



January 28, 2019

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

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

On behalf of our hundreds of thousands of members and activists across the United States, People For the American Way opposes the confirmation of Paul Matey of New Jersey to be a federal judge on the Third Circuit Court of Appeals. Matey served as a senior aide to Gov. Chris Christie from 2010-2015, offered Christie legal advice during a scandal-filled period that included Bridgewater, the use of Hurricane Sandy disaster relief funds for what was essentially a reelection commercial, and rewarding a major political donor with a \$150 million no-bid contract.

With both home state senators Bob Menendez and Cory Booker opposed, Matey's nomination exemplifies the breakdown in norms that once allowed the parties to work together while identifying highly qualified consensus nominees for the federal bench.

During the first two years of the Trump presidency, the Judiciary Committee held hearings for an unprecedented number of circuit court nominees opposed by one or both home state senators. When President Trump nominated Paul Matey, he did so without meaningfully consulting with Menendez and Booker. In addition, Chairman Grassley held a hearing over their objections, even though Booker was a colleague on the committee.

Home state senators often have knowledge of a nominee that might not be known to the White House, and that is certainly the case here. Matey worked as senior vice president and general counsel at University Hospital in Newark. During his tenure, the hospital had several major problems and scandals, including a safety grade that plummeted down to an F. As mayor of Newark at the time, Booker was deeply familiar with the situation, yet he was not meaningfully consulted by the White House. Grassley scheduled Matey's hearing without first asking Booker to explain his opposition or giving his colleague a chance to meet with the nominee.

As the New Jersey senators wrote to Grassley on November 9, 2018,<sup>1</sup> after the hearing was scheduled:

[T]he Trump Administration never offered us a meeting with Mr. Matey. The Administration did not make an offer for such a meeting before his nomination in April 2018. The Administration did not do so during the period after his nomination. The Administration did not do so before a Judiciary Committee hearing on his nomination was scheduled. And it has not done so to date.

At Matey's confirmation hearing,<sup>ii</sup> Booker urged Grassley to let him meet with the nominee to discuss his concerns in private before the public questioning:

I'm a member of your committee, sir. I know that you would want any judge from your great state that you would want at least the courtesy of having a meeting. Sir, I offer you right now, I will go with this nominee, sit with him in my office, to have that courtesy conversation.

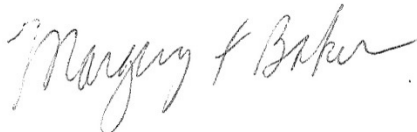
Menendez, I don't want to speak for my colleague, but I imagine that he would want that courtesy that any senator that is a member of your committee would want. We've never denied a meeting with this person.

As a duly elected senator from New Jersey, for a nominee that has served in my city that I was a mayor of is a matter of grace. I'm asking you to extend to me the opportunity before we have this hearing to have a more substantive conversation with this nominee. Would you please grant my -- I will meet with him now in my office.

Grassley said no.

But the 116<sup>th</sup> Congress brings new leadership to the Judiciary Committee, and a chance to restore the norms shattered during these past two years. Chairman Lindsey Graham should not allow the committee to process Matey's renomination without the consent of both home state senators.

Sincerely,

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

Marge Baker  
Executive Vice President for Policy and Program

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<sup>i</sup> <http://files.pfaw.org/uploads/2019/01/ltr-from-NJ-sens-to-Grassley.pdf>

<sup>ii</sup> <https://www.judiciary.senate.gov/meetings/11/13/2018/nominations>