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September 2, 2025

VIA EMAIL

The Honorable Chuck Grassley
Chair
U.S. Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member
U.S. Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

Re: Nomination of Jennifer Mascott to the U.S. Court of Appeals for the Third Circuit

Dear Senators Grassley and Durbin:

On behalf of the National Women's Law Center (the "Law Center"), an organization that has advocated on behalf of women and girls for over fifty years, we write in strong opposition to the nomination of Ms. Jennifer Mascott for the U.S. Court of Appeals for the Third Circuit.

Ms. Mascott's legal record demonstrates a dedication to undermining abortion access and eroding Title IX sexual harassment protections for students, as well as biased and ideological scholarship on executive overreach. During her time as law professor, she submitted briefs that challenged the FDA's approval of medication abortion in a case against the Biden administration¹ and that sought to block a California law that protected pregnant people against deceitful and dangerous practices.² Ms. Mascott's legal scholarship is focused on the separation of powers and the regulatory state, yet she manipulates her academic positions to support her political biases. For example, she defended the controversial Texas abortion ban and bounty law (SB 8)³ despite the fact that law implicates troubling critical separation of powers concerns and

¹ Brief of Amicus Curiae Mountain States Legal Foundation in Support of Respondents, *U.S. Food & Drug Admin. v. Alliance for Hippocratic Med.*, Nos. 23-235, 23-236 (U.S. Feb. 29, 2024), https://www.supremecourt.gov/DocketPDF/23/23-235/301868/20240229130657908_23-235%20Amicus%20Brief%20of%20Mountain%20States%20Legal%20Foundation.pdf.

² Brief for 144 Members of Congress as Amici Curiae in Support of Petitioners, *Nat'l Inst. of Family & Life Advocates v. Becerra*, No. 16-1140 (U.S. Jan. 16, 2018), https://www.supremecourt.gov/DocketPDF/16/16-1140/28001/20180116165204024_16-1140%20tsac%20144%20Members%20of%20Congress.pdf.

³ Tex. Health & Safety Code § 171.201–171.212 (2021).

despite the author's clear intent to circumvent judicial review and violate constitutional rights.⁴ Ms. Mascott has also taken widely varying positions on the power of the presidency based on who is president, for example, by championing legal immunity for President Trump.⁵ Further, Ms. Mascott defended Secretary Betsy DeVos's Title IX regulation that undermined reporting and investigation of sex-based harassment in colleges and stigmatized and endangered student survivors.⁶ Ms. Mascott's dedication to upending the legal rights and protections critical to women and girls and clear bias for President Trump calls into question her ability to be fair-minded jurist.

Ms. Mascott submitted briefs that supported anti-abortion groups' efforts to end access to medication abortion and protections for pregnant people seeking care.

Throughout her career, Ms. Mascott has shown that her positions on executive power depends more on the party of the president than any coherent legal theory. For example, while serving as the Associate Professor of Law at Catholic University Law School, Ms. Mascott applied her selectively narrow view of federal agency power to support efforts to end medication abortion. Her Supreme Court amicus brief filed on behalf of Mountain States Legal Foundation supported Alliance for Hippocratic Medicine's (AHM) challenge to the FDA approval of mifepristone, an abortion medication thoroughly tested and safely used for more than two decades.⁷ The brief

⁴ Jennifer L. Mascott, *Jurisdiction and the Supreme Court's Orders Docket*, U.S. Senate Comm. on the Judiciary, Hearing on *Texas's Unconstitutional Abortion Ban and the Role of the Shadow Docket* (Sept. 29, 2021), at 2, <https://www.judiciary.senate.gov/imo/media/doc/Professor%20Mascott%20-%20Statement.pdf>.

⁵ Jennifer L. Mascott, *Prepared Testimony on Presidential Immunity Doctrines*, U.S. Senate Comm. on the Judiciary (Sept. 24, 2024), <https://www.judiciary.senate.gov/imo/media/doc/2024-09-24-testimony-mascott.pdf>; Senate Judiciary Committee, *When the President Does It, that Means It's Not Illegal: The Supreme Court's Unprecedented Immunity Decision*, 118th Cong. (2024), <https://www.judiciary.senate.gov/committee-activity/hearings/when-the-president-does-it-that-means-its-not-illegal-the-supreme-courts-unprecedented-immunity-decision>; but see Brianna Herlihy, *Former Attorney in Barr's DOJ Wins Award for Work Used to Fight Biden's Executive Overreach*, *Fox News* (Mar. 17, 2025), <https://www.foxnews.com/politics/former-attorney-barrs-doj-wins-award-work-fight-bidens-executive-overreach>.

