

Willing Right-Wing Federal Judges Are Already Greenlighting Project 2025's Extremist Agenda

SUMMARY:

Project 2025's advisory board includes multiple far-right legal groups, including America First Legal and Alliance Defending Freedom, and other organizations involved in lawsuits, including the National Center for Public Policy Research, Moms for Liberty, and Young America's Foundation.

Already, these organizations are filing lawsuits to begin to enact the extremist policy platform of Project 2025. Cases target transgender and LGBTQ+ nondiscrimination protections, reproductive rights, and DEI and ESG policies, and **have seen success in judge-shopped conservative venues in Texas and before the Fifth Circuit Court of Appeals.**

Project 2025's partners have filed lawsuits to enact the agenda's policies rescinding LGBTQ+ protections:

The agenda criticized the Biden administration's [new rule](#) broadening the scope of Title IX in order to protect LGBTQ+ students. Project 2025 claimed there was "no scientific or legal basis" for including sexual orientation and gender identity in Title IX, called for the end of all Title IX investigations related to gender identity, and proposed limiting the Department of Education's enforcement abilities. Alliance Defending Freedom, America First Legal, Moms For Liberty, and Young America's Foundation launched [separate lawsuits](#) challenging the Title IX rule, resulting in federal courts halting the changes. In August, the Supreme Court [maintained](#) the block on the entirety of the new rule in two cases [involving](#) ADF.

Project 2025 called for a reversal of policies that expanded the scope of federal sex nondiscrimination protections to include LGBTQ+ individuals, including calling for a reversal of the HHS's rule expanding nondiscrimination under the Affordable Care Act. ADF [filed multiple](#) successful lawsuits challenging the rule, also America First Legal [sued](#) the Biden administration to stop that rule and to allow for doctors to discriminate on the basis of sexual orientation and gender identity.

Project 2025 also called for restrictions on Title VII employment nondiscrimination protections in an effort to allow LGBTQ+ discrimination. AFL [successfully sued](#) to create a religious exemption to discriminate, and the Heritage Foundation recently [joined](#) a judge shopped lawsuit challenging the guidelines..

Project 2025's partners have filed lawsuits to enact the agenda's policies restricting reproductive rights:

Project 2025 called on the FDA to [reverse](#) its approval of mifepristone and asked the DOJ to prosecute people who send medication about pills through the mail. Alliance Defending Freedom [represented](#) a group which [sued the FDA](#) to challenge its approval of mifepristone, and two ADF lawyers on the case were also Project 2025 contributors. While the Supreme Court held that the group did not have standing, ADF has promised to continue the litigation in the states. Matt Bowman, a former Samuel Alito clerk, represented ADF in [multiple abortion lawsuits](#) and Erik Baptist was director of the [Center For Life](#) at ADF. Another Project 2025 Partner, the American Association of Pro-Life Obstetricians & Gynecologists, was a petitioner in the lawsuit, and at least 10 partners filed amicus briefs in the case.

EMTALA requires any hospital with an emergency room that receives Medicare funding to provide stabilizing treatment to anyone who comes to the hospital experiencing an emergency medical condition. In July 2022, the Department of Health and Human Services [issued guidance](#) indicating that EMTALA preempted state law that did not include exceptions for the life of the pregnant person. Project 2025 criticized that guidance, claiming it was "[baseless](#)" and calling on a future HHS to rescind the guidance. Alliance Defending Freedom

engaged in [two lawsuits](#) challenging the EMTALA rule, including a [successful challenge](#) in Texas which the government has appealed to the Supreme Court. Matthew Bowman was also involved in both cases.

Project 2025 called for restrictions on access to birth control, including [ending](#) the Gender Policy Council which sought to increase contraception access, removing emergency contraception from no-cost health care coverage, and eliminating male condoms from women's preventive service guidelines. America First Legal [successfully](#) filed lawsuits challenging youth access to contraception without parental consent, a stepping stone in the crusade to limit contraception access. Gene Hamilton, the vice president of AFL and author of a Project 2025 chapter, [represented](#) the plaintiffs.

Project 2025's partners have filed lawsuits to enact the agenda's "anti-woke" policies erasing DEI, ending ESG policies, and expanding "parental rights" relating to progressive issues in school.

Project 2025 called for a future conservative administration to erase DEI terminology and requirements from every federal rule, contract, and piece of legislation, and end ESG policies. AFL and the National Center for Public Policy Research filed [legal challenges](#) involving companies and agencies' DEI and ESG policies. Similarly, Project 2025 repeatedly criticized ESG investing and companies with ESG policies.

Project 2025 called for a "Parents' Bill of Rights" to grant parents more control over the issues of gender identity, sexuality, and reproductive health. ADF filed a lawsuit which [successfully](#) changed a school district's policy preventing teachers from outing closeted students to their parents. Matt Sharp, an ADF lawyer and Project 2025 contributor, has [written](#) about the importance of parental notification policies, and claimed the courts "repeatedly affirmed" parents' rights. AFL [successfully](#) filed a lawsuit after a school district did not provide prior notification and receive consent for a student survey asking questions about racial belonging at the school.

Multiple Conservative Legal Groups Have Served As Project 2025 Advisory Board Members

Project 2025 Is An Initiative To Provide The Next Conservative Administration With Policy Proposals And Personnel That Will "Defeat The Administrative State, Implement Those Policies, And Take Back America"

April 2022: The Heritage Foundation Launched The Project 2025 Advisory Board, An Initiative Of The 2025 Presidential Transition Project. "The Heritage Foundation today announced the formation of the Project 2025 Advisory Board, the first major initiative of the 2025 Presidential Transition Project since its launch in April." [The Heritage Foundation, [6/24/22](#)]

The 2025 Presidential Transition Project Was Focused On Providing "Conservative Policy Recommendations" And "Properly Vetted" Personnel "To Defeat The Administrative State, Implement Those Policies, And Take Back America." "The 2025 Presidential Transition Project is focused on two key fronts—preparing the next administration with conservative policy recommendations and the properly vetted and trained personnel needed to defeat the administrative state, implement those policies, and take back America." [The Heritage Foundation, [6/24/22](#)]

- **The 2025 Presidential Transition Project Is Also Vetting And Training Personnel Who Could Work In The New Administration.** "The 2025 Presidential Transition Project is focused on two key fronts—preparing the next administration with conservative policy recommendations and the properly vetted and trained personnel needed to defeat the administrative state, implement those policies, and take back America." [The Heritage Foundation, [6/24/22](#)]

Project 2025 Released A Policy Playbook Designed To Guide A Hypothetical Conservative Administration Through Its First 180 Days In Office. “Project 2025, the Heritage Foundation’s \$22 million effort aimed at staffing up and preparing the next Republican administration [...] The last pillar in the effort focuses on developing a 180-day playbook of regulations and executive orders that could be signed and implemented by the next president on his (or her) first days in office.” [Semafor, [2/20/24](#)]

America First Legal (AFL) Was Publicly Identified As A Project 2025 Advisory Board Member Until July 2024

America First Legal Was A Project 2025 Advisory Board Member And Its Vice President Authored A Chapter

America First Legal Was On Project 2025’s Advisory Board. [Project 2025, Mandate for Leadership, [2023](#)]

Gene Hamilton Authored The Department Of Justice Chapter.

17. DEPARTMENT OF JUSTICE	545
Gene Hamilton	

[Project 2025, Mandate for Leadership, [2023](#)]

- **Gene Hamilton Is The Vice-President And General Counsel Of America First Legal Foundation.** “Gene Hamilton is Vice-President and General Counsel of America First Legal Foundation.” [Project 2025, Mandate for Leadership, [2023](#)]

July 2024: AFL Asked To Be Removed From The Public List Of Groups On Project 2025’s Advisory Board. “Days after former President Donald Trump sought to distance himself from Project 2025, former Trump adviser Stephen Miller is following suit, aiming to distance himself and his organization from the controversial plan for Trump’s potential next term. As Democrats intensify their efforts to spotlight the connections between Trump and Project 2025 ahead of next week’s Republican convention, Miller’s organization, America First Legal, reached out to Project 2025, requesting removal from the website’s list of advisory board members, sources familiar with the situation told ABC News.” [ABC News, [7/12/24](#)]

America First Legal Was Launched By Trump Adviser Stephen Miller To Challenge Biden Administration Policies

2021: Former Trump Adviser Stephen Miller Launched America First Legal To Challenge The Biden Administration’s Policies. “Former Trump White House senior adviser Stephen Miller has formed a new legal group to challenge the Biden administration’s policies through lawsuits, Politico first reported.” [Axios, [4/7/21](#)]

Alliance Defending Freedom (ADF) Is A Project 2025 Advisory Board Member, As Of August 2024

Alliance Defending Freedom Is A Project 2025 Advisory Board Member And Its Lawyers

Alliance Defending Freedom Is On Project 2025’s Advisory Board. [Project 2025, Mandate for Leadership, [2023](#)]

Matt Bowman, Erik Baptist, Emilie Kao, Ali Kilmartin, And Matt Sharp Of Alliance Defending Freedom Were Listed As Project 2025 Contributors. [Project 2025, Mandate for Leadership, [2023](#)]

Alliance Defending Freedom Is A Southern Poverty Law Center-Designated Hate Group That Manufactures Legal Grievances To Push An Extreme Anti-LGBTQ+ And Anti-Abortion Agenda Through The Courts

Alliance Defending Freedom Is A Christian Legal Organization That Wages Legal Battles Championing The Causes Of America’s Religious Right. “Founded three decades ago as a legal-defense fund for conservative Christian causes, A.D.F. had become that movement’s most influential arm. In the past dozen years, its lawyers had won fourteen Supreme Court victories, including overturning Roe v. Wade; allowing employer-sponsored health insurance to exclude birth control; rolling back limits on government support for religious organizations; protecting the anonymity of donors to advocacy groups; blocking pandemic-related public-health rules; and establishing the right of a baker to refuse to make a cake for a same-sex wedding.” [The New Yorker, [10/2/23](#)]

The Southern Poverty Law Center Has Designated Alliance Defending Freedom As Extremist And An Anti-LGBTQ+ Hate Group.



