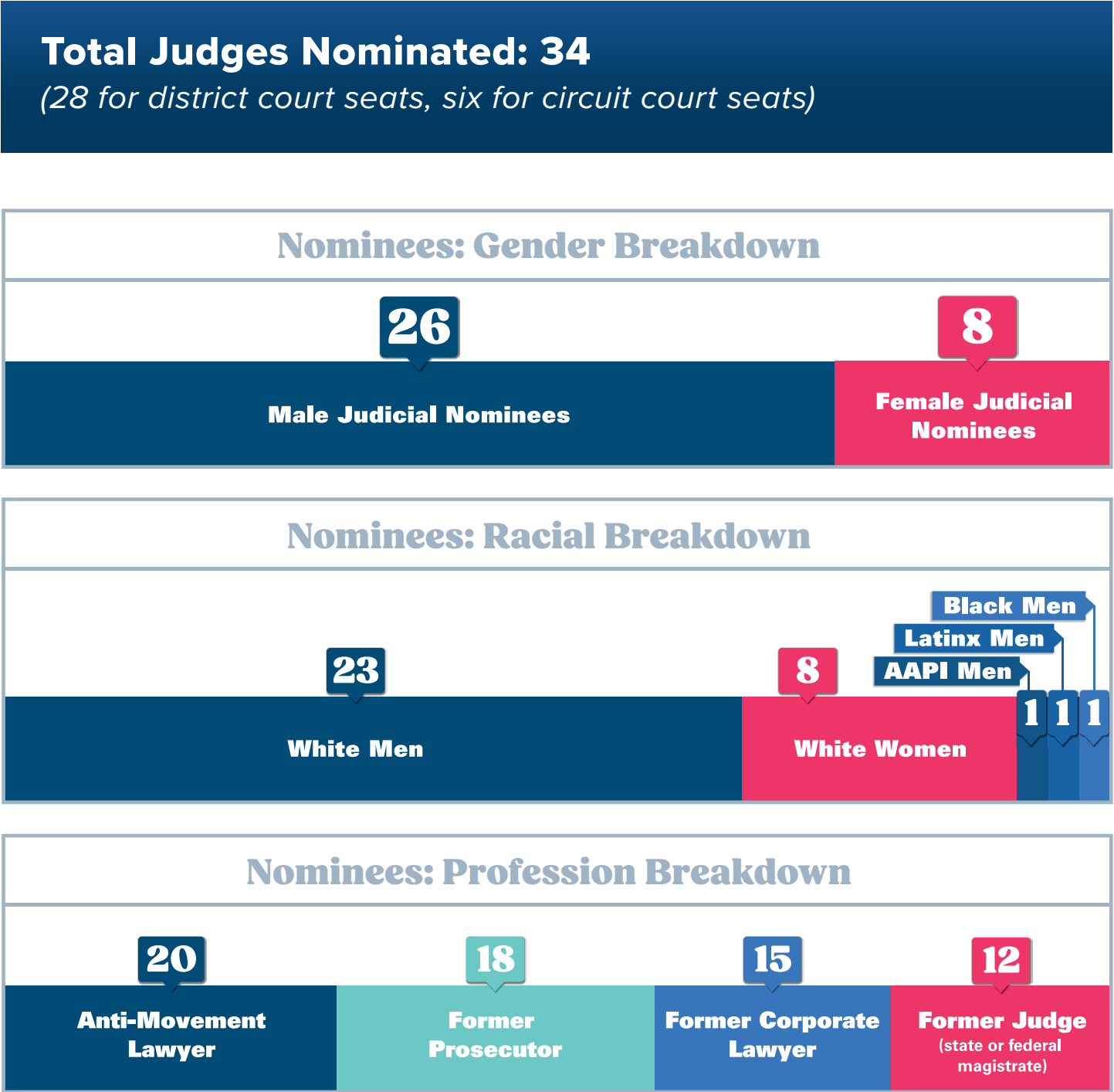
Trump's Second Term By the Numbers



Many of these nominees supported and emboldened some of the worst policies of the Trump administration. Many nominees, who we refer to as “anti-movement,” have long histories and extensive ties to far-right organizations, and spent decades working to undo access to reproductive care, undermine LGBTQ+ rights, diminish voting rights, erode workers’ rights and consumer protections, and push for taxpayers to fund religious education.

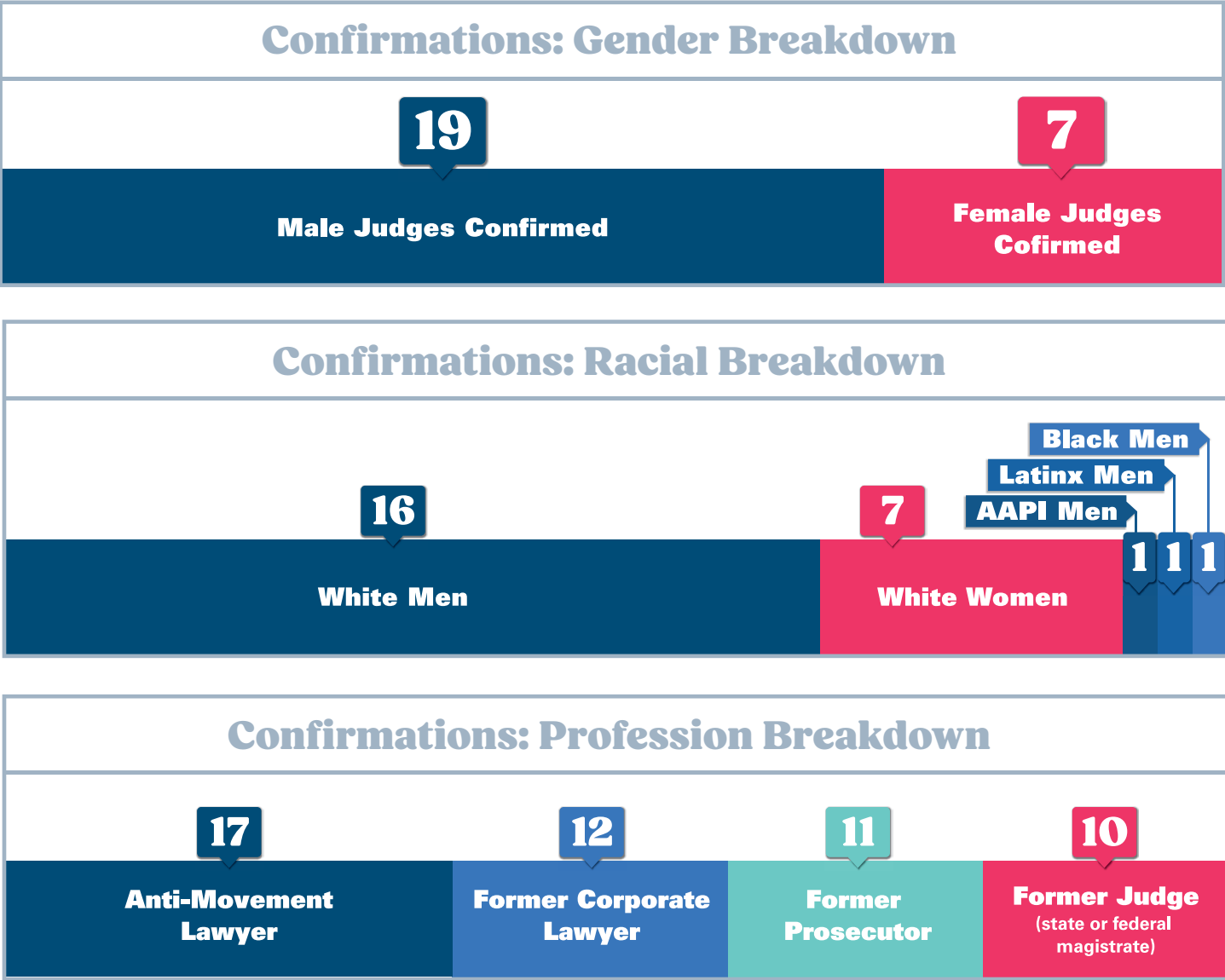
The Full Breakdown

Breakdown of Trump Judges Nominated and Confirmed in 2025



Confirmation Statistics

Total Judges Confirmed: 26
(20 for district court seats, six for circuit court seats)



First Year Comparisons

Source: Federal Judicial Center, Congressional Research Service, and Alliance for Justice

Note: Percentages are rounded, and for multi-racial nominees (seen during the Biden administration), each race is counted once. Therefore, percentages may not total 100%.

