

October 11, 2022

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Bipartisan Montana State Attorneys General Letter Supporting the Nomination of Anthony Johnstone to the United States Court of Appeals for the Ninth Circuit

Dear Chairman Durbin and Ranking Member Grassley:

We are pleased to join our voices in support of the nomination of Anthony Johnstone to the United States Court of Appeals for the Ninth Circuit.

We are two former Montana state attorneys general from both political parties. We represent different legal and professional backgrounds and espouse different jurisprudential views. We hold in common our dedication to public service, specifically as attorneys general charged with the great privilege of representing the people of our state. We also share a deep appreciation for the intellect and integrity Mr. Johnstone consistently brought to his public service as Assistant Attorney General and State Solicitor of Montana and continues to demonstrate through bipartisan work among state attorneys general as a constitutional law scholar. Based on our experience with Mr. Johnstone, we are confident that he will be an excellent federal judge.

Mr. Johnstone boasts a record of impressive academic and professional achievement. In particular, we want to call your attention to his years of service to attorneys general of both parties in Montana. Mr. Johnstone has served as nonpolitical career staff working on behalf of the State and its agencies; he has consulted for several AGs over nearly two decades; and time and time again, he has stood up proudly to represent the people of Montana. He has thrived in roles that require him to set aside personal views, work collaboratively with others, and conscientiously advance the public interest. Mr. Johnstone always has conducted himself with the greatest professional integrity and in accordance with the nonpartisan, collegial nature of this public service. This experience uniquely qualifies him to serve fairly and without bias on the Ninth Circuit.

In addition, we know Mr. Johnstone to be constitutionally and temperamentally suited to the work of a judge. He acts with consideration and integrity without exception. He extends respect and a presumption of good faith to all, including colleagues, opposing counsel, judges, and public servants from both parties. He is dedicated to finding common ground: As a distinguished scholar of federal and state constitutional law, he has remained engaged with offices of state attorneys general, including through the National Association of Attorneys General and other nonpartisan and bipartisan groups. He will bring all of these professional and personal strengths to his role as a judge and will give fair, careful consideration to all cases that come before him.

Anthony Johnstone will be a credit to the federal bench. We enthusiastically support his confirmation to the United States Court of Appeals for the Ninth Circuit.

Respectfully,

Steve Bullock
Attorney General of Montana (2009-2013)
Governor of Montana (2013-2021)

Tim Fox
Attorney General of Montana (2013-2021)