



## Justin Walker

President Trump nominated Justin Walker to serve on the U.S. Court of Appeals for the District of Columbia Circuit on April 3, 2020. Walker is anti-choice.

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

- Bachelor of Arts, Duke University, 2004
- Speechwriter for the Secretary of Defense, Department of Defense, 2005-2006
- Juris Doctorate, Harvard Law School, 2009
- Clerk, Judge Brett M. Kavanaugh, U.S. Court of Appeals for the D.C. Circuit, 2010-2011
- Clerk, Justice Anthony M. Kennedy, Supreme Court of the United States, 2011-2012
- Associate, Gibson Dunn & Cratcher LLP, 2009-2010, 2012-2013
- Writer, EJS Enterprises LLC, 2013-2015
- Solo Practitioner, 2013-2019
- Assistant Professor of Law, University of Louisville Brandeis School of Law, 2015-2019
- Associate Professor of Law, University of Louisville Brandeis School of Law, 2019
- Partner of Counsel, Dinsmore & Shohl LLP, 2019
- Judge, U.S. District Court for the Western District of Kentucky, 2019-present

### Record on Reproductive Freedom

#### Court Cases

- In a case unrelated to reproductive freedom, Walker wrote: “It was not long ago, for example, that the government told the Supreme Court it can prohibit a church from choosing its own minister; force religious business owners to buy pharmaceuticals they consider abortion inducing; and conscript nuns to provide birth control.”<sup>2</sup> Walker implied that the federal government’s positions in *Burwell v. Hobby Lobby Stores, Inc.* (a case about the ability of certain for-profit businesses to deny their employees access to contraceptive coverage) and *Zubik v. Burwell* (a case about the ability of certain employers to interfere with their employees’ access to contraceptive coverage paid for by a third party) were examples of “state-sponsored” “bigotry.”<sup>3</sup>

#### Notable Information

- Walker clerked for anti-choice Associate Justice Brett Kavanaugh when he was a judge on the D.C. Circuit and was a vocal advocate for Kavanaugh’s nomination to the

Supreme Court. Walker submitted a letter to the Senate Judiciary Committee in support of Kavanaugh's confirmation.<sup>4</sup>

- In an interview, Walker predicted that Kavanaugh's confirmation would dramatically change the state of litigation on a number of issues, including reproductive freedom: "I predict an end to affirmative action, an end to successful litigation about religious displays and prayers, an end to bans on semi-automatic rifles, and an end to almost all judicial restrictions on abortion."<sup>5</sup> Walker stated: "This is a conservative revolution as big as the Reagan Revolution....This change will give Donald Trump the most conservative judicial legacy of any Republican in history, by far."<sup>6</sup>
- In defending Kavanaugh's conservative credentials, Walker championed Kavanaugh's dissenting opinion in *Priests for Life v. U.S. Department of Health and Human Services* in which Kavanaugh supported the ability of certain employers to deny their employees access to contraceptive coverage.<sup>7</sup>
- Walker has been a member of the conservative, anti-choice Federalist Society since 2006.<sup>8</sup> Walker is reportedly "a star in the Federalist Society."<sup>9</sup> The Federalist Society is led by Leonard Leo, the anti-choice activist who is heavily involved in selecting Trump's Supreme Court and lower court nominees. Leo has been outspoken in his anti-choice views, calling abortion "an act of force" and "a threat to human life,"<sup>10</sup> and serves as co-chairman of Students for Life,<sup>11</sup> a group whose mission is to "abolish abortion."<sup>12</sup>
- Walker has donated to anti-choice politicians including Sens. Mitch McConnell (R-KY) and Rand Paul (R-KY).<sup>13</sup>

### **Record on Other Key Issues**

- Walker has been a vocal opponent of the Affordable Care Act (ACA). In a speech at his March 13, 2020 investiture, Walker referred to Chief Justice Roberts's decision upholding a key component of the ACA as "the worst words" he has ever heard.<sup>14</sup> Kavanaugh called the opinion "indefensible" and "catastrophic."<sup>15</sup> Walker praised then-Judge Brett Kavanaugh for writing the "roadmap" to undermine the ACA, calling the ACA "unprecedented" and "unlawful" and emphasizing Kavanaugh's "thorough and principled take down" of key components of the law.<sup>16</sup>
- Walker has expressed support for the ability of businesses to discriminate against and refuse service to LGBTQ people.<sup>17</sup> In discussing the enforcement of state anti-discrimination laws, Walker stated that "[r]easonable people will disagree about whether those results would be good or bad."<sup>18</sup> Walker stated that "states with socially progressive majorities" are "us[ing] the power of the state" to "penalize" businesses for refusing to provide services to LGBTQ people.<sup>19</sup>

April 30, 2020

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<sup>1</sup> Questionnaire for Judicial Nominees: Justin Reed Walker, United States Senate Committee on the Judiciary.

