

# FACT SHEET

## MATTHEW KACSMARYK

First Liberty Institute Deputy General Counsel Matthew Kacsmaryk has been nominated by President Donald Trump to serve on the U.S. District Court for the Northern District of Texas. During his time at the Institute, Kacsmaryk has consistently and fervently attacked LGBTQ and reproductive rights. Given his hostile and discriminatory history, Alliance for Justice strongly opposes his nomination to the federal bench.

### REPRODUCTIVE RIGHTS

*Kacsmaryk has attacked Roe v. Wade*, stating that the case is one in which ‘seven justices of the Supreme Court found an unwritten ‘fundamental right’ to abortion hiding in the due process clause of the Fourteenth Amendment and the shadowy ‘penumbras’ of the Bill of Rights.’

*Kacsmaryk fought a Washington state law* that required pharmacies to stock a “representative assortment of drugs,” to meet the “needs of its patients,” including emergency contraception and birth control.

### HOSTILITY TO LGBTQ AMERICANS

*Kacsmaryk has made it painfully clear that he does not believe the fight for LGBTQ equality is on the “right side of history.”* In a 2015 article titled “The Abolition of Man...and Woman,” Kacsmaryk wrote that the “campaigns for same-sex ‘marriage’ and ‘sexual orientation’ and ‘gender

identity’ (SOGI) legislation share a common legal theory: Rules predicated on the sexual difference and complementarity of man and woman are relics of a benighted legal regime designed to harm ‘LGBT’ persons or at least deny them “full equality.”

### ANTI-DISCRIMINATION LAWS

*Kacsmaryk defined the fight for LGBTQ rights as a “clash of absolutes” between “religious liberty and sexual liberty.”* He vigorously opposed regulations under the Affordable Care Act that forbid healthcare providers from discriminating against people based on gender identity, “sex stereotyping,” and “termination of pregnancy.” Kacsmaryk claimed that “all three categories are on a predictable and probable collision course with millennia-old religious beliefs about sex, sexuality, and marriage.”

### MARRIAGE EQUALITY

*Kacsmaryk was highly critical of Obergefell v. Hodges*, stating that “five justices of the Supreme Court found an unwritten ‘fundamental right’ to same-sex marriage hiding in the due process clause of the Fourteenth Amendment – a secret knowledge so cleverly concealed in the nineteenth-century amendment that it took almost 150 years to find.”

*Kacsmaryk publicly supported Kim Davis*, a county clerk in Kentucky who violated a federal court order by refusing to issue a marriage license to a same-sex couple. Kacsmaryk compared Davis’s actions to that of “pacifistic Quakers” who refused to serve in the military.

*Kacsmaryk has fought efforts to ensure equality for LGBTQ persons on numerous occasions*, including supporting the Mississippi state government’s attempt to allow businesses and government workers to discriminate against LGBTQ citizens.

### LGBTQ YOUTH

*Kacsmaryk questioned the legality of state bans on “conversion therapy,”* a dangerous and wholly discredited practice predominantly targeting LGBTQ youth. Kacsmaryk also denounced both state law and federal guidance designed to prohibit discrimination against transgender students.

**MATTHEW KACSMARYK’S RECORD OF DISCRIMINATION SHOULD DISQUALIFY HIM FROM SERVING ON THE FEDERAL BENCH. ALLIANCE FOR JUSTICE OPPOSES HIS NOMINATION.**

