

Dear Senator,

We, the undersigned 31 organizations committed to ensuring fair courts, write to express our concerns regarding President Trump's selection of judicial nominees. Many of these nominees have a record of undermining reproductive freedoms and subverting voting rights in ways that threaten our democracy.

Reproductive rights and voting rights are often targeted in tandem, as demonstrated by the Supreme Court's role in undermining the right to an abortion and the Voting Rights Act of 1965. Overturning *Roe v. Wade* stripped away the vital constitutional protections for abortion.¹ Before the *Dobbs v. Jackson Women's Health* decision in 2022, the Supreme Court gutted the Voting Rights Act in 2013 by striking its enforcement mechanism, which was critical to safeguard against discriminatory voting practices that targeted Black and brown communities.² While the other primary enforcement section of the Voting Rights Act remains intact, the Supreme Court is set to hear a challenge against it next month.³ Out of the six Justices that voted to overturn *Roe* and undermine abortion rights, half were Trump-appointed Supreme Court Justices. Just as Trump Justices ripped away the constitutional right to abortion after nearly 50 years of precedent, we are concerned they will do the same for the anti-discrimination voting protections created by the Voting Rights Act.⁴ Moreover, one tried and true way to further restrict abortion rights is to stop entire communities from accessing the ballot box and keeping lawmakers who make decisions on reproductive rights accountable. The legal records of many of President Trump's judicial appointments to both district and appellate courts reflects this dangerous commitment to dismantling reproductive rights and voting rights.

A recent example of this trend is the nomination of Edmund LaCour to the U.S. District Court for the Northern District of Alabama. LaCour is a strident activist against both reproductive rights and voting rights. As the Solicitor General of Alabama, Edmund LaCour defended the state's total abortion ban. This ban was passed prior to the Supreme Court's decision in *Dobbs* with the express intent of challenging *Roe v. Wade*. LaCour referred to *Roe* and *Planned Parenthood v. Casey* as "obviously and tragically wrong decisions"⁵ in filings for the case. The following year, LaCour defended Alabama's attempt to ban abortion care during the COVID-19 pandemic.⁶ He falsely claimed that postponing the essential, often time-sensitive health care service did not place an unconstitutional burden on pregnant Alabamians.⁷ He further ignored the varying reasons people need access to abortion care, arguing that a "delay of a few

¹ *Dobbs v. Jackson Women's Health Org.*, 597 U.S. __ (2022), https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf?fbclid=IwAR3Y8GTMaVo9IJfPV0bCkBhneFdvzyW0EzP_0oj27pT9aUkXuzinhggpURQ.

² *Shelby County v. Holder*, 570 U.S. 529 (2013), <https://www.loc.gov/resource/usrep.usrep570529/?pdfPage=7>.

³ *Louisiana v. Callais*, Nos. 24-109 & 24-110, (U.S. argued March 24, 2025; Reargued October 14), https://www.supremecourt.gov/opinions/24pdf/24-109_153m.pdf.

⁴ *Dobbs v. Jackson Women's Health Org.*, 597 U.S. __ (2022), https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf?fbclid=IwAR3Y8GTMaVo9IJfPV0bCkBhneFdvzyW0EzP_0oj27pT9aUkXuzinhggpURQ.

⁵ Defendant's Response to Plaintiffs' Motion for Preliminary Injunction at 2, *Robinson v. Marshall*, No. 2:19-cv-00365-MHT-SMD (M.D. Ala. Aug. 5, 2019), 2019 WL 4739923.

⁶ Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19, <https://governor.alabama.gov/assets/2020/03/Amended-Statewide-Social-Distancing-SHO-Order-3.27.2020-FINAL.pdf>.

