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August 3, 2026

VIA EMAIL

The Honorable Chuck Grassley
Chair
U.S. Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member
U.S. Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

Re: **Nomination of Judge Anna St. John to the United States Court of Appeals for the Fifth Circuit**

Dear Senators Grassley and Durbin:

On behalf of the National Women's Law Center, an organization that has advocated on behalf of women and girls for over fifty years, I write in strong opposition to the nomination of Judge Anna St. John for the United States Court of Appeals for the Fifth Circuit.

Judge St. John's long record of undermining the rights of survivors of sexual harassment and assault, people of color, and LGBTQ people raises sincere concern about her commitment to equal justice under law. Prior to joining the bench, Judge St. John's legal career focused on advancing corporate interests, without regard to the harm it may cause to consumers, employees, or the public. She portrayed herself as a consumer advocate while attacking the very legal infrastructure that has protected consumers. Specifically, she worked to undermine class action settlements, legislation invalidating forced arbitration agreements for sexual harassment and assault, anti-discrimination protections in education and the workplace, and equal opportunity in school athletics.¹ Having been confirmed as a district court judge for the Eastern District of

¹ Anna W. St. John, Of Counsel, St. John LLC, <https://www.stjohnlaw.com/anna-st-john>; Anna St. John, *Lawyers and Big Tech Spend Your Money on Left-Wing Causes, Independent Women* (May 15, 2024), <https://www.independentwomen.com/2024/05/15/lawyers-and-big-tech-spend-your-money-on-left-wing-causes/> (claiming that the "legal system is funding the Left" through class actions); Anna St. John, *Written Testimony of Anna St. John*, Hearing Before the H. Comm. on the Judiciary, 117th Cong., 1st Sess. (Nov. 16, 2021), <https://www.congress.gov/117/meeting/house/114227/witnesses/HHRG-117-JU00-Wstate-StJohnA-20211116.pdf>; *Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021*, H.R. 4445, 117th Cong. (2021–2022), Pub. L. No. 11790 (enacted Mar. 3, 2022), <https://www.congress.gov/bill/117th-congress/house-bill/4445>; 9

Louisiana in March of this year, Judge St. John's mere 12 weeks on the bench do not qualify her for elevation to the Fifth Circuit. Such rapid promotion is virtually unprecedented, and it leaves the Senate without the record it needs to evaluate her fitness for such a consequential position.² However, in her private practice, Judge St. John actively worked to create legal barriers and remove remedies for those who face harm or discrimination, and there is no reason to believe she would not use her position as an appellate judge on the Fifth Circuit to further these goals.

1. Judge St. John sought to delegitimize class actions as a legal tool by falsely portraying them as anti-consumer and leveling partisan attacks against attorneys and organizations who represent workers and consumers.

Throughout her work at the Hamilton Lincoln Law Institute (HLLI), Judge St. John claimed to advance consumer protection by defending people against what she calls "class action abuse" through delegitimizing and stigmatizing class actions as a legal tool.

Class action lawsuits are an essential tool for consumers, workers, and others who have experienced harm through corporate or governmental malfeasance. These lawsuits allow harmed individuals, who often lack the resources to bring suit by themselves, to file suit together and