<sup>2</sup> *On Fire Christian Ctr. Inc. v. Fischer*, No. 3:20-cv-00264-JRW at 6 (W.D.Ky. Apr. 11, 2020) (citing *Hosanna Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 185 (2012), *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 691 (2014), *Zubik v. Burwell*, 136 S.Ct. 1557 (2016)), <https://www.courtlistener.com/recap/gov.uscourts.kywd.116558/gov.uscourts.kywd.116558.6.0.pdf> (last visited Apr. 30, 2020).

<sup>3</sup> *Id.*

<sup>4</sup> Questionnaire for Judicial Nominees: Justin Reed Walker, United States Senate Committee on the Judiciary.

<sup>5</sup> Carrie Johnson, *Brett Kavanaugh Supported Broad Leeway for Presidents Under Investigation*, NPR (July 10, 2018), <https://www.npr.org/2018/07/10/627504728/brett-kavanaugh-supported-broad-leeway-for-presidents-under-investigation> (last visited May 4, 2020).

<sup>6</sup> Gary Gately, *Kavanaugh Nomination Draws Swift Praise, Condemnation*, Talk Media News (July 9, 2018), <http://www.talkmedianews.com/featured/2018/07/09/kavanaugh-nomination-draws-swift-praise-condemnation/> (last visited May 4, 2020).

<sup>7</sup> Justin Walker, *Judge Brett Kavanaugh: A Warrior for Religious Liberty*, National Review (July 6, 2018), <https://www.nationalreview.com/2018/07/judge-brett-kavanaugh-religious-liberty-warrior/> (last visited Apr. 30, 2020).

<sup>8</sup> Questionnaire for Judicial Nominees: Justin Reed Walker, United States Senate Committee on the Judiciary.

<sup>9</sup> Andrew Wolfson, *Trump Nominates Former Brett Kavanaugh Clerk for Federal Judge in Kentucky*, Courier Journal (June 20, 2019), <https://www.courier-journal.com/story/news/politics/2019/06/20/donald-trump-nominates-former-brett-kavanaugh-clerk-federal-bench-kentucky-mcconnell-support/1511456001/> (last visited Apr. 30, 2020).

<sup>10</sup> Jeffrey Toobin, *The Conservative Pipeline to the Supreme Court*, The New Yorker (Apr. 10, 2017), <https://www.newyorker.com/magazine/2017/04/17/the-conservative-pipeline-to-the-supreme-court> (last visited Apr. 30, 2020).

<sup>11</sup> Board of Directors, Students for Life, <https://studentsforlife.org/about/boardofdirectors/> (last visited July 25, 2019).

<sup>12</sup> Mission Statement, Students for Life, <http://studentsforlife.org/about/mission-statement/> (last visited July 25, 2019).

<sup>13</sup> Donor Lookup: Justin Walker, Open Secrets, <https://www.opensecrets.org/donor-lookup/results?name=Justin+Walker&cycle=&state=KY&zip=&employ=&cand=> (last visited Apr. 30, 2020).

<sup>14</sup> Speech at Judge Justin Walker Investiture (Mar. 13, 2020), <https://www.youtube.com/watch?v=k5iUfudxuM8> (last visited Apr. 30, 2020).

<sup>15</sup> Justin Walker, *Brett Kavanaugh Said Obamacare Was Unprecedented and Unlawful*, The Federalist (July 3, 2018), <https://thefederalist.com/2018/07/03/brett-kavanaugh-said-obamacare-unprecedented-unlawful/> (last visited Apr. 30, 2020).

<sup>16</sup> *Id.*

<sup>17</sup> Justin Walker, *Less Liberty*, 2019 Symposium, Richmond Law School (draft available at Questionnaire for Judicial Nominees: Justin Reed Walker, United States Senate Committee on the Judiciary).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*