

# PROTECT OUR CARE

## Preventive and Reproductive Health Care At Risk: Meet the MAGA Judges Deciding *Braidwood v. Becerra*

On Monday, March 4, extremists aiming to strike down a key portion of the Affordable Care Act (ACA) requiring insurers to cover lifesaving preventive services for free will appear before a panel of judges at the Fifth Circuit Court of Appeals – a circuit “[where law goes to die](#)” packed with MAGA appointees and ultra-conservative judges.

Eliminating costs for these lifesaving screenings and services has [transformed](#) how preventive care is delivered, saved countless lives, improved health outcomes, reduced disparities in care, and cut consumer health care costs. A full reversal of the preventive services requirement would set off a massive disruption in the American health care system, revoking protections for hundreds of no-cost services currently available to approximately [150 million](#) Americans – nearly [60 percent](#) of the U.S. population.

The plaintiffs deliberately filed their case in a favorable jurisdiction, and sure enough: two of the three judges on the panel are Trump-appointed MAGA judges. Don Willett and Cory Wilson, are extreme Trump appointees with a long record of extreme rulings based on radical, arch-conservative legal theories. Judge Wilson, for example, has a history of anti-ACA rhetoric. These MAGA judges could strike down coverage for these essential preventive services, including removing the current stay on the lower court’s ruling and putting free preventive services on the chopping block immediately.

### **Cory Wilson**

*Judge, Fifth Circuit Court of Appeals*

**Wilson Opposed the Affordable Care Act (ACA), Calling It “Perverse,” and “Illegitimate.”** For over a decade, Wilson has been a staunch opponent of the ACA and its protections for hundreds of millions of Americans. He [suggested](#) the ACA was unconstitutional and [supported](#) an effort to overturn the ACA in the Supreme Court, calling the act “[perverse](#)” and “[illegitimate](#).” He also wrote a series of op-eds and statements in opposition to the ACA. In one op-ed, he [called](#) the ACA, “a massive, unworkable intrusion by the federal government into one-sixth of our economy.” Wilson has even opposed Medicaid expansion under the ACA, denouncing expanded eligibility as “[liberal-utopia-dictated healthcare](#).”

### **“Far-Right Firebrand” Cory Wilson Is A Former Republican Lawmaker & Trump Appointee.**

Wilson has established himself as a deeply conservative jurist, with the Leadership Conference on Civil and Human Rights labeling him a “[far-right firebrand](#)” whose record shows he is more

suit to serve as a Fox News commentator than federal judge.” A member of the right-wing Federalist Society since 1992, Wilson is an ex-legislator who [served](#) in the Mississippi legislature as a Republican during Trump’s presidency until 2019. He has [worked](#) on dozens of Republican political campaigns and [contributed](#) thousands of dollars to Republican candidates. Even some Republicans opposed Wilson’s placement on the circuit, with Senator Susan Collins (R-ME) [voting against](#) his nomination.

**Wilson Has A Record of Extreme and Anti-Choice Positions.** Wilson has been heavily involved in pushing an anti-choice agenda, reducing access to health care for women seeking abortions. Just last year, he [ruled](#) in support of limiting access to abortion pills, usurping FDA authority over drug authorization protocols. Wilson [supported](#) reversing *Roe v. Wade* long before it was overturned by the Supreme Court and supported numerous state-level anti-abortion efforts – including a “[heartbeat](#)” bill banning abortions as early as six weeks after conception, a [15-week abortion ban](#) later struck down as unconstitutional, [fetal personhood](#) legislation, and a ban on [embryonic stem cell research](#). He also [supported](#) defunding Planned Parenthood and [opposed](#) marriage equality.

## Don Willett

*Judge, Fifth Circuit Court of Appeals*

**Don Willett Is An “Ideologically Aggressive,” “Activist Conservative” Trump Appointee.** A [Federalist Society](#) member described as “[ideologically aggressive](#),” and “in the front ranks of an [activist conservative legal revolution](#),” Willett is an arch-conservative with a record of handing down radical rulings. He made it onto President Trump’s [shortlist](#) of potential Supreme Court nominees and later rewarded Trump by voting to [expand](#) the power of his presidency by allowing him to fire the head of a (formerly) independent agency without cause. Willett has also written in support of striking down numerous laws and regulations [protecting health, safety, and social welfare](#).

**Willett Allowed Medical Misinformation To Spread Rampantly, Ruling Against the FDA’s Campaign Against Ineffective COVID-19 Treatments Like Ivermectin.** In 2020, Willett wrote the majority opinion in a [ruling](#) upholding medical misinformation about COVID-19 treatments. His ruling [targeted](#) the FDA’s campaign against the off-label use of Ivermectin – a drug approved to treat parasitic diseases in humans often used for deworming livestock – for COVID-19 infections. The FDA began sounding the alarm after seeing a rise in hospitalizations due to people self-medicating with Ivermectin. Willett wrote, “Even tweet-sized doses of personalized medical advice are beyond FDA’s statutory authority.” [Study after study](#) has subsequently confirmed that safe doses of Ivermectin are ineffective in treating COVID-19 and a study initially cited as promising evidence was [withdrawn](#) due to ethical concerns.

**Willett Supported Suspending A COVID-19 Vaccine Mandate For Federal Employees During the Pandemic.** In February 2022, Willett [refused](#) to block a lower court injunction against a mandate

that all federal executive branch agency employees be vaccinated against COVID-19. Even though the executive order laid out religious and medical exemptions to the mandate, Willett [cast the deciding vote](#) in a “shadow docket” order without giving any rationale.

**Willett Has A Record of Anti-Choice Rulings.** Throughout Willett’s tenure, he has consistently opposed access to health care for women seeking abortions. He voted to allow an [extreme Louisiana anti-abortion law](#) to take effect, even though the Supreme Court struck down a nearly identical law in 2015, and cast a deciding vote in a ruling putting into effect a restrictive [Texas abortion ban](#). Willett also cast a key vote in a ruling that Texas and Louisiana could [completely cut off Medicaid funding](#) from Planned Parenthood clinics chosen by patients to obtain health care. In 2021, he imposed a [permanent injunction](#) blocking the Biden administration from taking *future* steps to help protect access to abortions.