



### David Porter

President Trump nominated David Porter to serve on the U.S. Court of Appeals for the Third Circuit on April 10, 2018. Porter is anti-choice.

### Career<sup>1</sup>

- Bachelor of Arts, Grove City College, 1988
- Juris Doctorate, George Mason University School of Law, 1992
- Clerk, Hon. D. Brooks Smith, U.S. District Court for the Western District of Pennsylvania, 1992-1994
- Associate, Buchanan Ingersoll & Rooney PC, 1994-2001
- Shareholder, Buchanan Ingersoll & Rooney PC, 2002-present

### Notable Positions

- Porter wrote an op-ed strongly endorsing anti-choice John Ashcroft for the post of U.S. Attorney General.<sup>2</sup> In his argument for Ashcroft, Porter pointed out that he is “pro-life, pro-death penalty, anti-gun control, prefers judges who exercise restraint and strictly construe the Constitution, and disfavors quota-based affirmative action plans.”<sup>3</sup> Porter even quoted then-NARAL president Kate Michelman, who called the Ashcroft nomination “a battle worth fighting.” Porter said NARAL should “think twice about starting this ‘battle.’”<sup>4</sup>
- Porter is a strong opponent of the Affordable Care Act (ACA). In a 2012 op-ed in the Pittsburgh Post-Gazette, Porter used his originalist philosophy to justify his opposition to the ACA’s individual insurance requirement and “the ruinous effects of the ACA’s other provisions.”<sup>5</sup> In a second op-ed after the Supreme Court upheld the individual requirement, Porter decried the decision.<sup>6</sup>
- Porter praised the Supreme Court’s decision in *United States v. Morrison*, which struck down part of the Violence Against Women Act (VAWA). Porter said the decision was correct because VAWA “regulated local activity having no effect on interstate commerce,” and was therefore an “exercise[] of general police power that belongs exclusively to the states.”<sup>7</sup> In a dissenting opinion, Justice Souter pointed to “the mountain of data assembled by Congress, here showing the effects of violence against women on interstate commerce,” contradicting Porter’s argument.<sup>8</sup>

## Record of Far-Right, Anti-Choice Affiliations

- Porter partnered with anti-choice activists to form the Pennsylvania Judicial Network, a partner of the conservative court-packing group Judicial Crisis Network.<sup>9</sup> The Pennsylvania group was formed in part to oppose the nomination of Sonia Sotomayor to the U.S. Supreme Court. Other founding members include anti-choice former Sen. Rick Santorum, a close ally of Porter's, and Thomas Shaheen, of the anti-choice and anti-LGBTQ Pennsylvania Family Council.<sup>10</sup>
- Porter is a contributor to the Center for Vision and Values<sup>11</sup>, a far-right think tank at Grove City College, a conservative college for which Porter serves as a trustee.<sup>12</sup>
  - Grove City is known for denying its students federal financial aid so that it doesn't have to follow Title IX's anti-discrimination provisions and guidelines for handling sexual assault.<sup>13</sup> In 2015 the school was listed as the most LGBTQ-unfriendly college in the nation.<sup>14</sup>
  - The Center for Vision and Values supported the nomination of right-wing then-Judge Neil Gorsuch to the Supreme Court<sup>15</sup>, and once published an article alleging that birth control caused Americans to overwhelmingly support equal marriage because it "has disconnected human sexuality from its biological purpose."<sup>16</sup>
- Porter is active in the conservative, anti-choice Federalist Society.<sup>17</sup> He has been President of the Pittsburgh Lawyers Chapter since 1995.<sup>18</sup>
- Porter was president of the Pittsburgh chapter of the Republican National Lawyers' Association (RNLA).<sup>19</sup> The RNLA "builds the Republican Party goals and ideals through a nationwide network of supportive lawyers who understand and directly support Republican policy, agendas, and candidates."<sup>20</sup>
- Porter has close ties to the Republican Party. He served as assistant solicitor for the Republican Committee of Allegheny County, counsel for the Republican State Committee of Pennsylvania, and was a member of the Marshall Township Republican Organization.<sup>21</sup>
- He has also had close ties to Republican political campaigns. He served as counsel for Bush-Cheney 2004 and for the Superior Court campaign of Republican Judge Susan Gantman.<sup>22</sup>
- Porter has donated thousands of dollars to anti-choice, Republican political campaigns, including to Rick Santorum, George W. Bush, and Mitt Romney.<sup>23</sup>

