



## Chad Readler

President Trump nominated Chad Readler to serve on the U.S. Court of Appeals for the Sixth Circuit on June 7, 2018. Readler is anti-choice.

### Career

- Bachelor of Arts, University of Michigan, 1994
- Juris Doctorate, University of Michigan Law School, 1997
- Clerk, Hon. Alan Norris, U.S. Court of Appeals for the Sixth Circuit, 1997-1998
- Associate, Jones Day, 1998-2006
- Partner, Jones Day, 2007-2017
- Acting Assistant Attorney General, Civil Division, U.S. Department of Justice, 2017 – present

### Record on Choice-Related Issues

#### Court Cases

- Readler has vigorously defended the Trump administration’s efforts to stop undocumented young women from accessing abortion care.<sup>1</sup> The administration wrongly claims that these young women have “no constitutional right to abortion,”<sup>2</sup> and even went so far as to consider “reversing” a young woman’s medication abortion against her wishes using an untested and unproven method.<sup>3</sup> That Readler would defend such an egregious policy suggests a strong personal bias against abortion and a legal philosophy skewed by that bias.
- Readler is defending rules put forth by the Trump administration to gut the Affordable Care Act’s contraceptive-coverage policy, the greatest advancement in reproductive healthcare in a generation.<sup>4</sup> The rules allow nearly any employer to deny their employees coverage of birth control because they object for any reason. Readler’s forceful defense of these rules is devastating to the 62 million women who are covered by the contraception benefit.
- Readler filed a brief in *NIFLA v. Becerra* arguing against California’s landmark Reproductive FACT Act, which requires licensed clinics that provide pregnancy-related services to post a sign that informs their clients that the state provides free or low-cost reproductive health services, including contraception and abortion. Readler argued that part of the law should be struck down because “[l]icensed clinics have a

strong interest in refraining from speech that advertises third-party services they find morally repugnant” (i.e. contraception and abortion services).<sup>5</sup>

- Readler has defended the Trump administration’s cruel and inhumane policy of separating families who arrive at U.S. borders seeking asylum.<sup>6</sup> The ACLU sued in February after the administration separated a mother seeking asylum from her seven-year-old daughter,<sup>7</sup> and Readler immediately defended the policy.
  - After Trump signed a completely inadequate executive order claiming to resolve the family separation crisis by jailing entire families indefinitely, Readler filed a brief asking the court to modify the decades-old Flores agreement which prohibits the government from detaining children in immigration jails for more than 20 days.<sup>8</sup> Readler asked the court to remove that time limit and allow the government to detain children and their families for the duration of their legal proceedings.<sup>9</sup>
- Readler is defending a policy that allows organizations that receive federal money to care for undocumented young people to refuse to provide them with reproductive healthcare including contraception and abortion.<sup>10</sup>
- Readler carried out the Trump administration’s latest attack on the Affordable Care Act (ACA), filing a brief in a recent Texas case stating that the government will not defend the ACA’s constitutionality.<sup>11</sup> This move, a bold departure from the government’s general responsibility to defend laws enacted by Congress, will gut protections for at least 50 million Americans with pre-existing conditions.<sup>12</sup> Even GOP Sen. Lamar Alexander called the position taken by Readler, “as far-fetched as any I’ve ever heard.”<sup>13</sup> And while Readler is likely to claim that he was simply representing the position of his client, the U.S. government, three other Department of Justice (DOJ) attorneys representing the government withdrew from the case rather than advocate for such an egregious position, and one of them went so far as to resign from the DOJ.<sup>14</sup>
  - Readler has also defended the administration’s previous efforts to undermine the ACA, including defending its decision to terminate cost-sharing reduction payments.<sup>15</sup>

#### Notable Information

- Readler served in his personal capacity as an attorney for Donald Trump’s presidential campaign and defended the campaign against claims of voter harassment and intimidation.<sup>16</sup>
- Readler is active in the conservative, anti-choice Federalist Society.<sup>17</sup>

- Readler has donated thousands of dollars to anti-choice politicians including Rob Portman, Mitt Romney, and Rudy Giuliani.<sup>18</sup>
- Readler worked for the Senate campaign of anti-choice Spencer Abraham.<sup>19</sup>