⁷ Brief in Support of Defendants' Motion to Dissolve the Temporary Restraining Order and In Opposition to Plaintiffs' Motion for a Preliminary Injunction (Apr. 1, 2020).

weeks for public health reasons does not amount to a total denial.” In 2021, he also led an amicus brief on behalf of 20 anti-abortion states in a case that challenged a South Carolina law banning abortion before most people know they are pregnant.⁸ The following year, he filed another brief calling for an en banc rehearing of that case on behalf of 21 anti-abortion states.⁹ In each of these filings, LaCour used dangerous so-called “fetal personhood” language – furthering an extreme ideology that is used not only to deny people abortion care, but also to criminalize people based on their pregnancy status or pregnancy outcomes, including miscarriages and stillbirths.¹⁰ Further, fetal personhood provisions in state law have threatened access to in vitro fertilization (IVF) care like we saw in the aftermath of the Alabama Supreme Court’s decision in *LePage v. Center for Reproductive Medicine*.¹¹

In 2021, LaCour testified at a Senate Judiciary Committee Hearing titled “Texas’s Unconstitutional Abortion Ban and the Role of the Shadow Docket.”¹² The Texas law known as SB8 bans abortion before many people know they are pregnant, encourages neighbors to turn on each other for financial gain, and blatantly violated *Roe v. Wade* at the time it was enacted.¹³ In his testimony before the Committee, LaCour argued that the Supreme Court’s unprecedented shadow docket decision that allowed SB8 to go into effect while litigation continued was justified.¹⁴

Turning to voting rights, LaCour defended Alabama’s racially discriminatory congressional redistricting maps that disenfranchised the state’s Black voters. Specifically, he defended Alabama against all three lawsuits that were filed against the state in the district court for violating the Voting Rights and/or the Equal Protection Clause.¹⁵ After a preliminary injunction was granted in two of the cases on the grounds

⁸ Brief of 20 States as Amici Curiae in Support of South Carolina Appellants in No. 21-1369, *Planned Parenthood S. Atl. v. Wilson*, (4th Cir., July 17, 2021), <https://www.texasattorneygeneral.gov/sites/default/files/images/executive-management/2021/South%20Carolina%20Abortion%20Law%20Amicus%20Brief.pdf>.

⁹ Brief of 21 States as Amici Curiae in Support of Appellants’ Petition for Rehearing En Banc in No. 21-1369, *Planned Parenthood S. Atl. v. Wilson*, (4th Cir., Mar. 15, 2022, 2021), <https://governor.sc.gov/sites/governor/files/Documents/Letters/2022-03-15%20115%20Amicus%20Brief%20of%20Alabama%20%2020%20Add%20States.pdf>.

¹⁰ Note that these are not the only filings in which LaCour has utilized dangerous so-called “fetal personhood” ideology - see Emergency Motion to Dissolve the Preliminary Injunction, *Robinson v. Marshall*, (MD AL., June 24, 2022, 2021), https://www.aclu.org/wp-content/uploads/legal-documents/2022.06.24_Doc._190_Defendant_Emergency_Motion_to_Dissolve_PI.pdf; *Robinson v. Marshall*, No. 2:19cv365-MHT, 2020 WL 1847128 (M.D. Ala. Apr. 12, 2020), <https://clearinghouse.net/doc/106017/>.

¹¹ *LePage v. Ctr. for Reprod. Med., P.C.*, 403 So. 3d 747 (Ala. 2024), <https://law.justia.com/cases/alabama/supreme-court/2024/sc-2022-0579.html>.

¹² Testimony of Edmund G. LaCour Jr., Hearing before the United States Senate Committee on the Judiciary: “Texas’s Unconstitutional Abortion Ban and the Role of the Shadow Docket,” Sep. 29, 2021, <https://www.judiciary.senate.gov/imo/media/doc/LaCour%20Testimony%209-28-21%20FINAL.pdf>.

¹³ *Tex. S.B. 8*, 87th Leg., Reg. Sess. (Tex. 2021), <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=SB8>.

¹⁴ Testimony of Edmund G. LaCour Jr., Hearing before the United States Senate Committee on the Judiciary: “Texas’s Unconstitutional Abortion Ban and the Role of the Shadow Docket,” Sep. 29, 2021, <https://www.judiciary.senate.gov/imo/media/doc/LaCour%20Testimony%209-28-21%20FINAL.pdf>.

