

# Sen. Franken to Oppose Nomination of Justice David Stras for Eighth Circuit Court of Appeals

Senator Says Nominee's Deeply Conservative Judicial Philosophy Raises Concerns about How He Would Approach Civil Rights & Equality, Suggests He Would Favor Powerful Corporations over Working Families

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After careful consideration and a close examination of Minnesota Supreme Court Justice David Stras's record and judicial philosophy, Sen. Al Franken has announced that he will oppose Justice Stras's nomination to fill a vacancy on the Eighth Circuit Court of Appeals, a federal court that has jurisdiction over the region that includes the State of Minnesota.

You can read the Senator's full statement below.

"As a member of the Senate Judiciary Committee, I take my obligation to scrutinize the views and philosophies of judicial nominees very seriously," said Sen. Franken. "The women and men who sit on our federal courts wield enormous power over our daily lives, so it's important to understand whether a nominee's view of the law will make real our Constitution's promise of justice and equality for all Americans, or will unfairly favor powerful interests over working families.

"When President Trump announced the nomination of Minnesota Supreme Court Justice David Stras to the Eighth Circuit Court of Appeals, I said that Justice Stras is a committed public servant whose tenure as a professor at the University of Minnesota underscores just how much he cares about the law. That is undeniably true. But as I have familiarized myself with Justice Stras's record—not just his past decisions, but his professional experience and past **statements**—I have grown concerned that, if confirmed to the federal bench, Justice Stras would be a deeply conservative jurist in the mold of Supreme Court Justices Clarence Thomas and Antonin Scalia, justices who the nominee himself has identified as role models.

"Early in his career, Justice Stras worked as a law clerk for Justice Thomas, one of the Supreme Court's most conservative members. Justice Stras has described Justice Thomas as a mentor, and at an event hosted by the conservative **Federalist Society**, Justice Stras talked about how the jurisprudence of Justice **Scalia** helped to shape his own views. He said, 'I really grew up with a steady diet of Justice Scalia, and I'm better for it.' Justice Scalia embraced a rigid view of the Constitution that favored powerful corporate interests, was blind to the equal dignity of **LGBT** people, and often refused to acknowledge the lingering animus in laws that perpetuate the racial divide. As a state court judge, Justice Stras has not often had occasion to consider cases raising these issues, but I am concerned that a nominee nurtured by such an ideology would likely seek to impose it on the litigants before him.

"And as it turns out, there is good reason to be concerned about that. During the presidential campaign, **then-candidate** Trump proudly declared that he would 'appoint judges very much in the mold of Justice Scalia.' And to make certain that his nominees would espouse such views, President Trump outsourced **the** job of identifying them to the Federalist Society and the Heritage Foundation, deeply conservative interest groups that cast skeptical eyes on workers' rights and civil rights. Those groups produced a list of conservative judges for then-candidate Trump to consider naming to the Supreme Court—a list that included Justice Stras.

"I had hoped that, in recognition of our different views, President Trump would work with me to identify a consensus candidate—a nominee whose experience demonstrates an ability to set aside rigid beliefs in favor of finding common ground. But rather than work together to select a

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nominee who is a judicial moderate, the White House had already settled on Justice Stras before first approaching me, and the president nominated him despite the concerns that I expressed.

"Justice Stras's professional background and record strongly **suggest** that, if confirmed, he would embrace the legacy of his **role** models and reliably rule in favor of powerful corporate interests over working people, and that he would place a high bar before plaintiffs seeking justice at work, at school, and at the ballot box. The president should be seeking out judges who bridge the issues that divide us, but I fear that Justice Stras's views and philosophy would lead him to reinforce those divisions and steer the already conservative Eighth Circuit even further to the right.

"It is for those reasons that, after careful consideration, I have decided to oppose his nomination and not to return a blue slip to the Committee."

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Franken