November 6, 2026

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Letter of concern regarding anti-abortion and voting rights records of judicial nominees

Dear Chair Grassley, Ranking Member Durbin, and Committee Members:

We, the undersigned 37 reproductive freedom, civil rights, healthcare, and public interest organizations, write to express our strong concerns regarding President Trump's continued pattern of selecting judicial nominees who have undermined reproductive freedoms and subverted voting rights.

It is essential for the rule of law that judges must be neutral parties, adjudicating cases on their merits with an even hand - and analysis. Every judge has personal opinions and values, but they will not serve justice nor our nation when their values have been proven to be so forcefully held, that decisions on the merits of a case does not appear possible.

Efforts to elevate judicial nominees with extreme records on reproductive freedom and voting rights are intentional and interconnected. In August alone, President Trump nominated 8 judicial nominees who had either anti-reproductive rights records, anti-voting rights records, or both. This pattern reflects a growing issue in our democracy. The same politicians who oppose abortion are seeking to subvert the public's will by attacking voting rights. The public sentiment is clear; 60% of people in the United States support abortion rights.[1] It is no coincidence that states with laws severely restricting and banning abortion are also passing the most restrictive voting laws.[2] If voters aren't able to access the ballot box, they cannot elect representatives who will advocate for their views or hold those accountable who restrict reproductive freedom.

President Trump's judicial nominations are an extension of his efforts to disregard the will of voters. Trump continues to elevate judicial nominees with extreme records on abortion and voting rights—with the hopes that these judges will enable his extreme agenda.

Among the batch of 13 judicial nominees President Trump nominated just this August, <u>more than half</u> have concerning records on either abortion, voting rights, or both.

<u>Judge Lee Rudofsky (8th Cir.)</u>

Judge Lee Rudofsky, nominated to the U.S. Court of Appeals for the 8th Circuit, has an extensive record of undermining reproductive rights and voting rights. As the former Solicitor General of Arkansas, he was pivotal in defending attacks on reproductive care and abortion access in the state. For example, Rudofsky

[1] Pew Research Center, *Fact Sheet: Public Opinion on Abortion* (Mar. 12, 2026), https://www.pewresearch.org/religion/fact-sheet/public-opinion-on-abortion/.
[2] Jocelyn Frye, Shaina Goodman & Areeba Haider, *Democracy & Abortion Access: Restrictive Voting Laws Across States Threaten Freedoms*, Nat'l P'ship for Women & Fams. (May 2024), https://nationalpartnership.org/report/democracy-abortion-access-restrictive-voting-laws-across-states-threaten-freedoms/.

defended the Arkansas Department of Human Services by successfully stripping patients of their right to sue under federal law, after the department withdrew Medicaid funds from Planned Parenthood of Arkansas over inaccurate, misleading, and heavily edited videos.[3] And prior to the ruling in *Dobbs v. Jackson Women's Health Org*.,[4] Rudofsky defended the Arkansas 12 week-abortion ban that conflicted with, at that time, the constitutional right to abortion.[5] The Eighth Circuit struck down the Arkansas 12-week abortion ban in 2015.[6] Further, Rudofsky helped decimate reproductive health care in Arkansas by defending Arkansas's TRAP law,[7] the Abortion Inducing Drugs Safety Act (AIDSA), which forced medically unnecessary, restrictive, and onerous requirements onto medication abortion providers.[8] The AIDSA, amongst other provisions, requires medication abortion providers to have signed contracts with physicians who have hospital admitting privileges.[9]

In his present role on the U.S. District Court for the District of Arkansas, he presided over litigation challenging the Arkansas congressional redistricting plan.[10] In his final decision and opinion, Judge Rudofsky sought to attack voting rights by pioneering and advancing the argument that Section 2 of the Voting Rights Act does not provide a private right of action.

Zach West (E.D. Okla.)

Zach West, nominated to the U.S. District Court for the Eastern District of Oklahoma, defended Oklahoma's attacks on both abortion care access and use of ballot initiatives. As the lead state attorney and then Solicitor General of Oklahoma, he defended the state's ban on elective abortions, with no exceptions for rape or incest and a penalty of $100,000 and 10-years of imprisonment.[11] West also

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[3] *Does v. Gillespie*, No.16-4068 (8th Cir. Aug. 2017), https://law.justia.com/cases/federal/appellate-courts/ca8/15-3271/15,-3271-2017-08-16.html.