June 1, 2018

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<sup>1</sup> Questionnaire for Judicial Nominees: David James Porter, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/imo/media/doc/Porter%20SJQ.pdf>

<sup>2</sup> David J. Porter, *Forum: John Ashcroft, attorney general?*, PG NEWS (Dec. 31, 2000), <http://old.post-gazette.com/forum/20001231edporter9.asp>

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> David J. Porter, *Is the health care law constitutional? No, Strike it down*, PITTSBURGH POST-GAZETTE (Mar. 25, 2012), <http://www.post-gazette.com/opinion/Op-Ed/2012/03/25/Is-the-health-care-law-constitutional-No-strike-it-down/stories/201203250223>

<sup>6</sup> David J. Porter, *Supreme Court to America: Surprise!*, PITTSBURGH POST-GAZETTE (Jul. 4, 2012), <http://www.post-gazette.com/Op-Ed/2012/07/04/Supreme-Court-to-America-Surprise/stories/201207040120>

<sup>7</sup> David J. Porter, *A Whirlwind Tour of the Supreme Court's Commerce Clause Jurisprudence*, CATHOLIC LANE (April 3, 2012), <http://www.catholiclane.com/a-whirlwind-tour-of-the-supreme-courts-commerce-clause-jurisprudence/>

<sup>8</sup> *United States v. Morrison*, OYEZ, <https://www.oyez.org/cases/1999/99-5> (last visited Jun 1, 2018)

<sup>9</sup> PA Coalition Launches to Focus on Federal Courts, Sotomayor, JUDICIAL CRISIS NETWORK (June 9, 2009), <https://judicialnetwork.com/pa-coalition-launches-to-focus-on-federal-courts-sotomayor/>

<sup>10</sup> Ibid.

<sup>11</sup> Posts by David J. Porter, THE CENTER FOR VISION AND VALUES, <http://www.visionandvalues.org/author/david-j-porter/> (last visited May 25, 2018)

<sup>12</sup> Board of Trustees, GROVE CITY COLLEGE, <http://www.gcc.edu/Home/Our-Story/Leadership-Teams/Board-of-Trustees> (last visited May 25, 2018)

<sup>13</sup> Ibbey Caputo and Jon Marcus, *The Controversial Reason Some Religious Colleges Forgo Federal Funding*, THE ATLANTIC (July 7, 2016), <https://www.theatlantic.com/education/archive/2016/07/the-controversial-reason-some-religious-colleges-forgo-federal-funding/490253/>

<sup>14</sup> Amarendra Bhushan Dhiraj, *Top 20 most & least LGBT-friendly colleges and universities in the U.S., 2015*, CEO WORLD MAGAZINE (Aug. 11, 2015), <http://ceoworld.biz/2015/08/11/top-20-most-least-lgbt-friendly-colleges-and-universities-in-the-u-s-2015>

<sup>15</sup> Paul Kengor, *Neil Gorsuch on Life, Liberty, and the Natural Law*, Center for Vision and Values (March 24, 2017), <http://www.visionandvalues.org/2017/03/neil-gorsuch-on-life-liberty-and-the-natural-law/>

<sup>16</sup> T. David Gordon, *Gay Marriage, Bigotry, and the public interest*, CENTER FOR VISION AND VALUES (Aug. 7, 2013), <http://www.visionandvalues.org/2013/08/gay-marriage-bigotry-and-the-public-interest/>

<sup>17</sup> Questionnaire for Judicial Nominees: David James Porter, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/imo/media/doc/Porter%20SJQ.pdf>

<sup>18</sup> Ibid.

<sup>19</sup> Questionnaire for Judicial Nominees: David James Porter, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/imo/media/doc/Porter%20SJQ.pdf>

<sup>20</sup> Republican National Lawyers Association, <http://www.rnla.org/about/default.asp> (last visited May 25, 2018)

<sup>21</sup> Questionnaire for Judicial Nominees: David James Porter, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/imo/media/doc/Porter%20SJQ.pdf>

<sup>22</sup> Questionnaire for Judicial Nominees: David James Porter, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/imo/media/doc/Porter%20SJQ.pdf>

<sup>23</sup> Open Secrets Donor Lookup: David Porter, OPEN SECRETS, <https://www.opensecrets.org/donor-lookup/results?name=David+Porter&cycle=&state=PA&zip=&employ=&cand=> (last visited May 25, 2018)