U.S.C. §§ 401–402 (Supp. V 2022), <https://uscode.house.gov/view.xhtml?path=/prelim@title9/chapter4&edition=prelim>; Amicus Brief of Hamilton Lincoln Law Institute in Support of Certiorari, *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, No. 201199 (U.S. Sup. Ct. Mar. 31, 2021) [hereafter, "HLLI Harvard Brief 1"], https://www.supremecourt.gov/DocketPDF/20/20-1199/173488/20210331125456187_SFFA%20v%20Harvard%20amicus%20final.pdf; Brief of Hamilton Lincoln Law Institute and Ilya Shapiro as Amici Curiae in Support of Petitioners, *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina*, Nos. 201199 & 21707 (U.S. Sup. Ct. May 9, 2022) [hereafter, "HLLI Harvard Brief 2"], https://www.supremecourt.gov/DocketPDF/20/20-1199/222774/20220509124941553_SFFA%20v%20Harvard%20HLLI-Shapiro%20amicus.pdf; Brief of Amici Curiae Cato Institute and Hamilton Lincoln Law Institute in Support of Petitioners, *303 Creative LLC v. Elenis*, No. 21-476 (U.S. Sup. Ct. Oct. 27, 2021) [hereafter, "HLLI 303 Creative Brief 1"], https://www.supremecourt.gov/DocketPDF/21/21-476/197814/20211027144118907_303%20Creative%20cert-stage.pdf; Brief of Amici Curiae Prof. Dale Carpenter, Prof. Eugene Volokh, Ilya Shapiro, American Unity Fund, and Hamilton Lincoln Law Institute in Support of Petitioners, *303 Creative LLC v. Elenis*, No. 21-476 (U.S. filed May 31, 2022) [hereafter, "HLLI 303 Creative Brief 2"], https://www.supremecourt.gov/DocketPDF/21/21-476/226637/20220531142739104_21-476%20tsac%20Professor%20Carpenter%20et%20al.pdf; Brief of 35 Athletic Officials and Coaches of Female Athletes as Amici Curiae in Support of Petitioners, *Little v. Hecox*, No. 24-38, and *West Virginia v. B.P.J.*, No. 24-39 (U.S. filed Aug. 14, 2024) [hereafter, "Coaches Little Brief"], https://www.supremecourt.gov/DocketPDF/24/24-38/322288/20240812164337076_Hecox%20BPJ%20-%20amicus%20final.pdf.

² See Anna St. John, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, PN787-4, 119th Cong. (2025–2026), congress.gov, <https://www.congress.gov/nomination/119th-congress/787/4> (confirmed 51-45, Mar. 17, 2026; sworn in Apr. 23, 2026); Julia O'Donoghue, *New Orleans Judge Anna St. John Tapped for 5th Circuit Bench*, NOLA.com (July 2026), https://www.nola.com/news/politics/national_politics/new-orleans-judge-anna-st-john-tapped-for-5th-circuit-bench/article_ed6c4e76-ded1-434c-a5a1-8bad4a13d88d.html; Westlaw, *Litigation Analytics Report: Judge Anna St. John (U.S. District Court, E.D. La.)*, pulled July 8, 2026 (on file with NWLC) (documenting no rulings on the merits during St. John's tenure).

seek justice from powerful actors.³ Moreover, they enable corporations to be held accountable when they cause a small-scale but meaningful harm to a large number of people, especially when the harm imposes costs that do not justify bringing suit as individuals—but is extremely profitable to the company. The mere possibility of class actions is known to also deter corporations from engaging in harmful anti-worker activities, such as wage theft, discrimination, and retaliation.⁴ After the U.S. Supreme Court’s *Trump v. CASA* decision, class action lawsuits against the federal government play an even greater role in preventing lawless abuses of power and the protection of civil rights.⁵

While leading HLLI, Judge St. John worked to villainize attorneys and advocacy organizations representing those harmed or receiving *cy pres* awards, in an attempt to shift public scrutiny from corporate wrongdoers.⁶ The *cy pres* doctrine is a legal principle allowing courts to redirect unused, unclaimed, or impossible-to-fulfill trust funds or class action settlement money to a closely related charitable purpose.⁷ Judge St. John also employed bias, stigma, and partisan attacks against attorneys and organizations who fight for the rights of individuals, consumers, and workers facing harm. For example, she worked to undermine class certification and deter individuals from joining class actions by claiming the money will go to fund “left wing causes.”⁸

Portraying herself as a consumer advocate, Judge St. John painted attorney fees and *cy pres* awards paid out of class action settlements as harmful for consumers and the public – arguing that it violates class members’ First Amendment rights for settlements to be designated to organizations engaged in “contentious advocacy,”⁹ meaning groups she disagrees with ideologically.¹⁰ Ultimately, these efforts disempower consumers and workers by stigmatizing

