



Howard Nielson

President Trump nominated Howard Nielson to serve on the U.S. District Court for the District of Utah on September 28, 2017. Nielson is anti-choice.

Career

- Bachelor of Arts, Brigham Young University, 1992¹
- Japan Government Scholar, Kobe University Graduate School of Law, 1992-1994²
- Juris Doctorate, University of Chicago, 1997³
- Clerk, Judge Michael Luttig, Fourth Circuit Court of Appeals, 1997-1998⁴
- Clerk, Associate Justice Anthony Kennedy, U.S. Supreme Court, 1998-1999⁵
- Associate, Jones Day, 1999-2001⁶
- Counsel to the Attorney General, U.S. Department of Justice, 2001-2003⁷
- Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, 2003-2005⁸
- Partner, Cooper & Kirk, 2005-present⁹

Record on Reproductive-Freedom Issues

Court Cases

- Nielson filed an amicus brief in support of Texas TRAP laws on behalf of 34 Senators and 140 Members of Congress in *Whole Woman's Health v. Hellerstedt*¹⁰ when the case was before the Supreme Court. The laws in question subjected abortion providers to burdensome restrictions not imposed on other medical professionals and were eventually struck down by the Supreme Court.

Notable Information

- Nielson opposed marriage equality in two lawsuits. First, Nielson joined the Alliance Defending Freedom, which has been designated as a hate group by the Southern Poverty Law Center,¹¹ in representing supporters of Proposition 8, a ballot initiative that amended the California constitution to prohibit marriage equality.¹² The brief argued that marriage equality would “harm... society’s vital interests in responsible procreation and childrearing.”¹³ Second, Nielson joined an amicus brief on behalf of “scholars of history” in opposition to marriage equality in *Obergefell v. Hodges*.¹⁴ Similarly to the *Hollingsworth* brief, this one stated that “the institution of marriage owes its very existence to society’s vital need to regulate sexual relationships

between men and women so that the unique procreative capacity of such relationships benefits rather than harms society.”¹⁵

- Nielson served on anti-choice Gov. Mitt Romney’s Advisory Committee on the Courts and the Constitution. Observers noted that the “choice of... committee members seem[ed] designed to solidify [Romney’s] credentials within the conservative legal establishment.”¹⁶
- Nielson has donated to anti-choice politicians, including Sens. Ted Cruz (R-TX), Mike Lee (R-UT), and Orrin Hatch (R-UT).¹⁷

November 6, 2017

Notes

¹ “Howard C. Nielson, Jr.,” Cooper & Kirk, available at <http://www.cooperkirk.com/lawyers/howard-c-nielson-jr/> (last visited Oct. 25, 2017).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ 136 S. Ct. 2292 (2016).

¹¹ Southern Poverty Law Center, “Alliance Defending Freedom: SPLC Designated Hate Group,” available at <https://www.splcenter.org/fighting-hate/extremist-files/group/alliance-defending-freedom> (last visited Nov. 1, 2017).

¹² Brief of Petitioners, *Hollingsworth v. Perry*, 133 S.Ct. 2652 (S. Ct. 2013) (No. 12-144).

¹³ Ibid. at 36.

¹⁴ Brief of Scholars of History and Related Disciplines in Support of Respondents as Amici Curiae, *Obergefell v. Hodges*,

¹⁵ Ibid. at 2.

¹⁶ Philip Rucker, “Romney announces advisory team of 63 lawyers, co-chaired by Bork,” WASHINGTON POST (Aug. 2, 2011), available at https://www.washingtonpost.com/politics/romney-announces-advisory-team-of-63-lawyers-co-chaired-by-bork/2011/08/02/gIQAArgpI_story.html?utm_term=.b60545c78b2a (last visited Nov. 1, 2017).

¹⁷ Donor Lookup: Nielson, Howard,” Open Secrets, available at <https://www.opensecrets.org/donor-lookup/results?name=howard+nielson&cycle=&state=UT&zip=&employ=&cand=> (last visited Oct. 25, 2017).