UNFIT & UNQUALIFIED

ERIC HAMILTON

ALLIANCE FOR JUSTICE

Eric Hamilton, President Trump's nominee to the U.S. District Court for the District of Nebraska, has spent his career supporting far-right causes, including efforts to chip away at voting rights and defend Nebraska's 12-week abortion ban. In the last two years, he's also served as one of Trump's most reliable defenders in court — helping the administration dismantle the Consumer Financial Protection Bureau (CFPB) and justifying Trump's sweeping tariffs. His loyalties to both Trump and far-right politicians and ideologies stem from working in the White House Counsel's Office during Trump's first term, as an assistant solicitor general under Texas Attorney General Ken Paxton, and as Nebraska's solicitor general under Attorney General Mike Hilgers. (SJQ pg. 1–2)

Currently, Hamilton runs the Justice Department unit that defends the administration's policies when they are challenged in court. In this role, he's helped the administration defend its efforts to end birthright citizenship, deploy military troops onto the streets of Los Angeles, and dismantle the Department of Education. Trump rewarded those efforts, praising Hamilton for "defending our Administration's most important Policies in Court" and calling him "a fighter."

Hamilton's experience in the courtroom also barely meets the minimum experience recommended by the American Bar Association to serve in a lifetime appointment as a federal judge. As a lawyer who has exhibited significant biases and whose conduct has also raised questions of character and ethical fitness, Hamilton is both unfit and unqualified to serve as a federal judge, and his nomination should not proceed.

LACKS EXPERIENCE TO SERVE LIFETIME ROLE ON JUDICIARY

At a minimum, the American Bar Association recommends that any lawyer seeking to become a judge should possess "substantial courtroom and trial experience as a lawyer or trial judge." Nominees "ordinarily should have at least twelve years' experience in the practice of law." Hamilton barely clears the 12-year baseline for years of experience. He also falls far short of the experience necessary to run a federal courtroom. In his time as an attorney, Hamilton has never tried a case before a jury and has only tried two cases to final judgment — both of which were bench trials. (SJQ pg. 17–18) Nothing in his record indicates that he has ever tried a criminal case either. District court judges must pick juries, rule on objections in real time, take guilty pleas, and sentence people to prison, all of which Hamilton would be learning to do for the first time, while on the job as the person designated to preside over that courtroom. That lack of experience would shortchange every litigant who appears before him.

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TRUMP'S (LOSING) FIGHTER IN COURT

Since 2025, Hamilton has supervised the Justice Department's Federal Programs Branch, which handles "programmatic challenges to Executive Branch policies." (SJQ pg. 16) In practice, he's been the administration's main defender of extreme and losing policies. In early 2025, Hamilton defended Trump's executive order to end birthright citizenship. (SJQ pg. 24–25) He boasts that in *Trump v. CASA, Inc.*, the Supreme Court "accepted the argument that district courts lack authority to issue nationwide injunctions" (SJQ pg. 25), conveniently failing to mention that he ultimately lost this case when the Supreme Court struck down the order in *Trump v. Barbara*.

When Trump federalized California's National Guard and sent troops into Los Angeles over the governor's objection, Hamilton "first chaired the trial and led the trial team" defending the deployment. (SJQ pg. 20) He lost this case as well, and the court concluded the administration's use of armed soldiers and military vehicles to set up perimeters, block traffic, and control crowds, "violated the Posse Comitatus Act" — leading to a second loss in the two cases Hamilton has ever tried in a federal courtroom.

Hamilton also defended Trump's tariffs and told the court that the president's emergency declaration "is not reviewable by the courts because it is a political question." The Supreme Court held in *Learning Resources, Inc. v. Trump* that the law Trump relied on does not authorize tariffs at all. Defending the firing of roughly half of the Education Department's staff, Hamilton told a federal judge that closing the department was part of the president's "legislative agenda" and "distinct from the administrative agenda of making the Department of Education as efficient as it can be." The judge blocked the plan. Defending mass layoffs across the federal government, he described the administration's directive as merely "setting out guidance."

FOUND BY FEDERAL JUDGE TO BE "HIGHLY MISLEADING"

Hamilton served as one of the senior government lawyers defending Trump's overhaul of the CFPB, when Acting Director Russell Vought insisted the agency was only being streamlined, not illegally dismantled. After hearing testimony, Judge Amy Berman Jackson found the opposite — that the administration was "fully engaged in a hurried effort to dismantle and disable the agency entirely." Jackson found that the government's account of its own conduct was "highly misleading, if not intentionally false," and that the defense could not "be trusted to tell the truth about anything."

This type of misconduct and untrustworthiness raises serious concerns about Hamilton's ethical fitness to serve on the federal bench. Anyone nominated for a lifetime role as a federal judge must come to the bench with unimpeachable ethics and conduct — something Hamilton has not demonstrated.

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SUPPORTED EFFORTS TO CUT OFF ACCESS TO BALLOT BOX

Defying the will of the Nebraska Legislature, Hamilton supported the efforts of the state attorney general and secretary of state to ignore two voting laws. The first, enacted over the governor's veto in 2005, allowed people with felony convictions to vote after a two-year waiting period. The second, passed 38–6 in 2024, eliminated that wait. Days before the 2024 law took effect, Hilgers issued an opinion calling both laws unconstitutional, and Secretary of State Bob Evnen ordered election officials to stop registering these voters. Their decisions left voters who had served their time unable to confidently vote in the 2024 presidential election.

