

FAST FACTS ABOUT **DANGEROUS** JUDICIAL NOMINEE, REPUBLICAN TOM MARCELLE

The Republican nominee for the Third Judicial District is a right-wing, partisan extremist that should not be on the bench. Here's what you should know about this dangerous attorney:

1. Tom Marcelle was handpicked by Donald Trump for the federal bench. Marcelle was such an extreme pick, the Republican-controlled Senate did not confirm him.¹
2. Tom Marcelle is anti-choice and is a staunch opponent of women's reproductive rights.²
3. Tom Marcelle served as Senior Counsel for a right-wing group that opposed marriage equality.³
4. Tom Marcelle worked with the *Alliance Defending Freedom*, which has been designated as a hate group by the Southern Poverty Law Center for their work in support of criminalizing homosexuality and defending state sanctioned sterilization of transgender individuals.⁴
5. Tom Marcelle worked with religious extremists in a case which Justice Ruth Bader Ginsburg described as "blur[ring] the line between public classroom instruction and private religious indoctrination."⁵
6. Tom Marcelle is a member of the Federalist Society, a right wing judicial group that boasts Justice Clarence Thomas a member.⁶
7. At the height of the Covid-19 pandemic, Marcelle sought to overturn commonsense public health measures, like mask mandates, calling them "immoral."⁷
8. As a City Court Judge, Tom Marcelle intentionally flouted his responsibilities to make a politically-motivated decision on bail reform.⁸
9. Tom Marcelle was ordered by a Federal Judge to testify in a voting rights lawsuit where he worked to limit the number of majority-minority legislative districts in Albany County.⁹

¹ Robert Gavin, *Thomas Marcelle nominated for federal bench by Trump*, Albany Times Union, October 11, 2018.

² *Id.*

³ Alliance Defending Freedom, <https://adflegal.org/>, last accessed, October 10, 2022.

⁴ The Vetting Room, *Judge Thomas Marcelle Nominee to the United States District Court for the Northern District of New York*, <https://vettingroom.org/tag/thomas-marcelle/>, last accessed, October 10, 2022.

⁵ *Good News Club v. Milford Central School*, 533 U.S. 98 (2001).

⁶ United States Senate Committee on the Judiciary: Questionnaire for Judicial Nominees: Thomas Marcelle"

⁷ Brendan J. Lyons, *Federal lawsuit challenges New York's mask mandate in schools*, Albany Times Union, September 21, 2021.

⁸ Brendan J. Lyons, *Cohoes judge issues order challenging state's bail reform law*, Albany Times Union, February 3, 2020.

⁹ Jordan Carleo-Evangelist, *Judge rules attorney must testify*, Albany Times Union, November 18, 2014.