



US Senate Committee on Health, Education, Labor & Pensions  
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Washington, DC 20510  
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March 10, 2017

Dear Chairman Alexander, Ranking Member Murray, and Members of the Senate Committee on Health, Education, Labor, and Pensions:

Dēmos expresses concern about the appointment of R. Alexander Acosta as Secretary of Labor and urges the members of the Senate Committee on Health, Education, Labor and Pensions to vote against his confirmation. Mr. Acosta's record of undermining voting rights and overseeing politicized hiring at the Department of Justice as well as and his lack of experience and expertise on the Department of Labor's core mission make the nominee an a poor choice to lead the United States Department of Labor.

Dēmos is a public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy. Mr. Acosta raises concerns on both sides. The work of the Department of Labor is critical to the ability of all Americans to benefit from equitable economic opportunity, yet Mr. Acosta has little history of defending the rights of working people. At the same time, Mr. Acosta's efforts on voting rights have undermined Americans' ability to exercise an equal voice in our democracy.

In his capacity as assistant attorney general for the Justice Department's civil rights division, Mr. Acosta intervened to oppose a lawsuit against an anti-democratic law allowing unwarranted challenges to Americans' right to cast ballots in Ohio. Writing to the judge in the case, Mr. Acosta promoted a weakened interpretation of the Voting Rights Act, asserting that civil rights concerns did not apply despite blatant efforts to disenfranchise African American voters with a challenge list that: "targeted predominantly minority, urban, and Democratic districts. It was estimated that 'in Ohio, all of the precincts in about a dozen counties that contain 91 percent of the state's black population—including urban areas like Cleveland, Cincinnati, Dayton, Toledo, and Akron' were targeted by Republican challengers."<sup>i</sup>



This troubling voting rights record raises further questions about Mr. Acosta’s judgment when combined with the politicized hiring process that occurred on Acosta’s watch at the Department of Justice. As detailed by the Office of Inspector General’s 2008 report, the Civil Rights Division headed by Mr. Acosta violated Justice Department policy and federal law, improperly using political affiliations to assess job candidates and career attorneys.<sup>ii</sup>

Finally, Mr. Acosta’s lack of experience and expertise on the Department of Labor’s core mission is cause for concern. The Labor Department’s mission is “to foster . . . the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.” 120 million working Americans depend on the Department of Labor to enforce the nation’s most basic laws on the minimum wage, child labor, and workplace safety. Yet Mr. Acosta has little or no experience in this area.

Today a quarter of the nation’s working households depend on the pay of low-wage workers including Americans working in the retail, home health care, and food service industries. On its current path, the economy is set to generate still more low-paying jobs: analysis of U.S. Department of Labor statistics reveals that 28 percent of the new jobs being created over the next decade will be in occupations paying median hourly wages below \$12 an hour. Only proactive employment policies and strong enforcement by the Department of Labor can change the trend toward an economy based on low paying jobs.

The next Secretary of Labor will also be responsible for rules critical to the well-being of working people which have been delayed by the current administration including:

- The expansion of access to overtime pay, which would raise incomes for 12.5 million salaried workers across the country;
- The fiduciary rule, which requires financial advisors and brokers to act in the best interest of people saving for retirement. Demos estimates that Americans savers would pay nearly \$25 billion less every year as a result of lower fees if the fiduciary rule goes into effect as written.<sup>iii</sup>



Given these pending rules, and the reality that the Department of Labor is likely to face substantial cuts to its enforcement budget in the coming fiscal year, it is critical that the Secretary of Labor stand up for the rights of working Americans. Nothing in Alexander Acosta's record suggests that he will.

We urge you to vote against confirming Alexander Acosta as Secretary of Labor.

Sincerely,

Tamara Draut  
Vice President, Policy and Research  
Dēmos

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<sup>i</sup> Liz Kennedy, et. al. "Bullies At The Ballot Box: Protecting The Freedom To Vote Against Wrongful Challenges And Intimidation," Demos, 2012. <http://www.demos.org/publication/bullies-ballot-box-protecting-freedom-vote-against-wrongful-challenges-and-intimidation>

<sup>ii</sup> "An Investigation of Allegations of Politicized Hiring and Other Improper Personnel Actions in the Civil Rights Division," Office of the Inspector General & Office of Professional Responsibility, U.S. Department of Justice, 2008. <https://oig.justice.gov/special/s0901/final.pdf>

<sup>iii</sup> Robert Hiltonsmith, "Why the Fiduciary Rule Matters," Demos, 2015. <http://www.demos.org/publication/why-fiduciary-rule-matters>