[4] *Dobbs v. Jackson Women's Health Org*., 597 U.S. 215 (2022), https://supreme.justia.com/cases/federal/us/597/215/; *Edwards v. Beck*, 786 F.3d 1113 (8th Cir. 2015), https://law.justia.com/cases/federal/appellate-courts/ca8/14-1891/14-1891-2015-05-27.html.

[5] *Edwards v. Beck*, 786 F.3d 1113 (8th Cir. 2015); *Roe v. Wade*, 410 U.S. 113 (1973).

[6] *Edwards v. Beck*, 786 F.3d 1113 (8th Cir. 2015).

[7] Under the misleading guise of "curtailing medical risk," Targeted Regulation of Abortion Provider (TRAP) laws are regulations, applied only to abortion clinics, that make owning and operating a clinic exceedingly difficult. TRAP laws are in actuality intended to decimate abortion care access by making medically unnecessary and onerous operating requirements nearly impossible to comply with, forcing abortion clinics to close. When local clinics close as a result of TRAP laws, the burden is put on individuals to travel often exceeding long distances to abortion care. *See* Hope Silberstein, Taking on TRAP Laws: Protecting Abortion Rights through Property Rights, 2017 U. CHI. LEGAL F. 737 (2017), https://access.heinonline.com/HOL/Page?collection=journals&handle=hein.journals/uchclf2017&id=744&men_tab=srchresults.

[8] *Planned Parenthood of Ark. & Okla. V. Jegley*, No. 16-2234 (8th Cir. Mar. 2017), https://cases.justia.com/federal/appellate-courts/ca8/16-2234/16-2234-2017-07-28.pdf.

[9] Ark. Code Ann. § 20-16-1504(d)(1)–(3) (2016), https://law.justia.com/codes/arkansas/2015/title-20/subtitle-2/chapter-16/subchapter-15/section-20-16-1504.

[10] *Arkansas State Conference NAACP v. Arkansas Board of Apportionment,* 586 F.Supp.3d 893, E.D. Ark. C.D, https://storage.courtlistener.com/recap/gov.uscourts.ared.131201/gov.uscourts.ared.131201.100.0.pdf.

[11] *Oklahoma Call for Reproductive Justice v. Oklahoma***,** No. 120, 543 (Mar. 21, 2023) https://reproductiverights.org/wp-content/uploads/2023/03/OKSC_Order_CrimBans.pdf; 63 Okla. Stat. § 1-731.4 (Supp. 2022) (held unconstitutional by *Okla. Call for Reprod. Just. v. Drummond*, 2023 OK 24, 526 P.3d 1123), https://law.justia.com/codes/oklahoma/2022/title-63/section-63-1-731-4/.

defended Oklahoma after it lost Title X family planning funding for refusing to comply with an HHS rule that required states to provide referrals to patients for abortion care when requested.[12]

Additionally, West defended an Oklahoma law that sought to limit the right of voters to circulate ballot initiatives by making the process more difficult to achieve, not coincidentally at a time when, in several states, abortion rights were being enshrined into state constitutions through ballot measures.[13]

Jesus Osete (W.D. Mo.)

Jesus Osete, nominated to the U.S. District Court for the Western District of Missouri, defended Missouri's abortion ban and wrote a brief defending the independent state legislature theory. As it pertains to reproductive freedom, Osete defended Missouri's 8-week abortion ban during his time as Deputy Solicitor General of the state, prior to the *Dobbs* decision.[14] Osete drafted the petition for certiorari to the Supreme Court after the Eighth Circuit allowed a temporary injunction on Missouri's 8-week abortion ban.[15] He also drafted an amicus brief on behalf of the Secretary of State of Missouri, for the *Moore v. Harper* case, which argued for the radical and now stricken independent legislature theory.[16]

Further, he played a pivotal role in attacking voting rights while working for the Department of Justice under the Trump administration. On behalf of Trump's DOJ, he has, in less than two years, worked on

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[12] *Oklahoma v. HHS*, No. 5:23-CV-01052-HE (W.D. Okla.) (Heaton, J.), ajf'd, 107 F.4th 1209 (10th Cir. 2024) (Bacharach, Ebel, & Federico, JJ.), vacated, 145 S. Ct. 2837 (2025).

