

Dear Senator,

On behalf of Alliance for Justice (AFJ), a national association representing 130 groups committed to equal justice and access to justice, I write to oppose the confirmation of Chad Readler to the United States Court of Appeals for the Sixth Circuit.

It is particularly disturbing that President Trump announced his intent to nominate Readler on the very day that Readler became a leader in the Trump Administration's fight to destroy the Affordable Care Act and the protections it offers to millions of Americans. Readler, as acting head of the Civil Division, filed a brief to strike down protections for people with preexisting conditions. If Readler is successful, the ACA's protections for tens of millions of people, including cancer patients, people with diabetes, pregnant women, and many other Americans, would be removed. As the AMA and other physician groups made clear, it "would have a devastating impact on doctors, patients, and the American health care system as a whole."

This action shows that Readler was all too ready to put his own career ambitions (as evidenced by his being rewarded by a nomination to the appeals court) over the health of millions. But equally troubling is what this demonstrates about Readler's proficiency as a lawyer and potential appellate judge. Senator Lamar Alexander called Readler's argument "as far-fetched as any I've ever heard." Three career Justice Department lawyers refused to sign Readler's brief because they found it so flawed and so contrary to Justice Department principles, and a veteran Justice Department lawyer resigned in protest. An ideologically diverse group of legal scholars said Readler's arguments "violate[d] basic black-letter principles" of law.

Former Judiciary Committee Chairman Chuck Grassley once opposed an Obama nominee because of a brief she filed regarding gun violence, saying "no one forced [her] to approve and sign this brief." By Grassley's own standard, no one forced Chad Readler to concoct an argument to take health insurance from people with preexisting conditions. Therefore, he must be held accountable for the judgment he showed in advancing his argument.

Unfortunately, Readler's attempt to take health insurance from millions is entirely consistent with his record. For example, serving as the Chair of the Education, Public Institutions, Miscellaneous and Local Government Committee of the Ohio Constitutional Modernization Commission worked to undermine public education for millions of children in Ohio. In fact, if Readler had been successful, the former president of the Ohio School Boards Association noted that there would be no right to public education in the state. At the same time that he worked to gut public education, he criticized and worked against oversight of Ohio's charter schools (oversight that included audits and ethics obligations), which have long been enmeshed in corruption and scandals. In fact, Ohio has been referred to as the "Wild Wild West" of charter schools because of the system Readler fought to maintain.

At the Department of Justice, Readler continued to fight quality education. Along with Betsy DeVos, he sided with for-profit schools over defrauded students.

In fact, Readler has defended the Trump Administration's most odious policies, including separating immigrant children from their parents. He has advanced an anti-LGBTQ and anti-reproductive rights agenda. He sought to undermine the independence of the Consumer Financial Protection Bureau and has worked to take overtime pay away from millions of workers. He worked both in Ohio and in the Justice Department to make it harder for persons of color to vote. He worked against regulation of dangerous untraceable plastic firearms produced by 3D printers. And, as an attorney, he fought for the right of tobacco companies to advertise to children, including outside day care centers.

Whereas other judicial nominees have devoted their careers to the pursuit of justice and a more just society, Chad Readler has literally done the exact opposite – he has spent his career working for causes and for policies that would hurt millions. A person who has no qualms about taking health insurance away from pregnant women; separating mothers from their children; eroding public education; making it easier for schools to defraud students; fighting for more children to become addicted to tobacco; and advocating for criminals to have access to untraceable guns (to repeat just a few of his causes) should simply not be rewarded with a lifetime seat on the federal bench.

Finally, we note that Senator Sherrod Brown opposes Readler's confirmation, and as he eloquently explained to the Judiciary Committee in person, the White House did not meaningfully consult with the senator. In 2015 Chairman Grassley made clear that "I appreciate the value of the blue-slip process and also intend to honor it." Just as Chairman Grassley respected the decision of Republican senators not to return the blue slip on Obama nominees, such as Rebecca Haywood, Lisabeth Tabor Hughes, Abdul Kallon, and Myra Selby, Senator Brown should be respected here.

Nothing in Chad Readler's record suggests he will be an independent, fair-minded jurist. Given all these concerns, and as detailed in our report on his nomination issued prior to his hearing, which can be found at the following link, <https://www.afj.org/our-work/nominees/chad-readler>, the Senate should reject Chad Readler for the Sixth Circuit Court of Appeals.

Sincerely,



Nan Aron