EXTREMIST GROUP INFO:

SPLC Designated Hate Group

Date Founded: 1994

Location: Scottsdale, Ariz.

Ideology: [Anti-LGBTQ](#)

[Southern Poverty Law Center, accessed [2/23/24](#)]

Alliance Defending Freedom Is Known For Recruiting Clients Who Manufacture Grievances That The Organization Can Then Adopt As Causes To Champion Through The Courts. “Others accuse A.D.F. of inventing grievances to blow up into causes. Smith, of 303 Creative, told me that her pastor had directed her to speak with A.D.F. before she even entered the business of making Web sites for weddings. And A.D.F. routinely sends out bulletins urging churches and ministries to be on the lookout for “sogis”—prohibitions of discrimination on the basis of sexual orientation and gender identity. An A.D.F. legal guide warns churches that such prohibitions “are not designed for the innocent purpose of ensuring all people receive basic services”; rather, “their practical effect is to legally compel Christians to accept, endorse, and even promote messages, ideas, and events that violate their faith.” A.D.F. sometimes resembles a culture-war personal-injury firm; it even solicits clients with a catchy toll-free number, 1-800-tell-adf.” [The New Yorker, [10/2/23](#)]

Alliance Defending Freedom Performs Pro Bono Legal Work For Conservative Causes It Supports. “From the beginning, ADF has been an alliance-building organization. By uniting pastors, attorneys, ministry leaders, and other organizations who are dedicated to a common mission, ADF has achieved major victories for God’s kingdom. Today, ADF has more than 4,900 attorneys in our network. We have trained over 2,600 attorneys, and many of those attorneys have given back to ADF in large ways, donating over 1.1 million hours of pro bono (no cost) legal services, which are valued at more than \$230 million.” [Alliance Defending Freedom, [11/14/23](#)]

Project 2025 Called For An End To Title IX Protections For LGBTQ+ Students; Legal Groups Filed Challenges In The Courts To End Those Protections Leading To The Supreme Court Blocking The Rule

Project 2025 Called For Rolling Back Title IX Protection For LGBTQ+ Students, Ending Ongoing Investigations, And Shuttering The Department Of Education Which Enforces Title IX

Project 2025 Claimed That Title IX Does Not Prohibit Discrimination On The Basis Of Sexual Orientation And Gender Identity And Has Called For Dropping Investigations Related To These Forms Of Discrimination

Title IX Prevents Sex Discrimination In Education Programs That Receive Federal Funding. “Title IX of the Education Amendments of 1972 (Title IX) prohibits sex discrimination in education programs that receive federal financial assistance.” [Congressional Research Service, [6/5/24](#)]

Project 2025 Stated That “There Is No Scientific Or Legal Basis For Redefining ‘Sex’ To ‘Sexual Orientation And Gender Identity’ In Title IX.” “At the same time, there is no scientific or legal basis for redefining ‘sex’ to ‘sexual orientation and gender identity’ in Title IX. Such a change misrepresents the U.S. Supreme Court’s opinion in Bostock, threatens the American system of federalism, removes important due process protections for students in higher education, and puts girls and women in danger of physical harm.” [Project 2025, Mandate for Leadership, p.333, [2023](#)]

Project 2025 Called For Dropping Title IX Investigations Related To Gender Identity Or Sexual Orientation. “At the same time, the political appointees in the Office for Civil Rights should begin a full review of all Title IX investigations that were conducted on the understanding that ‘sex’ referred to gender identity and/or sexual orientation. All ongoing investigations should be dropped, and all school districts affected should be given notice that they are free to drop any policy changes pursued under pressure from the Biden Administration.” [Project 2025, Mandate for Leadership, p.334, [2023](#)]

Project 2025 Claimed That Interpreting Title IX As Prohibiting Discrimination On The Basis Of Sexual Orientation And Gender Identity Facilitates “Social Gender Transition” And “Puts Girls And Women In Danger Of Physical Harm”

Project 2025 Claimed That “Redefining ‘Sex’ To ‘Sexual Orientation And Gender Identity’ In Title IX” “Threatens The American System Of Federalism” And “Puts Girls And Women In Danger Of Physical Harm.” “At the same time, there is no scientific or legal basis for redefining ‘sex’ to ‘sexual orientation and gender identity’ in Title IX. Such a change misrepresents the U.S. Supreme Court’s opinion in Bostock, threatens the American system of federalism, removes important due process protections for students in higher education, and puts girls and women in danger of physical harm.” Project 2025, Mandate for Leadership, p.333, [2023](#)]

Project 2025 Suggested That Changing A Legal Definition Of “Sex” In Title IX Would “[Facilitate] Social Gender Transition Without Parental Consent,” Increasing The “Likelihood That Children Will Seek Hormone Treatments, Such As Puberty Blockers.” “At the same time, there is no scientific or legal basis for redefining ‘sex’ to ‘sexual orientation and gender identity’ in Title IX. Such a change misrepresents the U.S. Supreme Court’s opinion in Bostock, threatens the American system of federalism, removes important due process protections for students in higher education, and puts girls and women in danger of physical harm. Facilitating social gender transition without parental consent increases the likelihood that children will seek hormone treatments, such as puberty blockers, which are experimental medical interventions. Research has

not demonstrated positive effects and longterm outcomes of these treatments, and the unintended side effects are still not fully understood.” [Project 2025, Mandate for Leadership, p.333, [2023](#)]

Project 2025 Outlined Multiple Avenues For Reversing The Biden Administration’s Clarification Expanding Title IX Protections To LGBTQ+ People

Project 2025 Called For Initiating A Rule-Making Process To Restore Previous Title IX Regulations Declaring That “Sex” Is A “Fixed Biological Fact.” “On its first day in office, the next Administration should signal its intent to enter the rulemaking process to restore the Trump Administration’s Title IX regulation, with the additional insistence that ‘sex’ is properly understood as a fixed biological fact. Official notice-and-comment should be posted immediately.” [Project 2025, Mandate for Leadership, p.334, [2023](#)]

Project 2025 Called For Using Regulations And Congressional Action To Define “Sex” In Title IX To “Mean Only Biological Sex Recognized At Birth.” “The new Administration should take the following steps: Work with Congress to use the earliest available legislative vehicle to prohibit the department from using any appropriations or from otherwise enforcing any final regulations under Title IX promulgated by the department during the prior Administration. Commence a new agency rulemaking process to rescind the current Administration’s Title IX regulations; restore the Title IX regulations promulgated by then-Secretary Betsy DeVos on May 19, 2020; and define ‘sex’ under Title IX to mean only biological sex recognized at birth. Work with Congress to amend Title IX to include due process requirements; define ‘sex’ under Title IX to mean only biological sex recognized at birth; and strengthen protections for faith-based educational institutions, programs, and activities.” [Project 2025, Mandate for Leadership, p.332-33, [2023](#)]

Project 2025 Called For Measures That Would Impede Or Eliminate The Department Of Education’s Ability To Prosecute Title IX Violations

Project 2025 Called For Moving The Department Of Education’s Office For Civil Rights To The Justice Department And Limiting Enforcement “Only Through Litigation.” “Office for Civil Rights (OCR) OCR should move to the Department of Justice. The federal government has an essential responsibility to enforce civil rights protections, but Washington should do so through the Department of Justice and federal courts. The OCR at DOJ should be able to enforce only through litigation.” [Project 2025, Mandate for Leadership, p.330, [2023](#)]

Project 2025 Proposed Requiring The Education Department’s Office For Civil Rights’ Case Processing Manual Be Made Subject To Notice And Comment Requirements Of The Administrative Procedures Act. “Require APA notice and comment. The President should issue an executive order requiring the Office for Civil Rights’ Case Processing Manual to go through APA (Administrative Procedures Act) notice and comment.” [Project 2025, Mandate for Leadership, p.357, [2023](#)]

Alliance Defending Freedom Sued The Biden Administration In An Attempt To Block Its Prohibition Of Anti-LGBTQ+ Discrimination Under Title IX

April 2024: The Biden Administration Issued A New Rule Broadening The Scope Of Title IX In Order To Protect LGBTQ+ Students

