

Take Back the Senate:

Susan Collins' Attacks on the Social Safety Net



Donald Trump picked many of his judicial nominees for their strong opposition to the social safety net. These federal programs, which began under FDR's New Deal, include programs like Social Security, Medicare, and the Affordable Care Act (ACA) and protections that ensure a minimum wage, collective bargaining rights, clean air and water, food and drug safety and more.

Many of Trump's judicial nominees say that the Constitution prohibits most (if not all) of those protections. But gutting these protections would take us back to a time when corporations got away with abusing employees, customers, and the public without accountability.

With full awareness of these nominees' records, Susan Collins has repeatedly voted to give them lifetime positions as federal judges. In doing so, she is enabling them to roll back these protections – and endangering our health and wellbeing.

Trump Appointees' Records on the Social Safety Net

Many judicial nominees that Collins voted to confirm had professional records that made their devotion to revoking the New Deal clear before they were nominated, including:

- Michael Truncale, who complained that “entitlement” programs (which include **Social Security and Medicare**) are “**bad for the people**, because they become dependent.”
- Andrew Oldham, who stated that “the entire existence of this edifice of administrative law is constitutionally suspect” and helped prepare a **92-page manifesto against “the administrative state”** that proposed constitutional amendments to destroy it. The plan criticizes the Supreme Court for its “broad empowerment for Congress to do things it otherwise could not do,” criticizing spending on “Medicare, Medicaid, Social Security and related entitlement programs.”

- Don Willett, who wrote that courts should be more aggressive in reviewing **and striking down laws and rules that protect health, safety, and social welfare** but that (in his view) violate economic rights like freedom of contract. Willett also criticized Supreme Court decisions that uphold New Deal programs and similar laws.
- Patrick Wyrick, who **believes that the Constitution prohibits many, if not most, actions by federal agencies**, starting with the New Deal.
- Justin Walker, who wrote that he **opposed basic Supreme Court precedents that allow Congress to delegate authority** to agencies and to create independent agencies where the head can't be fired by the president without cause.

Weaponizing the Courts to Shred the Social Safety Net

Since their confirmations, the judges whom Collins helped put on the bench have been working to undermine the social safety net, including:

- Kurt Engelhardt, **who struck down the protections for people with preexisting conditions** and ruled that the entire ACA could be unconstitutional.
- James Ho and Kyle Duncan, who along with Engelhardt, Willett and Oldham, ruled that **the president can fire the head of an independent housing finance agency**, even though that is prohibited by statute.
- David Stras, who **struck down a North Dakota law protecting farmers and farm equipment dealers from manufacturers' bad business practices**, resurrecting a pre-1930s doctrine once used to strike down basic protections for working people and businesses.
- Amul Thapar, John Bush, Joan Larsen, Eric Murphy, John Nalbandian, who along with Readler, **railed against the federal government and Congress' authority** to effectively address national problems.
- Neil Gorsuch, who **ruled that auto dealerships don't have to provide overtime pay** to service advisors.
- Gorsuch was also the **deciding vote in a ruling against public sector unions**, which struck down requirements for non-union members to pay "fair share" fees to cover the costs of their representation.