REBECCA TAIBLESON

UNFIT & UNQUALIFIED

Rebecca Taibleson, currently the assistant U.S. attorney and appellate chief for the Eastern District of Wisconsin, spent most of her career as a corporate attorney, prosecutor, and law clerk for conservative judges. Nominated to the U.S. Court of Appeals for the Seventh Circuit, Taibleson's career path and work reflect a broader pattern of views that restrict access to justice. Throughout her work, she has advanced arguments that shield powerful actors from accountability, limit remedies for victims of abuse and discrimination, and defend expansive corporate and government authority, all while consistently aligning herself with far-right legal movements and figures, including Justice Brett Kavanaugh.

WEAKENING CIVIL RIGHTS AND WORKER PROTECTIONS

Taibleson defended government agencies against claims of discrimination and retaliation. In _Nalini Bidani v. Denis R. McDonough_, she represented the Department of Veterans' Affairs (VA) against a diabetic employee who alleged harassment for taking sick leave. In _Jamesetta McFarland-Lawson v. Adrianne Todman_, she defended the Department of Housing and Urban Development in a case brought by a former employee alleging discrimination on the basis of disability, race, gender, and veteran status. In _Tina Schingeck v. Denis McDonough_, she again defended the VA against a nurse's discrimination claim. And in _Ali v. United States_ (USCIS Tampa Field Office), she opposed an appeal from a U.S. citizen challenging the denial of her noncitizen husband's green card petition.

SUPPORTING CORPORATE & SPECIAL INTEREST POWER

In _Americans for Prosperity Foundation v. Becerra_, Taibleson sided with corporate-backed petitioners against disclosure of dark-money donors, arguing that "compelled disclosures of an organization's contributors imposed as a regulatory requirement generally must satisfy narrow tailoring," a standard of judicial scrutiny that is notoriously hard to satisfy. In doing so, Taibleson attempted to erode the public's ability to recognize dark money in politics, undermining transparency, good governance, and accountability.

In _United States v. Gary_, she sought to limit relief for defendants following the Court's decision in _Rehaif_. Her argument rested on the claim that "a defendant cannot obtain relief on an unpreserved claim...without the normal demonstration that the error was actually consequential," maintaining that the respondent "cannot identify any realistic way in which his guilty plea...was affected or impugned." By taking this position, she effectively lowered the threshold for upholding prosecutions even where legal errors occurred. The consequence is that individuals may be convicted and punished without a meaningful inquiry into whether their trial or plea was truly fair, impartial, and consistent with constitutional guarantees. This approach paves a dangerous path for the government to secure convictions without assurances that the state has met its full burden of proof or acted with the integrity demanded by due process. Errors affecting fundamental rights should never be brushed aside simply for the sake of efficiency.

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LIMITING VICTIMS' ACCESS TO JUSTICE

In _Dow Chemical & Rockwell International Corp. v. Cook_, Taibleson argued on behalf of Dow Chemical that federal law preempted state law remedies for residents who were hurt by years of radioactive waste produced by Dow Chemical. While a jury sided with these residents in a civil suit and awarded hundreds of millions of dollars in damages, Taibleson argued that federal law preempts state claims, cutting off these victims' ability to seek full accountability and justice when they were hurt by Dow Chemical's negligence.

In _Torres v. Madrid,_ Taibleson drafted a brief on behalf of the Department of Justice that urged the Supreme Court to reject the Fourth Circuit's holding that being shot by law enforcement constitutes an unreasonable "seizure" for the purposes of the Fourth Amendment. Instead, Taibleson argued that it is "not at all clear, however, that the shooting actually violated the Fourth Amendment, or that respondents should face liability" if that victim escapes after being shot by law enforcement. While the Supreme Court rejected Taibleson's position, her brief sided with excessive law enforcement tactics and qualified immunity for these measures over accountability for police brutality.

In _Mutond v. Lewis_, Taibleson opposed accountability for foreign officials accused of torture, and urged the Supreme Court to overturn a lower court ruling that had allowed a claim to proceed under the Torture Victim Protection Act (TVPA). She wrote that the court of appeals "erred in holding that Congress sub silentio abrogated conduct-based foreign official immunity for claims arising under the TVPA," a holding she called "incorrect." The case involved an American citizen who alleged he was unlawfully detained and tortured for six weeks in the Democratic Republic of Congo.

FIGHTING FIRST AMENDMENT FREEDOMS

In _Trump v. Knight First Amendment Institute_, Taibleson defended President Trump's practice of blocking users on Twitter, arguing that it did not violate the First Amendment, even though Second Circuit Court of Appeals held that @realDonaldTrump's tweets were so intertwined with official government conduct that the account's interactive features were subject to constitutional restraints.

The legal implications of Taibleson's argument were significant: if the Court had accepted Taibleson's position, it would have given sitting presidents — and potentially all public officials — broad authority to exclude critics from digital spaces where government policy was announced, debated, and explained. This could cut off access to government information, erode the First Amendment's free speech protections, and undermine the principle that citizens cannot be silenced in public forums because of their viewpoints.

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POLITICAL AND IDEOLOGICAL ADVOCACY WITH FAR-RIGHT MOVEMENTS

Taibleson has publicly aligned herself with far-right legal movements and figures. In September 2024, she delivered a _Federalist Society speech_ titled: "What Does Originalism Mean Today and What Is It Likely to Mean in the Future?" In this speech, she embraced the idea that originalism is the only appropriate judicial methodology — a position championed by far-right activist judges. In practice, originalism has been used to justify regressive rulings that restrict reproductive freedom, weaken voting and civil rights protections, and limit the federal government's ability to act in the public interest.

During Justice Brett Kavanaugh's confirmation hearings, Taibleson testified in support of his nomination. She further defended him after Dr. Christine Blasey Ford's testimony accusing him of sexual assault, writing that she "was taken aback by his emotion and anger, but...was also moved by it." She justified his angry response, noting that "[i]f [she] was falsely accused, [she] would be like th[at], too," and that "everyone who watched the testimony of Dr. Ford and Judge Kavanaugh saw in there what they wanted to see." She added that her "level of support ha[d] not changed at all."

She made these comments as a former female law clerk of Kavanaugh, implying that her proximity to him and her gender granted her special credibility to dismiss Ford's allegations. This paradigm sets up a false equivalence between her professional loyalty and Ford's lived experience and reinforces the idea that a woman's defense of a powerful man carries more weight than another woman's account of assault.

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