### Record on Other Key Issues

- Readler wrote an op-ed entitled “Make Death Penalty for Youth Available Widely” in which he argued that “the execution of those who commit capital offenses at 16 or 17 does not constitute cruel and unusual punishment” and “should be available in nearly all instances in which someone commits a capital offense.”<sup>20</sup> He argued that this was acceptable because “in today’s progressive society our children are growing up faster than at any time before.”<sup>21</sup> Lest he attempt to distance himself from the op-ed in his confirmation hearing, he specifically noted in the article that while he was an associate at Jones Day at the time, “the views expressed are his alone.”<sup>22</sup>
- Readler wrote an article in 1998 arguing that “local governments should be taken out of the business” of passing anti-discrimination laws that go further than federal law by protecting characteristics not then protected by the federal government (e.g. sexual orientation and marital status).<sup>23</sup> As evidence, he pointed to the fact that many people aren’t aware of local anti-discrimination laws, and thus did not use them. Instead of advocating for a system to better educate the public about local laws and their options when facing discrimination, he advocated for ending local anti-discrimination law altogether. He also cited the “harm done to community morale” after various cities passed laws protecting against discrimination on the basis of sexual orientation and heated debate broke out within the communities – evidently reason enough, in Readler’s mind, to leave LGBTQ people without any protections against discrimination.  
 After arguing throughout the article that anti-discrimination regulation should be left to the federal government, Readler made his true philosophy clear: “A final alternative that may be preferable to state regulation, and even federal regulation, is leaving private companies free to choose their own employment policies... Private employers are ‘regulated’ by consumers who can punish them for adopting unpopular employment practices by choosing not to be employees or purchase products and services.”<sup>24</sup> Readler would leave women, people of color, the LGBTQ community, and other marginalized people at the mercy of their own employers, counting on big business to look out for the interests of their employees. Anyone who has read a history book knows that that model only works for the business owner, never for the marginalized worker.
- Readler defended President Trump’s discriminatory Muslim ban in the courts.<sup>25</sup> Readler argued that the ban “does not discriminate on the basis of religion,” and

suggested that the court should disregard “statements by the President...and informal remarks of his aides [that] imply that the entry suspension is intended to target Muslims based on their religion.”<sup>26</sup>

- Readler defended an Ohio law that cut short the state’s early voting program, a move that placed a disparate burden on minority voters.<sup>27</sup>
- Readler filed a brief in support of allowing a Colorado baker to discriminate against same-sex couples in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*.<sup>28</sup>
- Readler has defended the Trump administration’s egregious and discriminatory ban on transgender people serving in the military.<sup>29</sup>

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<sup>1</sup> Petition for Writ of Certiorari, *Hargan v. Garza* (U.S. 2017)

<sup>2</sup> *Official: Pregnant teens in migrant shelters have no abortion rights*, CBS News (March 1, 2018), <https://www.cbsnews.com/news/official-pregnant-teens-in-migrant-shelters-have-no-abortion-rights/>

<sup>3</sup> Brigitte Amiri, *Scott Lloyd’s Anti-Abortion Ideology is Harming the People His Agency is Supposed to Protect*, ACLU (March 1, 2018), <https://www.aclu.org/blog/reproductive-freedom/abortion/scott-lloyds-anti-abortion-ideology-harming-people-his-agency>

<sup>4</sup> Brief for the Federal Appellants, *California v. Azar* (9<sup>th</sup> Cir. 2018) (Nos. 18-15144, 18-15166, 18-15255)

<sup>5</sup> Brief for the United States As Amicus Curiae Supporting Neither Party, *NIFLA v. Becerra* (U.S.2018)

<sup>6</sup> Respondents’ Response In Opposition to Petitioner Ms. L’s Motion for Preliminary Injunction, *Ms. L v. ICE* (S.D. Cal. 2018) (No. 3:18-cv-00428)

<sup>7</sup> *ACLU Challenges Trump Administration Practice of Forcibly Separating Asylum-Seeking Parents and Young Children*, ACLU (Feb. 26, 2018), <https://www.aclu.org/news/aclu-challenges-trump-administration-practice-forcibly-separating-asylum-seeking-parents-and>

<sup>8</sup> Defendants’ Memorandum of Points and Authorities in Support of Ex Parte Application for Relief from the Flores Settlement Agreement, *Flores v. Sessions* (C.D. Cal. 2018) (No. 2:85-cv-04544)

<sup>9</sup> Julia Manchester, *DOJ files request to modify Flores settlement*, THE HILL (June 21, 2018), <http://thehill.com/regulation/administration/393515-doj-files-request-to-modify-the-flores-agreement>

<sup>10</sup> *American Civil Liberties Union of Northern California v. Azar* (N.D. Cal. 2018) (No. 3:16-cv-03539)

