

President Trump nominated Justin Smith to a lifetime role as a judge on the Eighth Circuit because, in Trump's own words, "Justin has defended many of my Common Sense and Popular Policies...Justin also played a BIG role in securing a Supreme Court Landmark Victory on Presidential Immunity." Smith is a Trump true believer who believes Trump should be able to abuse his power without any accountability. Indeed, as part of the legal team that helped Trump attain king-like immunity and as Trump's personal lawyer on the E. Jean Carroll sexual assault case, Smith continues to do Trump's bidding. On Trump's second inauguration day, Smith even tweeted, "It's morning again in America. Our long national nightmare is over."

Judicial independence remains more critical than ever to preserving our democracy, especially as the Trump administration routinely ignores court orders and the rule of law. Confirming a Trump loyalist like Smith to the Eighth Circuit seat risks not only the safety and well-being of those living in Missouri, but could leave lasting, harmful impacts on all the states within the Eighth Circuit, which include Arkansas, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

### LOYALIST CO-OWNER OF TRUMP'S GO-TO LAW FIRM

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Smith has spent years helping Trump evade accountability for wrongdoing and co-owns the James Otis Law Group, a far-right law firm that has represented President Trump in his personal matters. Smith and the James Otis Law Group played a big role in Trump's 2024 presidential immunity case before the Supreme Court, where the Court ruled that Trump could not be prosecuted for "official" acts. He now appears to be using this immunity victory to try and overturn the multi-million-dollar civil judgment entered against him in the sexual abuse and defamation case brought by journalist E. Jean Carroll. With so many former James Otis Law Group attorneys serving in prominent roles within the Trump administration (for example, Solicitor General D. John Sauer, and White House staff secretary Will Scharf), Smith's nomination risks further undermining the federal judiciary's independence.

### WORKED TO ELIMINATE ACCESS TO REPRODUCTIVE CARE

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Throughout his career, both as a private attorney at the James Otis Law Group and while working in leadership roles at the Missouri Attorney General's office, Smith represented far-right interests and advanced efforts to cut off access to reproductive care. At James Otis Law Group, Smith represented Arizona law makers who tried to block the state's democratically adopted constitutional amendment enshrining Arizonans' fundamental right to abortion. During his tenure at the Missouri Attorney General's office, Smith also represented Randolph County Circuit Clerk Michelle Chapman, who repeatedly misinformed a 17-year-old pregnant teen that she could not obtain an abortion without parental consent despite Missouri law's allowance of bypassing parental consent in certain instances. The clerk's actions forced this teen to seek abortion care in Illinois.

## SUPPORTED EFFORTS TO CHALLENGE 2020 ELECTION RESULTS

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While working in leadership roles under then-Missouri Attorney General Eric Schmitt, Smith supported Schmitt's efforts to restrict Americans' voting rights. In response to the 2020 election results, AG Schmitt led a group of 10 state attorneys general in an effort to challenge the validity of Pennsylvania's decision to count mail-in ballots received up to three days after Election Day. Smith also served as AG Schmitt's chief of staff when Schmitt, along with 16 Republican attorney generals, sued swing states Michigan, Pennsylvania, and Wisconsin in an attempt to invalidate their 2020 electoral votes.

## PROTECTS THE RICH AND POWERFUL AT THE EXPENSE OF EVERYDAY PEOPLE

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Smith consistently protects the rich and powerful, siding with Big Oil and Agribusiness over the health and safety of everyday workers and families. While working for Governor Greitens, Smith supported efforts to weaken unions with "right-to-work" legislation that takes away workers' ability to collectively bargain for fair wages, benefits, and respect on the job.

Across multiple Missouri state government roles, including while serving in leadership roles with the Missouri Department of Agriculture, Missouri Governor's Office, and Missouri Attorney General's Office, Smith advanced fossil-fuel friendly policies and challenged efforts to implement common-sense environmental regulations. His work challenging environmental regulations has even contributed to the continued use of harmful pesticides and less safe drinking water for those living in Missouri and beyond.

While at the Missouri AG's office, Smith sided with agricultural industrial groups who challenged the EPA's ban on chlorpyrifos in food crops. Studies continue to demonstrate that long-term exposure to this pesticide may double the risk of Parkinson's Disease. While serving as Deputy AG, Smith supported industry efforts to weaken Missouri's Clean Water Commission, which helps enforce water quality standards and issues permits for farmers, livestock, and industrial facilities. Smith also supported Missouri Attorney General Schmitt's challenge to the Federal Energy Regulatory Commission (FERC) requirement that the social cost of carbon emissions be considered before approving new natural gas pipelines.

## ATTACKED TRANSGENDER RIGHTS AND WORKED TO BAN CARE FOR TRANS YOUTH

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Smith represented the American College of Pediatricians (deemed a hate group by the Southern Poverty Law Center) in an amicus brief defending the Missouri Save Adolescents from Experimentation (SAFE) Act. The so-called "SAFE" Act banned medically necessary gender affirming care for minors as well as any Medicaid coverage of those treatments. He also defended Arizona's attempt to ban transgender girls from competing in high school sports consistent with their gender identity.