

April 14, 2026

Senator Charles Grassley
Chair, Senate Judiciary Committee

Senator Richard Durbin
Ranking Member, Senate Judiciary Committee

Dear Chairman Grassley and Ranking Member Durbin,

The undersigned 21 reproductive rights, health, and justice organizations and organizations committed to health equity, are writing to share our concerns regarding four federal judicial nominees that are currently under consideration by the Senate Judiciary Committee: **Justin Smith** for the Eighth Circuit Court of Appeals, **Anthony Powell** for the District of Kansas, **Anthony Mattivi** for the District of Kansas, and **Kathleen Lane** for the District of Montana. Federal judges and the decisions they make directly impact our daily lives and fundamental rights, including reproductive freedom. All of these nominees that are being considered for lifetime appointments to the federal bench have deeply problematic records related to reproductive freedom and other fundamental rights.

Justin Smith, nominee for the U.S. Eighth Circuit Court of Appeals

Justin Smith was nominated by President Trump to a lifetime appointment on the Eighth Circuit Court of Appeals because of his extensive record advancing extremist agendas at the expense of our fundamental rights—including reproductive freedom. Smith is a co-owner of the James Otis Law Group, a conservative law firm that has led countless lawsuits attacking abortion access, LGBTQ+ equality and other rights, as well as representing President Trump in several lawsuits.

In 2025, Smith represented Arizona’s Republican lawmakers in their attempt to defend remaining state abortion restrictions after voters in Arizona passed a ballot initiative to enshrine the right to abortion in the state’s constitution.¹ Despite the newly passed constitutional amendment, Smith argued that the state should still enforce: a ban on accessing abortion care via telehealth, a ban based on the reason someone was seeking care, and a law that required multiple trips to a health care provider before being able to access care.² An Arizona state court ultimately ruled the laws violated the state’s constitution and blocked them from being enforced.³

Prior to his time in private practice, Smith worked at the Missouri Attorney General’s office where he defended numerous abortion bans in the state.⁴ He also defended a county clerk who

¹ *Isaacson v. Arizona*, No. CV 2025-017995, 2026 WL ____ (Ariz. Super. February 6, 2026).

² *Id.*

³ *Id.*

⁴ *Reprod. Health Servs. of Planned Parenthood of the St. Louis Region, Inc. v. Parson*, 1 F.4th 552 (8th Cir. 2021).

did not allow a 17-year-old seeking abortion care to access a judicial bypass needed for minors to receive abortion care without parental consent under Missouri law.⁵ The 17-year-old sued the clerk after she was forced to travel to a neighboring state to access care, arguing that the clerk violated her Fourteenth Amendment rights.⁶

Anthony Mattivi, nominee for the U.S. District Court for the District of Kansas

Anthony Mattivi, who was nominated to the U.S. District Court for the District of Kansas, has been a staunch supporter of anti-abortion efforts. He was a strong supporter of the “Value Them Both Amendment,” which aimed to overturn state supreme court precedent and enshrine language declaring that there is no constitutional right to abortion in Kansas. Mattivi has been recognized and commended by Kansans For Life.⁷ He advocated to ban abortion in Kansas despite prior, consistent rulings from the Kansas Supreme Court that the rights to liberty and the pursuit of happiness declared in the state constitution include “the ability to control one’s own body, to assert bodily integrity, and to exercise self-determination,” guaranteeing Kansans’ right to abortion. Mattivi’s position was also directly contrary to what most Kansans support. In 2022, almost 60% of Kansans voted against an amendment that would have affirmatively stated that there is no constitutional right to abortion.⁸ Confirming Mattivi as a federal judge for the United States District Court for the District of Kansas threatens access to reproductive freedom across the entire state.

Anthony Powell, nominee for the U.S. District Court for the District of Kansas

Anthony Powell, who currently serves as Kansas Solicitor General and has been nominated to the U.S. District Court for the District of Kansas, has advanced legal positions that would restrict reproductive rights, undermine access to evidence-based medical care, and support government intrusion into personal medical decision-making. In litigation concerning abortion restrictions, Powell argued that the defeat of the “Value Them Both” ballot initiative should not influence court decisions because the Kansas Constitution itself had not been amended.⁹ Powell called specific methods of abortion “heinous” and said that abortion issues can’t be

⁵ *Doe by next friend Rothert v. Chapman*, 30 F.4th 766 (8th Cir. 2022).

