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Law Dean Alexander Acosta Picked for Labor Secretary

Former Main Justice official under George W. Bush, now dean of Florida International University, has been through four Senate confirmations.

Melanie Waddell, The National Law Journal

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President Donald Trump wasted little time in naming R. Alexander Acosta on Thursday as his new labor secretary nominee to replace Andrew Puzder, who [withdrew his nomination](#) amid opposition in the U.S. Senate.

Acosta is the dean of Florida International University in Miami and a veteran Republican administrator, serving as assistant attorney general for civil rights at the U.S. Justice Department under President George W. Bush [and later as](#) the U.S. attorney in Miami. He is the son of Cuban immigrants.

Trump noted in a [Thursday press conference](#) Acosta's degrees from Harvard College and Harvard Law School as well as his service as a former clerk to Justice Samuel Alito, adding that he's had "a tremendous career."

Acosta, Trump said, "has been through four Senate confirmations. I've wished him the best. I think he'll be a tremendous secretary of labor." Acosta would become Trump's first Hispanic cabinet nominee.

Acosta said in a statement: "I am deeply grateful and honored for the opportunity to serve my country. I thank the President and his staff for their confidence in me and I am eager to work tirelessly on behalf of the American worker."

Acosta has previously served as a member of the National Labor Relations Board, appointed by George W. Bush; and assistant attorney general for the Civil Rights Division of the Justice Department.

But Acosta's record isn't unblemished.

He was chastised in a January 2009 report by the Justice Department's inspector general and Office of Professional Responsibility for failing to supervise a rogue administrator intent on politicizing the civil rights division by hiring arch-conservatives from 2003 to 2006, according to the Daily Business Review.

Kristen Clarke, president and executive director of the Lawyers' Committee for Civil Rights Under Law, said in a statement that she's "astonished" by Acosta's nomination. Acosta, she said, "led the Civil Rights Division at a time that was marked by stark politicization, and other improper hiring and personnel decisions that were fully laid to bare in a [2008 report](#) issued by the Office of Inspector General."

The OIG found that "actions taken during Mr. Acosta's tenure violated Justice Department policy and federal law. Political and ideological affiliations were used as a litmus test to evaluate job candidates and career attorneys, wreaking havoc on the work of the Division," Clarke said. "This egregious conduct played out under Mr. Acosta's watch and undermined the integrity of the Civil Rights Division. It is hard to believe that Mr. Acosta would now be nominated to lead a federal agency tasked with promoting lawful hiring practices and safe workplaces."

Most recently, Acosta served as the U.S. attorney for the Southern District of Florida, and was the longest serving U.S. attorney in the district since the 1970s.

His work in Washington includes time at the law firm Kirkland & Ellis, where he specialized in employment and labor issues, as well as teaching classes on employment law, disability-based discrimination law, and civil rights law at the George Mason University School of Law.

He also serves as chairman of U.S. Century Bank, the largest domestically owned Hispanic community bank in Florida and one of the 15 largest Hispanic community banks in the nation.

Acosta "seems to be a safer choice by the administration and someone who has more traditional conservative political experience," said Tom Clark, of counsel with The Wagner Law Group. However, "his positions on the hot-button issues remain to be seen."

Steve Saxon, chairman of Groom Law Group, said Acosta seems like a "very safe" pick, noting, however, that it "doesn't look like he knows a lot about retirement or health benefits."

Pedro J. Torres-Díaz, national president of the Hispanic National Bar Association, said in a statement that the nomination of Acosta "demonstrates that diversity does not come at the expense of highly skilled and experienced candidates for this presidential cabinet. The nomination of the son of Cuban immigrants, with a demonstrated commitment to public service and our nation, is just one example of qualified and diverse individuals around the nation that will not only help lead the government but also better reflect the citizens it serves."

Puzder, chief-executive of CKE Restaurants Inc., faced increasing criticism as well as opposition from GOP senators. A dozen Republicans said before Puzder's planned Thursday confirmation hearing that they'd vote against him.

Former Labor Secretary Thomas Perez, who's now running for chair of the Democratic National Committee, called Puzder "unfit" to serve as the next Labor secretary in an [interview on CNN](#).

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Contact Melanie Waddell at mwaddell@alm.com. On Twitter: [@thinkadv_career](https://twitter.com/thinkadv_career)

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