

CONFIRMING ANDREW BRASHER AS A FEDERAL APPEALS COURT JUDGE

Passed: 52-43

SUMMARY:

The Senate confirmed Andrew Brasher, a nominee with a history of opposing keystone environmental laws and civil rights protections, to the Eleventh Circuit Court of Appeals. *(February 11, 2020, Roll Call No. 36)*

BACKGROUND:

Throughout his career Andrew Brasher has been an outspoken opponent of environmental and civil rights protections. Brasher served as Alabama's lead attorney in a case suing the Environmental Protection Agency over the Obama administration's definition of "Waters of the United States." This definition sought to broaden what water bodies were protected from pollution under the Clean Water Act, but opponents like Brasher claimed it amounted to nothing more than government overreach. He also gave two speeches in opposition to the definition, including one given to Yale Law School's Federalist Society. As Alabama's Solicitor General, Brasher repeatedly sought to undermine the Endangered Species Act by filing briefs in several cases opposing the Fish and Wildlife Service's ability to declare areas as critical habitat for the survival of threatened and endangered species. In one such brief, Brasher stated that critical habitat designations for species facing extinction "almost always result in a lost economic opportunity," completely disregarding the incredible importance of such designations.

In addition to being an outspoken opponent of critical environment laws, Brasher has consistently attacked the civil rights of marginalized Americans. Highlights from his shameful career include filing a brief supporting gutting the Voting Rights Act, advocating for laws which restrict the right to receive an abortion, and openly suggesting that children are worse off when they are raised by same sex couples. Brasher's extremist ideology and record of using the courts to attack environmental protections and civil rights make him unfit for the judiciary.

OUTCOME:

On February 11, 2020, the Senate confirmed Andrew Brasher to be a U.S. Circuit Judge for the Eleventh Circuit, 52-43. "Nay" was the pro-conservation vote.