



Steve Matthews' Nomination to the Fourth Circuit

- Until his nomination to the Fourth Circuit, Steve Matthews served as an officer and board member of the Landmark Legal Foundation. The Landmark Legal Foundation regularly files lawsuits attacking labor unions, particularly the National Education Association, and opposes efforts to desegregate public schools. Earlier this year, while Mr. Matthews was still a member of its board, the Landmark Legal Foundation nominated Rush Limbaugh for the 2007 Nobel Peace Prize, calling him “the foremost advocate for freedom and democracy in the world today.” Rush Limbaugh also serves as an unpaid member of Landmark’s Board of Advisors.
- Landmark Legal’s president, Mark R. Levin, wrote a book entitled *Men in Black: How the Supreme Court is Destroying America*, in which he argues that the federal judiciary is “subverting democracy” in favor of its “own liberal agenda” and is consequently “robbing us of our freedom.”¹ Additionally, in a chapter entitled “Socialism from the Bench,”² Levin praises as “merely upholding the Constitution” the Supreme Court’s long-discredited 1936 opinion in *Carter Coal Co.*, which held that Congress lacks authority to regulate employer-employee relations, including “wages, working conditions, the right of collective bargaining, etc.”³ This extremely limited view of Congressional constitutional authority under the Commerce Clause would not only invalidate federal laws and agency regulations that protect worker safety and wages, it would also target other laws that are based on the Commerce Clause. These include laws to combat global warming as well as long-established environmental, civil rights, health, and safety, laws and other legal protections for workers and consumers. In the book, Levin thanks Steve Matthews by name for “support[ing] me in everything I do.”⁴
- Though Mr. Matthews has practiced law since 1980, his courtroom experience is sparse. He is the chief counsel in only nine reported cases argued in either state or federal court. The bulk of these cases were disputes involving municipalities and local utility providers over issues of fees and taxes. Mr. Matthews has no criminal law experience and has litigated only one case involving a significant issue of federal law.
- In recent years, the Fourth Circuit has been considered the most conservative circuit court in the country. Currently, the 15-judge court has 5 vacancies. Of the ten judges currently serving on the court, five were nominated by Republican Presidents and five were named by Democratic Presidents. With one-third of its seats now standing vacant, the character of this circuit could shift dramatically in the next few years.
- Mr. Matthews is a frequent and consistent contributor to the Republican Party. Since 1994 he has donated almost \$24,000 to various candidates, with the majority going to his home state Senators, James DeMint and Lindsey Graham.
- Mr. Matthews is an active member and former South Carolina State Chapter President of the conservative Federalist Society. In the organization’s 2006 annual report, the Federalist Society lists Mr. Matthews as a “Madison Club member,” which means he donated between \$1000 and

¹ Mark R. Levin, *Men in Black: How the Supreme Court Is Destroying America*, 2005, inside flap.

² *Id.*, at 131.

³ *Carter v. Carter Coal Co.*, 298 U.S. 238, 308 (1936).

⁴ *Men in Black*, at 239.

\$1,999 to the organization during that fiscal year.⁵ The Federalist Society also lists Mr. Matthews as a contact person for journalists seeking “expertise on legal issues from a conservative or libertarian perspective.”

⁵ The Federalist Society, available at http://www.fed-soc.org/doclib/20070511_2006AnnualReport.pdf.