

RAYMOND KETHLEDGE

Raymond Kethledge, currently a judge on the U.S. Court of Appeals for the Sixth Circuit, is on President Trump's shortlist for the U.S. Supreme Court.

PROTECTIONS FOR THE WEALTHY AND POWERFUL OVER THE RIGHTS OF ALL

Kethledge has repeatedly affirmed his desire to tie the hands of the agencies that Congress has recognized as having the knowledge and experience to enforce critical laws, safeguard essential protections, and ensure the health and safety of the public. He [dissented](#) from an opinion allowing agencies to enforce vital consumer, environmental, and workplace protections in 2019 and wrote an [article](#) in 2017 criticizing the power of such agencies.

Further, he [upheld](#) a Michigan law that was passed explicitly to retaliate against teachers engaging in their constitutional right to organize and argued to reduce major protections for [firefighters](#) and [nurses](#).

Kethledge also [dissented](#) from a ruling in favor of an employee alleging serious sexual harassment and workplace abuse in a Title VII retaliation claim, stating that the “mere temporal proximity” between the victim’s complaint of groping and repeated verbal abuse and the employer’s retaliation was insufficient to show a violation of the law.

WOMEN'S RIGHTS

Trump has again and again reminded us that he will only put justices on the Supreme Court who will pass his litmus test of [overturning *Roe v. Wade*](#). Trump said overturning *Roe* “will happen automatically . . . because I am putting pro-life justices on the court.”

In 2019, Kethledge voted to allow Ohio to [eliminate state funding](#) for Planned Parenthood. As the dissent noted, the decision rested on the false premises that “plaintiffs do not have a Fourteenth Amendment right to perform abortions” and that “[t]he Supreme Court has never identified a freestanding right to perform abortions.” This holding jeopardizes Ohioans’ access to vital, affordable health care, including STI testing, HIV/AIDS treatment, breast and ovarian cancer screenings, and access to contraception.

Kethledge has also been [highly critical](#) of substantive due process, an essential constitutional doctrine for women’s rights and LGBTQ rights.

CLEAN AIR, CLEAN WATER, AND CLIMATE

Unlike a majority of the Sixth Circuit, Kethledge would have [prevented](#) Flint, Michigan residents Shari Guerten and her daughter, who drank and bathed in lead-tainted water, from suing state and city officials for exposing them to contaminated water.

In addition, he ruled [against](#) the ability of environmental groups and private citizens to hold Ohio and polluters accountable under the Clean Air Act.

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VOTING RIGHTS AND RACIAL JUSTICE

Kethledge [ruled](#) in favor of a Michigan law that removed straight-ticket voting options from the ballot, which the district court judge had [found](#) intentionally [discriminated](#) against black voters. Kethledge wrote separately to accuse the lower court of “equating partisan motives with racial ones,” despite [evidence](#) of a strong relationship between the straight-ticket option and race.

He also ruled in favor of the [Ohio Republican Party](#) when it sued the state to block a [directive](#) that prevented typos and clerical errors in government databases from disenfranchising voters. The ruling forced these voters to vote “provisionally,” if they were able to vote at all. Kethledge’s holding would have prevented as many as [200,000 otherwise eligible voters](#) from casting their ballots. The Supreme Court promptly [vacated](#) the decision and allowed the votes to be counted.

Kethledge voted to deny African Americans access to the courts to challenge documents that contain racially discriminatory language. In determining that deeds containing clauses prohibiting sale to African Americans may continue to be reproduced, he [signed on](#) to an opinion that suggested African Americans could never even bring a lawsuit asking courts to modify documents that “perpetuate discrimination or the badges and incidents of slavery.” The opinion minimizes the African-American plaintiff’s objection to the reproduction of racial covenants as simply “discomfort at the expression of historical language,” as the concurrence noted.

INDIVIDUAL RIGHTS AND PRIVACY

Kethledge would allow the government to collect information about a private cell phone [without a warrant](#), a position now [rejected](#) by the Supreme Court. Despite Michigan’s rape-shield law, Kethledge wrote a [dissent](#) that would have found a rape survivor’s sexual history relevant at trial. Kethledge, [in a concurrence](#), would have condoned the actions of police who forcibly kned an [elderly](#) man who was being held on the ground by two officers, fracturing his ribs.

IMMIGRANTS’ RIGHTS

Kethledge [rejected](#) a challenge to the U.S. Border Patrol’s practices, which appeared to “target persons of Hispanic appearance for questioning.” In his opinion, Kethledge wrote that Border Patrol agents used the derogatory terms “wets” and “tonks” as “terms of art to refer to undocumented persons generally, rather than Hispanics specifically.”