



June 6, 2017

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
U.S. Senate

The Honorable Patrick Leahy
The Honorable Dick Durbin
The Honorable Sheldon Whitehouse
The Honorable Amy Klobuchar

The Honorable Al Franken
The Honorable Christopher Coons
The Honorable Richard Blumenthal
The Honorable Mazie Hirono

Dear Ranking Member Feinstein and Senators:

We, the undersigned organizations, write to urge you to reject the nomination of John Bush to the U.S. Court of Appeals for the Sixth Circuit.

President Trump has vowed to use federal-court appointments to elevate and cement in place his extreme agenda, and we see him doing just that—once again—with this nomination. Bush has a clear record that demonstrates he is biased and lacks the independence and temperament that are basic qualifications for this position.

Bush has expressed biased and offensive positions on wide-ranging issues. He has shown hostility towards reproductive freedom; he likened abortion to slavery, calling these issues “the two greatest tragedies in our country.”ⁱ He applauded Mike Huckabee for saying he “strongly disagree[s]” with “the idea of same-sex marriage.”ⁱⁱ Writing about the 2016 election, Bush claimed that Democrats were just trying to “substitute woman for Black.”ⁱⁱⁱ He has criticized campaign-finance reform efforts, writing “shouldn’t more money, not less, be spent on political speech, given how much is spent by advertising and commercial speech?”^{iv} Regarding the Affordable Care Act, Bush celebrated that “the witch is dead” when he thought it might not be enacted.^v He has also indicated that he does not believe in climate change.^{vi} In a blog post titled “Oink!,” Bush characterized essential programs that make it easier for women and children to afford groceries and protect themselves from violence as wasteful.^{vii}

Moreover, Bush has shown that he would lack judicial independence. He weighed in on the recent presidential election, writing that Sen. Ted Cruz “exercise[d] remarkably poor judgement” when he did not endorse Trump.^{viii} Bush applauded Sen. Mitch McConnell’s obstruction of Supreme Court nominee Merrick Garland because “the decision of who will

replace Justice Scalia ... is the top reason why the choice between Trump and Hillary is a no brainer.”^{ix}

Finally, Bush lacks the temperament and judgement that are basic qualifications for a federal judge. He expressed offensive and hateful remarks on a blog while hiding behind a pseudonym. This is hardly the approach of someone who sincerely wants to contribute to policy discussions.

In sum, John Bush is an extreme and biased nominee who also lacks the independence and temperament to be appointed to a lifetime position on the federal bench. President Trump is trying to use federal court nominations to elevate his extreme agenda; Bush’s record makes it clear that he will be nothing more than a rubber stamp.

Now, more than ever, we urge you stand up for our rights and for the bedrock principles of our democracy and reject this dangerous nomination.

Sincerely,

American Federation of Teachers
Center for American Progress Action Fund
Daily Kos
End Citizens United
Every Voice
MoveOn
NARAL Pro-Choice America
Stand Up America
UltraViolet
Working Families Party

ⁱ G. Morris (John Bush), *The Legacy From Dr. King’s Dream That Liberals Ignore*, Elephants in the Bluegrass (Jan. 23, 2008), available at <https://elephantsinthebluegrass.blogspot.com/2008/01/legacy-from-dr-kings-dream-that.html>.

ⁱⁱ G. Morris (John Bush), *Are Giuliani’s Friends Attacking The Wrong Man?*, Elephants in the Bluegrass (Nov. 30, 2007), available at <https://elephantsinthebluegrass.blogspot.com/2007/11/are-giulianis-friends-attacking-wrong.html>.

ⁱⁱⁱ Alliance for Justice, *Revelation of off-color blog posts render McConnell-backed nominee John K. Bush unfit for a seat on the Sixth Circuit*, Justice Watch (May 22, 2017), available at <http://www.afj.org/blog/revelation-of-off-color-blog-posts-render-mcconnell-backed-nominee-john-k-bush-unfit-for-a-seat-on-the-sixth-circuit>.

^{iv} Ibid.

^v G. Morris (John Bush), *Ding, Dong, the (Obamacare Senate Bill) Witch is Dead!*, Elephants in the Bluegrass (Jan. 21, 2010), available at <https://elephantsinthebluegrass.blogspot.com/2010/01/ding-dong-obamacare-senate-bill-witch.html>.

^{vi} Alliance for Justice, *Revelation of off-color blog posts render McConnell-backed nominee John K. Bush unfit for a seat on the Sixth Circuit*, Justice Watch (May 22, 2017), available at <http://www.afj.org/blog/revelation-of-off-color-blog-posts-render-mcconnell-backed-nominee-john-k-bush-unfit-for-a-seat-on-the-sixth-circuit>.

^{vii} G. Morris (John Bush), *Oink!*, Elephants in the Bluegrass (Feb. 9, 2009), available at <https://elephantsinthebluegrass.blogspot.com/2009/02/oink.html>.

^{viii} G. Morris (John Bush), *Who Needs Cruz Anyway?*, Elephants in the Bluegrass (July 20, 2016), *available at* <https://elephantsinthebluegrass.blogspot.com/2016/07/who-needs-cruz-anyway.html>; G. Morris (John Bush), *Cruz is Sore Loser*, Elephants in the Bluegrass (July 20, 2016), *available at* <https://elephantsinthebluegrass.blogspot.com/2016/07/cruz-again-fails-to-endorse-trump.html>.

^{ix} G. Morris (John Bush), *Majority Leader Offers The Best Reason To Vote for Trump*, Elephants in the Bluegrass (July 19, 2016), *available at* <https://elephantsinthebluegrass.blogspot.com/2016/07/majority-leader-offers-best-reason-to.html>.