[13] *McVay v. Cockroft*, No.12, 179, (S.C. Okla, 2025) https://www.lwv.org/sites/default/files/2025-09/06122025%20-%20McVay%20Complaint_0.pdf; S.B. 1027, 60th Leg., Reg. Sess. (Okla. 2025); Dick Pryor, *Oklahoma Supreme Court Hears Challenge to Initiative Petition Law*, KGOU (Nov. 21, 2025), https://www.kgou.org/show/capitol-insider/2025-11-21/oklahoma-supreme-court-hears-challenge-to-initiative-petition-law.

[14] *Schmitt v. Reprod. Health Servs. of Planned Parenthood of the St. Louis Region*, Inc., No. 21-3, Petition for Writ of Certiorari (June 30,2021), https://www.supremecourt.gov/DocketPDF/21/21-3/182932/20210630160442034_2021-06-30%20-%20Schmitt%20v.%20Reproductive%20Health%20Services%20-%20Petition%20for%20Writ%20of%20Certiorari%20-%20Final.pdf; United States Senate Committee on the Judiciary, *Questionnaire for Judicial Nominees; Jesus Osete*, at 27, https://www.judiciary.senate.gov/imo/media/doc/osete_sjq.pdf.

[15] *Id*.

[16] Brief for Missouri Secretary of State John R. Ashcroft as Amicus Curiae in Support of Neither Party, *Moore v. Harper*, 600 U.S. 1 (2023) (No. 21-1271) (filed Sept. 2, 2022) https://www.supremecourt.gov/DocketPDF/21/21-1271/236977/20220902131402082_Ashcroft%20Am.%20Br.%20-%20Moore%20v.%20Harper%20-%20final.pdf.

cases that run the gamut on weakening voting rights, including the striking of Section 2 of the Voting Rights Act,[17] proof-of-citizenship voter registration legislation,[18] and racial redistricting.[19]

Phil Axt (D.N.D.)

Trump's nominee for the U.S. District Court of North Dakota, Phil Axt, defended laws that impede abortion access and voting rights in his role as Solicitor General of North Dakota. For example, Axt argued in favor of reinstating North Dakota's abortion ban after *Dobbs*, with the state Supreme Court ultimately reviving the ban.[20]

Moreover, he defended the racially gerrymandered congressional maps that North Dakota used to disenfranchise and dilute the votes of Native American voters in the Turtle Mountain Band of Chippewa Indians.[21]

Judge Robert Long (M.D. Fla.)

Judge Robert Long, nominated to the U.S. District Court for the Middle District of Florida, has a concerning record on both abortion rights and voting rights. As a Florida state judge, he upheld a lower court decision that denied judicial bypass of parental or guardian consent for a minor seeking an abortion in Florida.[22] The minor should have been exempt from parental consent or notification under the then-existing exceptions, as she already had a child and was, for two years, living independently from her parents (after they disowned her during her first pregnancy).[23]

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[17] Supplemental Brief for the United States as Amicus Curiae Supporting Appellees, *Louisiana v. Callais*, 146 S. Ct. 1131 (2026) (No. 24-109), https://www.supremecourt.gov/DocketPDF/24/24-109/375809/20250924163944253_24-109%20Louisiana%20v.%20Callais%20%2024-110%20Robinson%20v.%20Callais.pdf.

[18] Brief for the United States as Respondent in Support of the Petition in No. 25-1017 and in Opposition to the Petitions in Nos. 25-1019 and 25-1022, *Republican Nat'l Comm. v. Mi Familia Vota*, No. 25-1017 (U.S. May 26, 2026), https://www.supremecourt.gov/DocketPDF/25/25-1017/409848/20260526161649066_Mi%20Familia_OSG_final.pdf.