Title IX Of The Education Amendments Of 1972 Protects People From Discrimination Based On Sex In Education Programs And Activities That Receive Federal Financial Assistance. “The U.S. Department of Education’s Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states: No person in the United States shall, on the

basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” [U.S. Department of Education, accessed [5/7/24](#)]

April 19, 2024: The U.S. Department Of Education Released Its Final Rule Extending Title IX’s Prohibition On Sex Discrimination To Include Discrimination Based On Sexual Orientation And Gender Identity. “Even if these amendments are not strictly required to effectuate the prohibition, the Department has, in the exercise of its discretion, determined that they further Title IX’s prohibition on sex discrimination. The Department therefore issues these final regulations to provide greater clarity regarding: the definition of “sexbased harassment”; the scope of sex discrimination, including recipients’ obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and recipients’ obligations to provide an educational environment free from discrimination on the basis of sex.” [U.S. Department of Education, [4/19/24](#)]

The Interpretation Of The Title IX Sex Discrimination Ban Followed The 2020 Supreme Court Decision In *Bostock v. Clayton County*. “ED’s interpretation of Title IX’s sex discrimination ban follows a Supreme Court decision from 2020, *Bostock v. Clayton County*, that interpreted a different statutory prohibition against sex discrimination in the workplace, Title VII of the Civil Rights Act of 1964 (Title VII). ED’s updated regulations draw on the reasoning of this decision in determining the scope of Title IX’s bar against sex discrimination.” [Congressional Research Service, [6/5/24](#)]

May 2024: Alliance Defending Freedom Sued The Biden Department Of Education In An Attempt To Block Its Extension Of Title IX Protections To LGBTQ+ People

May 2024: The Carroll Independent School District Initiated A Lawsuit Against The U.S. Department Of Education.

CARROLL INDEPENDENT SCHOOL
DISTRICT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION; MIGUEL CARDONA, in his
official capacity as Secretary of the
United States Department of
Education; CATHERINE E. LHAMON, in
her official capacity as Assistant
Secretary for Civil Rights at the United
States Department of Education;
UNITED STATES DEPARTMENT OF
JUSTICE; MERRICK B. GARLAND, in his
official capacity as Attorney General of
the United States; and KRISTEN
CLARKE, in her official capacity as
Assistant Attorney General for the Civil
Rights Division of the United States
Department of Justice,

Defendants.

[Northern District of Texas Fort Worth Division, Carroll Independent School District v. United States Department of Education, Complaint, filed [5/21/24](#)]

Alliance Defending Freedom Filed The Carroll Independent School District’s May 2024 Lawsuit Against The Biden Administration. “Alliance Defending Freedom attorneys filed a federal lawsuit Tuesday on behalf of a Texas school district challenging a Biden administration rule change to unlawfully rewrite Title IX, a federal law designed to create equal opportunities for female students in education and athletics... ‘The Biden

administration's radical redefinition of "sex" in Title IX upends our education system. Carroll Independent School District is right to seek to preserve safety and privacy for the girls—and all students—under its supervision,' said ADF Legal Counsel Mathew Hoffmann." [Alliance Defending Freedom, [5/21/24](#)]

ADF's Lawsuit Against The Biden Administration Sought To Prevent The Most Recent Title IX Changes Involving The Interpretation Of "Sex" From Taking Effect. "A North Texas school district is pushing back against the Biden administration's changes to Title IX. Tuesday, the Alliance Defending Freedom (ADF) filed a federal lawsuit on behalf of Carroll Independent School District claiming the revisions to Title IX 'attacks the rights and freedom of girls in the state of Texas.' Title IX paved the way for equal access to education settings, helping women gain access to education, resources, and more participation for women's sports. Over the years, the law went through a few clarifications from the US Supreme Court and executive branch [...] In early May, The Carroll school board voted unanimously to authorize the lawsuit challenging the Biden administration's 'redefinition of sex in Title IX.' The district also adopted a resolution denouncing the rule change, alleging the rule could 'jeopardiz[e] the safety and well-being of students.'" [CBS News, [5/21/24](#)]

ADF Claimed That Prohibiting Anti-LGBTQ+ Discrimination Under Title IX "Forces Schools Across The Country To Embrace A Controversial Gender Ideology That Harms Children"

Alliance Defending Freedom Claimed That The Biden Administration's Revision Of Title IX To Prohibit Anti-LGBTQ+ Discrimination "Forces Schools Across The Country To Embrace A Controversial Gender Ideology That Harms Children." "On April 19, the administration announced it would redefine 'sex' in Title IX rules to include 'gender identity,' requiring schools to ignore the biological distinction between male and female in favor of 'an individual's sense of their gender.' As ADF attorneys explain, the Department of Education's fundamental and radical rewriting of federal law forces schools across the country to embrace a controversial gender ideology that harms children—including the very children it claims to help. Carroll Independent School District adopted a resolution denouncing the rule change, emphasizing that the rule could 'jeopardiz[e] the safety and well-being of students.'" [Alliance Defending Freedom, [5/21/24](#)]

Alliance Defending Freedom Claimed That Allowing Trans Women To Use Women's Bathrooms Puts Girls' Safety At Risk. "The Biden administration's radical redefinition of 'sex' in Title IX upends our education system. Carroll Independent School District is right to seek to preserve safety and privacy for the girls—and all students—under its supervision,' said ADF Legal Counsel Mathew Hoffmann [...] As ADF attorneys explain in the lawsuit, schools will have to allow males who identify as female to enter girls' private spaces like restrooms, locker rooms, and showers and—despite logically inconsistent disclaimers saying otherwise—to play on girls' sports teams. The new rule also requires the school district to enforce policies restricting students' and employees' free-speech rights." [Alliance Defending Freedom, [5/21/24](#)]

- **There Was "No Evidence" That Letting Transgender People Use Public Facilities Aligning With Their Gender Identity Increased Safety Risks.** "There is no evidence that letting transgender people use public facilities that align with their gender identity increases safety risks, according to a new study from the Williams Institute at UCLA School of Law. The study is the first of its kind to rigorously test the relationship between nondiscrimination laws in public accommodations and reports of crime in public restrooms and other gender-segregated facilities. 'Opponents of public accommodations laws that include gender identity protections often claim that the laws leave women and children vulnerable to attack in public restrooms,' said lead author Amira Hasenbush. 'But this study provides evidence that these incidents are rare and unrelated to the laws.'" [NBC News, [9/19/28](#)]

Alliance Defending Freedom Claimed "The Biden Administration's Radical Redefinition of "Sex" In Title IX Upends Our Education System." "The Biden administration's radical redefinition of 'sex' in Title IX upends our education system. Carroll Independent School District is right to seek to preserve safety and privacy for the girls—and all students—under its supervision,' said ADF Legal Counsel Mathew Hoffmann." [Alliance Defending Freedom, [5/21/24](#)]

April 2024: Texas—Backed By The America First Legal Foundation— Sued The U.S. Department Of Education In Amarillo After The Department Expanded The Scope Of Title IX To Protect LGBTQ+ Students

Texas Refused To Comply With The New Title IX Rule And Sued The Department Of Education In Amarillo

After The U.S. Department Of Education Issued Its New Rule On Title IX, Texas Governor Greg Abbott Ordered The Texas Education Agency To Ignore It. “Gov. Greg Abbott ordered the Texas Education Agency on Monday to ignore a Biden administration rule that expanded federal sex discrimination protections to include LGBTQ+ students.” [Texas Tribune, [4/29/24](#)]

April 29, 2024: Texas Sued The U.S. Department Of Education In Amarillo Federal Court.

Case 2:24-cv-00086-Z Document 1 Filed 04/29/24 Page 1 of 30 PageID 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS,

Plaintiff,

v.

THE UNITED STATES OF AMERICA;
MIGUEL CARDONA, in his official
capacity as Secretary of Education;
UNITED STATES DEPARTMENT OF
EDUCATION; CATHERINE LHAMON, in
her official capacity as Assistant Secretary
for Civil Rights, Department of Education;
RANDOLPH WILLS, in his official capacity
as Deputy Assistant Secretary for
Enforcement, Department of Education,

Defendants.

No. _____

[Northern District of Texas Amarillo Division, State of Texas v. The United States of America et al., Original Complaint, filed [4/29/24](#)]

- **The Lawsuit Asked The Court To Declare The Final Rule As Contrary To Title IX And Set It Aside.** “This Court is authorized to award the requested vacatur and declaratory and injunctive relief under the APA, 5 U.S.C. §§ 702, 705, and 706; 28 U.S.C. § 1361; the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202; Federal Rules of Civil Procedure 57 and 65; and the general and legal equitable powers of the Court. For these reasons, Texas respectfully requests that the Court: i. Postpone the effective date of the Final Rule under 5 U.S.C. § 705 and hold unlawful and set aside (i.e., vacate) the Final Rule under 5 U.S.C. § 706(2); ii. Declare that the Final Rule is contrary to Title IX and exceeds agency authority” [State of Texas v. The United States of America et al., filed [4/29/24](#)]

Gene Hamilton Of The American First Legal Foundation Joined Texas In Submitting Its Lawsuit.