³ See Bryan L. Adkins, *Class Action Lawsuits: An Introduction*, Cong. Research Serv. In Focus No. IF12763 (Sept. 13, 2024), <https://www.congress.gov/crs-product/IF12763>; *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 617 (1997), [https://scholar.google.com/scholar_case?case=10149606034909104692&q=521+U.S.+591&hl=en&as_sdt=20006#:~:text=While%20the%20text,344%20\(1997\).](https://scholar.google.com/scholar_case?case=10149606034909104692&q=521+U.S.+591&hl=en&as_sdt=20006#:~:text=While%20the%20text,344%20(1997).)

⁴ See Adkins (2024); *Hughes v. Kore of Indiana Enterprise, Inc.*, 731 F.3d 672 (7th Cir. 2013), https://scholar.google.com/scholar_case?case=6029250328117393390&q=795+F.3d+654&hl=en&as_sdt=20006#:~:text=A%20class%20action%2C%20like%20litigation%20in%20general%2C%20has%20a%20deterrent%20as%20well%20as%20a%20compensatory%20objective.

⁵ See *Trump v. CASA, Inc.*, 606 U.S. ____ (No. 24A884) (U.S. June 27, 2025), https://www.supremecourt.gov/opinions/24pdf/24a884_8n59.pdf.

⁶ See, e.g., Petition for a Writ of Certiorari, *St. John v. Jones*, No. 22-554 (U.S. Dec. 14, 2022) [hereafter, “St. John Petition”], https://www.supremecourt.gov/DocketPDF/22/22-554/249924/20221214123544662_St.%20John%20cert%20petition.pdf (In a petition for writ of certiorari, Judge St. John asked the Supreme Court to review the ability of the lower courts to designate settlements when they award substantial *cy pres* to a third party. The Supreme Court declined to hear this case. The *cy pres* in this case went to nonprofits.).

⁷ Legal Information Institute, *Cy Pres Doctrine*, Cornell Law School (Sep. 2025), https://www.law.cornell.edu/wex/cy_pres_doctrine.

⁸ St. John (2024).

⁹ St. John Petition at 7.

¹⁰ See St. John (2024) (claiming that the “legal system is funding the Left” through class actions).

class actions as a legal tool and dissuading them from seeking justice in court on a level playing field.

2. Judge St. John opposed federal legislation that prevents corporations from using forced arbitration in cases involving sexual harassment and assault.

Judge St. John has also advocated for wealthy corporations over consumers and workers in the context of forced arbitration in cases involving sexual harassment and assault. She testified against bipartisan federal legislation that invalidates forced arbitration agreements in such disputes.¹¹ Forced arbitration is a harmful practice where corporations include a clause in standard contracts that strips individuals of their right to challenge wrongdoing in court and instead requires them to bring complaints through private arbitration, often where the arbitrator is already selected by corporation.¹² This practice often takes place in the workplace, where new hires are required to sign a forced arbitration contract as a condition of employment, and it can impact workers' ability to bring suit on matters such as workplace discrimination, retaliation, and wage theft.¹³ Decisions made by arbitrators are legally binding, but individuals required to participate in arbitration lose important rights and protections that they would receive in a court of law.¹⁴ For example, individuals can be prohibited from coming together as a class in arbitration proceedings, and they may have more limited discovery rights.

Before federal legislation was passed to prevent this practice, forced arbitration clauses applied even in cases involving sexual harassment and assault.¹⁵ Arbitration is frequently confidential, unlike court decisions, meaning that even with a good outcome, the claimant may be unable to speak about their case. This is especially concerning in the context of sexual harassment and assault where, prior to the passage of this law, survivors were frequently barred from speaking out about their experiences, shielding corporate wrongdoing from public accountability and leaving other survivors of these harms unaware that they were not alone. During the hearing on this legislation, multiple survivors of sexual harassment and assault in the workplace testified about their painful experiences of being forced into silence through the forced arbitration

