

AFL-CIO

LEGISLATIVE ALERT

May 31, 2019

Dear Senator:

The AFL-CIO urges you to oppose the nomination of Matthew Kacsmark to serve on the United States District Court for the Northern District of Texas when his nomination comes before the Senate Judiciary Committee for a vote.

While Deputy General Counsel of the First Liberty Institute, Mr. Kacsmark was a consistent opponent of anti-discrimination laws. He challenged the U.S. Department of Labor's regulations clarifying the prohibition against workplace gender-based discrimination. He opposed the Equal Employment Opportunity Commission's position that the protections of Title VII of the Civil Right Act apply to discrimination based on sexual orientation and gender identity. In a challenge to Affordable Care Act regulations, he opposed providing no-cost contraceptive coverage to women workers otherwise denied coverage because of the religious views of their employers. Mr. Kacsmark further attacked regulations promulgated under the Affordable Care Act because they included protections for individuals discriminated against based on gender identity and sex stereotyping

Last, Mr. Kacsmark supported Mississippi legislation (H.B 1523) that would have allowed employers to invoke their religious views to fire workers for being LGBTQ. While the federal appellate court ultimately dismissed the *Barber v. Bryant* case on standing grounds, the U.S. District Court for the Southern District of Mississippi dealt with the merits of the case and enjoined the bill, finding it unconstitutional under the Equal Protection Clause. In the words of the district court judge, a "layperson reading about the bill might conclude that it gives a green light to discrimination and prevents accountability for discriminatory acts," rather than promoting religious liberty.

Our nation's courts need appointees who are not biased and will treat all Americans fairly—including LGBTQ individuals and working women. Our review of Kacsmark's record leads us to the conclusion that he does not possess that background. We urge you to oppose Kacsmark's nomination to the U.S. District Court for the Northern District of Texas.

Sincerely,



William Samuel, Director
Government Affairs Department