

Tony Powell, nominated for the United States District Court for the District of Kansas, has worked in private practice, served as a state lawmaker in the Kansas House of Representatives, and as a state court judge for both Kansas's Eighteenth Judicial District and the Kansas Court of Appeals. Powell assumed his current role as Kansas Solicitor General under Kansas Attorney General Kris Kobach in 2022. In his current role as Kobach's top appellate advocate, Powell supports Kobach's continued efforts to restrict voting rights and push hard line immigration policies. Across his career in all three branches of state government, Powell has repeatedly aligned with partisan political actors and advanced legal positions that restrict judicial oversight, weaken protections for marginalized communities, and expand state-led attacks over individual rights. His record, particularly in his most recent role as Kansas Solicitor General, raises serious concerns about his ideological bias and ability to serve as an impartial federal judge.

### POLITICIZING THE JUDICIARY

---

As Kansas Solicitor General, Powell has acted as one of Kobach's most-trusted advocates by advancing litigation aimed at enacting his political agenda. Most notably, Powell filed briefs urging the Kansas Supreme Court to end longstanding school finance litigation that courts had used to enforce equitable public education funding. The litigation had been the key mechanism for ensuring that Kansas complied with its school-funding-related constitutional obligations. Powell's efforts to end this litigation succeeded in 2024, significantly limiting underfunded Kansas school districts' ability to seek relief from the judiciary. Powell has also submitted testimony supporting changes to Kansas's judicial selection system that would increase political control over judicial appointments and reduce the independence of the state's judiciary. He has consistently supported efforts to weaken the judiciary's power to check the more political branches of government, an alarming record for a nominee to a lifetime seat on the federal bench.

### ATTACKING LGBTQ+ RIGHTS

---

In 2025, Kobach and Powell sued the Kansas Department of Revenue ("KDOR") for allowing transgender Kansans to be identified on their driver's licenses by their gender instead of their biological sex at birth. Powell argued that the KDOR was violating the recently passed "Women's Bill of Rights," a law based on model language produced by Independent Women's Voices, a far-right group that ironically has a long history of opposing women's rights. The law restricted recognition of gender identity in official state records.

During oral argument, Powell suggested that individuals affected by the law could simply avoid its consequences by not obtaining identification documents. This callous stance minimizes the real-world harm towards transgender individuals, by denying them critical ID documents for employment, travel, housing, and public services. Powell's passionate defense of this discriminatory law demonstrates his willingness to advance restrictions on transgender individuals. Such views align him with broader attacks on LGBTQ+ communities.

# UNFIT & UNQUALIFIED

# TONY POWELL



## TOO POLITICAL TO BE IMPARTIAL

---

Throughout his career, Powell has been deeply embedded in efforts to further far-right agendas, including efforts to attack and undermine civil rights and further politicize what should be an independent judiciary. His clear ideological biases, and continued defense of politically charged policies, coupled with efforts to curtail court enforcement of equitable public education funding, reveal an inability to demonstrate independence and apply “equal justice for all.” For these reasons, Tony Powell is unfit and unqualified for a lifetime role on the federal bench.