



December 12, 2017

Re: Opposition to Nomination of Leonard Steven Grasz

Dear Senator:

We are writing to express our opposition to the nomination of Leonard Steven Grasz to a lifetime position on the U.S. Court of Appeals for the Eighth Circuit.

For more than four decades, Natural Resources Defense Council (NRDC) has litigated to enforce federal laws protecting public health and the environment. We believe, based on our extensive litigation experience, that a well-functioning judiciary requires judges who are willing to apply the law neutrally and fairly. Unfortunately, the available information gives us great concern that Mr. Grasz, if confirmed, would not carry out his judicial responsibilities with the impartiality that they require.

The American Bar Association's (ABA) Standing Committee on the Federal Judiciary concluded—unanimously—that Mr. Grasz was “Not Qualified” for the position to which he has been nominated. This unanimous Not Qualified rating is sufficiently rare for a court of appeals candidate—the first in more than a decade—that it should raise red flags for any Senator who cares about the fairness of the federal judiciary. In particular, the specific concerns raised in conjunction with that rating deserve careful review before voting to confer life tenure.

The ABA review uncovered significant apprehension about Mr. Grasz's impartiality. In conducting the review, two evaluators interviewed more than 200 individuals who have worked with Mr. Grasz in his professional capacity. Mr. Grasz's peers repeatedly questioned his ability to separate his role as an advocate from that of a judge, his commitment to *stare decisis*, and his willingness to put aside personal biases when carrying out judicial duties.

These attributes are the hallmarks of an impartial judiciary. A judge who fails to adjudicate cases fairly, based on the law and free from personal bias, cannot fulfill his judicial responsibilities—no matter his professional qualifications or competence as an attorney.

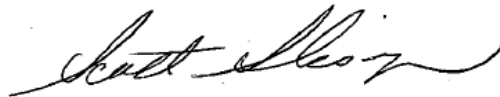
The ABA review also encountered an “unusual” reluctance to participate among Mr. Grasz's peers who feared retaliation or repercussions if they spoke to evaluators. And numerous individuals who did participate, including several judges, reported that

Mr. Grasz was “inappropriately aggressive” or “gratuitously rude” in his work as an attorney. These descriptions, as well as the reported apprehension about potential retaliation uncovered during the review process, raise concerns about Mr. Grasz’s temperament for this position.

We do not send this letter lightly. NRDC has formally opposed the confirmation of very few judicial nominees in its history. Unfortunately, our concerns about Mr. Grasz are sufficiently great that we oppose his confirmation as well.

We urge you to vote against Mr. Grasz’s nomination to a lifetime position on the U.S. Court of Appeals for the Eighth Circuit.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Slesinger". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Scott Slesinger, Esq.
Legislative Director
Natural Resources Defense Council