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[Northern District of Texas Amarillo Division, State of Texas v. The United States of America et al., Original Complaint, filed [4/29/24](#)]

The Northern District Of Texas—And, In Particular, The Federal Court In Amarillo—Is A Popular Judge-Shopping Venue

Cases Filed In Amarillo, Texas, Have “A 100 Percent Chance Of Having The Case Assigned To Judge Matthew Kacsmaryk.” “It was filed in Amarillo. Why Amarillo? By filing there, Mr. Paxton had a 100 percent chance of having the case assigned to Judge Matthew Kacsmaryk — appointed to the bench by President Donald Trump in 2019 and a former deputy general counsel to the First Liberty Institute, which frequently litigates religious liberty cases before the Supreme Court.” [New York Times, [02/05/23](#)]

- **September 2017: President Donald Trump Nominated Matthew Kacsmaryk To The United States District Court For The Northern District Of Texas.** [Ballotpedia, accessed [7/8/24](#)]

Brennan Center: Kacsmaryk’s Court Is The Preferred Venue For Right-Wing Activists Looking To Judge Shop. “If you are a right-wing activist looking to persuade a federal judge to impose your views on the country, what do you do? For starters, you go shopping. Judge shopping, that is. Head to the courthouse in Amarillo, Texas. No matter if you aren’t from there. There is precisely one federal district judge in Amarillo. His name is Matthew Kacsmaryk. And odds are high that he will issue a ruling just as you seek, one that imposes a highly conservative, indeed theocratic, worldview. He might even issue an injunction that purports to cover the entire country.” [Brennan Center For Justice, [3/20/24](#)]

Moms For Liberty And Young America’s Foundation Sued The Department Of Education Over The Title IX Rule

Moms For Liberty And Young America’s Foundation Challenged The Department Of Education’s Title IX Rules. “In a landmark ruling, a federal court in Kansas issued an opinion halting the Biden Department of Education’s Title IX changes in a lawsuit brought by Southeastern Legal Foundation (SLF) and Mountain States Legal Foundation (MSLF) on behalf of their clients Moms for Liberty and Young America’s Foundation. The organizations joined the states of Kansas, Wyoming, Utah, and Alaska, as well as other students and interest groups, in challenging the Department of Education’s blatant disregard for the First Amendment rights of K-12 and college students.” [Moms For Liberty, [7/2/24](#)]

- **The Groups Criticized The Administration’s Definition Of “Sex” And Claimed “Gender Is Not Fluid” And “There Are Only Two Genders Based On Biological Sex.”** “The members of Moms for Liberty and Young America’s Foundation are parents and students in K-12 schools and colleges who fear sharing their true views—including the view that gender is not fluid, that there are only two genders based on biological sex, and that private spaces on campuses should be kept sex-segregated—in light of the Biden Administration’s unconstitutional changes to the definition of ‘sex’ under Title IX.” [Moms For Liberty, [7/2/24](#)]

- **A Federal Court In Kansas Halted The Title IX Changes.** “In a landmark ruling, a federal court in Kansas issued an opinion halting the Biden Department of Education’s Title IX changes in a lawsuit brought by Southeastern Legal Foundation (SLF) and Mountain States Legal Foundation (MSLF) on behalf of their clients Moms for Liberty and Young America’s Foundation.” [Moms For Liberty, [7/2/24](#)]

Young America’s Foundation Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Moms For Liberty Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

August 2024: The Supreme Court Maintained The Block On The Entirety Of The Biden Administration’s New Title IX Rule In Two Cases Involving ADF

August 2024: The Supreme Court Declined To Let The Biden Administration Enforce Portions Of Their New Title IX Rule Including Protections For Transgender Students, Leaving Intact Two Orders From Federal Courts In Kentucky And Louisiana Which Blocked The Rule In 10 States. “The Supreme Court on Friday declined to let the Biden administration enforce portions of a new rule that includes protections from discrimination for transgender students under Title IX while legal proceedings continue. The high court left intact two separate orders from federal courts in Kentucky and Louisiana, which blocked the Department of Education from enforcing the entirety of the rule across 10 states. The Justice Department had asked the Supreme Court to put part of the decisions on hold, but it declined the requests.” [CBS News, [8/17/24](#)]

ADF Represented Clients In Both Cases With Rulings Upheld By The Supreme Court. “BREAKING: #SCOTUS upheld two key rulings against the Biden-Harris admin’s illegal rewrite of Title IX. The Court denied the admin’s request to partially reinstate its new Title IX rule, which would change the meaning of ‘sex’ to include ‘gender identity.’ We represent clients in both these cases, and we’re grateful for this win. Students in 10 states will now remain protected while litigation proceeds.” [Alliance Defending Freedom, [8/16/24](#)]

ADF Celebrated Injunctions They Received In Three Other Lawsuits Also Challenging The Rule. “ADF attorneys have obtained injunctions in three other lawsuits challenging the administration’s unlawful rule: State of Kansas v. U.S. Department of Education. Carroll Independent School District v. United States Department of Education State of Arkansas v. U.S. Department of Education” [Alliance Defending Freedom, [8/16/24](#)]

Project 2025 Called For A Reversal Of Sex Discrimination Health Care Protections; Partners Sued To Allow Doctors To Discriminate Against LGBTQ+ Patients

Project 2025 Called For A Reversal Of Policies That Expand The Scope Of Federal Sex Discrimination In Nondiscrimination Protections To Protect LGBTQ+ Individuals, Including Under The Affordable Care Act

The Department Of Health And Human Services (HHS) Said That Section 1557 Of The Affordable Care Act Prohibited Discrimination On The Basis Of Sexual Orientation Or Gender Identity

Section 1557 Of The Affordable Care Act Prohibits Discrimination On The Basis Of Race, Color, National Origin, Sex, Age, Or Disability In Healthcare. “Except as otherwise provided in Title I of the ACA, Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in a health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance. Section 1557 also prohibits discrimination on the basis of race, color, national origin, sex, age, or disability under any program or activity that is administered by an Executive

Agency, or any entity established under Title I of the ACA or its amendments. The statute cites Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), the Age Discrimination Act of 1975 [4] (Age Act), and Section 504 of the Rehabilitation Act of 1973 (Section 504) to identify the grounds of discrimination prohibited by Section 1557.” [Federal Register, [8/4/22](#)]

May 2021: The Department Of Health And Human Services Notified The Public That It Would Begin Interpreting Section 1557 Of The Affordable Care Act As Prohibiting Discrimination On The Basis Of Sexual Orientation And Gender Identity In Line With The Supreme Court’s Ruling In *Bostok*. “HHS is informing the public that, consistent with the Supreme Court’s decision in *Bostock* and Title IX, beginning May 10, 2021, the Department of Health and Human Services (HHS) will interpret and enforce Section 1557’s prohibition on discrimination on the basis of sex to include: (1) Discrimination on the basis of sexual orientation; and (2) discrimination on the basis of gender identity.” [Federal Register, [5/10/21](#)]

- **In *Bostok v. Clayton County*, The Supreme Court Ruled That The Prohibition On “Sex” Discrimination Found In Title VII Of The Civil Rights Act Of 1964 Extended To Gay, Lesbian, Bisexual, And Transgender Individuals.** “Held: An employer who fires an individual merely for being gay or transgender violates Title VII. Pp. 4–33. (a) Title VII makes it ‘unlawful [...] for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual [...] because of such individual’s race, color, religion, sex, or national origin.’” [*Bostok v. Clayton County*, [6/15/20](#)]

May 2024: The HHS Issued A Final Rule Defining “Sex” To Include “Gender Identity.” “In May 2024, the U.S. Department of Health and Human Services (HHS) issued a new regulation redefining ‘sex’ in Section 1557 of the ACA to include ‘gender identity.’” [Alliance Defending Freedom, [7/11/24](#)]

Project 2025 Criticized The HHS’s Rule And Called For The Regulations To Be Rescinded

Project 2025 Criticized The Department Of Health And Human Services’ Rule Addressing Section 1557 Of The Affordable Care Act To Prohibit Discrimination Due To Sexual Orientation Or Gender Identity And Called For Its Reversal. “Under the proposed rule, sex is redefined: ‘Discrimination on the basis of sex includes, but is not limited to, discrimination on the basis of sex stereotypes; sex characteristics, including intersex traits; pregnancy or related conditions; sexual orientation; and gender identity.’ In other words, the department proposes to interpret Section 1557 as if it created special privileges for new classes of people, defined in ways that are highly ideological and unscientific. The redefinition of sex to cover gender identity and sexual orientation and pregnancy to cover abortion should be reversed in all HHS and CMS programs as was done under the Trump Administration. This includes the Children’s Health Insurance Program (CHIP). Low-income families who rely on CHIP should not be coerced, pressured, or otherwise encouraged to embrace this ideologically motivated sexualization of their children.” [Project 2025, Mandate for Leadership, p.475, [2023](#)]

Project 2025 Said The President Should Direct Agencies To Rescind Regulations Interpreting Sex Discrimination On The Basis Of Sexual Orientation Or Gender Identity. “Rescind regulations prohibiting discrimination on the basis of sexual orientation, gender identity, transgender status, and sex characteristics. The President should direct agencies to rescind regulations interpreting sex discrimination provisions as prohibiting discrimination on the basis of sexual orientation, gender identity, transgender status, sex characteristics, etc.” [Project 2025, Mandate for Leadership, p.584, [2023](#)]

Alliance Defending Freedom Filed Multiple Lawsuits Successfully Challenging Section 1557 Of The ACA

ADF Joined Florida In A Lawsuit Representing The Catholic Medical Association Challenging The Rule, And A Federal District Court Ruled That The Administration’s Rule Was Illegal. “ADF attorneys represent the Catholic Medical Association (CMA), the nation’s largest association of Catholic healthcare professionals.