District Court

First Year District Court Nominees (by gender)				First Year District Court Nominees Confirmed (by gender)			
President	Male	Female	Total Nominees	President	Male	Female	Total Confirmed
Trump 2.0	82% (23)	18% (5)	28	Trump 2.0	80% (16)	20% (4)	20
Biden	24% (13)	76% (42)	55	Biden	21% (6)	79% (23)	29
Trump 1.0	76% (37)	24% (12)	49	Trump 1.0	83% (5)	17% (1)	6
Obama	52% (11)	48% (10)	21	Obama	44% (4)	56% (5)	9
Bush	75% (27)	25% (9)	36	Bush	73% (16)	27% (6)	22
Clinton	67% (28)	33% (14)	42	Clinton	63% (15)	35% (9)	24

First Year District Court Nominees (by race)							First Year District Court Nominees Confirmed (by race)						
President	White	Black	Latinx	Asian	Native American	Total	President	White	Black	Latinx	Asian	Native American	Total
Trump 2.0	93% (26)	3% (1)	3% (1)	–	–	28	Trump 2.0	90% (18)	5% (1)	5% (1)	–	–	20
Biden	35% (19)	25% (14)	20% (11)	20% (11)	5% (3)	55	Biden	34% (10)	28% (8)	17% (5)	28% (8)	6% (2)	29
Trump 1.0	92% (45)	2% (1)	2% (1)	4% (2)	–	49	Trump 1.0	100% (6)	–	–	–	–	6
Obama	48% (10)	33% (7)	5% (1)	14% (3)	–	21	Obama	44% (4)	33% (3)	–	22% (2)	–	9
Bush	86% (31)	6% (2)	8% (3)	–	–	36	Bush	86% (19)	9% (2)	5% (1)	–	–	22
Clinton	71% (30)	24% (10)	5% (2)	–	–	42	Clinton	71% (17)	25% (6)	4% (1)	–	–	24

Total First Year District Court Nominees		Total First Year District Court Nomineess Confirmed	
President	Total Nominees	President	Total Confirmed
Trump 2.0	28	Trump 2.0	20
Biden	55	Biden	29
Trump 1.0	49	Trump 1.0	6
Obama	21	Obama	9
Bush	36	Bush	22
Clinton	42	Clinton	24

Circuit Court

First Year Circuit Court Nominees (by gender)				First Year Circuit Court Nominees Confirmed (by gender)			
President	Male	Female	Total Nominees	President	Male	Female	Total Confirmed
Trump 2.0	50% (3)	50% (3)	6	Trump 2.0	50% (3)	50% (3)	6
Biden	31% (5)	69% (11)	16	Biden	18% (2)	82% (9)	11
Trump 1.0	79% (15)	21% (4)	19	Trump 1.0	75% (9)	25% (3)	12
Obama	67% (8)	33% (4)	12	Obama	100% (3)	0% (0)	3
Bush	76% (22)	24% (7)	29	Bush	67% (4)	33% (2)	6
Clinton	40% (2)	60% (3)	5	Clinton	67% (2)	33% (1)	3

First Year Circuit Court Nominees (by race)							First Year Circuit Court Nominees Confirmed (by race)						
President	White	Black	Latinx	Asian	Native American	Total	President	White	Black	Latinx	Asian	Native American	Total
Trump 2.0	83% (5)	–	–	17% (1)	–	6	Trump 2.0	83% (5)	–	–	17% (1)	–	6
Biden	31% (5)	38% (6)	19% (3)	13% (2)	–	16	Biden	27% (3)	36% (4)	18% (2)	18% (2)	–	11
Trump 1.0	89% (17)	–	–	11% (2)	–	19	Trump 1.0	83% (10)	–	–	17% (2)	–	12
Obama	50% (6)	33% (4)	8% (1)	8% (1)	–	12	Obama	67% (2)	33% (1)	–	–	–	3
Bush	86% (25)	10% (3)	3% (1)	–	–	29	Bush	67% (4)	–	–	33% (2)	–	6
Clinton	80% (4)	–	20% (1)	–	–	5	Clinton	100% (3)	–	–	–	–	3

Total First Year Circuit Court Nominees		Total First Year Circuit Court Nominees Confirmed	
President	Total Nominees	President	Total Confirmed
Trump 2.0	6	Trump 2.0	6
Biden	16	Biden	11
Trump 1.0	19	Trump 1.0	12
Obama	12	Obama	3
Bush	29	Bush	6
Clinton	5	Clinton	3

Total First Year Supreme Court Confirmed	
President	Total
Trump 2.0	0
Biden	0
Trump 1.0	1
Obama	0
Bush	0
Clinton	1

All Courts Combined

Total First Year District, Circuit, and Supreme Court Nominees		Total First Year District, Circuit, and Supreme Court Nominees Confirmed	
President	Combined Totals	President	Total
Trump 2.0	34	Trump 2.0	26
Biden	71	Biden	40
Trump 1.0	69	Trump 1.0	19
Obama	33	Obama	12
Bush	65	Bush	28
Clinton	48	Clinton	28

Biden Administration Favored a Diverse Judiciary

Unlike Trump, President Biden understood the importance of diversity to our federal judiciary. During his first year in office, record numbers of women, people of color, LGBTQ+ people, public defenders, and people living with disabilities were confirmed to the bench — all groups that have historically been excluded from our judiciary.

During Biden’s first year in office, he **nominated** 46 people of color (65 percent of those nominated). Biden nominated 53 women including 15 Black women, 10 Asian-American/Pacific Islander (AAPI) women, six Latinx women, three Native American women, and four LGBTQ+ women. In comparison, Trump nominated three people of color in the first year of his second administration, one Black nominee, one AAPI nominee, and one Latinx nominee. Trump nominated eight women, all white. These nominees are not only less diverse than Biden’s nominees, but they are also less diverse than the nominees that President George W. Bush appointed in his first year in office almost a quarter of a century ago.

During his first year in office, Biden **confirmed** 27 people of color. Biden also confirmed 32 women in his first year, including nine Black women, 10 AAPI women, three Latinx women, two Native American women, and one woman identifying as LGBTQ+. His confirmed district court nominees also reflect the mosaic of America with four nominees representing multi-racial backgrounds that include AAPI and Black, AAPI and Latinx, and Black and Native American.

On nominating and confirming attorneys with diverse professional backgrounds, Biden **nominated** 21 public defenders, 14 civil rights lawyers, and 12 plaintiff-side lawyers during his first year in office. In his first year, he confirmed 19 public defenders, seven civil rights lawyers, seven plaintiff-side lawyers, one economic justice and labor lawyer, and two consumer protection lawyers. In contrast, nearly all of Trump’s nominees either worked in Big Law, represented corporations, or worked as prosecutors at the state and federal levels.

