

United States Senate

WASHINGTON, DC 20510

May 1, 2018

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Mr. President:

I write to urge you to withdraw the nomination of Gordon Giampietro to be United States District Judge for the Eastern District of Wisconsin and instead consider the other candidates forwarded by me and Senator Johnson, based on the recommendations of the Wisconsin Federal Nominating Commission, for this vacancy.

Since his nomination, it has come to light that Mr. Giampietro failed to disclose a number of past statements during the Nominating Commission's consideration of his application which call into question his ability to serve as an independent, fair and impartial jurist who will respect precedent. For example, speaking as a legal expert in an appearance on a Milwaukee radio show, he argued that the majority opinion in a U.S. Supreme Court's ruling, written by Justice Anthony Kennedy, should be disregarded because "it's not really legal reasoning" and the justice had "gone off the rails" years earlier. This statement and others like it cast doubt on his respect for precedent, and were clearly pronouncements on legal issues that Mr. Giampietro should have disclosed to the Nominating Commission. In fact, my appointees to the Commission have indicated that, had they been aware of those statements, they would not have supported advancing his candidacy. Since his nomination, I have also been contacted by several judges, attorneys and other individuals with personal or professional experience with Mr. Giampietro who have expressed grave reservations about his qualifications and temperament to serve as a federal judge.

After careful consideration of this information, including meeting with Mr. Giampietro, I am unable to support his nomination by returning a favorable blue slip to the Senate Judiciary Committee. However, I continue to believe that this seat should be filled as quickly as possible. In our letter of August 3, 2017, Senator Johnson and I recommended three other candidates for this vacancy who were advanced by the Nominating Commission: Waukesha County Circuit Judge Michael Aprahamian, and Milwaukee County Circuit Judges Kevin Martens and Richard

Sankovitz. I urge you to reconsider these individuals and, if you believe it is appropriate to do so after careful review, nominate one of them.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is written in a cursive, flowing style.

Tammy Baldwin
United States Senator