The mandate forces CMA members to perform dangerous procedures in violation of sound medical judgment, and it prevents them from explaining the many harms—including sterilization—that these procedures can cause. We’ve joined the state of Florida in filing a lawsuit against the Biden administration for its unlawful and harmful new rule. In July 2024, a federal district court ruled that the administration’s rewrite of Section 1557 is illegal. Combined with another federal court’s ruling in a separate case, the court’s decision halts the new rule nationwide while the lawsuit proceeds.” [Alliance Defending Freedom, [7/11/24](#)]

ADF Filed A Lawsuit On Behalf Of McComb Children’s Clinic To Challenge The HHS Mandate And Prevent The Clinic From Being Required To Follow The Guidance. “McComb Children’s Clinic has served the city of McComb, Mississippi, for over 50 years. Its patients reside in a medically underserved region of the state, and about 75 percent rely on Medicaid or CHIP to pay for their care. If the children’s clinic cannot participate in these programs, it would no longer be financially viable. But according to the Biden administration, if the clinic wants to continue participating in the programs, it must change its policies to reject biological reality, reeducate its employees, refer for puberty blockers for children who want to appear as a gender different from their sex, and more. Caregivers shouldn’t be forced to harm their patients for any reason, especially as a condition of receiving federal financial assistance. ADF attorneys filed a lawsuit on behalf of McComb Children’s Clinic challenging the HHS mandate, and the case is before a federal district court.” [Alliance Defending Freedom, [7/11/24](#)]

ADF Joined Multiple States And The American College Of Pediatricians In Another Lawsuit Challenging The Rule. “In ADF’s third lawsuit challenging the Biden administration’s health-care rule, we represent the American College of Pediatricians and have joined seven states, including Missouri and Utah, in challenging the rule. HHS is threatening to punish doctors who don’t comply with the administration’s mandate by imposing substantial financial penalties and excluding them from federally funded healthcare programs such as Medicare. These punishments would effectively prevent health-care providers from caring for those who most need their help.” [Alliance Defending Freedom, [7/11/24](#)]

August 2021: America First Legal Backed Two Physicians Who Successfully Sued The Biden Administration For The Right To Discriminate Against LGBTQ Patients

America First Legal Foundation Sued The Biden Administration In Amarillo, Texas, Where Judge Matthew Kacsmayk Ultimately Struck Down The Rule

Two Physicians Sued The Biden Administration In Federal Court In Amarillo To Enjoin HHS’ Interpretation Of Sex Discrimination To Include Discrimination Of The Basis Of Sexual Orientation And Gender Identity. “On August 25, 2021 two doctors sued Secretary of Health and Human Services (HHS), Xavier Becerra, and the United States in the U.S. District Court for the Northern District of Texas to enjoin the HHS’ interpretation of sex discrimination to include discrimination on the basis of sexual orientation and gender identity.” [Civil Rights Litigation Clearinghouse, accessed [8/14/24](#)]

America First Legal Foundation Filed The Lawsuit On Behalf Of The Plaintiffs In The Case.

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[Northern District of Texas Amarillo Division, Susan Neese, et al. v. Xavier Becerra, et al., Complaint, filed [8/25/21](#)]

The District Court Struck Down The Administration’s Rule. “AFL VICTORY: The US District Court for the Northern District of Texas issued a final judgment that struck down Biden’s edict requiring American doctors to provide transgender medical services.” [America First Legal, accessed [8/14/24](#)]

- **Judge Kacsmaryk Wrote In His Judgment That “Section 1557 Of The ACA Does Not Prohibit Discrimination On Account Of Sexual Orientation And Gender Identity.”**

2. The Court awards Plaintiffs and the certified class declaratory relief under 28 U.S.C. § 2201. The Court **DECLARES:**

- Plaintiffs and members of the certified class need not comply with the interpretation of “sex” discrimination adopted by Defendant Becerra in his Notification of Interpretation and Enforcement of May 10, 2021; and
- Section 1557 of the ACA does not prohibit discrimination on account of sexual orientation and gender identity, and the interpretation of “sex” discrimination that the Supreme Court of the United States adopted in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), is inapplicable to the prohibitions on “sex” discrimination in Title IX of the Education Amendments of 1972 and in Section 1557 of the ACA.

[Northern District of Texas Amarillo Division, Susan Neese, et al. v. Xavier Becerra, et al., Complaint, filed [8/25/21](#)]

The Case Was Before The Fifth Circuit Court Of Appeals. “Appellate Court Fifth Circuit” [O’Neill Institute, accessed [8/14/24](#)]

Project 2025 Called For Restrictions On Title VII’s Employment Nondiscrimination Protections To Allow LGBTQ+ Discrimination; AFL Successfully Sued To Create Religious Exemptions

Project 2025 Called For Restrictions On Title VII Employment Nondiscrimination Protections To Allow For LGBTQ+ Discriminations

Project 2025’s Agenda Would Reverse Policies Based On The Supreme Court’s Decision In *Bostock v. Clayton County*, Which Protected LGBTQ+ Workers. “The plan’s authors also want to reverse policies

adopted by the Biden administration to expand the scope of sex discrimination in federal nondiscrimination protections based on the Supreme Court's decision in *Bostock v. Clayton County*. That landmark case found that LGBTQ+ workers are protected from workplace discrimination and that gender identity is a protected class of sex." [The 19th, [7/23/24](#)]

Project 2025 Claimed The *Bostock v. Clayton County* Supreme Court Decision Was Limited To Hiring And Firing Context In Title VII And Did Not Expand To "Gender Identity." "The Biden Administration, LGBT advocates, and some federal courts have attempted to expand the scope and definition of sex discrimination, based in part on the Supreme Court's decision in *Bostock v. Clayton County*. *Bostock* held that 'an employer who fires someone simply for being homosexual or transgender' violates Title VII's prohibition against sex discrimination. The Court explicitly limited its holding to the hiring/firing context in Title VII and did not purport to address other Title VII issues, such as bathrooms, locker rooms, and dress codes, or other laws prohibiting sex discrimination. Notably, the Court focused on the status of the employees and used the term 'transgender status' rather than the broader and amorphous term 'gender identity.'" [Project 2025, Mandate for Leadership, p.584, [2023](#)]

Project 2025 Called For The Restriction Of *Bostock's* Application. "Restrict the application of *Bostock*. The new Administration should restrict *Bostock's* application of sex discrimination protections to sexual orientation and transgender status in the context of hiring and firing." [Project 2025, Mandate for Leadership, p.584, [2023](#)]

Project 2025 Called A Conservative Administration To Rescind Regulations Prohibiting Discrimination Of The Basis Of Sexual Orientation, Transgender Status, And Sex Characteristics. "Rescind regulations prohibiting discrimination on the basis of sexual orientation, gender identity, transgender status, and sex characteristics. The President should direct agencies to rescind regulations interpreting sex discrimination provisions as prohibiting discrimination on the basis of sexual orientation, gender identity, transgender status, sex characteristics, etc." [Project 2025, Mandate for Leadership, p.584, [2023](#)]

August 2024: The Heritage Foundation Joined A Texas Lawsuit Challenging Title VII Guidelines Published By The Equal Employment Opportunity Commission

August 2024: The Heritage Foundation Joined Texas' Lawsuit Challenging The Equal Employment Opportunity Commission's Guidance. "The Heritage Foundation joined Attorney General Ken Paxton and the state of Texas in a lawsuit filed Thursday challenging the Biden administration's recent guidance from the Equal Employment Opportunity Commission (EEOC). The EEOC's guidance, issued last spring, requires employers to allow men into women-only spaces, including restrooms and locker rooms, and forces employees to use pronouns that contradict a person's biological sex." [Heritage Foundation, [8/15/24](#)]

The Lawsuit Was Filed In Amarillo, Texas Where It Would Be Seen By Judge Kacsmaryk. "Paxton filed Thursday's lawsuit again in Amarillo, where Kacsmaryk, an appointee of President Donald Trump, hears nearly all cases. Kacsmaryk was the first judge to be appointed directly from a religious liberty law firm. He previously worked at First Liberty, a Plano-based conservative Christian law firm, where he frequently litigated cases involving abortion, contraception and gender identity." [Texas Tribune, [8/19/24](#)]

The Heritage Foundation Launched The Project 2025 Advisory Board. "The Heritage Foundation today announced the formation of the Project 2025 Advisory Board, the first major initiative of the 2025 Presidential Transition Project since its launch in April." [The Heritage Foundation, [6/24/22](#)]

America First Legal Successfully Sued To Create Religious Exemptions For Title VII Nondiscrimination Interpretations

