December 8, 2017

The Honorable Charles Grassley  
Chairman Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: Reproductive Health, Rights, and Justice Groups Oppose Confirmation of Matthew Kacsmaryk

Dear Chairman Grassley and Ranking Member Feinstein:

We are 12 reproductive rights, health, and justice organizations writing to urge you to reject the nomination of Matthew Kacsmaryk to serve on the U.S. District Court for the Northern District of Texas.

President Trump has vowed to use federal court appointments to elevate and cement in place his extreme agenda, and we see him doing just that—once again—with this nomination. A qualified nominee must believe in and uphold our fundamental constitutional rights, including reproductive freedom. Kacsmaryk does not.

In fact, Kacsmaryk has built a career on undermining reproductive and LGBTQ rights. During his tenure at the deeply conservative First Liberty Institute, Kacsmaryk represented several religious and religiously-affiliated institutions in their challenges to the Affordable Care Act’s contraceptive-coverage policy.1 Of the cases, he said that victory for the employers would “defend unborn human life.”2 Kacsmaryk was also involved in an amicus brief filed on behalf of 43 anti-choice members of Congress in support of a Washington pharmacy that refused to carry emergency contraception.3

Kacsmaryk’s advocacy did not stop in the courts—he wrote a scathing article against equal marriage in which he lamented that “sexual revolutionaries” had “litigated and legislated to remove three pillars of marriage law: …permanence… exclusivity… [and] procreation.”4 The last of those fell, he argued, “when the Supreme Court declared unconstitutional nearly all restrictions on contraceptives and abortion in Griswold v. Connecticut (1965), Eisenstadt v. Baird (1965), Roe v. Wade (1973) and Planned Parenthood v. Casey (1992).”5 In other written works, Kacsmaryk has decried efforts to “weaponize Obergefell”6 and complained that because of the Sexual Revolution, “marriage, sexuality, gender identity, and even the unborn child must yield to the erotic desires of liberated adults.”7
Reproductive rights are under intense attack in Congress and in the states. In 2017 alone, states so far have enacted more than 50 new anti-choice laws. Now more than ever, women must be able to rely on the courts to protect their constitutional rights. But Kacsmaryk’s record shows he will undermine, not protect, the freedoms Americans depend on.

This nominee would put reproductive freedom in danger. We urge you to vigorously oppose the nomination of Matthew Kacsmaryk to serve on the U.S. District Court for the Northern District of Texas.

Sincerely,

Advocates for Youth
In Our Own Voice: National Black Women’s Reproductive Justice Agenda
NARAL Pro-Choice America
National Abortion Federation
National Asian Pacific American Women’s Forum (NAPAWF)
National Council of Jewish Women
National Health Law Program
National Institute for Reproductive Health (NIRH)
National Partnership for Women & Families
People For the American Way
Planned Parenthood Federation of America
URGE: Unite for Reproductive and Gender Equity

5 Ibid.