



THE BENCHLINE

THE SENATE JUDICIARY COMMITTEE

This week the Senate confirmed North Carolina nominees [David Bragdon](#) and [Lindsey Ann Freeman](#) (both for the Middle District of North Carolina), as well as [Susan Courtwright Rodriguez](#) and [Matthew Emile Orso](#) (both for the Western District of North Carolina).

Bragdon was [confirmed](#) by a roll call vote of 53-45. AFJ has consistently [spoken out](#) about his extreme record. Local North Carolina groups, including the NAACP North Carolina State Conference and a dozen other groups opposed his nomination as he is unfit for a lifetime appointment to the judiciary. Bragdon's racist comments about the death penalty, his demeaning remarks about reproductive care and abortion, his inept, harmful characterizations of benefit recipients as "criminals" and "addicts" are extreme perspectives that remain at odds with the role of an independent federal judge. Millions rely on the constitutional protections that Bragdon is likely to erode in his time on the bench, and we are deeply disappointed that he was confirmed to a position that affords him such power and influence over the lives of so many.

AFJ CONTINUES TO **OPPOSE AND EXPOSE** EXTREME NOMINEES WHO **THREATEN OUR RIGHTS.**

Yesterday, Senator Cruz, Chair of the Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights indefinitely postponed a hearing, the focus of which was to attack federal judges for **doing their jobs**. Federal courts expert **Stephen Vladeck**, Professor **Rob Luther**, and Article III Project Senior Counsel Will Chamberlin testified before the committee. The Article III Project is an extreme far-right organization, whose founder, Mike Davis, recently **criticized** Leonard Leo for not being sufficiently loyal to Trump.

Meanwhile, AFJ continues to dig into the records of the latest slate of Trump judicial nominations, announced mid-November. **Justin Olson** (District Court for the Southern District of Indiana), **Brian Lea** (District Court for the Western District of Tennessee), and **Megan Benton** (District Court for the Western District of Missouri) all worked at big, corporate-focused law firms and are active members of the Federalist Society. Lea has repeatedly helped big corporations avoid accountability, including working to undo a \$13.4 billion judgment against Big Tobacco company R.J. Reynolds. Olson played a significant role in anti-trans litigation and worked to excluding transgender athletes from participating in college athletics. Benton is the daughter of 8th Circuit Judge Duane Benton, who announced in October that he planned to take senior status, creating a vacancy that Trump will have the opportunity to fill.



THE COURTS MUST **DEFEND** DEMOCRACY —
NOT **BEND TO POLITICAL AGENDAS.**

HOLDING

THE BENCHLINE

On Monday, a federal appeals court **declared** that Alina Habba, a U.S. attorney in New Jersey, has been serving in her position unlawfully. Habba is like several other U.S. attorneys the Trump administration unlawfully kept in power (without either a Senate confirmation or district court judge appointment). The three-judge panel ruled that the government's tactics violated the law, concluding that the Trump administration averted the law because it was frustrated by the (intentional) barriers in its way of putting its desired U.S. attorneys in charge. The Trump administration has repeatedly rushed to install inexperienced, partisan actors into key positions across the country. These actors have been unflinching in attacking Trump's personal political enemies and carry out his radical policies, a concerning pattern that the judiciary has the responsibility and power to put an end to.

In the last Benchline, we covered a similar case involving U.S. Attorney Lindsey Halligan, the inexperienced lead prosecutor in the criminal case against James Comey. At that time, a federal judge was supposed to rule on whether Halligan was lawfully appointed to her position but had yet to do so. Since then, Judge Cameron McGown Currie **ruled** that Halligan was placed in her position unlawfully and subsequently dismissed separate criminal charges against Comey and New York attorney general Letitia James. These dismissals send a strong message to the White House: the rule of law still matters, and there will be accountability if the Administration tries to skirt well established protocols to get inexperienced loyalists into office.

One or both cases are likely to reach the Supreme Court. Will this be yet another example of the Court disproportionately siding with the Trump administration? With such blatant departures from the norm for Trump's personal gain, one hopes for the sake of continued legitimacy of our land's highest Court that if given the opportunity, the Supreme Court would limit these inappropriate maneuvers.

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