MATTHEW SCHWARTZ

ALLIANCE FOR JUSTICE

UNFIT & UNQUALIFIED

Matthew Schwartz, President Trump's nominee to the Second Circuit and former Justice Alito clerk, exemplifies yet another loyalist with a demonstrated history of shielding Trump from accountability for his misconduct. Trump has nominated many of his personal lawyers for federal judiciary and top Department of Justice roles including Emil Bove, Todd Blanche, and Justin Smith. Similarly, Schwartz "played a central role" handling Trump's appeal of his 2024 New York state conviction. Schwartz also continues to represent Trump, sons Eric Trump and Donald Trump Jr., and a handful of Trump-affiliated organizations for a civil case involving their persistent financial fraud.

But Trump isn't the only billionaire Schwartz serves. He also represented Elon Musk and Tesla, and helped get Musk's $50 billion compensation package reinstated after a Delaware judge had initially voided it, due to concerns with Tesla board conflicts of interest and lack of shareholder disclosures. When not helping billionaires, Schwartz has defended Wall Street banks and financial institutions, trying to undo judgments ordered against them for violations of federal, state, and local anti-discrimination laws. He defended Volkswagon, and weaponized federal preemption to argue for the car manufacturer's immunity when it secretly and deliberately installed software designed to cheat emissions tests. Schwartz also co-authored an amicus brief in *Grants Pass v. Johnson*, siding with efforts to criminalize homelessness before the Supreme Court.

With such demonstrated biases against working families and consumers, Schwartz's confirmation to a lifetime role on the Second Circuit could greatly erode consumer protections, advance predatory and racist lending practices, hurt working families, cut off access to reproductive care, and erode civil rights.

SHIELDED TRUMP FROM ACCOUNTABILITY FOR MISCONDUCT

In his Senate Judiciary Questionnaire, Schwartz notes that he "played a central role" in *People of the State of New York v. President Donald J. Trump*, litigation involving Trump's falsification of business records. Schwarz also represented Trump, his family members, and various entities throughout the Trump Organization for inflating assets on their financial statements. A New York court found them liable for financial fraud which Schwartz continues to fight. His continued representation in these cases further deflects accountability and responsibility for Trump's misconduct.

MATTHEW SCHWARTZ

ALLIANCE FOR JUSTICE

UNFIT & UNQUALIFIED

DEFENDED ELON MUSK'S $50 BILLION COMPENSATION PACKAGE

Schwartz defended Tesla and Musk's unprecedented $50 billion compensation package, which Delaware Court of Chancery Chancellor Kathaleen McCormick found deeply flawed. In her decisions, McCormick cited Musk's outsized role as controlling Tesla shareholder as a potential conflict of interest. His superstar status risked making even an independent director "likely to be unduly deferential" and created a distortion field that could interfere with board oversight.

On appeal, Schwartz's efforts successfully shielded Musk's massive compensation package from meaningful accountability, as the Delaware Supreme Court reversed the decision voiding his compensation package. Shielding executive pay structures from meaningful accountability undermines shareholder value and, in turn, weakens the financial security of workers whose retirements depend on those investments.

SIDES WITH WALL STREET BANKS OVER EVERYDAY PEOPLE

Schwartz has spent much of his career shielding powerful Wall Street banks and financial institutions from liability to the detriment of marginalized communities and working families. When eight Black homeowners successfully held Emigrant Bank accountable for multiple violations of federal, state, and local anti-discrimination laws, Schwartz (unsuccessfully) sought to overturn the $722, 044 judgment entered against the bank for compensatory and homeowner damages.

Schwartz also represented the New York Bankers Association, weaponizing preemption to successfully invalidate New York City's "Responsible Banking Act." This law would have leveraged the city's financial relationship with major banks in pushing them towards fair lending, investment in underserved communities, and more transparent banking practices. In *Grants Pass v. Johnson*, Schwartz defended a local ordinance that punished individuals for sleeping in public spaces, even when they lacked access to housing. The Supreme Court ultimately upheld these cruel ordinances, which have the effect of criminalizing homelessness.

LABELED DEI POLICIES AS A "SACRIFICE" FOR A "HIGHER CALLING TO TRUTH"

Aligned with his work defending racist lending practices, Schwartz has also personally attacked DEI and its role in universities. Ahead of the 2003 Supreme Court case on race conscious admissions policies, Schwartz co-authored a Wall Street Journal op-ed attacking DEI. He suggests that instead of DEI "preferences . . . needed to make up for egregious past discrimination," not enough is taken to address the alleged "gross viewpoint disparities on faculties." He further opines "by pursuing the diversity rationale, universities have sacrificed their higher calling to truth."

UNFIT & UNQUALIFIED

MATTHEW SCHWARTZ

ALLIANCE FOR JUSTICE

EXTREME VIEWS ON REPRODUCTIVE CARE

Schwartz has also expressed extreme bias against access to reproductive care in his personal writings. In a November 1998 Princeton Tory piece titled “Professing Infanticide,” Schwartz criticized the medical profession’s role in reproductive care, warning that “[s]ome doctors will, undoubtedly, have no qualms with killing even healthy babies.” Schwartz also likened bioethicist Peter Singer’s promotion of increased funding for individuals with disabilities “akin to saying that black babies should be killed but that affirmative action should be strengthened.” Such views of reproductive care and characterizations of affirmative action reveal a lack of impartiality necessary to demonstrate the independence required for a lifetime appointment to the federal bench.