[19] Brief for the United States as Amicus Curiae in Support of Applicant, *Allen v. Milligan*, No. 25A1314 (U.S. May 27, 2026), https://www.supremecourt.gov/DocketPDF/25/25A1314/410959/20260527134759618_Allen%20-%20Amicus%20Brief%20for%20the%20United%20States.pdf; Brief for the United States as Amicus Curiae in Support of Applicants, *Malliotakis v. Williams*, No. 25A914 (U.S. Feb. 13, 2026), https://www.supremecourt.gov/DocketPDF/25/25A914/396267/20260213152622686_Malliotakis%20-%20U.S.%20Amicus%20Brief.pdf; Brief for the United States as Amicus Curiae in Support of Applicants, *Abbott v. League of United Latin Am. Citizens*, No. 25A608, 2025 WL 3484863 (U.S. Nov. 24, 2025), https://www.supremecourt.gov/DocketPDF/25/25A608/385502/20251124100509186_25A608_USA_amicus_iso_stay_FILE.pdf.

[20] *Access Indep. Health Servs., Inc. v. Wrigley*, 2025 ND 199 (N.D. 2025), https://law.justia.com/cases/north-dakota/supreme-court/2025/20240291-0.html.

[21] *Turtle Mountain Band of Chippewa Indians v. Howe*, 137 F.4th 710 (8th Cir. 2025), https://law.justia.com/cases/federal/appellate-courts/ca8/23-3655/23-3655-2025-05-14.html.

[22] *In re Jane Doe 22-A*, No. 1D22-0103 (Fla. 1st DCA Jan. 19, 2022), https://law.justia.com/cases/florida/first-district-court-of-appeal/2022/22-0103.html.

[23] Fla Stat. 390.01114(4)(b).-4., (5)(b)1. (2024), https://www.flsenate.gov/Laws/Statutes/2024/390.01114; *In re Jane Doe 22-A*, No. 1D22-0103, at 2.; *Id*. at 2 & 4.

Further, as a judge, he supported the dismissal of a challenge to the dismantling of North Florida's only Black-performing voting district.[24] Judge Long wrote a separate concurrence in this voting rights case and makes a concerning race-blind argument, stating that "treating citizens as individuals without regard for race is the only way to ensure full and equal participation in the political process."[25]

Additional Nominees with Negative Records on Reproductive Freedom: Judge Daniel Ballou (E.D. Ky.), Samuel Adkisson (E.D. Tenn.), & Trevor Pemberton (N.D. Okla.)

District Court nominees Judge Daniel Ballou for the Eastern District of Kentucky, Samuel Adkisson for the Eastern District of Tennessee, and Trevor Pemberton for the Northern District of Oklahoma all have concerning records on abortion. In a former campaign for the Kentucky Supreme Court, Judge Daniel Ballou ran an ad, now on his YouTube page, that featured his supporters stating that he should be on the court because "he's against abortion."[26] While in private practice, Samuel Adkisson helped draft a brief opposing a Chicago ordinance that protected people facing harassment while trying to enter abortion clinics.[27] In Oklahoma, the Supreme Court affirmed a near total abortion ban. However, a small carve out was made to the Oklahoma abortion ban to allow an abortion to save the life of a pregnant patient. Prior to his time on the bench, Trevor Pemberton publicly denounced this carve out, stating at a public event that nowhere in the Oklahoma Constitution does it say that abortion is protected in any case, even to save the life of the pregnant person.[28]

Conclusion

From President Trump's first slate of judicial nominees in his second term continuing through his most recent batch of nominations, reproductive freedom, civil rights, and public interest organizations have sounded the alarm on the dangerous records of these nominees. For example, on June 24, 2025, reproductive rights, health, and justice organizations raised concerns about the number of Trump's first slate of judicial nominations with extensive anti-abortion records.[29] On September 26, 2025, advocates called attention to the growing threat to our democracy enabled by the steady stream of judicial nominees with both anti-abortion and anti-voting records.[30] Then on April 14, 2026, organizations again highlighted

