



Confirmed Judges, Confirmed Fears: The Devastating Harm Already Done by Confirmed Trump Federal Judges

The most dangerous accomplishment by President Trump and the Republican Senate majority over the last two years has been their success at transforming the federal judiciary by appointing a record number of 31 judges to lifetime posts on the Supreme Court and the federal courts of appeals. That harmful transformation will accelerate if Republicans continue to control the Senate after November's elections.

In just 18 months on the bench, Trump judges have already harmed workers, consumers, voters, immigrants, reproductive rights, and many more. These harmful decisions are documented in PFAW's report, *Confirmed Judges, Confirmed Fears: The Devastating Harm Already Done by Confirmed Trump Federal Judges*. For example:

- Trump Justice Neil Gorsuch has been the deciding vote in more than a dozen decisions that have, among other damage, upheld the Trump Muslim ban; denied overtime pay to more than 100,000 workers; approved Ohio's purge of more than a million voters; thrown out a California law that protected women from fraud by anti-abortion groups; and reversed a decades-old precedent that protected workers' rights to organize.
- Trump 7th Circuit Judge Amy Coney Barrett voted to allow a corporation to racially segregate its workplaces.
- Trump 6th Circuit Judge John Bush issued the deciding vote to prevent an age discrimination case from even going to a jury.
- Trump 5th Circuit Judge Don Willett cast the deciding vote to give Trump the power to fire the head of an independent housing finance agency set up by Congress .
- Trump 5th Circuit Judge James Ho took potshots at *Roe v. Wade* and cast the deciding vote to harm an abortion clinic in an abortion-related case.
- Trump 6th Circuit Judge John Nalbandian cast the deciding vote to authorize immediate deportation of an immigrant, versus waiting for a hearing in less than a week.
- Trump 8th Circuit Judge David Stras and Judge Barrett wrote split decisions that rejected immigrants' asylum and torture claims without even considering the merits.
- Trump 5th Circuit Judge Kyle Duncan cast the deciding vote to stop a remedy for unconstitutional imprisonment of poor people in Harris County, Texas.

And in cases where they did not have enough votes to form a majority, Justice Gorsuch and Trump appeals court judges made clear in dissents that with more support from additional Trump judges, they would do even further harm to Americans' rights concerning voting, religious

liberty, privacy, LGBTQ rights, money in politics, gun safety, and more. Some such support may well come soon from newly confirmed Justice Brett Kavanaugh.

As the report states, in an effort to encourage conservative Republicans to vote, Senate Majority Leader McConnell has warned that if Republicans “lose the Senate” in November, then “the project of confirming judges is over” for at least the next several years. This is a prospect that must motivate Democrats and independents, not just conservative Republicans, to vote in upcoming Senate elections.