AFL Represented Clients In A Class Action Lawsuit Against The Equal Employment Opportunity Commission Over Their Lack Of Exceptions In Title VII Nondiscrimination Interpretations. “The Equal Employment Opportunity Commission issued an edict claiming that Title VII prohibits employment discrimination based on sexual orientation or gender identity, with no exceptions for anyone. The EEOC had been using this edict to sue Christian-owned businesses that didn’t conform to the edict, which compelled employers to ‘allow employees into restrooms that correspond to the employees’ gender identity, no matter the individual’s biological sex, whether the individual has had a sex-change operation, or whether other employees have raised objections or privacy concerns.’ AFL represented clients in a class-action lawsuit against the EEOC.” [America First Legal, accessed [8/16/24](#)]

The Lawsuit Was Filed In The Northern District Of Texas, Forth Worth Division.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

[Northern Texas District Fort Worth Division, Bear Creek Bible Church, et al., v. EEOC, et al., Complaint, filed [6/9/21](#)]

- **The Case Was Decided By Judge Reed O’Connor.**



Reed O’Connor
UNITED STATES DISTRICT JUDGE

[Northern Texas District Fort Worth Division, Bear Creek Bible Church, et al., v. EEOC, et al., Final Judgment, filed [11/29/23](#)]

- **Judge Reed O’Connor Was A Frequent Federalist Society Contributor And The “Go-To Judge For Republican Cases” Surrounding Transgender Rights.** “O’Connor, who has contributed to the conservative Federalist Society, previously worked at a Texas-based private law practice, as an assistant district attorney for the Northern District of Texas and as a counsel to the Senate Judiciary Committee. [...] In 2018, Josh Blackman, a law professor at South Texas College of Law in Houston, told the Dallas Morning News that O’Connor was often the go-to judge for Republicans for cases surrounding health care and transgender rights.” [Axios, [4/12/23](#)]

The Fifth Circuit Held That Religious Employers May Be Exempt From Title VII Requirements Concerning Sexual Orientation And Gender Identity. “In *Braidwood Management, Inc. v. Equal Employment Opportunity Commission*, the United States Court of Appeals for the Fifth Circuit held that religious employers may be exempt from Title VII requirements concerning sexual orientation and gender identity discrimination if those requirements are found to substantially burden the employer’s religious beliefs.” [Husch Blackwell, [7/10/23](#)]

Project 2025 Called For The FDA To Reverse Its Approval Of Mifepristone; Alliance Defending Freedom Defended A Group That Sued To Force The FDA To Do So

Project 2025 Called For The FDA To Reverse Its Approval Of Mifepristone And Ban Sending Abortion Pills Through The Mail

Project 2025 Called On The FDA To Reverse Its Approval Of Mifepristone

Project 2025 Called On The FDA To “Reverse Its Approval Of Chemical Abortion Drugs.” “Since its approval more than 20 years ago, mifepristone has been associated with 26 deaths of pregnant mothers, over a thousand hospitalizations, and thousands more adverse events, but that number does not account for all complications. Of course, this does not count the hundreds of thousands to millions of babies whose lives have been unjustly taken through chemical abortion. FDA should therefore: Reverse its approval of chemical abortion drugs because the politicized approval process was illegal from the start.” [Project 2025, Mandate for Leadership, p.458, [2023](#)]

Project 2025 Said The DOJ Should Enforce The Comstock Act And Federal Obscenity Laws To Launch A Campaign To Stop Provision And Distribution Of Medication Abortion Pills

Project 2025 Called On The DOJ To Announce A Campaign To Enforce Obscenity Laws And The Comstock Act To Prosecute People Who Send Medication Abortion Pills Through The U.S. Mail.

“Announcing a Campaign to Enforce the Criminal Prohibitions in 18 U.S. Code §§ 1461 and 1462 Against Providers and Distributors of Abortion Pills That Use the Mail. Federal law prohibits mailing ‘[e] very article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for producing abortion.’ 75 Following the Supreme Court’s decision in Dobbs, there is now no federal prohibition on the enforcement of this statute. The Department of Justice in the next conservative Administration should therefore announce its intent to enforce federal law against providers and distributors of such pills.” [Project 2025, Mandate for Leadership, p.562, [2023](#)]

- **The Comstock Act Is A Federal Law Allowing The Post Office To Search For Any “Obscene, Lewd, Lascivious, Indecent, Filthy, Or Vile Article, Matter, Thing, Device, Or Substance.”** “The Comstock Act is a federal law that authorized the post office to search mail for any ‘obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance.’ This included porn and information or items related to sexual health, sexuality, abortion, and birth control. Comstock’s definition of obscenity was so broad, the post office could even seize novels, plays, art, medical textbooks, and personal letters with sexual content.” [Planned Parenthood, [5/12/23](#)]

Alliance Defending Freedom Represented A Plaintiff Suing The FDA To Challenge Their Mifepristone Regulations

2022: Alliance For Hippocratic Medicine Sued The Food And Drug Administration Challenging Its Approval Of Mifepristone. “Just months after the Supreme Court overturned Roe v. Wade in 2022, a newly-formed group called the Alliance for Hippocratic Medicine sued the Food and Drug Administration, challenging its approval of mifepristone, a medication used for abortion.” [NPR, [3/25/24](#)]

- **August 2023: The Fifth Circuit Court Ruled That The FDA Should Roll Back Its Prescribing Rules Which Would Shut Down Telemedicine Access To The Pill And Limit Access.** “Last August, the Fifth Circuit Court of Appeals ruled that FDA should roll back its prescribing rules to what they were in 2011. That would dramatically cut down on the number of people able to access this medication, for

several reasons. It would shut down telemedicine access to the medication and could undo retail pharmacies' new ability to dispense it. It would also make it only available until seven weeks of pregnancy, instead of 10 weeks under the current rules, along with other changes. (Globally, the medication can be used as late as 12 weeks.)” [NPR, [3/25/24](#)]

- **The Supreme Court Rejected The Lawsuit Ruling That The Plaintiffs Did Not Have Standing, Which Could Encourage More Mifepristone Challenges In The Future.** “The Supreme Court on Thursday rejected a lawsuit challenging the Food and Drug Administration’s approach to regulating the abortion pill mifepristone with a ruling that will continue to allow the pills to be mailed to patients without an in-person doctor’s visit. [...] The court ruled that the doctors and anti-abortion groups that had challenged access to the drug did not have standing to sue. Though technical, the court’s reasoning is important because it might encourage other mifepristone challenges in the future.” [CNN, [6/13/24](#)]
- **An ADF Lawyer Said She Expected Litigation To Continue In The States.** “Erin Hawley, a lawyer with the Alliance Defending Freedom who argued on behalf of the doctors, said in a call with reporters that she expects litigation to continue with those states raising standing arguments that are different from those made by the doctors.” [CBS News, [6/13/24](#)]

Alliance Defending Freedom Represented The Alliance For Hippocratic Medicine In Its Lawsuit Against The FDA.

Case 2:22-cv-00223-Z Document 9 Filed 11/30/22 Page 1 of 5 PageID 1887

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

<u>Alliance for Hippocratic Medicine, et al.,</u>	§	
<i>Plaintiff</i>	§	
	§	
v.	§	Case No. <u>2:22-CV-00223-z</u>
	§	
	§	
<u>U.S. Food and Drug Administration, et al.,</u>	§	
<i>Defendant</i>	§	

APPLICATION FOR ADMISSION PRO HAC VICE
(Complete all questions; indicate “N/A” if necessary.)

I. Applicant is an attorney and a member of the law firm of (or practices under the name of)
Alliance Defending Freedom, with offices at

[Northern District of Texas, Alliance for Hippocratic Medicine, et al. v. U.S. Food and Drug Administration, et al., Application For Admission Pro Hac Vice, filed [11/30/22](#)]

Matthew Bowman And Erik Baptist Of Alliance Defending Freedom Represented Alliance For Hippocratic Medicine.