⁶ *Id.*

⁷ See Nick Gosnell, *Mattivi: Next AG Must Defend ‘Value Them Both,’* Hutch Post (Dec. 22, 2021), <https://hutchpost.com/posts/d1b6392e-88da-40fb-bacf-2a96fac9a710>; Laura McMillan, *Tony Mattivi — Republican for Kansas Attorney General*, KSN (July 13, 2022), <https://www.ksn.com/news/your-local-election-hq/candidates/tony-mattivi-republican-for-kansas-attorney-general/>.

⁸ See Tim Carpenter, *Two-year anniversary of historic Kansas abortion rights vote highlights lingering political gap*, Kansas Reflector (Aug. 2, 2024), <https://kansasreflector.com/2024/08/02/two-year-anniversary-of-historic-kansas-abortion-rights-vote-highlights-lingering-political-gap/>.

⁹ John Hanna, “Kansas Supreme Court signals continued abortion rights support,” Associated Press (Mar. 27, 2023), <https://www.pbs.org/newshour/politics/kansas-supreme-court-signals-continued-abortion-rights-support>.

resolved by “judicial fiat.”¹⁰ Powell has also been involved in litigation defending state policies affecting gender marker changes on identification documents.¹¹

Kathleen Lane for the U.S. District Court for the District of Montana

Kathleen Smithgall Lane, nominated to the U.S. District Court for the District of Montana, has played a direct and sustained role in efforts to dismantle access to abortion. While serving as Assistant Solicitor General in the Montana Attorney General’s Office, she urged the Montana Supreme Court to overturn its longstanding 1999 decision in *Armstrong v. State*, which recognizes a fundamental right to abortion under the state constitution, as part of an effort to uphold multiple restrictive abortion laws. This includes a 20-week abortion ban and restrictions on medication abortion. Lane also defended a Montana law that banned advanced practice registered nurses (APRNs) from providing abortion, despite the facts that it is safe for APRNs to provide abortion and that a shortage of abortion providers in the state creates even more burdens for Montanans seeking this care.¹²

While serving as an associate at Consovoy McCarthy PLLC, Ms. Lane signed a brief for the Guam Attorney General urging a federal court to allow a total abortion ban to take effect in the territory.¹³ The law, which was permanently blocked in a lawsuit for over 30 years, would criminalize abortion patients and providers and criminalize constitutionally protected speech about how to access abortion. Ultimately, this attempt to revive Guam’s total abortion ban was dismissed by the Ninth Circuit. However, this record underscores the extremity of Ms. Lane’s opposition to reproductive rights.

Conclusion

Each of these nominees has a troubling record of opposing reproductive freedom, and together they paint a clear picture of the judiciary the Trump administration is trying to create: courts that are hostile to the basic reproductive rights and freedoms of all Americans. Decisions made by these judges will impact our health, access to care, and daily lives, and we deserve to know whether these nominees are committed to fairness and equality under the law or if they are beholden to an ideology or agenda opposing reproductive freedom. Therefore, we urge the Senate Judiciary Committee to thoroughly question the nominees regarding these matters and to hold them accountable for their records of opposing reproductive freedom.

¹⁰ *Id.*

¹¹ See, e.g. Reply in Support of Motion for Imposition of Conditions on the Lifting of the Temporary Injunction, *Kansas v. Harper*, Case No. 23-CV-000422 (Shawnee Cty. Dist. Ct. Oct. 22, 2025), <https://www.aclu.org/cases/kansas-v-harper?document=Petitioners-Reply-in-Support-of-Motion-%28Attorney-Generals-Motion%29>.

¹² *Weems v. State of Montana*, 2023 MT 82, <https://reproductiverights.org/wp-content/uploads/2023/05/MT-Supreme-Court-Weems-v-Montana-Opinion.pdf>.

¹³ Appellant’s Opening Brief, *Guam Soc’y of Obstetricians & Gynecologists v. Moylan*, 23-CV-000422 (9th Cir. 2023), <https://www.aclu.org/cases/quam-society-of-obgyns-v-querrero?document=Appellants-Opening-Brief>.

Sincerely,

Advocates for Trans Equality
Advocates for Youth
Alliance for Justice
American Atheists
American Humanist Association
Clearinghouse on Women's Issues
Court Accountability
Feminist Majority
FFRF Action Fund
Indivisible
Just Solutions
National Council of Jewish Women
National Organization for Women
National Partnership for Women & Families
National Women's Law Center
People for the American Way
Planned Parenthood Action Fund
Population Connection Action Fund
Positive Women's Network-USA
Reproductive Freedom for All
Women Lawyers on Guard Action Network