

## AN OPEN LETTER TO THE UNITED STATES SENATE

May 5, 2020

We, the 53 undersigned groups, are deeply dismayed that in the midst of the COVID-19 pandemic, when addressing the health and economic needs of our nation should be paramount to all other business, President Trump, Leader Mitch McConnell, and their allies in the Senate have said they [will prioritize](#) the rapid confirmation of two of Trump's judges who explicitly support dismantling the healthcare protections we need most right now.

We have grave concerns that the confirmation of these judges will exacerbate the health crisis in this country. The President has made clear that he would nominate judges committed to dismantling the Affordable Care Act (ACA) and take away health care for millions. He [said](#), "my judicial appointments will do the right thing unlike Bush's appointee John Roberts on Obamacare." McConnell is rushing to confirm nominees, including those nominated *in the middle of the pandemic*, that clearly meet President Trump's litmus test.

Two pending nominees offer stark examples of anti-healthcare judges: Justin Walker, nominated to the D.C. Circuit, and Cory Wilson, nominated to the Fifth Circuit.

Justin Walker praised Brett Kavanaugh for writing a ["roadmap"](#) for judges to invalidate the law and called Chief Justice Roberts's opinion upholding the ACA "indefensible," and "catastrophic[]." On March 13, as Congress negotiated what became the Families First Coronavirus Response Act, McConnell and Kavanaugh flew to Kentucky to attend Walker's investiture as a district court judge, delaying passage of the bill. Mocking the safety precautions already being promoted, Walker [fist-bumped both men](#).

Cory Wilson called the ACA, which among other provisions protects people with preexisting conditions, ["illegitimate" and "perverse."](#) He encouraged the Supreme Court to invalidate it, stating, ["\[f\]or the sake of the Constitution, I hope the Court strikes down the law."](#) Wilson also [openly fought Medicaid expansion](#) in Mississippi.

The real-life threat to our healthcare is clear. In just one case, now pending before the Supreme Court, the Fifth Circuit Court of Appeals kept alive a lawsuit challenging the constitutionality of the entire Affordable Care Act. In the middle of the pandemic, on [March 22, 2020](#), President Trump doubled down on his support for suit.

If the ACA is invalidated, [studies](#) show 20 million Americans would lose health coverage. The ACA also prohibited insurers denying or dropping coverage because of a preexisting condition – a provision impacting 135 million Americans. Nearly 12 million Americans will have to pay millions more for drugs because the prescription drug donut hole will be reopened. The ACA also prohibited discrimination against women and LGBTQ people – ending insurance practices that charged women more for the same coverage and allowed care to be denied altogether to some LGBTQ people. The ACA also greatly improved coverage of and access to health care services, including contraception and maternity care, especially for communities of color and those with intersecting identities.

At a time of a worldwide pandemic, now is not the time for the Senate to prioritize the confirmation of judges who are committed to taking away health insurance through the courts for millions.

Sincerely,

Alliance for Justice  
Advocates for Youth  
AIDS United  
American Atheists  
American Muslim Health Professionals  
American-Arab Anti-Discrimination Committee (ADC)  
Autistic Self Advocacy Network (ASAN)  
Battle Born Progress  
Bazelon Center for Mental Health Law  
Center for Popular Democracy Action  
Clearinghouse on Women's Issues  
Coalition Of Labor Union Women  
Coalition on Human Needs  
Community Catalyst  
Demand Justice  
Disability Rights Education & Defense Fund (DREDF)  
Equality California  
Equality North Carolina  
Family Equality  
Feminist Majority Foundation  
Fix Our Senate  
Freedom From Religion Foundation  
Health Care for America Now (HCAN)  
Health Care Voter  
Hoosier Action  
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)  
Justice in Aging  
League of Conservation Voters  
Little Lobbyists  
Muslim Caucus Education Collective  
Muslim Public Affairs Council (MPAC)  
NAACP  
NARAL Pro-Choice America  
National Asian Pacific American Women's Forum (NAPAWF)  
National Association of Social Workers (NASW)  
National Center for Transgender Equality  
National Council of Jewish Women

National Education Association  
National Employment Lawyers Association  
National Equality Action Team (NEAT)  
National Health Law Program  
National Immigration Law Center  
National Partnership for Women & Families  
NETWORK Lobby for Catholic Social Justice  
People For the American Way  
PFLAG National  
Population Connection Action Fund  
Protect Our Care  
Public Advocacy for Kids (PAK)  
Service Employees International Union  
SIECUS: Sex Ed for Social Change  
Silver State Equality-Nevada  
Universal Health Care Action Network