⁶ *Victim Rights Law Center v. Cardona*, 552 F. Supp 3d 104 (D. Mass 2021) (Young J.); *Victim Rights Law Center v. Cardona*, 2021 WL 3516475 (D. Mass Aug 10, 2021)(clarification order), [https://scholar.google.com/scholar_case?case=487892806037277405&q=Victim+Rights+Law+Center+v.+Cardona,+552+F.+Supp.+3d+104+\(D.+Mass.+2021\)&hl=en&as_sdt=20000006](https://scholar.google.com/scholar_case?case=487892806037277405&q=Victim+Rights+Law+Center+v.+Cardona,+552+F.+Supp.+3d+104+(D.+Mass.+2021)&hl=en&as_sdt=20000006); Dept. of Education, *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30026 (May 19, 2020), <https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>.

⁷ Brief of Amicus Curiae Mountain States Legal Foundation in Support of Respondents, *U.S. Food & Drug Admin. v. Alliance for Hippocratic Med.*, Nos. 23-235, 23-236 (U.S. Feb. 29, 2024), https://www.supremecourt.gov/DocketPDF/23/23-235/301868/20240229130657908_23-235%20Amicus%20Brief%20of%20Mountain%20States%20Legal%20Foundation.pdf; U.S. Food & Drug Administration, *Questions and Answers on Mifepristone for Medical Termination of Pregnancy Through Ten Weeks Gestation*, FDA (last updated Jan. 3, 2023), <https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/questions-and-answers-mifep-ristone-medical-termination-pregnancy-through-ten-weeks-gestation>.

focused on the issue of standing, seeking to bolster AHM’s notoriously weak theory of injury⁸ by arguing that the organization had standing to challenge approval of the medication decades prior merely because it filed a citizen petition to revoke approval and the agency’s response was delayed.⁹ Such a rule would hamstring the FDA’s ability to approve drugs, potentially allowing them to be removed from the market many years after approval and without medically significant new information showing adverse effects, harming patients’ ability to receive medications they rely on. Ultimately, and fortunately, the Supreme Court did not agree with Ms. Mascott, finding AHM lacked standing to bring suit.¹⁰

In *National Institute of Family Life (NIFLA) v. Becerra*, Ms. Mascott submitted an amicus brief on behalf of 144 members of Congress asserting a radical view of religious privilege to challenge a California law that implemented protections for pregnant people seeking family care.¹¹ The California FACT Act required unlicensed entities that provide family planning, such as anti-abortion centers,¹² to notify pregnant people seeking support that they are medically unlicensed and have no medically licensed provider and to provide state information regarding state family planning services, including services providing contraception and abortion.¹³ This brief argued that the FACT Act, should “be evaluated against the backdrop of Congress’s longstanding and bipartisan legislative tradition of protecting conscientious objectors in the abortion context.”¹⁴ In other words, she argued that the unlicensed groups actively working to deceive women and deny them health care are comparable to conscientious objectors.

⁸ AHM represents anti-abortion doctors who do not prescribe or use mifepristone. They argued that they had standing to challenge approval of mifepristone to prevent *other* doctors from prescribing it and *other* patients from receiving it because they may eventually treat a patient who suffers from an injury caused by the medication, which they object to on religious grounds. The Supreme Court rejected this speculative and tenuous theory of standing. See *Food and Drug Administration v. Alliance for Hippocratic Medicine*, 602 U.S. ___, 13-21* (2024), https://www.supremecourt.gov/opinions/23pdf/23-235_n7ip.pdf.

⁹ Brief of Amicus Curiae Mountain States Legal Foundation in Support of Respondents, *U.S. Food & Drug Admin. v. Alliance for Hippocratic Med.*, Nos. 23-235, 23-236 (U.S. Feb. 29, 2024), at 2-3, https://www.supremecourt.gov/DocketPDF/23/23-235/301868/20240229130657908_23-235%20Amicus%20Brief%20of%20%20Mountain%20States%20Legal%20Foundation.pdf.