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[24] *Sec'y of State Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 375 So. 3d 335 (Fla. 1st DCA 2023) (en banc), https://flcourts-media.flcourts.gov/content/download/2378899/opinion/Opinion_2023-2252.pdf.
[25] *Id*. at 51.
[26] Dan Ballou, *Vote Judge Dan Ballou Kentucky Supreme Court Nov 6*, YouTube (Oct. 29, 2018), https://www.youtube.com/watch?v=rPfe21CnM7M.
[27] *Samuel Dawson Adkisson*, Questionnaire for Judicial Nominees, S. Comm. on the Judiciary, 119th Cong. 19 (2026), https://www.judiciary.senate.gov/imo/media/doc/adkisson_sjq.pdf, Reply Brief for Petitioners, *Price v. City of Chicago*, 591 U.S. 1026 (2020) (No. 18-1516), 2019 WL 3960709**,** https://www.supremecourt.gov/DocketPDF/18/18-1516/113033/20190821114302483_18-1516%20Reply%20Brief.pdf.
[28] *Sitt Counsel Discusses School Choice, Other Topics During Enid Visit*, Enid News & Eagle (Mar. 27, 2023) archived at https://web.archive.org/web/20230402101816/https://www.enidnews.com/news/stitt-counsel-discusses-school-choice-other-topics-during-enid-visit/article_cc12a7e4-ccf6-11ed-8fcb-2395451c0666.html.
[29] Letter to Hon. Chick Grassley, Hon. Richard Durbin, Members, S. Com. On the Judiciary (Jun. 24, 2025), https://nwlc.org/wp-content/uploads/2026/09/Letter_statement-about-first-slate-of-Trumps-noms.docx.pdf.
[30] Letter to Hon. Chick Grassley, Hon. Richard Durbin, Members, S. Com. on the Judiciary (Sep. 26, 2025), https://nwlc.org/wp-content/uploads/2025/09/Letter-of-concern-anti-repro-and-anti-voting-rights-noms.pdf.

the number of judicial nominees with deeply problematic records related to reproductive freedom and other fundamental rights.[31] This is not a coincidence—President Trump has time and time again affirmed his anti-reproductive freedom agenda by nominating anti-abortion and anti-voting rights extremists to lifetime positions in our federal courts.[32]

It is critical that the Senate take heed of and question this pattern of selecting judicial nominees with problematic abortion and voting rights records. As advocates for reproductive freedom and civil rights, we call upon Senators to carefully scrutinize judicial nominees and rigorously review the records of each. To that end, we ask Members of the Senate Committee on the Judiciary to thoroughly vet nominees, attend every hearing and markup, and ask searching questions on reproductive rights and freedoms and voting rights.

These judicial appointments will serve lifetime positions on the federal bench and can continue to enforce President Trump's anti-abortion and anti-democratic agenda long after he is no longer in office. Individuals with concerning records on reproductive freedom and voting rights should not be in the position to make consequential rulings on these issues. They must not get a free pass on these critical issues that will continue to affect our lives and determine our rights for decades to come.

Sincerely,

National Women's Law Center
Advocates for Youth
Alliance for Justice
American Atheists
Clearinghouse on Women's Issues
Court Accountability Action
Defend Public Health
Doctors for America
Feminist Majority Foundation
FFRF Action Fund
Indivisible
Justice + Joy National Collaborative
Lambda Legal
Lawyers for Good Government
Legal Momentum, the Women's Legal Defense & Education Fund
National Abortion Federation
National Council of Jewish Women
National Health Law Program
National Latina Institute for Reproductive Justice
National Network of Abortion Funds
National Organization for Women

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[31] Letter to Hon. Chick Grassley, Hon. Richard Durbin, Members, S. Com. on the Judiciary (Apr. 14, 2026), https://nwlc.org/wp-content/uploads/2026/04/Letter-of-Concern-re-Repro-Record-of-Judicial-Nominees-4-14-26-1.pdf.

[32] Dan Mangan, *Trump: I'll Appoint Supreme Court Justices to Overturn Roe v. Wade*, CNBC (Oct. 19, 2016), https://www.cnbc.com/2016/10/19/trump-ill-appoint-supreme-court-justices-to-overturn-roe-v-wade-abortion-case.html.

National Partnership for Women & Families
National Women's Political Caucus
People For the American Way
People Power United
Physicians for Reproductive Health
Positive Women's Network-USA
Pregnancy Justice
Reproductive Freedom for All
The Leadership Conference on Civil and Human Rights
True North Research
Union for Reform Judaism
URGE: Unite for Reproductive & Gender Equity
Voices of Health Care Action
Women Lawyers On Guard Action Network
Women of Reform Judaism
Women's March