

June 4, 2019

Dear Senator,

On behalf of Alliance for Justice (AFJ), a nationwide association representing 130 groups committed to equal justice, I write to oppose the confirmation of Matthew Kacsmatyk to the United States District Court for the Northern District of Texas.

Kacsmatyk currently serves as Deputy General Counsel to the First Liberty Institute. During his time at the Institute, which is also the former employer of former nominee Jeff Mateer, whose nomination was withdrawn because of his public hostility towards LGBTQ rights, Kacsmatyk has consistently and fervently attacked women's and LGBTQ rights. Such hostility, including highly controversial statements, calls into serious doubt his ability to evenhandedly dispense justice to all who might come before him in a courtroom.

For example, Kacsmatyk has publicly dismissed efforts by women to fight for equality. The "Sexual Revolution," he said:

[W]as rooted in the soil of elitist postmodern philosophy, spearheaded by secular libertines, and was essentially 'radical' in its demands....It sought public affirmation of the lie that the human person is an autonomous blob of Silly Putty unconstrained by nature or biology, and that marriage, sexuality, gender identity, and even the unborn child must yield to the erotic desires of liberated adults. In this way, the Sexual Revolution was more like the French Revolution, seeking to destroy rather than restore.

Kacsmatyk has attacked *Roe v. Wade*. In addition, he fought a Washington state law that required pharmacists to stock a "representative assortment of drugs," to meet the "needs of its patients," including emergency contraception and birth control.

Kacsmatyk has also made it painfully clear that he opposes LGBTQ equality. In his own words, he does not believe the fight for equality for lesbian, gay, bisexual, transgender and queer Americans is on the "right side of history." In a 2015 article, titled "The Abolition of Man ... and Woman," Kacsmatyk 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.'"

In fact, he has 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." Kacsmatyk claimed that "all three categories are on a predictable and probably collision course with millennia-old religious beliefs about sex, sexuality and marriage."

Given his hostility to LGBTQ rights, it is no surprise that Kacsmaryk has fought to allow businesses and government workers to discriminate against LGBTQ citizens, was highly critical of *Obergefell v. Hodges*, and questioned the legality of state bans on “conversion therapy,” a wholly discredited practice predominantly targeting LGBTQ youth. Matthew Kacsmaryk’s record of discrimination should disqualify him from serving on the federal bench.

Given all these concerns, and as detailed in our report on his nomination issued prior to his hearing, which can be found at the following [link](#), we call on the Senate to reject Matthew Kacsmaryk for the United States District Court for the Northern District of Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Aron". The signature is fluid and cursive, with the first name "Nan" and the last name "Aron" clearly distinguishable.

Nan Aron