¹⁰ *Food & Drug Admin. v. Alliance for Hippocratic Med.*, 602 U.S. 367 (2024).

¹¹ Brief for 144 Members of Congress as Amici Curiae in Support of Petitioners, *Nat’l Inst. of Family & Life Advocates v. Becerra*, No. 16-1140 (U.S. Jan. 16, 2018), https://www.supremecourt.gov/DocketPDF/16/16-1140/28001/20180116165204024_16-1140%20tsac%20144%20Members%20of%20Congress.pdf; See Cal. Health & Safety Code §§ 123470–123473, <https://law.justia.com/codes/california/code-hsc/division-106/part-2/chapter-2/article-2-7/>.

¹² Anti-abortion centers, also called crisis pregnancy centers, are unregulated entities that claim to provide support for pregnant people with the intent of delaying, deceiving, or shaming pregnant people to prevent them from having an abortion. See Sawyeh Esmaili, Clarke Wheeler, & Equity Forward, *Anti-Abortion Centers and Their Fake Economic Solutions*, National Women’s Law Center (Oct. 8, 2024), <https://nwlc.org/anti-abortion-centers-and-their-fake-economic-solutions/>.

¹³ Cal. Health & Safety Code §§ 123470–123473, <https://law.justia.com/codes/california/code-hsc/division-106/part-2/chapter-2/article-2-7/>.

¹⁴ Brief for 144 Members of Congress as Amici Curiae in Support of Petitioners, *Nat’l Inst. of Family & Life Advocates v. Becerra*, No. 16-1140 (U.S. Jan. 16, 2018), at 8, https://www.supremecourt.gov/DocketPDF/16/16-1140/28001/20180116165204024_16-1140%20tsac%20144%20Members%20of%20Congress.pdf

Further, Ms. Mascott asserted that California passed this law due to bias against anti-abortion viewpoints, disputing the legislature's clear intent to protect pregnant people seeking family planning care from efforts to confuse or misinform them.¹⁵ She downplayed the legitimate criticism of anti-abortion centers' deceptive tactics, claiming that they "lack any evidentiary support whatsoever in either the legislative record or the record in this case."¹⁶ Yet, there is significant evidence, including numerous academic medical journals and studies that have found that anti-abortion centers do intentionally try to misguide pregnant people.¹⁷

Ms. Mascott's support for these harmful and deceptive anti-abortion centers was reflected in her service as a volunteer board member for the Rockville Pregnancy Clinic, now known as the Rockville Women's Center (RWC).¹⁸ The RWC is listed as a crisis pregnancy center on a third-party online directory and listed as a pro-life pregnancy center on the Roman Catholic Archdiocese of Washington resource page, but intentionally does not so identify on its website.¹⁹ In fact, RWC's website purposefully uses language like "choice" and "decision," and under Pregnancy Services, it includes "Options/Abortion Consultation," "Abortion Costs," and "Abortion Aftercare," all to mislead pregnant people as to the organization's anti-abortion stance.²⁰ As a board member, Ms. Mascott would have been responsible for overseeing how RWC is governed and its activities.

In the two amicus briefs Ms. Mascott submitted as a law professor challenging medication abortions and required disclosures for anti-abortion centers, she sought to undermine access to abortion care and protections for pregnant people. In both cases, she favored the views of religious providers over the patients they are supposed to be serving. As a Third Circuit judge, Ms. Mascott's broad view of religious privilege and slight regard for the rights of patients could have a disastrous impact on health care for women and LGBTQ people.

¹⁵ *Id.* at 16.

¹⁶ *Id.*

¹⁷ See, e.g., Joanne D. Rosen, *The Public Health Risks of Crisis Pregnancy Centers*, 44 *Perspectives on Sexual and Reproductive Health* 201 (2012), <https://www.jstor.org/stable/42004128>; Amy G. Bryant et al., *Crisis Pregnancy Center Websites: Information, Misinformation, and Disinformation*, 90 *Contraception* 601 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9189146/>.

¹⁸ The United States Senate Committee on the Judiciary, *Questionnaire for Judicial Nominee: Jennifer Mascott*.

