

FACT SHEET

Justice Joan Larsen of the Michigan Supreme Court was nominated by President Donald Trump for a seat on the United States Court of Appeals for the Sixth Circuit. Justice Larsen's name was on the list of suggested Supreme Court nominees that Trump received from the Koch-funded Heritage Foundation and Federalist Society during his campaign, and candidate Trump claimed his SCOTUS nominees would "automatically" overturn *Roe v. Wade*. She was nominated without the usual consultation with her home-state senators.

PRESIDENTIAL POWER

Based on her writings, Justice Larsen believes in very extensive presidential powers. Referring to George W. Bush, she once claimed that: "Denying the president a constitutional voice is the real threat to our system of separated powers. . . . If circumstances arose in which the law would prevent him from protecting the nation, he would choose the nation over the statute." Her view is troubling at a time when the president continually acts in ways that suggest he believes he is above the law.

There are unanswered questions about a memo Larsen wrote about the rights of detainees while working in the Office of Legal Counsel ("OLC") during President George W. Bush's "war on terror." The memo remains secret, and Larsen's nomination should not proceed until her work on this critical issue, touching on issues of executive power, can be evaluated. In a similar situation involving an Obama judicial nominee who had written a memo at OLC that had not been disclosed, then-Ranking Member of the Senate Judiciary Committee, Chuck Grassley, demanded disclosure, stating, "The Senate simply cannot evaluate whether this nominee is fit for lifetime appointment to one of the nation's most important courts without complete access to his writings."

LGBTQ RIGHTS

As a state supreme court justice, Justice Larsen failed to give the Supreme Court's ruling in *Obergefell v. Hodges* full effect: she refused to review an appellate court decision which declined to grant parental visitation rights to a lesbian mother who would have been married to her ex-spouse, had same-sex marriage been legal at the time the couple was together.

Larsen took issue with the Supreme Court's decision in *Lawrence v. Texas*, the landmark case decriminalizing same-sex relationships. She wrote that "it would be an understatement in the extreme to call the Supreme Court's decision in *Lawrence v. Texas* revolutionary." Although her writing focused on whether international law could be applied to a U.S. case, she called the *Lawrence* decision "remarkable" and asserted that the majority's reasoning in reaching its decision "should alarm us."

CIVIL RIGHTS

Justice Larsen is an advocate for "originalism," which could call into question her commitment on the bench to civil rights for African Americans, women's rights, and LGBTQ rights. She is a very vocal admirer of her former boss, the late Justice Antonin Scalia, who consistently ruled against voting rights, the right to choose, and granting even the most basic protections to LGBTQ individuals.

CORPORATE INTERESTS

There are serious questions about whether Larsen will use her role as a judge to advance the interests of business over the legal rights of everyday Americans. The Chamber of Commerce spent over \$660,000 on broadcast television ads backing Larsen in her bid for re-election to the Michigan Supreme Court, and it contributed over \$16,000 directly to her. The Michigan Farm Bureau donated over \$14,000. Other key contributors included the Michigan Banker's Association, the Michigan Health & Hospital Association, and the Automobile Club. Current Secretary of Education Betsy DeVos and her family donated at least \$22,500 to Larsen's campaign.

ALLIANCE FOR JUSTICE HAS SERIOUS CONCERNS ABOUT JUSTICE LARSEN'S FITNESS FOR THE FEDERAL BENCH, AND URGES SENATORS AND THE PUBLIC TO CLOSELY SCRUTINIZE HER RECORD.