



Take Back the Senate:

Cory Gardner's Attacks on Health Care



Many of Donald Trump's judicial nominees have made their willingness to threaten our health care clear, both before and after they were confirmed to lifetime positions on the federal bench.

And Cory Gardner knows it.

Gardner has repeatedly voted to confirm judges who already had dangerous records on health care before being nominated. His goal? To accomplish through our courts what he and his Republican colleagues in the Senate have failed to do legislatively: undermine the Affordable Care Act and other health care protections.

Trump Appointees' Anti-ACA Track Records

Many judicial nominees that Gardner voted to confirm had professional records that made their hostility to the ACA clear before they were nominated, including:

- Chad Readler, who signed a legal brief claiming that the ACA's **protections for pre-existing conditions are unconstitutional**.
- Brett Kavanaugh, who **wrote a "road map" to invalidate the ACA**.
- Andrew Oldham, who helped **lead a lawsuit by 20 red states to strike down the ACA** as unconstitutional.

- Amy Coney Barrett, who wrote that the **ACA’s coverage requirement was unconstitutional** and who criticized a Supreme Court justice for his decision to “push the Affordable Care Act beyond its plausible meaning to save the statute.”



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- Steven Grasz, who said that upholding the ACA “**placed the legitimacy of the court**, as well as our freedom as Americans, **in great jeopardy.**”
- Nine judicial nominees, who in addition to Barrett, argued that the Affordable Care Act’s **contraceptive coverage provision should be struck down**¹.
- Ralph Erickson, who said that the right to medical care “is **not enumerated in the Constitution**—nor can it be divined from the language of the Constitution.”

Weaponizing the Courts to Attack Health Care

Since their confirmations, the judges whom Gardner helped put on the bench have continued to attack our access to health care and reproductive health care, including:

- Kurt Engelhardt, who **struck down the protections for people with preexisting conditions** and said the entire ACA could be unconstitutional.
- Joan Larsen, who tried to uphold an insurance company’s **denial of any disability insurance benefits** to a cancer patient.
- Amy Coney Barrett, who **dismissed a woman’s lawsuit** against her health care provider for receiving a painful, bruising pap smear, essentially **because she didn’t hire a lawyer.**
- Amul Thapar, Joan Larsen, John Bush, and John Nalbandian, who **upheld Ohio’s law defunding Planned Parenthood.**
- Greg Katsas, who **cut off judicial review of Trump’s policy of funding “abstinence” programs instead of genuine family planning programs.**
- John Bush, who upheld a Kentucky law **forcing doctors to conduct invasive and medically useless procedures** before performing abortions.

¹ Andrew Brasher, Daniel Collins, Kyle Duncan, Steven Menashi, Lawrence VanDyke, J. Campbell Barker, Matthew Kacsmayk, Michael Truncala and Allen Winsor.