¹⁹ Rockville Women's Center, *Yelp*, <https://www.yelp.com/biz/rockville-womens-center-rockville-2?osq=Crisis+Pregnancy+Centers>, ("Consumer Notice: This is a Crisis Pregnancy Center. Crisis Pregnancy Centers do not offer abortions or referrals to abortion providers."); Archdiocese of Washington, *Pregnant? Need Help?*, <https://adw.org/about-us/resources/pregnant-need-help/>; Rockville Women's Center, <https://rockvillewomenscenter.com/>.

²⁰ Rockville Women's Center, <https://rockvillewomenscenter.com/>.

Ms. Mascott defended the Texas anti-abortion and bounty law, which was written to circumvent judicial review and violate constitutional rights.

While testifying before the Senate Judiciary Committee, Ms. Mascott downplayed the devastating impact of an extreme Texas abortion ban by stating that “women seeking abortions are not subject to potential penalties or prosecution under the bill.”²¹ The Texas six-week abortion ban, SB 8, grants any person standing to sue any person (except the patient themselves) who “provides, aids, or abets” an abortion after the sixth week of pregnancy.²² Bounty style laws like SB 8, allow for “citizen enforcement,” rather than enforcement by Texas authorities, who may be subject to suit for violating constitutional rights. While a court may prevent Texas officials from applying an unconstitutional law, there is no simple way to prevent dozens or even hundreds of random individuals from bringing suits against physicians that provide abortions under this law. This ruinous threat of liability—even if there is no violation of the law—soon made it impossible to offer abortion services in Texas. The structure of this law is incompatible with our legal system, because the flood of litigation it engenders could be used to chill or block a wide range of constitutionally protected actions.²³ In other words, in addition to endangering the lives of pregnant people, this law is an aberration that weaponizes the legal system.

In her testimony before the Senate Judiciary Committee, Ms. Mascott defended the Supreme Court’s refusal to address the law’s brazen attempt to evade legal review in *Whole Woman’s Health v. Jackson*.²⁴ She effectively endorsed Texas’s gamesmanship, explaining that the *Ex Parte Young* exception to state sovereignty required those challenging unconstitutional state action to sue a state official, and Texas had crafted a law that is not technically enforced by any state official. Therefore, she argued, the doctors and patients impacted by this law have no ability to enjoin the violation of their constitutional rights, and she justified that untenable result as “consistent with the Court’s lack of power to generally review in an advisory fashion.”²⁵

²¹ Jennifer L. Mascott, *Jurisdiction and the Supreme Court’s Orders Docket*, U.S. Senate Comm. on the Judiciary, Hearing on *Texas’s Unconstitutional Abortion Ban and the Role of the Shadow Docket* (Sept. 29, 2021), at 2, <https://www.judiciary.senate.gov/imo/media/doc/Professor%20Mascott%20-%20Statement.pdf>.

²² S.B. No. 8, 87th Leg., R.S. (Tex. 2021), <https://capitol.texas.gov/tlodocs/87R/billtext/html/SB00008F.htm>.

²³ See *Texas’s Unconstitutional Abortion Ban and the Role of the Shadow Docket*, S. Hrg. 117-851, 117th Cong. (September 29, 2021), <https://www.judiciary.senate.gov/committee-activity/hearings/texas-unconstitutional-abortion-ban-and-the-role-of-the-shadow-docket>.

²⁴ Jennifer L. Mascott, *Jurisdiction and the Supreme Court’s Orders Docket*, U.S. Senate Comm. on the Judiciary, Hearing on *Texas’s Unconstitutional Abortion Ban and the Role of the Shadow Docket* (Sept. 29, 2021), at 3, <https://www.judiciary.senate.gov/imo/media/doc/Professor%20Mascott%20-%20Statement.pdf>; *Whole Woman’s Health v. Jackson*, 595 U.S. 30 (2021).

²⁵ Mascott (Sept. 29, 2021).

Ms. Mascott defended a Title IX regulation that harms student survivors of sexual harassment and assault.