Trump's Allegiant: The Lowlights

In addition to being mostly white and male, Trump's second term nominees seem to have been chosen, in part, due to their unfettered loyalty to Trump himself.

Nominees such as Emil Bove, Eric Tung, Jennifer Mascott, and Joshua Divine are possibly even more ideologically extreme than nominees confirmed in previous administrations. When asked about 2020 election results, similar to other election deniers, many nominees have chosen only to acknowledge that Biden was the “certified winner” of the 2020 election, refusing to directly acknowledge Biden’s election victory. Some of the nominees with the most concerning and extreme backgrounds are highlighted below.

Emil Bove



Emil Bove was nominated on May 28, 2025 and was confirmed on July 29, 2025. Bove worked as Trump’s personal lawyer before being awarded with a position within the Department of Justice (DOJ). His ethics have been questioned at many points in his career.

Poor Leadership Record: When Bove worked as a prosecutor in Manhattan, many complaints were made about his leadership at the U.S. Attorney’s Office for the Southern District of New York. An inquiry into Bove’s leadership of the terrorism and international narcotics unit revealed that his temper and management style were “abusive.”

Told Subordinates to Disobey Judges: A whistleblower from the DOJ came forward and [said](#) that Bove had encouraged them to blatantly ignore lower court orders to return a plane of immigrants that had been wrongfully deported. Bove’s willingness to subvert the rule of law to further Trump’s agenda no matter the cost is alarming and should not have been rewarded with a powerful circuit court judgeship.

Facilitated Political Favors: In return for former New York City Mayor Eric Adams’ pledge to comply with the administration’s aggressive immigration enforcement tactics, Bove sent a memo to the Southern District of New York [directing](#) them to drop charges pending against Adams for soliciting bribes and illegal campaign contributions. When several prosecutors refused to file the order and instead quit in protest, Bove himself stepped in to make sure the charges were dropped, which “smacks of a bargain.”

Jordan Pratt



Jordan Pratt was nominated on June 16, 2025 and was confirmed on October 28, 2025. Pratt served as a judge on Florida’s Fifth District Court of Appeal and worked at First Liberty Institute, the same organization that Judge Matthew Kacsmaryk worked for before his appointment.

Hostile towards Reproductive Rights: Pratt authored an opinion in *Doe v. Uthmeier* that overturned Florida’s process for a minor seeking abortion care to obtain a judicial waiver in lieu of a parent’s consent. While at First Liberty Institute, he authored an amicus brief supporting Florida’s 15-week abortion ban.

Skeptical about Gun Restrictions: In his personal [writings](#), Pratt advocated for expanding gun rights in public universities and on federally controlled land, calling for the “sensitive places” restrictions on bearing firearms to be narrowly tailored. He challenged a New York law that prohibited guns in places of worship.

Antagonistic to LGBTQ+ Rights: Pratt defended a physician who refused to use the correct pronouns for his transgender patients or provide or refer patients to gender affirming care. In another case, he defended a manufacturing company that denied insurance coverage for gender-affirming care, claiming religious discrimination. He [spoke](#) out against a university who supported a transgender student’s request that a professor use their correct pronouns.

Will Crain



Nominated on September 23, 2025 and confirmed on December 9, 2025, Will Crain’s nomination was first flagged by local Louisiana media and was not publicly announced by the Trump administration until an unprecedented two days before Crain’s Senate Judiciary hearing. The lack of transparency is troubling given Crain’s ideological extremism and far-right views. His record as a Louisiana Supreme Court justice are consistent with how he ran — as “the most conservative choice.” During Crain’s campaign for state supreme court justice, he promoted both anti-abortion and pro-gun stances, and his record certainly confirms his positions.

Staunchly Anti-Abortion: Crain dissented from a Louisiana Supreme Court temporary injunction that protected abortion providers in *June Medical Services, LLC v. Landry*. He called for immediate enforcement of restrictive statutes. His use of language like “alleged life” signals adherence to the extreme far-right fetal personhood ideology.

Overwhelmingly Sided Against Defendants: Crain has repeatedly dissented from his Louisiana Supreme Court colleagues to rule against defendants, even when most of his colleagues lifted and lessened sentences for ineffective counsel, insufficient evidence, and disproportionate and unconstitutionally excessive sentences.

Sided with Polluters Over Everyday People: Crain dissented from a decision that recognized landowner standing to hold energy companies accountable for contaminating private land.

Joshua Divine



Western and Eastern Districts of Missouri

Josh Divine was nominated on May 12, 2025, and was confirmed on July 22, 2025. Divine was the Solicitor General of Missouri and has worked to undermine core constitutional civil rights protections.

Attacked LGBTQ+ Rights: Divine **led** the defense of Missouri's ban on gender-affirming care for transgender minors and submitted an amicus **brief** in *U.S. v. Skrametti*. He sued counties in Missouri that banned the dangerous practice of conversion therapy. He has attacked marriage equality in his writings, claiming that same-sex marriage has a "negative effect" on society.

Undermined Voting Rights: Divine defended voter ID laws that disproportionately **impact** voters of color, saying that they were neither discriminatory nor burdensome. He also expressed support for the use of literacy tests for voting in his personal writings, questioning the value of representative democracy itself.

Hostile towards Reproductive Rights: Divine self-identifies as a "zealot" for the "pro-life" movement. He authored Missouri's **complaint** when they intervened in a case seeking to overturn the Food and Drug Administration's approval of the drug mifepristone, a drug used in medication abortion. He defended the state's total abortion **ban** and their decision to **bar** Planned Parenthood from receiving any payouts from Medicaid.

Eric Tung



Ninth Circuit

Eric Tung was nominated on July 15, 2025, and was confirmed on November 5, 2025. Tung has consistently fought efforts to strengthen labor protections and expand access to economic opportunities.

Fought Against Living Wages: He **represented** UPS against claims that it failed to provide reasonable accommodations for a disabled employee. He represented a hospital association in a lawsuit to strike down a city ordinance that established a \$25/hour minimum wage for healthcare workers.

Worked to Suppress Voting Rights: He filed a **brief** in *Moore v. Harper*, backing the independent state legislature theory, a misguided theory that would grant state legislatures largely unchecked power to suppress voting rights.

Espoused Misogyny: He has outdated views on gender roles and feminism, criticizing feminist organizations like the National Organization for Women, **saying** that these "radical feminists try to blur gender roles" and that he believes in "emphasizing family and what it means for a woman to be a good wife or partner."

Jennifer Mascott



Third Circuit

Nominated on July 16, 2025 and confirmed on October 21, 2025, Jennifer Mascott's nomination to the U.S. Court of Appeals for the Third Circuit raised many concerns. Other than a Delaware beach house, Mascott had no ties to the Third Circuit before her appointment but may have been nominated due to her outspoken support favoring executive power and corporate interests over the health, safety, and rights of everyday Americans.

Supported a King-like Executive: In Congressional testimony on *Trump v. United States*, Mascott argued that subjecting a president to criminal prosecution for official acts (as loosely defined) would be an unacceptable threat to the office.

Worked to Limit Independent Agencies: While advocating king-like powers for the executive branch, Mascott simultaneously opposed deference to agency expertise, even where Congress clearly delegated that authority. Mascott attacked the Consumer Financial Protection Bureau (CFPB), criticized longstanding precedent preserving independent agencies, and played an active role in overturning Chevron deference.