<sup>11</sup> Federal Defendants’ Memorandum Response to Plaintiffs’ Application For Preliminary Injunction, *Texas v. United States* (N.D. Texas 2018) (No. 4:18-cv-00167); Amy Goldstein, *Trump administration won’t defend ACA in case brought by GOP states*, WASHINGTON POST (June 7, 2018), [https://www.washingtonpost.com/national/health-science/trump-administration-wont-defend-aca-in-cases-brought-by-gop-states/2018/06/07/92f56e86-6a9c-11e8-9e38-24e693b38637\\_story.html?utm\\_term=.49d549c27413](https://www.washingtonpost.com/national/health-science/trump-administration-wont-defend-aca-in-cases-brought-by-gop-states/2018/06/07/92f56e86-6a9c-11e8-9e38-24e693b38637_story.html?utm_term=.49d549c27413)

<sup>12</sup> Timothy Stoltzfus Jost, *If Trump administration has its way, insurance coverage for pre-existing conditions could cost you more*, CNN (June 14, 2018), <https://www.cnn.com/2018/06/14/opinions/trump-administrations-threat-to-coverage-for-preexisting-conditions-jost/index.html>

<sup>13</sup> Jessie Hellamnn, *GOP senator: DOJ’s ObamaCare argument ‘as far-fetched as any I’ve ever heard,’* THE HILL (June 12, 2018), <http://thehill.com/policy/healthcare/391975-gop-senator-doj-obamacare-argument-as-far-fetched-as-any-ive-ever-heard>

<sup>14</sup> Ariane de Vogue, *DOJ attorney resigns after Justice stops defending key ObamaCare provisions*, CNN (June 12, 2018), <https://www.cnn.com/2018/06/12/politics/doj-attorney-aca-lawsuit/index.html>

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- <sup>15</sup> Juliet Eilperin and Sean Sullivan, *White House pushing for new concessions in bipartisan health bill, including retroactive mandate relief*, WASHINGTON POST (Oct. 20, 2017), [https://www.washingtonpost.com/powerpost/white-house-pushing-for-new-concessions-in-bipartisan-health-bill-including-retroactive-mandate-relief/2017/10/20/35329200-b5d0-11e7-a908-a3470754bbb9\\_story.html?utm\\_term=.6f7971f376d2](https://www.washingtonpost.com/powerpost/white-house-pushing-for-new-concessions-in-bipartisan-health-bill-including-retroactive-mandate-relief/2017/10/20/35329200-b5d0-11e7-a908-a3470754bbb9_story.html?utm_term=.6f7971f376d2)
- <sup>16</sup> *Judge issues order to stop voter harassment by Trump backers*, ASSOCIATED PRESS (Nov. 4, 2016), <https://www.cincinnati.com/story/news/politics/blogs/2016/11/04/restraining-order-issued-against-trump-campaign/93295124/>
- <sup>17</sup> Hon. Chad A. Readler, The Federalist Society, <https://fedsoc.org/contributors/chad-readler-1> (last visited June 14, 2018)
- <sup>18</sup> *Donor Lookup: Chad Readler*, OPEN SECRETS, <https://www.opensecrets.org/donor-lookup/results?name=Chad+Readler&cycle=&state=OH&zip=&employ=&cand=> (last visited June 18, 2018)
- <sup>19</sup> Chad Readler, Linked In, <https://www.linkedin.com/in/chad-readler-61b2a45/> (last visited June 20, 2018)
- <sup>20</sup> Chad A. Readler, *Make Death Penalty for Youth Available Widely*, Los Angeles Daily Journal (Feb. 24, 2004)
- <sup>21</sup> Chad A. Readler, *Make Death Penalty for Youth Available Widely*, Los Angeles Daily Journal (Feb. 24, 2004)
- <sup>22</sup> Chad A. Readler, *Make Death Penalty for Youth Available Widely*, Los Angeles Daily Journal (Feb. 24, 2004)
- <sup>23</sup> Chad A. Readler, *Local Government Anti-Discrimination Laws: Do They Make A Difference?*, 31 U. Mich. J.L. Ref. 777 (1998)
- <sup>24</sup> Chad A. Readler, *Local Government Anti-Discrimination Laws: Do They Make A Difference?*, 31 U. Mich. J.L. Ref. 777 (1998)
- <sup>25</sup> *International Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017); *Hawaii v. Trump*, 878 F.3d 662 (9th Cir. 2017)
- <sup>26</sup> Brief for Appellants at 35 and 45, *International Refugee Assistance Project v. Trump*, 857 F.3d 554 (4<sup>th</sup> Cir. 2017)
- <sup>27</sup> *Ohio Democratic Party v. Husted*, 834 F.3d 620 (6th Cir. 2016)
- <sup>28</sup> Brief for the United States as Amicus Curiae Supporting Petitioners, *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (U.S. 2018) (No. 16-111)
- <sup>29</sup> *Ryan Karnoski v. Donald J. Trump* (W.D. Wash. 2018) (No. 2:17-cv-01297)