In *Victim Rights Law Center v. Devos*, Ms. Mascott represented the Department of Education in defending a Title IX rule that undermined legal protections for student survivors of sexual harassment and assault.²⁶ Secretary Betsy DeVos's Title IX regulation undermined schools' obligations to respond to sexual harassment and assault, eliminated key legal protections for survivors, and required schools seeking to discipline students for sexual assault to institute a trial-like procedure that was biased against survivors and subjected them to intensive and traumatic cross-examination.²⁷

In this case, the rule was challenged by plaintiff Mary Doe, who was assaulted after the rule went into effect. Ms. Mascott argued that she lacked standing because she had *not yet* gone through the injurious and traumatic quasi-trial that the rule required.²⁸ Unfortunately, because of the rule that Ms. Mascott defended, Mary Doe faced numerous challenges following her assault, and her college provided little support. For example, the college refused to move the accused student to a different dorm to ensure the two would not cross paths. Due to the impact of the Title IX rule at her school, Mary Doe's mental health and grades greatly suffered.²⁹ And yet, Ms. Mascott claimed that the lack of supportive resources that her college offered Ms. Doe was due to its misunderstanding of the rule, rather than to the rule itself.³⁰ Ultimately, the court agreed that Mary Doe was injured and she had standing to challenge the rule.³¹

While this case demonstrates Ms. Mascott's disregard for survivors of sexual assault, the pattern is made more evident by her defense of Justice Brett Kavanaugh, in her personal capacity, after his accusations of sexual assault came to light during the nominations process in 2018.³² We are

²⁶ *Victim Rights Law Ctr. v. Cardona*, 552 F. Supp 3d 104 (D. Mass 2021) (Young J.); *Victim Rights Law Center v. Cardona*, 2021 (D. Mass Aug 10, 2021), [https://scholar.google.com/scholar_case?case=487892806037277405&q=Victim+Rights+Law+Center+v.+Cardona,+552+F.+Supp.+3d+104+\(D.+Mass.+2021\)&hl=en&as_sdt=20000006](https://scholar.google.com/scholar_case?case=487892806037277405&q=Victim+Rights+Law+Center+v.+Cardona,+552+F.+Supp.+3d+104+(D.+Mass.+2021)&hl=en&as_sdt=20000006); *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, U.S. Dep't of Educ., 85 Fed. Reg. 30026 (May 19, 2020), <https://www.govinfo.gov/app/details/FR-2020-05-19/2020-10512>.

²⁷ *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, U.S. Dep't of Educ., 85 Fed. Reg. 30026 (May 19, 2020), <https://www.govinfo.gov/app/details/FR-2020-05-19/2020-10512>.

²⁸ John Terhune, *Plaintiffs Sue Department of Education and Betsy DeVos Over New Title IX Rules*, B.U. News Serv. (Nov. 13, 2020), <https://bunewsservice.com/plaintiffs-sue-department-of-education-and-betsy-devos-over-new-title-ix-rules/>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Victim Rights Law Ctr. v. Cardona*, 552 F. Supp. 3d 104, 115-117 (D. Mass. 2021), <https://case-law.vlex.com/vid/victim-rights-law-ctr-907213414>.

³² Jennifer L. Mascott, *Former Kavanaugh Law Clerk Says Allegation Is the Opposite of Everything That I Know*, PBS NewsHour (Sept. 20, 2018), <https://www.pbs.org/newshour/show/former-kavanaugh-law-clerk-says-allegation-is-the-opposite-of-everything-that-i-know>; Jennifer L. Mascott, *Former Law Clerk to Kavanaugh Defends His*

concerned that survivors will not believe they will get a fair and impartial hearing in Ms. Mascott's courtroom due to her history of excusing and dismissing sexual assault.

As a scholar of the separation of powers, Ms. Mascott presented biased and ahistorical testimony justifying presidential immunity for President Trump.

Ms. Mascott testified before the Senate Judiciary Committee in support of presidential immunity, stating that it is an implicit power vested in the presidency through Article II of the U.S. Constitution.³³ She defended the Supreme Court's decision in *Trump v. U.S.* despite the lack of textual support for this supposed immunity and despite the severe separation of powers issues it portends.³⁴ As the first few months of the second Trump administration has conclusively demonstrated, presidential immunity balloons the power of the executive beyond any other "coequal" branch of government. The presidential immunity doctrine provides sweeping power to the executive to exceed its constitutional limits by undermining accountability for potentially unconstitutional or illegal actions.³⁵ However, Ms. Mascott has not always favored such an expansive view of presidential power. She previously asserted in response to a question on executive agency rulemaking that "the concentration of power I think in single entities is one of the greatest problems facing our system of government."³⁶ In fact, Ms. Mascott once won an award for challenging so-called executive overreach during the Biden administration.³⁷ However, her positions on the separation of powers and limited federal government stand in stark contrast to her justification of presidential immunity for President Trump.³⁸

Character, MSNBC (Sept. 20, 2018), <https://www.msnbc.com/ali-velshi/watch/jennifer-mascott-former-law-clerk-to-kavanaugh-defends-his-character-1323540035658>.