Supported Gutting Environmental Protections: Mascott has consistently supported dismantling federal environmental protections. Commenting on the Supreme Court's decision in *West Virginia v. EPA* (which curtailed the EPA's ability to regulate carbon emissions) she claimed that the "limitation is long overdue."

Edmund LaCour



Northern District of Alabama

Edmund LaCour was nominated on August 12, 2025, and was confirmed on October 29, 2025. LaCour served as Alabama's attorney general and has repeatedly attacked civil rights protections.

Attacked Voting Rights Act: LaCour **defended** Alabama's racially discriminatory congressional map — which dilutes the voting power of people of color — in *Allen v. Milligan*. The Supreme Court ultimately rejected his claims and affirmed the lower court ruling that the plan likely violated Section 2 of the Voting Rights Act. In *Louisiana v. Callais*, he **argued** that race-based remedies to combat racially discriminatory maps were "flawed as a constitutional matter."

Defended Abortion Ban: LaCour **defended** Alabama's near total abortion ban, and called *Roe v. Wade* "unworkable" and "illegitimate" and urged the Supreme Court to overturn it. He also defended the state's **ban** on gender-affirming care to transgender minors. He tried to suppress the rights of workers by **challenging** attempts to raise Alabama's minimum wage. He **supported** efforts to roll back the Endangered Species Act and **sued** to block California from setting stronger fuel efficiency standards.

David Bragdon



Middle District of North Carolina

Nominated on August 20, 2025 and confirmed on December 2, 2025, David Alan Bragdon’s nomination was loudly opposed by both national and North Carolina-based organizations, who were concerned by inappropriate and extreme statements Bragdon made on his self-styled, “Radical: Conservative, Republican, Libertarian” homepage. Prior to his appointment, Bragdon worked as an appellate chief for the U.S. Attorney’s Office for the Eastern District of North Carolina, where he had served as an assistant U.S. attorney since 2007.

Showed Disdain for Families in Need: On his personal website, Bragdon caricatured welfare recipients as criminals and addicts and insisted that government assistance programs breed “idleness, illegitimacy, drugs, and crime.”

Demonstrated Contempt for Abortion: In writings he equated abortion to killing an unwanted neighbor, stating, “[i]t would be in my pursuit of happiness to kill the neighbor” and further opined that women “must face the consequences” of unintended pregnancy and should be denied access to abortion.

Extremist Views on Capital Punishment: When confronted with the well-documented racial disparities in executions, Bragdon dismissed the inequities outright, quoting Ernest van den Haag to argue that the answer is not to “let[] the guilty blacks escape the death penalty because guilty whites do, but [to] mak[e] sure that the guilty white offenders suffer it as the guilty blacks do.”

Justin Olson



Southern District of Indiana

Nominated on November 14, 2025, Olson seems to have been [selected](#) for his [loyalty to Trump](#), as well as his roles in litigation targeting transgender athletes. Olson holds extreme views that would undermine judicial independence, undermine confidence in the federal judiciary, and hurt scores of litigants who are transgender, LGBTQ+, and women by exposing all of these groups to Olson’s loud and aggressive bigotry and biases.

Led Anti-Trans Litigation Efforts: In Olson represented ICONS (Independent Council on Women’s Sports), an advocacy organization that [financially backed](#) the effort to try and kick transgender students out of college sports in *Gaines v. NCAA*. Not only has Olson misgendered litigants, he and his co-counsel [requested](#) a judge’s recusal when courtroom protocols required all parties to (respectfully and humanely) use the appropriate pronouns when referring to others.

Holds Election Denialism Views: When asked during a Senate Judiciary hearing whether Olson believed the Capitol was attacked on January 6, Olson characterized the insurrection as merely: “individuals entered the Capitol and some of them were charged and there were cases that arose as a result.” He not only signaled his loyalty to the Trump administration but openly admitted under oath he believes in an alternative reality fueled by Trump’s misinformation.

Anti-LGBTQ+: At the same Senate Judiciary hearing, Olson defended what he taught at Sunday School, that transgenderism, homosexuality, fornication, and all sorts of sexual perversions are a form of hypocrisy from “shame on the inside.” He defended these teachings by explaining that the doctrine of his church believes that fornication — “any sexual act outside of marriage,” including pre-marital sex — is a sin.

The Severity of Lifetime Appointments

Not only are basic rights and our democracy under attack, Trump’s judicial nominees highlighted above continue to demonstrate that these are not normal times.

There is clear evidence that these nominees will not be fair and independent-minded judges who can be trusted to uphold the rule of law and the Constitution. This is why AFJ and our partners have continued vigorously advocating for Senate offices to take their advice and consent duties seriously. Every vote on every judicial nominee holds critical importance and should not be “traded” simply to show bipartisanship. Each judge is part of the administration’s larger strategy to place lifetime loyalists in seats of power, strip rights, and erode democracy.

There are very few times in 2025 when AFJ did not recommend a “no” vote on a judicial nominee. Seven nominees received confirmation votes from at least one Democratic senator. While it is disappointing to see a handful of votes taken on nominees with less-than-ideal backgrounds, the reality is that many factors and considerations go into votes. Sometimes senators are voting for the “least bad option.” Yet the public doesn’t always have visibility on how senators are weighing their options. This is why AFJ is highlighting the votes taken on judicial nominees – so the public can ask those important questions. AFJ will continue to work hard to reiterate to senators that a vote on a judicial nominee must not be treated lightly, will last a lifetime, and sends a clear message to constituents whether they will fight to protect democracy and our rights.



Democratic Votes for Judicial Nominees

Senate floor, confirmation

Senator Names	Judges							Total Senate Floor Votes (least to greatest)
	Joshua Divine (Eastern and Western District of MI)	Kyle Dudek (Middle District of FL)	Harold Mooty (Northern District of AL)	Bill Lewis (Middle District of AL)	Susan Courtwright Rodriguez (Western District of NC)	Matthew Orso (Western District of NC)	Lindsey Freeman (Middle District of NC)	
Heinrich (D-NM)								1
Hirono (D-HI)					X			1
Fetterman (D-PA)			X					1
Reed (D-RI)			X		X			2
Coons (D-DE)			X		X			2
Gallego (D-AZ)					X	X		2
Kelly (D-AZ)			X		X			2
Klobuchar (D-MN)			X		X			2
Peters (D-MI)				X			X	2
Rosen (D-NV)					X		X	2
Schiff (D-GA)			X	X				2
Welch (D-VT)		X	X					2
Shaheen (D-NH)			X			X	X	3
Whitehouse (D-RI)			X			X	X	3
Hassan (D-NH)			X	X	X		X	4
Durbin (D-IL)			X	X	X	X	X	5
Kaine (D-VA)			X	X	X	X	X	5
King (I-ME)	X		X	X	X		X	5

*If a senator’s name does not appear in this chart, they did not vote to confirm any of Trump’s second term nominees

Republican Votes Opposing Judicial Nominees

Senate floor, confirmation

Senator Names	Judges		Total Senate Floor Votes (least to greatest)
	Emil Bove (Third Circuit)	Jen Mascott (Third Circuit)	
Collins (R-ME)	X		1
Murkowski (R-AK)	X	X	2

At the same time, Alliance for Justice has partnered with other national advocacy organizations and on-the-ground state and local groups to slow down and peel away votes for nominees such as Emil Bove and Jennifer Mascott (both Third Circuit). Our targeted campaign and partnerships with some unconventional groups helped pave the way for Republican Senators Susan Collins (R-ME) and Lisa Murkowski (R-AK) to vote “no” on cloture and confirmation for Emil Bove. Murkowski also voted “no” on the confirmation of Jennifer Mascott.