¹⁵ *Singleton v. Allen*, No.21-cv-1291 (N.D. Ala.), <https://clearinghouse.net/doc/155633/>; *Milligan v. Allen*, No. 2:21-cv-1530-AMM (N.D. Ala.), <https://clearinghouse.net/doc/140600/>; *Caster v. Allen*, No.23-cv1536-AMM (N.D. Ala.), https://vhdsf2oms2wcnsvk7sdv3so.blob.core.windows.net/thearp-media/documents/AL_221-cv-1536_417.pdf

that the map likely violated Section 2 of the Voting Rights Act, LaCour continued to defend the discriminatory map to the U.S. Supreme Court in *Allen v. Milligan*.¹⁶ The Supreme Court determined that Alabama's redrawn congressional map that denied a second majority Black district had violated Section 2 of the Voting Rights Act.¹⁷ Even after the Supreme Court's decision, Alabama again drafted a new discriminatory map which LaCour unsuccessfully defended before the district court.¹⁸

In addition to LaCour, there are numerous examples of President Trump appointing judicial nominees who have overlapping anti-reproductive freedom and anti-voting rights records. Judge Andrew Brasher, who was appointed by President Trump during his first term, defended Alabama's targeted regulation of abortion providers (TRAP) law as the Alabama Solicitor General prior to his confirmation.¹⁹ Brasher had also filed an amicus brief in *Shelby County v. Holder* attacking the Voting Rights Act.²⁰ Another example is Judge Joshua Divine, who was recently appointed by Trump and who was instrumental in ongoing litigation challenging the Food and Drug Administration's (FDA) approval of medication abortion while acting as the Solicitor General of Missouri. Divine also wrote an op/ed in favor of literacy tests for elections²¹ and supported implementing historically discriminatory voter identification laws.²² These are only a few of the many examples of Trump's selection of judicial nominees with overlapping anti-reproductive rights and anti-voting rights – this is a concerning trend that persists at all levels of the judiciary and threatens our fundamental freedoms.

Reproductive rights and voting rights are fundamental for a functioning democracy that upholds individual freedom and the political will of the people. When the government controls whether, when, and how someone can become a parent, it subverts their autonomy by controlling their political, economic, and personal futures. Further, the right to vote in fair and free elections is fundamental to a democracy because it ensures that every citizen has a say in their future. Just this past election cycle, more than half of voters in each of the 11 states with abortion ballot measures in all areas of the country voted in favor of protecting the right to an abortion.²³ In July 2025, it was reported that 64% of people in the United States believe abortion should be legal in all or most cases.²⁴ The only way for extremists to restrict access to

¹⁶ *Allen v. Milligan*, Nos. 21-1085&21-1087, 599 U.S. 1 (2023), https://www.supremecourt.gov/opinions/22pdf/21-1086_1co6.pdf.

¹⁷ *Id.*

¹⁸ *Singleton v. Allen*, No. 2:21-cv-01291-AMM, 2025 WL 1342947 (N.D. Ala. May 8, 2025).

¹⁹ *Planned Parenthood Southeast v. Bently*, 951 F.Supp.2d. 1280 (M.D. Ala. 2013).

²⁰ Brief of State of Alabama as Amicus Curiae Supporting Petitioner, *Shelby Cty., Ala. v. Holder*, 570 U.S. 529 (2013) (No. 12-96). *Planned Parenthood Southeast v. Bently*, 951 F.Supp.2d. 1280 (M.D. Ala. 2013).

²¹ See Motion of Mo., Idaho, and Kan. to Intervene, *U.S. Food and Drug Admin., et al., Petitioners, v. Alliance for Hippocratic Medicine, et al.*, No. 23-235, 23-236 (2024),

https://www.supremecourt.gov/DocketPDF/23/23-235/298312/20240122150358882_A.%202024-01-22%20-%20Alliance%20v.%20FDA%20-%20Motion%20to%20Intervene.pdf; Reply in Support of Motion to Intervene, No. 23-235, 23-236 (2024),

https://www.supremecourt.gov/DocketPDF/23/23-235/299912/20240206153029384_2024-02-6%20-%20Alliance%20v.%20FDA%20-%20Reply%20in%20Support%20of%20Motion%20to%20Intervene.pdf. See also Jennifer Bendery, Trump Court Pick Once Called For Bringing Back Literacy Tests For Voters, *HuffPost* (May 27, 2025), https://www.huffpost.com/entry/trump-court-pick-josh-divine-literacy-tests_n_6835e04ae4b0620c4725eae3.

²² Joshua Divine, *Voter Identification Laws Not Discriminatory, Unduly Burdensome*, *The Mirror* (March 19, 2012).

