

FACT SHEET

THE SCHIFF NOMINATION

Pacific Legal Foundation Attorney Damien Schiff was nominated by President Donald Trump to serve on the Court of Federal Claims. Schiff's long history of incendiary statements, including his remark that Supreme Court Justice Anthony Kennedy is a "judicial prostitute," makes it clear he lacks judicial temperament. He has devoted much of his legal career to fighting against environmental protection. His view of the role of judges is extreme, as he believes judges should actively pursue a goal of undoing decades of legal protections in place since the New Deal.

JUDICIAL TEMPERAMENT

Schiff insulted Justice Kennedy by calling him a "judicial prostitute, 'selling' his vote as it were to four other Justices in exchange for the high that comes from aggrandizement of power and influence, and the blandishments of the fawning media and legal academy."

Schiff has made repeated and harsh attacks against environmentalists, LGBTQ advocates, union organizers, and legal scholars, among others. His words leave no doubt that litigants in any of these communities would not get a fair hearing before a Judge Schiff.

LEGAL PHILOSOPHY

Schiff believes that the government should be bound not by the Constitution but by a vague concept of "natural law" or "divine law." His radical view could be used to undermine an almost limitless number of government protections.

Schiff holds extremist views on property rights and the ability of government to protect the health and safety of the American people as well as ensure clean air and water and the safety of wildlife. His extreme views could be used to threaten a wide range of critical legal protections, from the Americans with Disabilities Act, to provisions of the Civil Rights Act, the Fair Housing Act, and even basic anti-pollution measures. He also believes the government should sell the national parks to private owners, and supported the notion of selling Yosemite to the Walt Disney Company.

CORPORATE POWER

Schiff believes that OSHA is unconstitutional and believes corporate spending in campaigns and elections "should be encouraged," arguing that "corporate speech adds value to our democratic society."

ENVIRONMENTAL PROTECTION

Schiff's career is largely focused on undermining environmental protection. He believes the EPA treats citizens like "slaves." He often expresses animosity toward environmentalists, accusing them of pushing "an agenda that has more to do with stifling productive human activity than fostering ecological balance." He has emphasized that "the environmentalists can be defeated."

According to Schiff, the Endangered Species Act is unconstitutional and has "been perverted" into "a threat to individual liberty and property rights" and is "one of the nation's most potent threats to our constitutionally protected property rights." He even believes Earth Day is "a threat to liberty and property rights."

WOMEN'S RIGHTS

Schiff is opposed to efforts to ensure equal opportunity for women under Title IX, believing its application to high school athletics is unconstitutional.

In many of his writings, Schiff expresses his strong opposition to a woman's constitutional right to decide whether to have an abortion.

LGBTQ RIGHTS

Schiff has vigorously opposed civil rights for LGBTQ Americans, believing that states should be able to criminalize "consensual sodomy," which is at odds with the landmark case *Lawrence v. Texas*.

Schiff opposes marriage equality, and has criticized efforts to prevent bullying of LGBTQ students (referring to the efforts as "teaching gayness in schools").

ALLIANCE FOR JUSTICE BELIEVES THAT DAMIEN SCHIFF'S LACK OF JUDICIAL TEMPERAMENT, HIGHLIGHTED BY HIS ATTACK ON A SITTING SUPREME COURT JUSTICE, AND FRINGE VIEWS MAKE HIM UNFIT FOR AN APPOINTMENT TO THE FEDERAL BENCH.

