



# Benjamin Flowers

*Nominee to the U.S. Court of Appeals for the Sixth Circuit*

## COURT

Circuit Court

## DATE NOMINATED

April 9, 2026

AFJ OPPOSES

## INTRODUCTION

Benjamin Flowers, nominated for the United States Court of Appeals for the Sixth Circuit, has built his legal career attacking basic civil rights, advancing far-right causes, and penning legal theories that, if implemented, would lead to destructive results throughout our democracy. His record raises serious concerns about his ability to be an independent and fair-minded judge. If confirmed, Flowers would be tasked to serve the approximately 34 million people in the Sixth Circuit (residents of Ohio, Michigan, Kentucky, Tennessee), whose legal outcomes will be at the mercy of Flowers' judgements and who should not have to question whether their decision came from a true understanding of the law, or a warped ideological take to push right-wing views.

Flowers graduated the University of Chicago Law School in 2012 and then began his legal career clerking for Sandra Segal Ikuta on U.S. Court of Appeals for the Ninth Circuit, who he later praised for penning a dissent that would have made it more difficult for labor organizers to solicit union participation. Flowers then went on to clerk for Antonin Scalia on the Supreme Court, an experience he regularly refers to as a source of inspiration for his legal thinking in his personal writings. Aside from his clerkships, Flowers worked at both Sidley Austin LLP and then Jones Day before working at the Ohio Attorney's General Office. Flowers then began his own legal firm, Ben Flowers LLC, where he serves as the sole member. He also actively litigates at Ashbrook Bryne Kresge Flowers LLC ("ABKF"), where he serves as a partner. Flowers is also an extremely active member of the Federalist Society, completing countless talks and presentations on their behalf.

## STANDS AGAINST BIRTHRIGHT CITIZENSHIP

Flowers served as the counsel of record for an **amicus brief** in *Barbara v. Trump*, a case which arose as a result of an outlandish executive order passed by Donald Trump which would seek to strip certain children born in the United States of their U.S. citizenship. When Trump issued this executive order, several civil rights organizations, including the **Legal Defense Fund and ACLU**, sued to block the unconstitutional action. Even though lower courts blocked the administration from implementing the harmful order, the Supreme Court recently heard oral arguments in the case, leaving the citizenship status of many under threat.

## Stands Against Birthright Citizenship (*continued*)

Flowers submitted an amicus brief to the Supreme Court in the case, arguing in favor of stripping citizenship from children whose parents were not citizens at the time of the child's birth, basing this argument on the research of the Professor he was filing on behalf of. If Flowers's argument wins the day, thousands of people who were born here will be rendered stateless, denied their fundamental rights as U.S citizens and will be no longer able to vote, hold certain jobs, or have access to critical federal programs like SNAP and Medicaid.

Flowers clearly has little concern for the consequences of his arguments, and many whose lives would be negatively affected by Flowers' arguments will come before him on the Sixth Circuit. It seems hard to imagine that these people would feel confident they were receiving a fair judgment from a judge with a track record like Flowers.

## IMPLEORES THE DECIMATION OF VOTING RIGHTS

Flowers had a hand in arguing for the decimation of the landmark Voting Rights Act, making it more difficult for everyday people to participate in exercising one of their most fundamental rights. Flowers's firm, ABKF, represented Restoring Integrity and Trust in Elections (RITE) and **filed an amicus brief** urging the Supreme Court to abandon the Gingles test, which the Court has long used to adjudicate claims of vote-dilution under the Voting Rights Act. Within the first eight months of 2022, Democracy Docket reports over **41 lawsuits** related to voting and elections were filed, including by RITE and **"...elected officials, fringe candidates and more established and well-funded Republican organizations."** RITE, co-founded by a high-ranking member of former George W. Bush's administration and led by the Republican National Committee's chief counsel and former U.S. Attorney General Bill Barr consistently argues against voters and voting access under the pretense of "security" and "integrity."

In vote dilution claims under the Voting Rights Act, the Gingles test implores courts to address whether legislative districts impermissibly dilute the political power of minority voters. Even though vote dilution of minority voters was a main concern of the Act, Flowers argues the inquiry "inevitably devolves into questions of political theory and fairness that courts are ill-suited to answer." The Act was designed to use the courts as the arbitrator of these kinds of inquiries and Flowers lack of trust in the judiciary to perform the tasks Congress entrusted it with flags a real concern for nominating him to one of the highest courts in the country, where he will need to consider and thoughtfully apply these tests.

## TARGETS TRANSGENDER INDIVIDUALS

Flowers's **amicus brief** supporting the U.S. Conference of Catholic Bishops in Supreme Court cases *Little v. Hecox* and *West Virginia v. B.P.J.* argues that neither the Equal Protection Clause, nor Title IX, prohibit schools from excluding transgender students from athletics. He argues that any contrary ruling could "have immensely negative implications for Catholic schools and institutions." Such arguments further target a vulnerable group of students who are already subjected to demeaning, hurtful, and harmful treatment.

## TARGETS TRANSGENDER INDIVIDUALS *(continued)*

Flowers has also partnered with the Independent Women’s Forum, a group with ties to Leonard Leo and industries like Big Tobacco and Pharma. IWF has played a big role in generating anti-trans fearmongering and attacks on the rights of transgender individuals. ABKF, on behalf of the Independent Women's Forum and the Center for Christian Virtue, filed an amicus brief at the Supreme Court of Ohio in support of Ohio’s SAFE Act, a concerning piece of legislation which bans doctors from providing life-saving gender affirming care, including banning doctors from partnering with minors and parents to gain access to puberty blockers, hormone treatment, and gender affirming surgeries.

Despite the Tenth District Court of appeals siding with doctors, Flowers argued that the “self-proclaimed experts to whom the Tenth District deferred are activists whose ‘lodestar is ideology, not science.’” Flowers has no concern for the people whose lives will be negatively transformed by his arguments and refuses to respect the scientific viewpoints of those who disagree with him. His work, views, writings and speeches reveal that he lacks the requisite independence and fair-mindedness necessary to serve a lifetime role on the Sixth Circuit.