



April 28, 2020

United States Senate, Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Graham, Ranking Member Feinstein, and Members of the Senate Judiciary Committee:

As the nation's largest legal organization dedicated solely to defending religious liberty for all Americans, First Liberty Institute supports and encourages Judge Justin Walker's swift confirmation to the United States Court of Appeals for the District of Columbia Circuit.

Judge Walker's judicial record reflects his strong commitment to the Constitution and religious freedom. In *On Fire Christian Church v. Fischer*—during a time of pandemic and great uncertainty about whether our Constitutional system was still intact—Judge Walker entered a Temporary Restraining Order that enjoined the City of Louisville, Kentucky from banning drive-in religious services under the auspices of a stay-at-home order issued in response to the COVID-19 pandemic. Judge Walker restored order and confidence in our Constitutional system and the rule of law at a critical time in our nation's history.

Judge Walker's order clearly demonstrates his fidelity to the First Amendment to the Constitution. The City of Louisville singled out places of worship for less favorable treatment when compared with similar types of activities. Judge Walker ruled that, under the First Amendment, Louisville could not prohibit a church from holding drive-in services that complied with Centers for Disease Control social distancing guidelines.

In addition to reaching the correct outcome, Judge Walker also demonstrated a deep understanding of the nuances of religious liberty issues. His order carefully balanced an originalist approach to the Constitution with the compelling state interest in maintaining public health.

Judge Walker's ability to deftly address issues of great national significance, under intense public scrutiny, reveal precisely the kind of judicial temperament and sensibility that is required of an appellate judge.

Finally, Judge Walker's academic and professional record is impressive and formidable. His career has spanned academia, government service, and private practice. First Liberty Institute urges the Committee Members to recommend Judge Justin Walker be confirmed.