



THE BENCHLINE

Judicial Nominees

Last week, the Senate confirmed [**Tony Mattivi**](#) and [**Tony Powell**](#) to lifetime seats as federal judges for the District of Kansas. Additionally, the Senate confirmed [**Justin Smith**](#) to the U.S. Court of Appeals for the Eighth Circuit by a 48-43 vote, with Senator Murkowski (R-AK) [**voting against**](#) his confirmation. President Trump has now appointed 43 federal judges during his second term. From Powell's [**termination**](#) of safeguards ensuring equitable public education funding, to Mattivi's weaponization of the Kansas Bureau of Investigation to [**pressure a political opponent**](#), to Smith's unethical [**representation of Trump**](#) in the E. Jean Carroll sexual assault and defamation case, all three now-confirmed judges bring their extremely concerning records to the federal bench. None of them have demonstrated the ideological or personal independence necessary to push back against Trump's authoritarian agenda.

Last Wednesday, the Senate Judiciary Committee (SJC) held a hearing for the nominations of [**Daniel Traynor**](#) (U.S. Court of Appeals for the Eighth Circuit), [**Angela Colmenero**](#) (U.S. District Court for the Southern District of Texas), [**Kasdin Mitchell**](#) (U.S. District Court for the Northern District of Texas), [**Michael Martin**](#) (U.S. District Court for the Eastern District of Michigan), and [**Antonio Pozos**](#) (U.S. District Court for the Eastern District of Pennsylvania). For the first time in Trump's second term, judicial nominees for states with one or more Democratic senators faced the SJC

Despite [**assurances**](#) from the Democratic senators who returned their blue slips that Martin and Pozos would definitively state that Joe Biden won the 2020 presidential election and that the Capitol was attacked on January 6, both nominees merely invented a new way to provide unconvincing answers to these basic factual questions.

When asked who won the 2020 election, Martin **answered** that “as a matter of law, Joe Biden was the winner of the 2020 election,” but he would not state that Biden won more votes than Trump. The other nominees parroted Martin’s answers when asked the same questions. Additionally, when asked if the Capitol was attacked on January 6, Martin testified that “law enforcement officers were attacked, and the building was vandalized and damaged.”

JUDICIAL NOMINATIONS

The bar is on the ground.



Acknowledges the outcome of the 2020 presidential election



Calls January 6 an insurrection



The standard for federal judges should be ***much higher, yet Martin, Pozos, and others, can't even do that.***



Senator Blumenthal (D-CT) rightfully described these responses as a “new pre-negotiated effort to the thread the needle . . . because the president refuses to acknowledge that he lost.” Acknowledging basic truths should be the absolute bare minimum of any judicial nominee, and the fact that Martin, Pozos, and every other Trump 2.0 nominee cannot unequivocally answer who won the 2020 election is shocking and disqualifying.

Additionally, the SJC once again delayed the markup for judicial nominees **Benjamin Flowers** (U.S. Court of Appeals for the Sixth Circuit), **Matthew Schwartz** (U.S. Court of Appeals for the Second Circuit), **Mike Hendershot** (U.S. District Court for the Northern District of Ohio), **Jeffrey Kuntz** (U.S. District Court for the Southern District of Florida), **Arthur “Rob” Jones** (U.S. District Court for the Southern District of Texas), and **John Marck** (U.S. District Court for the Southern District of Texas) The SJC is now expected to decide whether to advance these nominees later this week. We will continue to keep you updated on timing. For more information on all six of these nominees’ records, check out Alliance for Justice’s Judicial Nominees **page**.

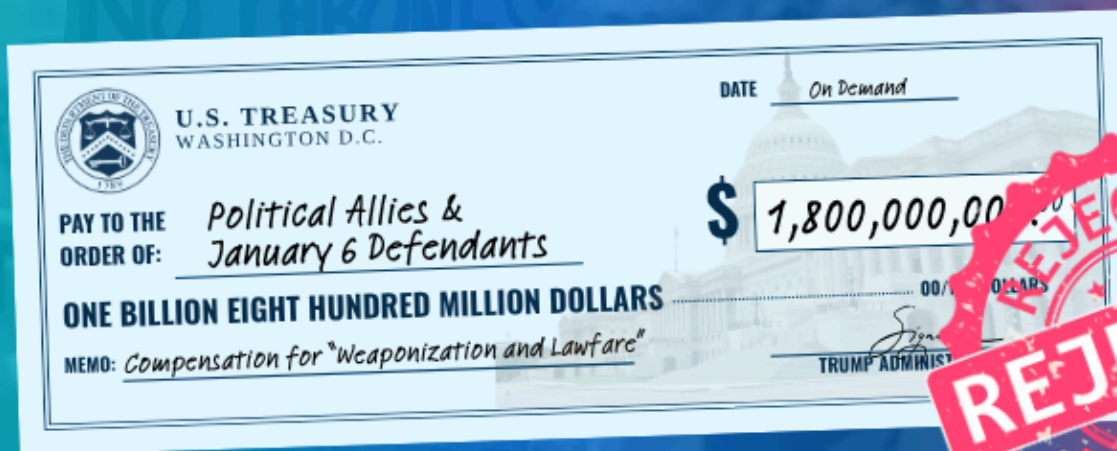
HOLDING

THE BENCHLINE

As discussed last week, federal district court judge Leonie Brinkema temporarily blocked the Trump administration from creating the 1.8-billion-dollar fund it had allocated to compensate victims of federal “weaponization and lawfare.” Lawsuits and fierce bipartisan backlash to the fund, which was **heavily criticized** as a covert payout for Trump allies led Acting Attorney General Todd Blanche to announce the fund’s cancellation to Congress.

During a June 12 hearing, government attorneys argued that the lawsuit should be dismissed since the fund had been abandoned, and there was nothing to sue for. However, neither the president nor potential claimants seem to agree. With the president continuing to endorse the fund and Judge Brinkema’s court even receiving an application, she **remained unconvinced**. Brinkema also noted that none of Blanche’s statements had “been made under the penalty of perjury.”

\$1.8 BILLION
IN TAXPAYER MONEY FOR TRUMP’S GRIEVANCES



Despite government attorneys' assurances that this fund has been abandoned, the Department of Justice still has not formally rescinded the memo creating the fund. Accordingly, Brinkema has blocked the fund **until further notice**, since the government could theoretically resurrect what she described as a **“problematic”** fund without legal oversight. She has given the parties one week to negotiate an agreement for Blanche to submit a sworn declaration that the fund won't be revived. The ruling represents a massive win against an administration bent on circumventing the law for personal gain.

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