When the public cares, lawmakers care. This is why educating the public as well as lawmakers is key to the mission of building a rights-expansive and diverse judiciary.

Using Every Tool to Delay and Block

Senate Democrats need to continue to hold the line and use every tool at their disposal to protect our rights. One such tool is the blue slip.

While AFJ has called for blue slip reform in the past, we will continue to support senators’ use of blue slips as a tool of resistance against Trump’s extremist nominees. Blue slips are a century old Senate practice. When a judicial nominee is nominated to a vacant seat on a federal court, the home state senators from the state in which the vacancy sits are given the ability to support the nomination or not by returning a negative or positive blue slip — or not returning one at all. Historically, returning a negative blue slip or not returning one at all would stop all consideration of the nominee, working effectively as a veto. Segregationist senators have historically used the blue slip to fight the diversification of their courts – thus why AFJ called for its reform. Republicans used this tactic to hold open nearly 50 vacancies during President Obama’s time in office, giving Trump an unprecedented number of vacancies to fill with ideological judges.

Frustrated when this tactic was then used on Trump’s nominees, Senate Judiciary Chair Chuck Grassley (R-IA) set the current practice in 2017 as follows: A negative or unreturned blue slip would still be honored for district court nominees, but not for circuit court nominees. When Sen. Lindsey Graham (R-SC) became chair in 2019, he maintained this policy, as did Sen. Dick Durbin (D-IL), who served as chair throughout Biden’s term.

With Grassley once again serving as chair, he has been under pressure from Trump to end the blue slip practice because he is frustrated with Democratic senators vetoing his alarmingly dangerous candidates. For example, during a luncheon in October, Trump [called](#) on Senate Republicans to “look at that blue slip thing” and criticized Grassley for honoring it. So long as the blue slip tradition remains in place, Democrats should play by the same set of rules that benefit Republicans and use this tool to protect the judiciary.

The Shadow Docket Weaponized

The Trump administration has continued using the judiciary to try and expand the reach of the executive branch, limit constitutional rights, and buck the rule of law.

And the Supreme Court's conservative super majority continues sanctioning many of the Trump administration's unauthorized power grabs, both through their merits docket as well as their emergency docket, also known as the shadow docket.

Unlike typical court procedures that embody public transparency and serve as an accountability mechanism for the justices' decisions, shadow docket cases are decided with little to no briefings, no oral arguments, and decisions are often unaccompanied by any reasoning or legal analysis at all. Previously, the emergency docket was a procedure saved for rare emergency decisions — like pleas for stays for those facing execution on death row — because it provides a fast-track to the Court in urgent situations. Because emergency docket briefings are not accompanied by public briefings, oral arguments, and extensive written decisions, shadow docket decisions also muddy legal waters, and the precedential value of these decisions remains **unclear**.

The second Trump administration continues to request and benefit from the shadow docket at an unprecedented rate. In the 2024- 2025 term, the Court decided 113 matters on the emergency docket, a 157% increase compared to the 44 matters it the previous term. This administration requested shadow docket rulings in as many as 19 times in the first 20 weeks — the same amount as the Biden administration requested over four years. In comparison, the Obama and W. Bush administrations combined requested emergency docket rulings in only eight instances over their combined 16 years. As of October 2025, the Court has sided with Trump fully or partially in over 90 percent of his requests.

On the next few pages are highlights from a few key shadow docket cases that exemplify the sort of impactful legal decisions without transparency or explanation.



Trump v. Slaughter

In this shadow docket **ruling**, the Court gave Trump the green light to fire Federal Trade Commission (FTC) commissioners without cause, circumventing Congress's intent for the FTC to be an independent agency led by a bipartisan five-member commission. The FTC commissioners will not be able to complete their statutorily mandated duties while they wait for a final decision.

Additionally, shadow docket rulings often hold insight into how the judges may rule in the future, so an early decision siding with Trump is writing on the wall for a later, more significant decision that further supports his efforts. The dissent, penned by Justice Kagan and joined by Justices Sotomayor and Jackson, excoriated the conservative majority's use of the emergency docket to fundamentally "reshape the Nation's separation of powers."

Department of Homeland Security v. D.V.D.

As the underlying case makes its way through the lower courts, the Supreme Court greenlighted the Trump administration's policy to remove asylum seekers to third countries without adequate notice and proper screening for torture risks. Dissenting Justices Sotomayor, Kagan, and Jackson highlighted how this policy has played out in real life: defying a court order, the administration secretly transferred migrants to Guantanamo Bay, and from there to El Salvador. It also removed six people to South Sudan with less than 16 hours of notice, and without any opportunity for them to contact their attorneys or have their cases heard in court.

Writing for the three dissenting Justices, Sotomayor notes, "The government has made clear in word and deed that it feels itself unconstrained by law, free to deport anyone, anywhere without notice or an opportunity to be heard." On this matter being resolved through the shadow docket, Justice Sotomayor warns, "Rather than allowing our lower court colleagues to manage this high-stakes litigation with the care and attention it plainly requires, this Court now intervenes to grant the Government emergency relief from an order it has repeatedly defied. I cannot join so gross an abuse of the Court's equitable discretion."



Noem v. Perdomo

The Court sided with the Trump administration, [granting](#) its request to block a lower court ruling that prohibited immigration officials from detaining people based on ethnicity alone, the location where they work, or the language they speak. This shadow docket decision was not just a direct assault on Fourth Amendment protections, but indeed the highest court in the land legitimizing systemic racial profiling. While there was no majority opinion, Justice Kavanaugh included a limited explanation for the decision in a concurring opinion. The dissent, however, once again used its opinion to warn of the effects that decisions like this have, noting, "[w]e should not have to live in a country where the Government can seize anyone who looks Latino, speaks Spanish, and appears to work a low wage job."

This is another example of how the Supreme Court has weaponized the shadow docket to issue sweeping, life-altering decisions with no transparency or accountability, bending to Trump's demands in ways that, as Sotomayor put it, are "unconscionably irreconcilable with our Nation's constitutional guarantees."

The immigration stops legalized by *Noem*, popularly referred to as "Kavanaugh Stops," have led to dozens of cases of U.S. citizens being unlawfully detained.

These are just three of 133 emergency docket [rulings](#) that the Court made in 2025. But as the examples show, the increased use of the shadow docket poses real issues for everyday people, who have their lives, institutions, and even constitutional rights altered without so much as legal reasoning or public discourse. As long as the Court continues to side with the Trump administration in these rulings, it seems likely the administration will continue running to the Court to support their radical, lawless decisions. We deserve more from the highest court than rushed decision-making behind closed doors for some of the biggest issues affecting our rights and lives.

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Courageous Biden-Appointed Judges



Even though our Supreme Court remains nearly in lockstep with the Trump administration, there continue to be judges at the lower levels, appointed by both Republicans and Democrats, committed to a fair and independent judiciary. A recent [analysis](#) of district court, circuit court, and Supreme Court decisions revealed that district court judges, whether Republican or Democratic-appointed, ruled against the Trump administration in about equal proportions. Decisions [become increasingly partisan](#) in circuit courts and the Supreme Court, with Republican-appointed circuit court judges siding with the Trump administration 84% of the time, and Democratic-appointed circuit court judges ruling against the Trump administration 85% of the time.