RESPONDENTS' BRIEF IN OPPOSITION

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- **Matt Bowman Of Alliance Defending Freedom Was A Project 2025 Contributor.** [Project 2025, Mandate for Leadership, [2023](#)]
 - **Bowman Litigated Several Abortion Lawsuits For ADF And Clerked For Samuel Alito.** “Prior to joining HHS, Bowman was an accomplished litigator at ADF for over ten years. He filed and argued *NIFLA v. Becerra* in the lower federal courts, a case where the Supreme Court later protected the free speech of pro-life pregnancy centers. In 2012 Bowman obtained the first court order blocking Obamacare’s abortion pill mandate in *Newland v. Sebelius*. He went on to win several similar cases, including for March for Life and Tyndale House Publishers, and served as co-counsel in *Conestoga Wood Specialties v. Burwell*. [...] Before joining ADF in 2006, Bowman served as a law clerk for Judges Samuel A. Alito, Jr., and Michael A. Chagares, at the United States Court of Appeals for the Third Circuit, and for Judge John M. Roll at the U.S. District Court for the District of Arizona.” [Alliance Defending Freedom, accessed [8/7/24](#)]
- **Erik Baptist Of Alliance Defending Freedom Was A Project 2025 Contributor.** [Project 2025, Mandate for Leadership, [2023](#)]
 - **Baptist Was Director Of The Center For Life At ADF.** “Erik Baptist serves as senior counsel and director of the Center for Life at Alliance Defending Freedom where he leads the team’s litigation and advocacy efforts to protect unborn babies and their mothers from the harms of abortion. In this leadership role, Baptist also collaborates with pro-life allies, works with Members of Congress and their staff, and engages with international, national, and local media on pro-life matters.” [Alliance Defending Freedom, accessed [8/9/24](#)]

Multiple Project 2025 Partners Filed Amicus Briefs In The Mifepristone Case

AAPLOG Was A Coalition Partner And Plaintiff In The Mifepristone Case

The American Association Of Pro-Life Obstetricians And Gynecologists (AAPLOG) Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

AAPLOG Was A Petitioner In The Alliance For Hippocratic Medicine Case. “Petitioner organizations—Alliance for Hippocratic Medicine, American Association of Pro-Life Obstetricians & Gynecologists, American College of Pediatricians, and Christian Medical & Dental Associations— have no parent corporations, and no publicly held corporation owns 10 percent or more of the stock of any of them.” [Supreme Court, *Alliance for Hippocratic Medicine, et al. v. U.S. Food and Drug Administration, et al.*, Brief For The Respondents, filed [2/22/24](#)]

ACLJ Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

ACLJ Action Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

ACLJ Filed Three Amicus Briefs In Dobbs And One In The Alliance For Hippocratic Medicine Case. “In the landmark Dobbs case, the ACLJ filed three amicus briefs dismantling pro-abortion arguments. The Supreme Court in Dobbs proceeded to overrule the notorious 1973 Roe v. Wade abortion decision, a stupendous victory for life, but that is not the end of the battle. The legal fight for life continues in the states as well as in the federal courts. In one such federal court case, the ACLJ has filed an amicus brief drawing upon our work in Dobbs to highlight the horrific use of abortion as a means of exploiting women. The case is Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration.” [ACLG Action, [2/15/23](#)]

Americans United For Life Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Americans United For Life Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Americans United For Life Filed Two Amicus Briefs In The Alliance For Hippocratic Medicine Case. “Americans United for Life (AUL) filed two amicus curiae briefs in the United States Supreme Court Thursday in the case of Food and Drug Administration v. Alliance for Hippocratic Medicine. The first brief was filed on behalf of 145 members of Congress, led by Sen. Cindy Hyde-Smith of Mississippi in the Senate and Rep. August Pfluger of Texas in the House of Representatives. The brief was signed by 26 senators and 119 representatives. The second brief was filed on behalf of AUL.” [Americans United For Life, [2/29/24](#)]

Ethics And Public Policy Center Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Ethics And Public Policy Center Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Ethics And Public Policy Center Filed Two Amicus Briefs In The Alliance For Hippocratic Medicine Case. “EPPC scholars filed two amicus briefs in the Supreme Court in the pending case of FDA v. Alliance for Hippocratic Medicine, in which doctors and medical associations are challenging the FDA’s various actions concerning the abortion drug mifepristone.” [Ethics And Public Policy Center, [3/1/24](#)]

National Center For Public Policy Research Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

National Center For Public Policy Research Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

National Center For Public Policy Research Joined Multiple Organizations In Filing An Amicus Brief In The Alliance For Hippocratic Medicine Case. [Supreme Court, FDA v. Alliance For Hippocratic Medicine, et al., Amicus Brief, filed [4/18/23](#)]

Project 21 Black Leadership Network Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Project 21 Black Leadership Network Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Project 21 Joined Multiple Organizations In Filing An Amicus Brief In The Alliance For Hippocratic Medicine Case. [Supreme Court, FDA v. Alliance For Hippocratic Medicine, et al., Amicus Brief, filed [4/18/23](#)]

Family Policy Alliance Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Family Policy Alliance Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Family Policy Alliance Filed An Amicus Brief In The Alliance For Hippocratic Medicine Case.

**BRIEF OF *AMICI CURIAE*
FAMILY POLICY ALLIANCE AND STATE
FAMILY POLICY COUNCILS
IN SUPPORT OF RESPONDENTS**

[Supreme Court, FDA v. Alliance For Hippocratic Medicine, et al., Amicus Brief, filed [2/28/24](#)]

Dr. James Dobson Family Institute Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Dr. James Dobson Family Institute Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Dr. James Dobson Family Institute Joined Multiple Organizations In Filing An Amicus Brief In The Alliance For Hippocratic Medicine Case. [Supreme Court, FDA v. Alliance For Hippocratic Medicine, et al., Amicus Brief, filed [4/18/23](#)]

Susan B. Anthony Pro-Life America Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Susan B. Anthony Pro-Life America Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Susan B. Anthony Pro-Life America Filed An Amicus Brief In The Alliance For Hippocratic Medicine Case.

**BRIEF OF *AMICI CURIAE* SUSAN B. ANTHONY
PRO-LIFE AMERICA AND UNITED STATES
CONFERENCE OF CATHOLIC BISHOPS, ET AL.,
IN SUPPORT OF RESPONDENTS**

[Supreme Court, FDA v. Alliance For Hippocratic Medicine, et al., Amicus Brief, filed [2/29/24](#)]

Texas Public Policy Foundation Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Texas Public Policy Foundation Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Texas Public Policy Foundation Filed An Amicus Brief In The Alliance For Hippocratic Medicine Case.

**BRIEF OF *AMICI CURIAE* SOUTHEASTERN LEGAL
FOUNDATION AND TEXAS PUBLIC POLICY
FOUNDATION IN SUPPORT OF RESPONDENTS**

[Supreme Court, *FDA v. Alliance For Hippocratic Medicine, et al.*, Amicus Brief, filed [2/29/24](#)]

Young America's Foundation Was A Coalition Partner And Filed An Amicus Brief In The Mifepristone Case

Young America's Foundation Was A Project 2025 Coalition Partner. [Heritage Foundation, [2/20/24](#)]

Young America's Foundation Joined Multiple Organizations In Filing An Amicus Brief In The Alliance For Hippocratic Medicine Case. [Supreme Court, *FDA v. Alliance For Hippocratic Medicine, et al.*, Amicus Brief, filed [4/18/23](#)]

Project 2025 Called For The Department Of Health And Human Services To End Its Abortion Guidance In EMTALA; Alliance Defending Freedom Served As Counsel In Two Lawsuits To End The Guidance

Project 2025 Criticized EMTALA's Inclusion Of Abortion And Called On The Department Of Health And Human Services To End The Guidance

EMTALA Requires Any Hospital With An Emergency Room That Receives Medicare Funding To Provide Stabilizing Treatment To Anyone Who Comes To The Hospital Experiencing An Emergency Medical Condition. "Enacted in 1986, EMTALA requires any hospital with an emergency room that receives Medicare funds (virtually all hospitals) to provide stabilizing treatment to anyone who comes to the hospital experiencing an emergency medical condition." [ACLU, [4/24/24](#)]

- **July 2022: The Department Of Health And Human Services (HHS) Issued Guidance Reminding Hospitals Of Their Obligation To Comply With EMTALA, Which They Interpreted As Preempting State Law When State Abortion Law Did Not Include A Broad Exception For Life Of The Pregnant Person.** "July 2022 Guidance from the Department of Health and Human Services ('HHS') 'remind[ed] hospitals of their existing obligation to comply with EMTALA,' which the agency interprets as conflicting with and preempting state law, and requiring the provision of appropriate stabilizing treatment, when a state law prohibits abortion and does not include an exception for the life of the pregnant person that is as broad as EMTALA's definition of an EMC." [Reuters, [4/18/24](#)]

Project 2025 Criticized HHS Guidance Mandating That EMTALA-Covered Hospitals Must Include Abortions, Claiming The Interpretation Was "Baseless." "In July 2022, HHS/CMS released guidance mandating that EMTALA-covered hospitals and the physicians who work there must perform abortions, to include completing chemical abortions even when the child might still be alive. The guidance also declared that EMTALA would protect physicians and hospitals that perform abortions in violation of state law if they deem those abortions necessary to stabilize the women's health. This novel interpretation of EMTALA is baseless. EMTALA requires no abortions, preempts no pro-life state laws, and explicitly requires stabilization of the unborn child." [Project 2025, *Mandate for Leadership*, p.473-74, [2023](#)]

Project 2025 Called On The HHS To Rescind The Guidance And The DOJ To End Enforcement Of EMTALA's Abortion Protections. "HHS should rescind the guidance and end CMS and state agency investigations into cases of alleged refusals to perform abortions. DOJ should agree to eliminate existing

injunctions against pro-life states, withdraw its enforcement lawsuits, and in lawsuits against CMS on the guidance agree to injunctions against CMS and withdraw appeals of injunctions.” Project 2025, Mandate for Leadership, p.474, [2023](#)]

Alliance Defending Freedom Engaged In Two Lawsuits Challenging EMTALA’s Preemption Of State Abortion Bans

ADF Defended Idaho In Idaho v. United States

2022: The United States Challenged Idaho’s Broad Abortion Ban, Arguing The Law Was Preempted Where It Conflicted With EMTALA. “In 2022, the United States filed suit in federal court challenging Idaho’s broad abortion ban, principally arguing the law is preempted to the extent it directly conflicts with EMTALA.” [Reuters, [4/18/24](#)]