¹¹ Anna St. John, *Written Testimony of Anna St. John*, Hearing Before the H. Comm. on the Judiciary, 117th Cong., 1st Sess. (Nov. 16, 2021), <https://www.congress.gov/117/meeting/house/114227/witnesses/HHRG-117-JU00https://www.congress.gov/117/meeting/house/114227/witnesses/HHRG-117-JU00-Wstate-StJohnA-20211116.pdfWstate-StJohnA-20211116.pdf>; *Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021*, H.R. 4445, 117th Cong. (2021–2022), Pub. L. No. 117-90 (enacted Mar. 3, 2022), <https://www.congress.gov/bill/117th-congress/house-bill/4445> (codified at 9 U.S.C. §§ 401–402).

¹² See *Forced Arbitration Clauses in the #MeToo Era*, National Women's Law Center (Dec. 19, 2018), <https://nwlc.org/resource/forced-arbitration-clauses-in-the-metoo-era/>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See *Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021*, H.R. 4445, 117th Cong. (2021–2022), Pub. L. No. 117-90 (enacted Mar. 3, 2022) (codified at 9 U.S.C. §§ 401–402).

agreements they signed.¹⁶ They were only able to testify and break their silence regarding the sexual assault and harassment they faced due to the federal subpoenas they were under.¹⁷

Judge St. John testified before the Senate Judiciary Committee that forced arbitration provided “an advantageous dispute resolution process” for both consumers and employees.¹⁸ She claimed that forced arbitration leads to higher rewards and is more efficient for workers and consumers. But nothing in this legislation prohibited individuals from choosing arbitration in cases involving sexual harassment or assault – it merely prevented corporations from mandating it by contract. The public has an interest in exposing sexual harassment and assault and in disallowing companies to cover up these occurrences or shield perpetrators through forced arbitration.

Despite Judge St. John’s attempt to portray expensive, silencing, and unfair legal tactics imposed on consumers and workers in a positive light, this important measure was passed into law. However, Judge St. John’s stance that consumers and workers should be required to submit to forced arbitration for their own good, even in cases involving sexual harassment and assault, is concerning, and raises questions about how she would weigh the interests of workers and other litigants who appear before her.

3. Judge St. John argued race-neutral efforts to encourage diversity and inclusion in higher education constitute unlawful race discrimination.

In the *Students for Fair Admissions v. President and Fellows of Harvard College* case, Judge St. John authored amicus briefs to the U.S. Supreme Court opposing affirmative action in higher education.¹⁹ Ignoring that “many minority students encounter markedly inadequate and unequal educational opportunities,”²⁰ Judge St. John argued that discrimination has been adequately remedied,²¹ and therefore a governmental interest in diversity in education does not justify affirmative action in admissions. However, Judge St. John’s arguments went beyond the Court’s ultimate holding, as she not only challenged race-conscious affirmative action in university admissions, but also asserted that race-neutral efforts to encourage diversity and inclusion in education and the workplace were unlawful. For example, she expressed particular concern that the Court’s previous recognition that there was a compelling state interest in fostering diversity in higher education settings had “metastasized” to encourage efforts to increase diversity in

¹⁶Silenced: How Forced Arbitration Keeps Victims of Sexual Violence and Sexual Harassment in the Shadows: Hearing Before the H. Comm. on the Judiciary, 117th Cong. (Nov. 16, 2021), <https://www.youtube.com/watch?v=JkUMca39dFc>.

¹⁷ *Id.*

¹⁸ Anna St. John, *Written Testimony of Anna St. John*, Hearing Before the H. Comm. on the Judiciary, 117th Cong., 1st Sess. at 1 (Nov. 16, 2021), <https://www.congress.gov/117/meeting/house/114227/witnesses/HHRG-117-JU00https://www.congress.gov/117/meeting/house/114227/witnesses/HHRG-117-JU00-Wstate-StJohnA-20211116.pdfWstate-StJohnA-20211116.pdf>.