Considering these statistics, it remains critical to work towards ensuring a fair-minded and independent judiciary, particularly at the lower court levels. With less than 1% of all cases ending up in the Supreme Court, the decisions of these lower court judges continue to make a big impact and difference in holding the Trump administration accountable.

Biden impressively nominated and confirmed a record 235 lifetime judges to the bench, including many with professionally and demographically diverse backgrounds. Many of those were movement lawyers, and they will be powerful voices on the federal bench for years to come. These judges' commitment to the rule of law and upholding justice for everyday people is already reaping benefits for the American public.

Susan Godfrey LLP v. Executive Office of the President

Judge Loren AliKhan, a Biden appointee, struck down Trump's [executive order](#) targeting the law firm Susan Godfrey, [ruling](#) that the executive order targeting the firm was "unconstitutional from beginning to end." AliKhan joined three other federal judges who ruled against Trump's unconstitutional targeting of law firms, providing important early indicators that the Trump administration would not run amok of the law without some legal consequence.

The ruling addressed just one of a series of concerning actions by a presidential administration who seems intent on pushing the bounds of the law to target and control corporations, the media, and bend public opinion. For several months, Trump used the full power of the government to target prominent law firms, seeking to punish them for representing causes and clients he opposed. These executive orders served as political weapons; Trump even used the power of his office to illegally target firms who employed attorneys he considered political enemies, like former special counsel Robert Mueller. The orders imposed a wide range of punishments, including suspending high-level security clearances for the firms' attorneys, barring their employees access to important government buildings and officials, and even ending the government's contracts with targeted firms.

AliKhan deemed Trump's orders to be an attack on the law firms' First and Fifth Amendment rights and did not hesitate to note the executive orders were broader assaults on the American legal system. She also noted that Trump's executive order was not just unlawful but issued specifically to punish the firm for exercising its constitutional rights, noting that an order of this nature would have a direct impact on the firm's First Amendment-protected speech, reputation, and client relationships. Despite the apparent unconstitutionality of these orders, nine law firms cut deals with Trump to avoid having an order issued against them or to try and get an order against them lifted, agreeing to provide hundreds of millions of dollars in free legal work on causes the president supports. AliKhan's clear and unequivocal ruling against the administration provided one of the few democratic backstops against Trump's early illegal behavior, while so many were placating him and folding under pressure from the administration.

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AIDS Vaccine Advocacy Coalition v. United States Department of State

Judge [Amir H. Ali](#) issued a temporary restraining order against one of Trump’s destructive [executive orders](#) that would have frozen USAID and other foreign aid funding to nonprofits and contractors for work that was already completed. The sudden suspension of foreign aid affected several organizations that relied on federal grants and contracts, leading to furloughs, layoffs, and even closures. Ali’s temporary restraining order provided immediate relief for contractors, preventing the government from suspending, pausing, or preventing the disbursement of funds in connection with those contracts which existed as of January 19th, 2025.

Ali found that the blanket suspension of foreign funds required by the executive order had a likelihood of irreparable harm; Ali highlighted that the suspension would disrupt existing contracts, cause financial distress, and threaten the core missions of the affected organizations.

Ali also noted the likelihood that these organizations would succeed in challenging the executive order, noting the constitutional violations related to the separation of powers and the Take Care Clause.

Most notably, Ali pushed back against the primary argument presented by Trump’s Department of Justice — that the president’s actions were not subject to judicial review. Ali noted that allowing the president to reframe his actions to avoid judicial review would be “too much.” As Trump continues to push against the bounds of the law, judicial review continues to provide a necessary safeguard to maintaining constitutional rights. Ali’s decision providing the legal framework for continued judicial review is a key protection standing against the increasing consolidation of power in the executive branch.



National Association of Diversity Officers in Higher Education et al v. Trump et al

Judge [Adam B. Ableson](#) blocked key provisions of a Trump [executive order](#) that banned diversity, equity, and inclusion programs within the federal government. Ableson [found](#) that the orders violated a range of constitutional rights, including, most saliently, violation of free-speech rights.

As one of Trump’s first actions in office, he signed an executive order directing federal agencies to terminate all “equity-related” grants or contracts and later signed an order requiring federal contractors to certify they do not promote diversity, equity, and inclusion. The city of Baltimore and several higher education groups sued the administration in response, arguing that these executive orders were not only a clear overreach of presidential authority, but would also result in a bleed-over effect to chill freedom of speech.

Ableson highlighted that these executive orders would discourage businesses and other organizations from openly supporting diversity, equity, and inclusion, punishing these organizations based on their viewpoints.

He also found that the orders were unconstitutionally vague, leaving organizations with “no reasonable way to know what, if anything, they can do” to obey the executive order. Ableson provided an early indication to the Trump administration that some courts would not become a weapon of the administration but would instead hold the bounds of the law to protect the constitutional rights of the public.

AFJ advocated fiercely for the confirmation of all three of the Biden judges referenced above who are now holding our country back from the brink of lawlessness. These judges are just a small snapshot of the kinds of judges we need on the bench, and why it’s so important for us to continue amplifying the harmful records of Trump’s second term judges and using every means necessary to delay and prevent their confirmations.

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Protecting Everyday People

All around the country, we're seeing federal judges courageously uphold the law, even in the face of threats by politicians and the Trump administration.

Protecting 42 Million People's Ability to Access Nutrition

Judge John J. McConnell Jr. in Rhode Island and Judge Indira Talwani in Boston argued that USDA's move to freeze SNAP funding in the wake of the longest government shutdown in U.S. history was likely unlawful. Both noted that the Trump administration is legally obligated to use the more than \$5 billion in emergency funding that is earmarked by Congress for situations like these.

However, the Trump administration refused to comply. Despite these two court orders instructing the administration to use emergency funding to provide at least partial SNAP benefit payments, Donald Trump posted on Truth Social that SNAP benefits "will be given only when the Radical Left Democrats open up government, which they can easily do, and not before." The government shutdown ended before the situation could escalate further, but the Trump administration's willingness to flout the law remains extremely concerning. The judiciary plays a key role in the separation of powers by defining the constitutional bounds of the executive's actions. However, the judiciary can only serve this role if their orders are respected and obeyed by other co-equal branches. Trump's behavior sets a dangerous precedent for the future, one that needs to be (and will be) watched closely.

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Protecting Our Cities From Authoritarian Overreach

Throughout the year, Trump repeatedly illegally used the National Guard as his personal military, deploying the guard in full force to cities across the nation, including Portland and Chicago. Early in the year, Trump deployed the guard to Los Angeles but was ordered by U.S. District Judge Charles Breyer to stop using the National Guard for activities such as arrests, searches, traffic or crowd control, and interrogation, as doing so blatantly violated the law.

Portland and Chicago also pushed back against these illegal deployments. Even after Trump-appointed U.S. District Judge Karen Immergut blocked the deployment of the National Guard members to Portland, the Trump administration tried to circumvent the order by deploying California National Guard Troops. Immergut stood strong, issuing a second, broad order barring any National Guard members from being relocated from any state for federal service in the state of Oregon. Trump's actions to maneuver around the court's order and the rule of law prompted the state of California to join the suit against the Trump administration, alongside the state of Oregon and the city of Portland. After adding California, the parties sought a new emergency order to block the California National Guard troops from mobilizing in Portland. The lower courts played a very important role in allowing states to safeguard their inhabitants, ensuring that they were not subject to aggressive military federal takeover.



Trump has made it his mission to wield the power of the executive branch in increasingly unconstitutional ways against his political enemies and our most vulnerable communities.

