



December 12, 2017

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley, Ranking Member Feinstein, and Committee Members:

On behalf of the hundreds of thousands of People For the American Way members across the United States, I write to express our opposition to the nomination of Matthew Petersen to be a judge on the U.S. District Court for the District of Columbia.

District court judges are at the heart of the litigation process. To do their job effectively, they should have some experience actually litigating cases in courts, federal or state, or service as a state court judge. Petersen has none of that. In his committee questionnaire, Petersen even admits that he has “not had occasion to appear in court” and has no experience “in court or directly litigating cases.”

He also would not bring expertise—or much knowledge at all—about the overwhelming number of legal issues a district judge faces. What Petersen would bring to the bench in addition to his inexperience and lack of breadth is his history of zealous opposition to reasonable campaign finance regulations and to enforcing ones already on the books. President Trump nominated Petersen with the clear expectation that he would bring that hostility to limiting money in politics to the bench.

Petersen has been a commissioner of the Federal Elections Commission since 2008, nearly a decade, including two stints as chairman. Petersen and the other Republican commissioners have caused unprecedented partisan gridlock to this extremely important government agency, preventing the adoption of needed regulations to address new situations, and blocking the enforcement of existing campaign finance laws.

This project to sabotage the FEC’s mission has been so extreme and beyond normal partisanship that another FEC commissioner took it upon herself to release an in-depth report detailing the many acts of sabotage Petersen and his allies have committed over the years. Commissioner Ann M. Ravel’s report, released in February of this year, is entitled [Dysfunction and Deadlock: The Enforcement Crisis at the Federal Election Commission Reveals the Unlikelihood of Draining the Swamp](#). She writes in the introduction:

Statistics about deadlocked 3-3 votes do not tell the whole story. For nearly every case of major significance over the past several years, the Commission has deadlocked on investigating serious allegations or has failed to hold violators fully accountable. This report highlights some of the most recent examples of deadlock and dysfunction.

It is a sobering read, but one that gives essential insight into Petersen’s vision of the law with regard to money in politics. In great detail, it sets forth how Petersen and his allies have:

- Dramatically increased the number of deadlocked substantive votes from 2006 – 2016;
- Dramatically reduced fines over the past decade;
- Failed to enact new regulations post-Citizens United concerning secret campaign spending;
- Ideologically opposed the agency’s purpose; and
- Blocked investigations of serious campaign finance violations by changing the standard of proof.

Petersen’s “accomplishments” include numerous campaign organizations operating inappropriately as 501(c)(4) social welfare organizations; workplace political coercion; increasing cooperation between candidates and the allegedly independent Super PACS supporting them; and donors unlawfully hiding their identities via pass-through LLCs.

Americans see the skyrocketing spending on elections—and the use of enormous sums of secret money to do so—and recognize the damage it is doing to our democracy. An [October 2017 Washington Post poll](#) revealed that 65% of Americans cite money in politics as a major cause of political dysfunction. It is not easy to get 65% of Americans to agree on a political issue, but this issue transcends partisan boundaries. The health of our democracy is at stake.

The U.S. District Court for the District of Columbia hears a disproportionate percentage of campaign finance cases, as compared to other district courts. And President Trump has nominated someone to that court who has no expertise or experience except as a crusader against limiting the toxic influence of money in politics. There could be no other reason for this except an understanding that Petersen will bring his ideology to the bench.

We urge you to oppose Matthew Petersen’s nomination.

Sincerely,

A handwritten signature in cursive script that reads "Marge Baker".

Marge Baker
Executive Vice President for Policy and Program