¹⁹ HLLI Harvard Brief 1; HLLI Harvard Brief 2.

²⁰ *Grutter v. Bollinger*, 539 U.S. 306, 347 (2003).

²¹ HLLI Harvard Brief 2 at 18.

other educational contexts and in the workplace.²² One such cancerous growth she points to is the Yale Law Journal, which considers diversity statements as part of its acceptance process. Judge St. John asserted that this results in a disproportionate rate of acceptance by race, and this “suggests that journal membership is intentionally discriminating on the basis of race.”²³ However, in neither the *Grutter v. Bollinger* nor the *Students for Fair Admission v. Harvard* decision did the Supreme Court hold that the *mere consideration* of a diversity statement is discriminatory. In fact, the Court made clear that “nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.”²⁴ Judge St. John’s inclination to see diversity and inclusion as a veil for discrimination does not befit a federal judge in our pluralistic society, and it calls into question her ability to treat all litigants equally.

4. In amicus briefs, Judge St. John sought to undermine anti-discrimination laws protecting LGBTQ people and perpetuated outdated sex and gender stereotypes to demean trans girls.

President Trump was very clear about the reason he nominated Judge St. John to the Eastern District of Louisiana: she was specifically chosen to enable discrimination against trans athletes. As he framed it, she would “champion Religious Liberty and keep men out of women’s sports.”²⁵ Of course, in her responses to the Senate Judiciary Committee, Judge St. John demurred on that and other important legal issues, saying it may come before her as a judge, and she must maintain impartiality.²⁶ That is the very problem; President Trump explicitly chose her because she is not impartial. And the Senate should reject her for the same reason.

This lack of impartiality is made clear by the amicus brief Judge St. John submitted to the U.S. Supreme Court in the *Little v. Hecox* and *West Virginia v. B.P.J.* cases, which challenge discriminatory state bans on trans girls participating in school sports.²⁷ This brief is replete with

²² *Id.* at 2-3.

²³ *Id.* at 7-8. It is interesting that Judge St. John considers a disparate racial impact to imply intentional discrimination in this instance (to argue that minority students are being unfairly favored), when she has been an ardent critic of disparate impact analysis when used to protect people of color under Title VI. *See e.g.*, Amicus Brief of the American Civil Rights Project and the Hamilton Lincoln Law Institute in Opposition to the Defendants’ Motion for Summary Judgment and Support of Summary Judgment for Plaintiff, *Louisiana v. U.S. E.P.A.*, CASE NO. 2:23-cv-00692-JDC-KK (W.D. La. Oct. 3, 2023), <https://hlli.org/wp-content/uploads/2023/10/EPA.38-2.Ex.-1-proposed-amicus-brief.pdf>.

²⁴ *Students for Fair Admissions, Inc.*, 600 U.S. ___, slip op. at 39 (2023).

²⁵ Donald Trump [@realDonaldTrump], “It is my Great Honor to nominate Anna St. John to serve as Judge on the United States District Court for the Eastern District of Louisiana...,” Truth Social (Jan. 6, 2026), <https://truthsocial.com/@realDonaldTrump/posts/115850518579436668>.

²⁶ *See, e.g.*, QFR Responses to Sen. Durbin (Feb. 11, 2026), Q.19(a)–(m) (declining to affirm the correctness of precedents including *Obergefell v. Hodges*, *Griswold v. Connecticut*, and *Trump v. United States*); QFR Responses to Sen. Durbin, Q.36(a)–(e) (Federalist Society); QFR Responses to Sen. Booker, Q.33(c), Q.34; QFR Responses to Sen. Blumenthal, Q.2(a)–(c) (recusal).

²⁷ Coaches Little Brief.

harmful and outdated stereotypes regarding sex and gender, which she uses to argue that cis women and girls cannot meaningfully compete if trans women and girls are allowed to participate in sports.²⁸ Judge St. John's writing exudes contempt for trans people, dismissing their experiences and identities, and describing them as "strident activists [who] have sought to silence any discussion of the harm to women from basing sports categories on gender identity...."²⁹ Her blatant disdain for trans women and girls makes it clear that Judge St. John cannot serve as an unbiased federal judge.