Ensuring Fair and Equitable Immigration Policies

Trump also faced defeat in an unexpected venue: the Fifth Circuit Court of Appeals. In a challenge to Trump's use of the Alien Enemies Act to target Venezuelan communities, the appellate court became the first to rule on the merits of the administration's use of the wartime statute. Trump had attempted to justify deportations under the act by declaring there was an "invasion" of the United States. But in a 2–1 opinion written by Judge Leslie Southwick and joined by Judge Irma Ramirez (a Biden appointee), the court rejected that argument, holding that "invasion" is a term of war that requires actual military action — something Trump could not show.



Refusing to Buckle to Partisan Motivated Attacks Against Transgender Individuals

Judge Julia Kobick blocked the State Department from enforcing an executive order requiring Americans to list their gender assigned at birth on passports. In her earlier ruling, Kobick found the administration had failed to justify the policy with any “important governmental interest.” She called out the order as discriminatory, writing that the executive order “[v]iewed as a whole . . . is candid in its rejection of the identity of an entire group . . . who have always existed and have long been recognized in, among other fields, law and the medical profession.”

This has been another year full of legislative and legal attacks against transgender individuals, fueled by hateful rhetoric from this administration and legitimized by a Supreme Court increasingly willing to abandon equal protection. In this environment, the lower courts remain one of the last lines of defense. Although Kobick’s order was later paused by the Supreme Court, her decision remains an important example of lower courts safeguarding the rights of trans people and pushing back against the dangerous pattern of the government using their power to diminish the dignity and even the existence of trans people.

Safeguarding Our Independent Agencies

Judge Myong Joun blocked the Trump administration’s plan to fire thousands of employees at the Department of Education, ruling that the move was a thinly veiled attempt to dismantle the agency without congressional authorization. Rejecting the administration’s justification that the terminations were aimed at improving “efficiency,” Joun found that the effort had instead “deeply disrupted services for students, families and states, making processes less efficient.”

Joun’s decision stood in the way of Trump’s unlawful dismantling of the Department of Education and the administration’s blatant attempt to mislead the court. The administration has continued a deeply disturbing pattern of open contempt for the federal judiciary and disregard for the rule of law, but lower court judges play a hugely important role in ensuring that our most important institutions remain protected.

Grand Juries as an Additional Check

Grand juries have been an important safeguard against the Trump administration’s authoritarian overreach, refusing to indict people on bogus charges. In one case out of Washington, D.C., a woman was accused of assaulting an FBI agent during a protest against Trump’s immigration policies. Federal prosecutors tried three separate times to convince grand juries to indict her on felony charges. Each time, citizens declined. Only after repeated failures did prosecutors back down, reducing the case to a misdemeanor. As her lawyer explained: “The U.S. attorney can try to concoct crimes to quiet the people, but in our criminal justice system, the citizens have the last word.”

Similarly, in California, U.S. Attorney Bill Essayli’s office has faced a wave of grand jury rejections. Unfortunately, rather than accept those outcomes, Essayli has reportedly directed prosecutors to bring the same cases before new grand juries in different counties, often without adding any new evidence. Although Trump’s appointees appear eager to weaponize the criminal justice system against the people to aid the administration’s ongoing efforts, everyday citizens are repeatedly showing that they refuse to participate in these gross abuses of power.

Why We Fight:

Judicial Nominees and the Broader Democracy Mission

We are only one year into Trump's second term, and already, this administration's executive overreach, authoritarian attacks on the American people, and blatant disregard for the rule of law have permanently harmed millions of people around the country and the world.

Whole government agencies have been completely dismantled. Other agency staff have been drastically reduced and ordered to stop much of their work. Immigrants and citizens alike are being detained and disappeared without due process. Previously hard-won voting rights are being rolled back. This administration has weaponized ICE and the National Guard to go after law abiding people for peacefully protesting. Civil rights and civil liberties, including basic LGBTQ+ rights and access to reproductive care, are all under direct attack.

Instead of the checks and balances envisioned by our country's founders, the Supreme Court's far-right supermajority — purchased and/or influenced by right-wing billionaires — no longer acts as a separate check on illegal conduct and executive overreach. Instead of abiding by the Constitution and following decades of legal precedent, the current Supreme Court remains in near lockstep with the Trump administration, hiding behind the shadow docket to avoid accountability and transparency.

Even with a Supreme Court beholden to billionaires, far-right agendas and corporate interests, the federal judiciary still feels like the last layer of sandbags holding back a flood of unchecked authoritarianism. Such was the case for conservative Reagan-appointed Massachusetts Judge Mark Wolf, who [resigned](#) from the federal bench in order to speak out against the "White House's assault on the rule of law." The federal judiciary has and *must* continue to call out a government that has broken its promise to serve everyday people instead of billionaires and corporations. Our federal judges, tasked with upholding our laws, can either defend this precious democracy or contribute to the further erosion of fundamental Constitutional rights and liberties. They are uniquely positioned to shine a light on wrongdoing and hold this administration accountable when they break the law.

But judges are human beings, and as evidenced by the current captured Supreme Court, there are powerful, wealthy, and influential forces that have worked for decades to advance an extremist, right-wing agenda by pushing judicial nominees who are not fair or independent and who will not uphold the rule of law or equal justice under the law. As the Trump-led government veers toward Supreme Court-sanctioned authoritarianism and Christian nationalism, many Trump-appointed nominees and judges continue to demonstrate an authoritarian bent and unfettered fealty to Trump.

Our research continues to uncover the strong ties between many of Trump's nominees and their ongoing histories and relationships with far-right extremist organizations. As expected, many Trump nominees have also advanced outlandish legal theories used to justify eliminating decades of protections and precedent in voting rights, civil rights, racial justice, workers' rights, LGBTQ+ rights, economic justice, and consumer and environmental protections. When these nominees are confirmed, there will be no fairness in their courtrooms but instead predictable outcomes that roll back civil rights and civil liberties, advance religious agendas, and favor corporate interests over everyday people. This is why AFJ, in collaborative partnership with our members and coalition partners, will continue to thoroughly research and vet every judicial nominee advanced by the Trump administration.



AFJ will continue to vigorously oppose any nominee with a history or background of undermining our rights and our democracy. Our democracy depends on a fair and independent federal judiciary.

Nuanced and Timely Research

AFJ continues to be one of the most trusted sources of information for federal judicial nominees on the Hill, with the media, and with the general public. Given the Trump administration's lack of transparency about judicial nominees and failure to report several nominees publicly, even the mainstream media has credited AFJ's website with providing crucial nominee backgrounds. When the administration failed to announce its seventh slate of judicial nominees, Reuters [broke](#) the story, noting "[t]heir names were first reported publicly on the website of the liberal legal advocacy group Alliance for Justice." Bloomberg [soon reported](#), "Trump's Louisiana district nominees in October had the shortest turnaround between public disclosure and their confirmation hearing, which was two days... [t]he liberal judicial advocacy group Alliance for Justice disclosed the nominees on its website several weeks earlier." At a time when traditional norms are being ignored by the White House, AFJ is more committed than ever to providing timely research on federal judicial nominees to the best of our ability.



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AFJ's Impact

Education and Activation at the State and Local Levels

Organizationally, AFJ's federal courts team has leveraged its wide network of advocacy and nonprofit organizations across issue areas and geographies to educate a wider audience on the importance of judicial nominations. While most state and local groups typically do not engage in federal judicial nominations, their constituencies will likely still end up being directly impacted by a judicial nominee. As part of a more holistic effort to protect our democracy and preserve our civil rights and civil liberties, AFJ continues to educate state and local organizations on geographically relevant and issue-relevant federal judicial nominations, which in turn helps build and strengthen networks at the state and local levels. Such connections are crucial to stand against harmful nominees and to have in place for the moment the progressive courts community is once again positioned to advocate for nominations of diverse candidates committed to protecting our rights and upholding the Constitution.

