

May 3, 2019

Dear Senator:

On behalf of Alliance for Justice (AFJ), a national association representing 130 groups committed to justice and civil rights, I write to oppose the confirmation of Michael Park to the United States Court of Appeals for the Second Circuit.

Park's nomination is being advanced over the objections of both of his home-state senators, Chuck Schumer and Kirsten Gillibrand. And it is clear why Senators Schumer and Gillibrand object to Park's nomination. Park, a longtime member of the Federalist Society, became a partner in 2015 at Consvooy McCarthy Park, [a boutique law firm](#) that has "become the go-to legal shop for conservative ideologues looking to fight everything from voting rights to affirmative action to abortion." Park himself is a movement lawyer who has dedicated his career to advocating for a checklist of ultraconservative causes – fighting voting rights and affirmative action, women's reproductive rights, tribal rights, worker's rights, access to health care, consumer rights, and clean water. There is nothing in his record to suggest he will be a fair, unbiased jurist should he be confirmed.

Park has spent his career working to undermine civil rights, and at present is deeply involved in efforts to defend the politically-motivated and discriminatory citizenship question on the U.S. Census. On behalf of the Project on Fair Representation, he is defending the Trump Administration's effort to insert the question, which would reverse 70 years of census practice and, according to former census officials, result in an undercount of as many as 6.5 million people. Federal judge Jess Furman [found](#) that the addition of a citizenship question was unlawful because of a "veritable smorgasbord of classic, clear-cut [Administrative Procedure Act] violations." Yet, Park had no trouble defending the effort to undercount millions.

Moreover, Park is committed to dismantling equal opportunity programs for communities of color. In 2012, he served as a key contributor in *Fisher v. University of Texas*, writing an amicus brief arguing that the university's use of race as one consideration among many in the admissions process was unconstitutional. Park is also representing the plaintiff group, Students for Fair Admissions (SFFA), that has sued Harvard University for its race-conscious admissions process. Civil rights activists [fear](#) the Supreme Court's conservative majority could use the case to "end the consideration of race in admissions to all universities and colleges," and ultimately "shut out large numbers of minorities from top schools." Previously, Park challenged affirmative action policies at the University of North Carolina in *Students for Fair Admissions v. UNC*.

Park's record on women's rights is no better. For example, he represented Kansas in *Planned Parenthood of Kansas v. Andersen*, after the state attempted to defund Planned Parenthood and banned it from participating in the state Medicaid program. After Planned Parenthood sued, a judge enjoined the state from cutting off funding, and the Tenth Circuit affirmed. Park was also involved in defending the Trump Administration's attack on the right of a young immigrant woman in government custody, Jane Doe, to access abortion care in *Garza v. Hargan*.

On issues relating to the health, safety and the rights of workers, Park has fought for businesses and corporations at the expense of employees. After New York City issued an emergency order to improve working conditions for low-income nail salon workers, Park sued on behalf of salon owners, fighting efforts to protect workers. He has also fought to make it more difficult for employees injured by asbestos to hold corporations accountable. In 2016, Park worked to reverse juries' judgments for workers who had died of asbestos-related mesothelioma. In that case, he [suggested](#) that "a manufacturer is under no obligation, morally or legally, to warn of risks presented by products entirely designed, manufactured, distributed, and controlled by others"; he added that even if harms were foreseeable and manufacturers had an opportunity to warn, they should not have such a duty – a duty which "would not enhance scarce resources but rather would waste them."

Given these concerns, and as detailed in our [AFJ Nominee Report](#) on Park's record issued prior to his hearing, Alliance for Justice strongly opposes his confirmation to a lifetime seat on the federal bench. The Senate should reject Michael's Park's nomination for the Second Circuit Court of Appeals.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Aron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nan Aron