Additionally, as the leader of HLLI, Judge St. John authored amicus briefs opposing anti-discrimination protections for LGBTQ people.³⁰ For example, in *303 Creative v. Elenis*, she argued in part that state laws that prohibit discrimination in places of public accommodation should be limited if those facing discrimination are still able to access equivalent services from some source.³¹ This argument fundamentally misunderstands a primary purpose of anti-discrimination laws, and it would place an untenable burden on any person who experiences discrimination to prove they could not receive the services from another source.³²

The Tenth Circuit explained there is a compelling governmental interest in a uniform application of anti-discrimination laws to prevent restrictions on services that favor certain groups of people.³³ While this issue was not considered by the Supreme Court, Judge St. John dismissed the Tenth Circuit's approach as "hypothetical" and "imagined" harm and asserted that the government only has a compelling interest in people *generally* having access to goods and services regardless of their identities.³⁴ Judge St. John's advocacy to undermine critical principles of civil rights law is concerning coming from a potential judge who would be responsible for weighing these legal issues.

5. Conclusion

Judge St. John's efforts to undermine and dismiss the rights of consumers, workers, survivors of sexual harassment and assault, people of color, and LGBTQ people raise strong concerns about

²⁸ For example, biological males "have an innate competitive advantage in strength, agility, body size, muscle mass, bone density, body fat percentages, explosive power, etc." *Id.* at 5. "[W]omen generally shy away from certain sports where training facilities are located in remote spaces and are usually all- or heavily-male environments." *Id.* at 12. "No matter how dedicated a woman is, how hard or smartly she trains, men and women are biologically different in ways that matter in sports competitions." *Id.* at 14.

²⁹ *Id.* at 3.

³⁰ HLLI 303 Creative Brief 1; HLLI 303 Creative Brief 2.

³¹ HLLI 303 Creative Brief 2 at 5, 15-19.

³² See *303 Creative v. Elenis*, No. 19-1413 at 28-29 (10th Cir. July 26, 2021), <https://www.ca10.uscourts.gov/sites/ca10/files/opinions/010110553596.pdf> (explaining that one purpose of anti-discrimination laws is to help ensure a free and open economy by removing discriminatory barriers to economic and social equality).

³³ *Id.* at 28-31.

³⁴ HLLI 303 Creative Brief 2 at 15-18; but see *Creative LLC v. Elenis*, 600 U.S. 570, 584 (2023) (the Court decided this case based on the expressive nature of the particular service).

whether she has the fair mindedness and impartiality required of a federal judge. Certainly, she should not be elevated to the Fifth Circuit even before Congress is able to evaluate her record on the bench. Before joining the bench, Judge St. John dedicated her legal career to protecting the wealthy and powerful at the expense of consumers and workers. In this role she used an array of manipulative tactics, from pretending to speak for consumers, to sowing division against vulnerable communities, to spreading misinformation to undermine class actions, to politicizing consumer advocacy and impugning lawyers who hold corporations accountable.

St. John's clear bias in support of wealthy corporations above the laws and legal protections critical to workers, consumers, and the public is worrying and particularly inappropriate for a federal judge charged with upholding equal justice under law. Before joining the bench, Judge St. John cloaked her anti-worker and anti-consumer advocacy behind a carefully crafted façade of so-called consumer protection and support for workers. As the Senate considers this nomination, it must not allow Judge St. John to easily avoid her troubling record.

For these reasons, the National Women's Law Center strongly opposes the confirmation of Judge Anna St. John to the United States Court of Appeals for the Fifth Circuit and urges the U.S. Senate Committee on the Judiciary to reject this nomination. If you have questions about the Law Center's opposition to Judge St. John's nomination, please contact me, or Alison Gill, Senior Director of Nominations & Democracy, at agill@nwlc.org.

Sincerely,



Fatima Goss Graves
President and CEO