Collaborative National Advocacy

AFJ continues to work in partnership with other progressive national organizations and helps co-lead the dialogue on federal judicial nominees. Our strategic collaboration enables the progressive courts community to maximize Hill engagement and amplify the urgency of confirming only nominees who are independent, fair, and committed to the rule of law. Working in partnership to amplify messaging, leverage Hill relationships, and brainstorm and share information helps us generate the momentum needed in this moment, so that the broader public and lawmakers alike are hearing from multiple national groups.

Credibility With Senate Offices

AFJ's ability to effectively advocate for the most rights-expansive and diverse federal judiciary depends on the strong relationships we've built and maintained with Senate offices for decades. We've continued to earn the trust and respect of Senate offices and their staff by continuously offering reliable background information and nuanced insights on each new federal judicial nominee. Senate offices know they can rely on AFJ to offer productive feedback, provide research and advocacy support, and engage in strategic outreach to further the work of a federal judiciary that serves the people and not just billionaires interested in furthering a right-wing, authoritarian agenda.

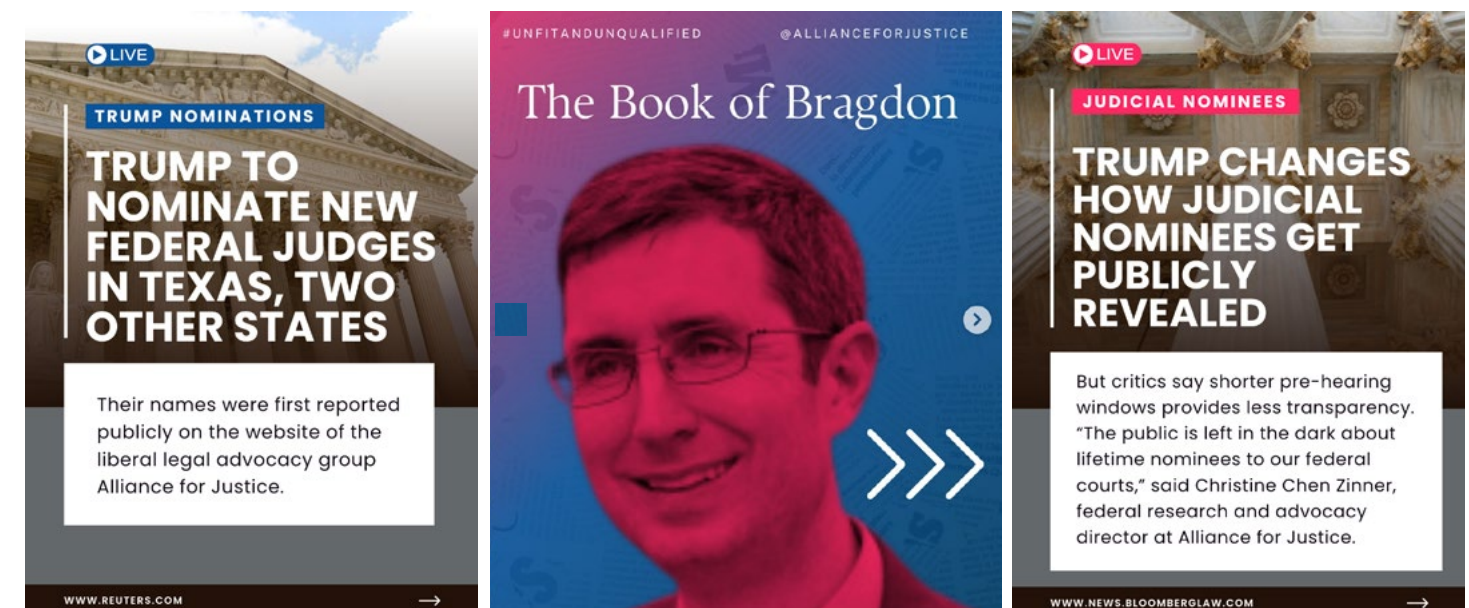
On the next page are just a few examples that demonstrate AFJ's continued commitment to serving as a strategic thought leader and reliable background resource for helping to build and organize opposition campaigns.

Collaborating with New Partners

When Emil Bove's nomination to the Third Circuit became public, AFJ used its national presence to [organize a targeted campaign](#) that strategically leveraged key constituencies and voices to share the story of Bove's appearance of corruption blatant disregard for court orders, and weaponization of the DOJ to prosecute local government officials. AFJ's research, organizing, and thought leadership helped generate opposition from traditional, as well as groups that don't traditionally engage around courts, including immigration, good government/anti-corruption, and progressive prosecutors groups. Our efforts helped two Republican senators defect from their ranks to cast "no" votes on Bove's nomination and laid the groundwork for expanded ongoing engagement in courts advocacy.

Raising Local Awareness

AFJ was the first national group to organize and share background information about David Alan Bragdon's nomination to the Middle District of North Carolina with local North Carolina advocacy organizations. Bragdon had made a series of extreme and disparaging public statements on abortion, capital punishment, and social safety net programs on his self-styled "Radical: Conservative, Republican, Libertarian" homepage. None of these statements were highlighted in his Senate Judiciary hearing. By flagging concerns about Bragdon's ability to serve as an independent and fair-minded judge, including through a [mini-social media campaign](#), AFJ educated and empowered local and state groups in North Carolina to raise awareness of Bragdon's nomination with their constituencies. As a result of our effort, Senate Judiciary offices heard directly from [state and local organizations](#) who voiced their concerns about Bragdon's nomination and local press covered his nomination fight.



Leading with Transparency

Previously, judicial nominations were often publicly announced by the White House weeks ahead of the nominees' Senate confirmation hearings. Not only has this administration waited until as little as two days before the hearings before publicly announcing nominees, the announcements themselves are being made through Trump's Truth Social posts rather than official White House channels. Aided by AFJ's timely research and education on Louisiana State Supreme Court nominee William Crain for the Eastern District of Louisiana, the administration's lack of notice and public transparency was [picked up and reported](#) by local [Louisiana media](#) and local groups spoke up against his confirmation.



The Fight Cannot Wait

Despite the many powerful and influential forces working to undermine our democracy, dilute our voices, and eliminate our rights, the broader public remains more committed than ever to pushing back against authoritarianism and unchecked power grabs. People are beginning to more clearly understand how a single federal judge's ruling might keep food from reaching a family's dinner table, empower ICE to detain their neighbors, cut off access to abortion care, or allow businesses to discriminate against LGBTQ+ customers.

The role of the federal judiciary, along with the possible biases and behaviors of federal judges, must be amplified in everyday public discourse. As we're watching federal judges both sanction and fight against illegal administration actions, we must keep educating, engaging, and activating the broader public to loudly and vigorously oppose any nominees who cannot prove that they will follow the law, uphold our rights, and show loyalty to the Constitution over Trump. We must keep working to stop and slow down nominees who would be nothing more than a rubber stamp for the Trump administration.

AFJ will continue to amplify the public narrative connecting federal judge nominations with their impacts on everyday people and the communities they serve. We will continue to vigorously oppose judicial nominees who are not rights-expansive nor demographically and professionally diverse. And we appreciate your continued support as we work together to keep educating the public, lawmakers, judges, local, state, and national partners to exercise our collective power.