Hamilton represented Evnen in *State ex rel. Spung v. Evnen*, signed his brief, and told the Nebraska Supreme Court, "LB 53 and LB 20 are unconstitutional." He also argued that executive officials could refuse to enforce laws they believed were unconstitutional before any court said so. Hilgers and Evnen also published an op-ed in the Lincoln Journal Star, which Hamilton edited, declaring that "[b]y virtue of their convictions, felons have displayed a lack of respect for the law" and that officials need not "blindly follow an unconstitutional statute until a court confirms a statute is unconstitutional." (SJQ pg. 6; Att. pg. 9–11) The Nebraska Supreme Court rejected the effort and ordered election officials to register these voters immediately, weeks before the 2024 election.

TARGETED REPRODUCTIVE CARE AND TRANSGENDER YOUTH

Hamilton has also supported extreme efforts to cut off access to abortion care and gender-affirming care. While Nebraska lawmakers debated a near-total abortion ban at roughly six weeks of pregnancy, Hamilton co-wrote an attorney general opinion assuring them that doctors would not face prosecution under an existing criminal statute if the bill passed — a move meant to clear the way for what would have been one of the more extreme abortion bans in America. (SJQ pg. 8; Att. pg. 407–412) The bill failed to overcome a filibuster.

Lawmakers later combined a 12-week abortion ban with a ban on gender-affirming care for minors in a single bill, LB 574. When Planned Parenthood of the Heartland challenged it under the state constitution's single-subject rule, Hamilton defended the law, which the Nebraska Supreme Court ultimately upheld in *Planned Parenthood of the Heartland, Inc. v. Hilgers*. (SJQ pg. 25–26) While describing the law, Hamilton uses harmful language that stigmatizes medically recognized care. (SJQ pg. 25)

Hamilton has also treated attacks on transgender youth as a credential. He signed letters urging the Senate to confirm Trump judicial nominees like Eddie LaCour and Joshua Divine, praising their defense of anti-trans policies, and characterizing these efforts with the same harmful language that stigmatizes needed care. (SJQ pg. 7–8; Att. pg. 393, 396–397) Transgender Nebraskans and their families deserve a judge who will hear their cases fairly — not someone who has already demonstrated anti-trans biases.

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SUPPORTED EFFORTS TO CUT OFF ACCESS TO JUSTICE

Hamilton has also supported a number of efforts to cut off access to justice for harmed individuals. In 2020, a Nebraska State Patrol officer shot and killed Print Zutavern, a man in the middle of a mental health crisis. When his estate sued and sought testimony about how the patrol trains troopers to respond to people in crisis, Hamilton "set case strategy" for the patrol's argument that state sovereign immunity shielded it from the subpoena. (SJQ pg. 27) The patrol asked the Eighth Circuit to set aside its own precedent, and the court agreed to block the deposition, making it harder for families to uncover how state agencies prepare officers who use deadly force.

In Texas, Hamilton was on the brief in Ramirez v. Collier defending the state's refusal to let a death row prisoner's pastor pray aloud and lay hands on him as he was executed. The brief argued that "audible prayer is far from the universal practice that his argument suggests." (SJQ pg. 19; Att. pg. 947, 989) The Supreme Court rejected Texas's position 8–1. In Cummings v. Premier Rehab Keller, P.L.L.C., Hamilton filed a brief for Texas and nine other states against Jane Cummings, a deaf and legally blind woman who was denied a sign-language interpreter, even pointing to her other discrimination lawsuit. (Att. pg. 1070, 1095) The Supreme Court's 6–3 ruling left people like her unable to recover damages for the emotional harm of discrimination. And in E.T. v. Paxton, he argued against students with disabilities who challenged Texas's ban on school mask requirements during the COVID-19 pandemic. (SJQ pg. 24)

Hamilton has repeatedly sided with polluters and powerful corporations. He was on the briefs in Alabama v. California, an attempt by Republican-led states to stop other states from suing oil companies over climate change, accusing them of "imposing ruinous liability and coercive remedies on energy companies." (Att. pg. 1224) He sought emergency Supreme Court orders to halt Environmental Protection Agency air pollution rules. (Att. pg. 1100–1215) At the Justice Department, he appeared on briefs supporting Chevron against Louisiana parishes trying to hold oil companies accountable for destroying coastal wetlands, and supporting Cisco against Falun Gong practitioners who allege the company supplied technology used "to identify, detain, and torture" them. (SJQ pg. 18–19; Att. pg. 627, 844, 855)

HAMILTON "UNFIT" AND "UNQUALIFIED" TO SERVE ON FEDERAL BENCH

Nebraskans deserve a judge who will show independence, respect the Constitution, and exhibit fairness and equal justice for all. Instead, Hamilton has only shown unfettered loyalty to Trump and extreme adherence to far-right and harmful ideologies. Hamilton also lacks the robust experience necessary to adequately run a federal courtroom. For these reasons, his nomination to the U.S. District Court for the District of Nebraska must be rejected.