

August 22, 2017

Dear Chairman Grassley and Ranking Member Feinstein:
CC: Members of the U.S. Senate Judiciary Committee

We write in strong opposition to legislative proposals to divide the United States Court of Appeals for the Ninth Circuit, including S.276, the Judicial Administration and Improvement Act of 2017, and S. 295, the Circuit Court of Appeals Restructuring and Modernization Act.

Special interests, dissatisfied with certain rulings, have long sought to divide the Ninth Circuit in an effort to obtain different rulings. And, after the Ninth Circuit struck down the Administration’s “travel ban,” *Hawaii v. Trump*, 859 F.3d 741 (9th Cir. 2017), and a California district court enjoined the President’s order withholding federal funds from cities that failed to enforce immigration laws, *Cnty. of Santa Clara v. Trump*, Nos. 17-cv-00574 & 17-cv-00485, 2017 U.S. Dist. LEXIS 62871 (N.D. Cal. April 25, 2017), President Trump attacked the Ninth Circuit. In fact, President Trump has led the recent charge to split the Ninth Circuit because he perceives it to be hostile to his unconstitutional agenda.

Such results-driven considerations should not dictate the structure of the judiciary. Allowing this ideological campaign to overhaul the judicial branch threatens the integrity and independence of the judicial system. Further, if legislation to divide the Ninth Circuit is enacted, it will enable ideologically driven forum shopping aimed at eroding critical constitutional rights and legal protections that affect workers, civil rights, consumers, and the environment.

Not only does such an obvious ideological driven campaign threaten the integrity of the judicial system, but there is no compelling reason to split the jurisdiction and to incur the substantial costs that such a split would generate. Indeed, on July 27, 2017, 34 Ninth Circuit judges, including Alex Kozinski, nominated by President Ronald Reagan, and Jay Bybee, Consuelo Callahan, Carlos Bea, and Milan Smith, all nominated by President George W. Bush, wrote to the Committee opposing efforts to split the court. As they stated, “division of the Ninth Circuit would be costly, inefficient, and would harm the administration of justice in the West.”

Please oppose such ill-considered efforts to divide the Ninth Circuit.

Sincerely,

The undersigned organizations:

AFL-CIO
African American Lawyers Association
Alaska Wilderness League
Alliance for Justice
Alhambra Teachers Association
American Association for Justice
American Civil Liberties Union

AFSCME
American Postal Workers Union
Arcadia Teachers Association
Arizona Education Association
Arizona Employment Lawyers Association
Association of Flight Attendants-CWA

Association of Rowland Educators
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Bend the Arc Jewish Action
Bohbot & Riles, PC
Bonita Unified Teachers Association
Brisbane Elementary Teachers Association
Burbank Teachers Association
Burton Elementary Teachers Association
Cabrillo Unified Teachers Association
California Employment Lawyers Association
California Retired Teachers Association
California Teachers' Association
California Teachers Association/Acalanes
Education Association
California Women's Law Center
California Young Democrats
Carlsbad Unified Teachers Association
Cascade Forest Conservancy
Center for Biological Diversity
Center for Science in the Public Interest
Charter Oak Educators Association
Church State Council
Clayton Valley Education Association
CNTA Camino Nuevo Teachers Association
Coalition for Disability Health Equity
Codepink
College of the Desert Adjunct Association
Communications Workers of America
Compton Education Association
Concerned Citizens for Change
Constitutional Accountability Center
Consumer Action
Courage Campaign
Democracy Spring
Demos
Duarte Unified Education Association
EarthJustice
El Segundo Teachers Association
End Citizens United
Equal Justice Society

Escondido Elementary Educators Association
Evergreen Teachers Association
Friends of the Columbia Gorge
Glendale Teachers Association
Gridley Teachers Association
Gustine-Romero Teachers Association
Hart-Ransom Teachers Association
Hawthorne Educators and Teachers Association
Healdsburg Retired Teachers Association CTA/NEA-R
High Desert California Teachers Association-Retired
Human Rights Campaign
Huntington Beach Union High School Education
Association
Idaho Education Association
Indivisible of Northern Kentucky District 4
Jobs with Justice
Kern County Education Association
Kern County Superintendent of Schools
Klamath Siskiyou Wildlands Center
Lambda Legal
Leadership Conference on Civil and Human Rights
Lennox Teachers Association
Live Oak Elementary Teachers Association
Livingston Elementary Teachers Assoc.
Madera County Office of Ed. Teachers Assoc.
Main Street Alliance
Main Street Alliance of Oregon
Main Street Alliance of Washington
MALDEF (Mexican American Legal Defense
and Educational Fund)
MAYDAY America
McKinleyville Teachers' Association
Mi Familia Vota
Money Out People In Coalition
Monterey Bay Teachers Association
Moorpark Educators Association
Moreno Valley Educators Association
MOVI, Money Out Voters In
NAACP
NAACP Legal Defense and Educational Fund, Inc.
NARAL Pro-Choice America
National Association of Consumer Advocates
National Association of Social Workers

National Bar Association
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Jewish Women
National Education Association
National Employment Lawyers Association
National Health Law Program
National LGBTQ Task Force Action Fund
National Womens' Law Center
Natomas Teachers Association
NEA-Alaska
Nevada Conservation League
Nevada NELA
Nevada State Education Association
Nevadans for Judicial Progress
North San Diego County CTA/NEA-Retired
Oakdale Teachers Association
Oakland Education Association
Oregon Natural Desert Association
Oregon Wild
OR-ELA
Oroville Secondary Teachers Assoc.
Palermo Teachers Association
Palmdale Elementary Teachers Association
Palos Verdes Faculty Association
Participatory Politics Foundation
People Demanding Action
People For the American Way
Planned Parenthood Federation of America
Pride at Work
Progressive Congress Action Fund
Public Citizen
Sacramento Area CTA/NEA Retired
Teachers Association
Sacramento City Teachers Association
San Juan Teachers Association
San Marcos Educators Association
Santa Ana Educators Association
Santa Rita Teachers Association
Sequoia District Teachers Association
Service Employees International Union
Sierra Unified Teachers Association
Soda Mountain Wilderness Council
South Bay United Teachers
Southeast Alaska Conservation Council
Stockton Teachers Association
Taft Elementary Teachers Association
Teachers Association of Long Beach
Tehachapi Association of Teachers
Temecula Valley Educators Association
The Impact Fund
Together We Will Nevada
Together We Will San Diego
Transformative Justice Coalition
United for Democracy Now
United Teachers of Los Angeles
United Teachers of Richmond
United Teachers of Santa Clara
Val Verde Teachers' Association
Voting Rights Forward
Washington Employment Lawyers Association
WaterWatch of Oregon
Western Environmental Law Center
Whittier Elementary Teachers' Association
WildEarth Guardians