

If you care about health care, you need to care about our federal courts

The federal courts are always critical; they are tasked with protecting our constitutional rights and important legal protections. The below are significant ways in which the federal courts matter to your health, and how Republican appointed judges threaten the health and wellbeing of millions of people in our country.

Access to Affordable Quality Health Care

In 2012, the Supreme Court [upheld](#) the bulk of the Affordable Care Act, but blocked the requirement that states expand Medicaid. As a result, by early 2015, [4 million](#) low-income adults faced a loss of health care. In [Texas v. United States](#), two Republican appointed judges on the Fifth Circuit kept alive a lawsuit challenging the entire ACA. The case is now before the Supreme Court. If the Court strikes the ACA, millions of Americans, including people with preexisting conditions, will lose access to quality health insurance.

Recently, the D.C. Circuit struck down efforts to make it harder for Americans to qualify for [Medicaid](#). And, a federal judge [blocked](#) the Trump Administration from enforcing a rule that stripped sexual orientation and gender identity from anti-discrimination protections under the ACA.

Reproductive Healthcare

In [Griswold v. Connecticut](#) (1965), the Supreme Court held a ban on contraceptives was unconstitutional. But, in [Hobby Lobby](#) (2014), the Court ruled that certain corporations may deny contraceptive coverage as part of employer-sponsored health insurance plans. And in [Little Sisters of the Poor](#) (2020), the Court held the Trump Administration could allow even more employers to refuse to cover employees' contraception. And, [recently](#), the Sixth Circuit allowed Ohio to defund Planned Parenthood.

In [Roe v. Wade](#) (1973), the Supreme Court recognized a constitutional right to have an abortion. However continual threats emerge and, in [California v. Azar](#) (2019), the Ninth Circuit upheld the Trump Administration's domestic gag rule, which prohibits healthcare providers at federally-funded health clinics from discussing abortion with their patients.

Health and Safety of Workers and Families

Neil Gorsuch, as a lower court judge, was the only judge out of seven that [ruled](#) against Alphonse Maddin, the "Frozen Trucker." Gorsuch ignored a law enacted to protect the health and safety of transportation workers and allowed Mr. Maddin's employer to force him to choose between his job and saving his own life when his truck broke down in freezing conditions. In [Hwang v. Kansas State University](#) (2014), Gorsuch ignored clearly established law and allowed an employer to deny a professor who was recovering from cancer, Grace Hwang, an accommodation to work from home when her doctor told her if she returned to work during a flu epidemic she would die.

In one [case](#), though not in the majority, Trump judges would have held that Flint, Michigan residents who drank and bathed in lead-tainted water, could not sue officials for exposing them to contaminated water.

In [West Virginia Coal Workers v. Bell](#) (2019), a Trump judge denied black lung benefits to a retired coal miner who developed a permanent respiratory disability.

Price of Drugs

In [American Hospital Association v. Azar](#) (2018), a federal judge blocked the Trump Administration attempt to cripple a program that requires companies to make drugs more affordable for hospitals that serve low-income populations.

Trump's judicial nominees threaten our health and safety

President Trump's judicial nominees will undermine access to quality health care, reproductive health services, economic security, and safe working conditions.

ACCESS TO QUALITY HEALTHCARE:

[Brett Kavanaugh](#) (Supreme Court), while on the D.C. Circuit, dissented from two rulings upholding the ACA. His former clerk wrote that one of Kavanaugh's dissents served as a "roadmap" for invalidating the ACA, and that "[n]o other contender on President Trump's list is on record so vigorously criticizing the law."

[John Bush](#) (Sixth Circuit) said the ACA needs to be "repealed." He wrote, "I already have health insurance and pay for it handsomely, thank you. I don't need to tack onto my bill the tab for someone else."

[Cory Wilson](#) (Fifth Circuit) called the Affordable Care Act "illegitimate" and "perverse" and said, "For the sake of the Constitution, I hope the Court strikes down the law and reinvigorates some semblance of the limited government the Founders intended." He also opposed the expansion of Medicaid in his home state of Mississippi.

[Chad Readler](#) (Sixth Circuit), while at the Justice Department, filed a brief arguing the ACA was unconstitutional. Lamar Alexander, Republican Chairman of the Senate Committee on Health, Education, Labor, and Pensions, called Readler's argument "as far-fetched as any I've ever heard." Three career Justice Department lawyers refused to sign Readler's brief, and a veteran Justice Department lawyer resigned in protest.

[Justin Walker](#) (DC Circuit) called the Supreme Court's decision to uphold the ACA "indefensible" and "catastrophic."

ACCESS TO REPRODUCTIVE HEALTH:

[Stephen Clark](#) (Eastern District of Missouri) said that *Roe v. Wade* "gave doctors a license to kill unborn children. Like the *Dred Scott* decision, *Roe* is BAD law."

[Kyle Duncan](#) (Fifth Circuit) represented Hobby Lobby in its efforts to avoid providing contraceptive coverage to over 13,000 employees as required by the Affordable Care Act.

[John Bush](#) (Sixth Circuit) wrote: "The two greatest tragedies in our country—slavery and abortion—relied on similar reasoning and activist justices at the U.S. Supreme Court, first in the *Dred Scott* decision, and later in *Roe*."

[Mark Norris](#) (Western District of Tennessee) co-sponsored a resolution in Tennessee that would ban abortion even if necessary to protect the mother's life or in cases of rape or incest.

[Wendy Vitter](#) (Eastern District of Louisiana) urged supporters to distribute materials that claimed abortion services are a cause of breast cancer and that birth control pills "kill" and make a woman more likely to be the victim of violent assault and murder. Vitter also publicly lauded how Texas has "led the nation in some very pro-life, restrictive laws," and how anti-choice activists "are making great strides in making it very difficult to get abortions in Texas."

HEALTH AND SAFETY OF WORKERS AND FAMILIES:

[Brett Kavanaugh](#) (Supreme Court), on the D.C. Circuit, called OSHA protections "paternalistic" and would have overturned a fine for SeaWorld after a trainer was killed by a whale after SeaWorld failed to adopt safety measures.

[Eric Miller](#) (Ninth Circuit) worked to shield a corporation from liability when a Boeing employee was exposed to asbestos at work and later died from mesothelioma.

[Allison Eid](#) (Tenth Circuit), while on the Colorado Supreme Court, dissented from a decision holding that a woman who fell and injured herself at work was entitled to workers' compensation. Eid dissented and said workers' compensation should not cover injuries "where the cause is not known" even if the injury occurred at work.

[Neomi Rao](#)'s former office, OIRA, allowed revisions to Occupational Safety and Health Administration (OSHA) protections that would allow certain employers to conceal workplace injuries.