²³ *New York Times*, *Abortion on the Ballot*,

<https://www.nytimes.com/interactive/2024/11/05/us/elections/results-abortion.html>.

²⁴ AP-NORC Center for Public Affairs Research, *Support for Legal Abortion Remains Strong*, <https://apnorc.org/projects/support-for-legal-abortion-remains-strong>.

abortion is to suppress people's ability to participate in democracy and even exercise their right to vote. The rich and powerful want to impose an anti-democratic, hierarchical, and patriarchal society, as outlined in Project 2025, by limiting access to fair and free elections to further subvert reproductive rights.²⁵

Unsurprisingly, states with the most restrictive abortion laws typically have the most restrictive voting rights laws, and these laws have the greatest impact on the same communities. For example, in the 25 states with restrictive voting laws, 22 fail to protect abortion access.²⁶ Furthermore, in the most recent Texas 2025 special legislative session, lawmakers passed both a new, heavily gerrymandered congressional map and a bounty law that targets medication abortion.²⁷ These anti-abortion and voting rights laws especially target women and people of color, as demonstrated by federal legislation like the SAVE Act which requires documentary proof of citizenship for voter registration. Married women and people of color are less likely to have the necessary documentation readily available to meet the rigid requirements of the SAVE Act.²⁸ Similar laws restricting voting rights are being considered in numerous states, particularly those that have banned abortion. In 2025, state legislatures in 27 states have already considered documentary proof of citizenship laws.²⁹

In sum, the growing number of Trump's judicial nominees who have both extensive anti-reproductive rights and anti-voting rights experience is a threat to democracy. Often states with the most repressive laws that restrict reproductive freedom also have laws that seek to disenfranchise voters from choosing those who will represent them. Stacking the court with judges who have been in the forefront of challenging reproductive rights and freedoms and anti-discrimination protections for voters of color is gravely concerning and clearly a deliberate effort to undermine the will of the people.

As such, it is imperative that Senators undertake their roles to provide advice and consent for judicial nominations with the utmost care and rigorously review the records of every judicial nominee. Anyone who is committed to protecting our democracy, reproductive freedom, and voting rights should be paying close attention to the records of judicial nominees up for a lifetime appointment to the federal bench, as they will make decisions that will determine our rights for decades to come.

²⁵ Heritage Foundation, *Mandate for Leadership: The Conservative Promise 2025* (2024), https://static.project2025.org/2025_MandateForLeadership_FULL.pdf. <https://www.documentcloud.org/documents/24088042-project-2025s-mandate-for-leadership-the-conservative-promise/>.

²⁶ Jocelyn Frye, Shaina Goodman & Areeba Haider, *Democracy & Abortion Access: Restrictive Voting Laws Across States Threaten Freedoms*, Nat'l P'ship for Women & Families (May 2024), <https://nationalpartnership.org/report/democracy-abortion-access-restrictive-voting-laws-across-states-threaten-freedoms/>.

²⁷ H.B. 4, 89th Leg., 2d Called Sess. (Tex. 2025); HB 7, 89th Leg., 2nd Called Sess. (Tex. 2025).

²⁸ *Safeguard American Voter Eligibility Act*, H.R. 22, 119th Cong. (2025).

²⁹ *Documentary Proof of Citizenship and Voter ID Laws: Different Policies, Both Bad for Democracy*, VoteRiders & Movement Advancement Project (Aug. 7, 2025), <https://www.voteriders.org/dpoc-vs-voter-id/>.

Sincerely,

ACCESS REPRODUCTIVE JUSTICE

All* in Action Fund

Alliance for Justice

American Association of University Women (AAUW)

Clearinghouse on Women's Issues

Court Accountability Action

Disability Victory

Feminist Majority

Girls for Gender Equity

Ipas US

Justice and Joy National Collaborative

MomsRising

National Action Network

National Asian Pacific American Women's Forum

National Council of Jewish Women

National ERA Publication Task Force

National Network of Abortion Funds

National Organization for Women

National Partnership for Women & Families

National Women's Law Center

National Women's Political Caucus

People For the American Way

People Power United

People's Parity Project

Physicians for Reproductive Health

Positive Women's Network-USA

Pregnancy Justice

Reproaction

Reproductive Freedom for All

Stand Up America

UltraViolet Action