³³ Jennifer L. Mascott, *Prepared Testimony on Presidential Immunity Doctrines*, U.S. Senate Comm. on the Judiciary (Sept. 24, 2024), https://www.judiciary.senate.gov/imo/media/doc/2024-09-24_-_testimony_-_mascott.pdf; Senate Judiciary Committee, *When the President Does It, that Means It's Not Illegal: The Supreme Court's Unprecedented Immunity Decision*, 118th Cong. (2024), <https://www.judiciary.senate.gov/committee-activity/hearings/when-the-president-does-it-that-means-its-not-illegal-the-supreme-courts-unprecedented-immunity-decision>.

³⁴ *Trump v. U.S.*, 603 U.S. __ (2024).

³⁵ Jennifer L. Mascott, *Prepared Testimony on Presidential Immunity Doctrines*, U.S. Senate Comm. on the Judiciary (Sept. 24, 2024), https://www.judiciary.senate.gov/imo/media/doc/2024-09-24_-_testimony_-_mascott.pdf.

³⁶ House Judiciary Committee, Subcommittee on Antitrust, Commercial, and Administrative Law, *The Administrative Procedure Act at 75: Ensuring the Rulemaking Process Is Transparent, Accountable, and Effective*, Hearing Before the Subcommittee on Antitrust, Commercial, and Administrative Law, Comm. on the Judiciary, 117th Cong. (Dec. 1, 2021), <https://www.govinfo.gov/content/pkg/CHRG-117hhrg48551/html/CHRG-117hhrg48551.htm>.

³⁷ Brianna Herlihy, Former Attorney in Barr's DOJ Wins Award for Work Used to Fight Biden's Executive Overreach, *Fox News* (Mar. 17, 2025), <https://www.foxnews.com/politics/former-attorney-barrs-doj-wins-award-work-fight-bidens-executive-overreach>.

³⁸ Jennifer L. Mascott, *Prepared Testimony on Presidential Immunity Doctrines*, U.S. Senate Comm. on the Judiciary (Sept. 24, 2024), https://www.judiciary.senate.gov/imo/media/doc/2024-09-24_-_testimony_-_mascott.pdf.

Ms. Mascott presented her biased views on presidential immunity with remarkable candor. She argued that presidential immunity was necessitated for President Trump, rather than any previous president, because of the “unprecedented nature” of the Special Counsel investigation into Trump’s unlawful efforts to steal the 2020 election.³⁹ She does not, of course, grapple with the “unprecedented nature” of President Trump’s misuse of his office and his efforts to illegally seize power. Ms. Mascott’s actions demonstrate that her strong bias in favor of President Trump comes before her scholarship or lauded commitment to the separation of powers. Such favoritism is not acceptable in a supposedly neutral jurist.

Conclusion

Ms. Mascott portrays herself as a legal scholar with expertise and a wealth of academic writing regarding separation of powers. Instead, she has cloaked partisanship in legalism, which she uses to relentlessly undermine the rights of women and girls. Moreover, despite her reputation as a staunch advocate for limited government and separation of powers, Ms. Mascott cast aside her own scholarship to defend presidential immunity for Donald Trump, without regard for the doctrine’s constitutional shortcomings, lack of precedent, or egregious consequences. A review of Ms. Macott’s legal record undermining abortion rights and protections for survivors, as well as her biased application of her legal scholarship, it is clear that she cannot be a fair and impartial judge committed to equal justice for everyone.

For these reasons, the National Women’s Law Center strongly opposes the confirmation of Ms. Jennifer Mascott to the U.S. Court of Appeals for the Third Circuit and urges the U.S. Senate Committee on the Judiciary to reject her nomination. If you have questions about the Law Center’s opposition to Mr. Mascott’s nomination, please contact me, or Alison Gill, Director of Nominations & Democracy, at agill@nwlc.org.

Sincerely

A handwritten signature in blue ink that reads "Fatima Goss Graves". The signature is fluid and cursive, with the first name "Fatima" being the most prominent.

Fatima Goss Graves
President and CEO

³⁹ *Id.* at 3.