- **The District Court Sided With The United States And Issued A Preliminary Injunction Prohibiting Idaho From Enforcing Its Abortion Law As It Applied To EMTALA-Mandated Care.** “The court issued a preliminary injunction, prohibiting Idaho from enforcing its abortion law as applied to EMTALA-mandated care. In particular, the district court held that the federal government demonstrated a substantial likelihood of succeeding on the merits of its challenge that EMTALA directly conflicts with, and thus preempts, Idaho’s state abortion ban with respect to EMTALA-mandated care.” [Reuters, [4/18/24](#)]
- **A 9th Circuit Appeals Panel Initially Sided With Idaho, Then With The United States In A Rehearing.** “A 9th U.S. Circuit Court of Appeals panel granted the state Legislature’s request to stay the injunction, allowing the Idaho ban to fully take effect. The State itself appealed the preliminary injunction. Following a request by the federal government, the 9th Circuit elected to rehear the case en banc, vacating the panel’s opinion and restoring the preliminary injunction in the meantime. The en banc court then denied the Legislature’s stay motion and scheduled oral argument on the merits.” [Reuters, [4/18/24](#)]
- **The Supreme Court Dismissed The Case, Sending It Back To Federal District Court.** “The U.S. Supreme Court on Thursday, in a 6-3 opinion, temporarily allowed abortions in medical emergencies in Idaho. The opinion was erroneously posted on the court’s website on Wednesday. The decision reinstates a lower court ruling that temporarily allowed hospitals in the state to perform emergency abortions to protect the life of the mother, and the health of the mother. [...] The opinion dismissed the case as ‘improvidently granted’ and returned it to the lower courts for further litigation. The case will now return to a federal district court judge, who had temporarily blocked the Idaho law from going into effect.” [NPR, [6/27/24](#)]

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[Supreme Court, State of Idaho v. United States Of America, Emergency Application For A Stay Pending Appeal, filed [11/20/23](#)]

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- **Matt Bowman Of Alliance Defending Freedom Was A Project 2025 Contributor.** [Project 2025, Mandate for Leadership, [2023](#)]

ADF Defended A Plaintiff In Texas v. Xavier Becerra

Texas Also Challenged HHS's EMTALA Guidance And The Northern District Of Texas Preliminarily Enjoined HHS From Enforcing Its Interpretation. "Before the U.S. challenged Idaho's law, the state of Texas, joined by two provider groups, brought a federal suit challenging HHS's July 2022 Guidance. On Aug. 23, 2022 (the day before the Idaho district court ruled), the Northern District of Texas ruled that the plaintiffs had demonstrated a substantial likelihood of success on the merits and preliminarily enjoined HHS from enforcing its interpretation of EMTALA in Texas." [Reuters, [4/18/24](#)]

The Fifth Circuit Affirmed The District Court's Opinion And The Government Petitioned The Supreme Court for Review. "HHS is currently prohibited from enforcing its interpretation 'as to when an abortion is required and EMTALA's effect on state laws governing abortion' within the state of Texas or against the plaintiff-providers' members. The federal government appealed to the 5th U.S. Circuit Court of Appeals, which

affirmed the district court's decision. On April 1, 2024, the Government petitioned the Supreme Court for review.” [Reuters, [4/18/24](#)]

Matthew Bowman Of Alliance Defending Freedom Was The Counsel For American Association Of Pro-Life Obstetricians And Gynecologists And Christian Medical And Dental Associations, Two Co-Plaintiffs In The Texas Case.

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[Northern District of Texas Lubbock Division, State of Texas, et al., v. Becerra, et al., Plaintiffs’ Amended Complaint, filed [7/28/22](#)]

An Associated Press Analysis Found More Than 100 Pregnant Women In Medical Distress Were Turned Away Or Negligently Treated Since 2022

An Associated Press Analysis Found More Than 100 Pregnant Women In Medical Distress Were Turned Away Or Negligently Treated Since 2022. “More than 100 pregnant women in medical distress who sought help from emergency rooms were turned away or negligently treated since 2022, an Associated Press analysis of federal hospital investigations found. Two women — one in Florida and one in Texas — were left to miscarry in public restrooms. In Arkansas, a woman went into septic shock and her fetus died after an emergency room sent her home. At least four other women with ectopic pregnancies had trouble getting treatment, including one in California who needed a blood transfusion after she sat for nine hours in an emergency waiting room.” [Associated Press, [8/12/24](#)]

Project 2025 Called For Restrictions To Birth Control Access; America First Legal Filed Lawsuits Preventing Youth From Accessing Contraceptives

Project 2025 Called For Limitations On Birth Control Access

Project 2025 Would End The Biden Administration’s Gender Policy Council That Sought To Increase Access To Contraception. “Under the Biden administration, the White House Gender Policy Council has led efforts to increase access to contraception, published the National Plan to End Gender-Based Violence, and begun groundbreaking research into how women’s health is studied across the country. Project 2025 would immediately disband the Council and prioritize coordinating efforts that push for ‘promoting life’ and emphasize a narrow vision of what defines a ‘family.’” [Democracy Forward, accessed [7/25/24](#)]

Project 2025 Would Exclude Some Forms Of Emergency Contraception From No-Cost Coverage, Which Could Affect Nearly 48 Million Women. “In ‘Project 2025: A Presidential Transition Project,’ far-right extremists outline their intent to exclude some forms of emergency contraception from no-cost coverage. The Affordable Care Act (ACA) requires most private health insurance plans to provide no-cost coverage—without copayment, coinsurance, or deductible—for recommended preventive services. This benefit includes the full range of U.S. Food and Drug Administration-approved birth control methods and counseling, including emergency contraception. Rescinding no-cost coverage could have lifelong consequences for women nationwide. A new Center for American Progress analysis estimates that if Project 2025 were enacted, nearly 48 million women of reproductive age would lose their guaranteed no-cost access to emergency contraception.” [Center For American Progress, [6/18/24](#)]

Project 2025 Called For The Elimination Of Male Condoms From Women’s Preventive Services Guidelines. “Eliminate men’s preventive services from the women’s preventive services mandate. In December 2021, HRSA updated its women’s preventive services guidelines to include male condoms after claiming for years that it had no authority to do so because Congress explicitly limited the mandate to ‘women’s’ preventive care and screenings. HRSA should not incorporate exclusively male contraceptive methods into guidelines that specify they encompass only women’s services.” [Project 2025, Mandate for Leadership, [2023](#)]

America First Legal Filed A Lawsuit Challenging Youth Access To Contraception

July 2024: America First Legal Sued The Biden Administration Over A Policy Allowing Minors To Access Birth Control Without Their Parents’ Consent

July 2024: Texas Sued The Biden Administration Over A Policy Allowing Adolescents To Access Birth Control Without Their Parents Consent. “Texas Attorney General Ken Paxton (R) is suing the Biden administration over a policy that allows adolescents to access birth control without their parents’ consent, arguing that the rule violates state law requiring guardians to consent to their children’s use of contraceptives.” [Washington Post, [7/27/24](#)]

A Co-Plaintiff In The Case Was Represented By Gene Hamilton, Vice President Of America First Legal Foundation.

Dated: July 25, 2024

Respectfully submitted.

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[U.S. District Court Northern District of Texas Amarillo, State of Texas, et al. v. Becerra, et al., Complaint, filed [7/25/24](#)]

The Case Was Filed In The Northern District Of Texas, Amarillo Division.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

[U.S. District Court Northern District of Texas Amarillo, State of Texas, et al. v. Becerra, et al., Complaint, filed [7/25/24](#)]

- **Cases Filed In Amarillo, Texas, Have “A 100 Percent Chance Of Having The Case Assigned To Judge Matthew Kacsmark.”** “It was filed in Amarillo. Why Amarillo? By filing there, Mr. Paxton had a 100 percent chance of having the case assigned to Judge Matthew Kacsmark — appointed to the bench by President Donald Trump in 2019 and a former deputy general counsel to the First Liberty Institute, which frequently litigates religious liberty cases before the Supreme Court.” [New York Times, [02/05/23](#)]

March 2022: The Fifth Circuit Upheld That Title X Clinics In Texas Must Require Parental Consent

March 2022: The Fifth Circuit Court Of Appeals Upheld A 2022 Ruling That Required Title X Clinics To Require Parental Consent For Teens. “In 2022, a federal judge in Amarillo ruled the Title X program violated Texas parents’ rights. Last month, the 5th U.S. Circuit Court of Appeals upheld that decision. Now, unlike in the other 49 states, Texas’ 156 Title X clinics must require parental consent for teens. It’s a radical rewriting of a long-standing federal program, and a huge shift for the clinics and the clients they serve.” [Texas Tribune, [4/8/24](#)]

- **The Plaintiff Alexander Deanda Argued That Title X Violated His Parental Rights To Consent To His Teenage Daughters’ Medical Care.** “A man named Alexander Deanda argued the Title X program violated his parental rights, as enshrined in Texas law, to consent to his teenage daughters’ medical care. Deanda does not say his daughters went to a Title X clinic or got birth control without his knowledge, but that there was a risk they would as long as this program remained in effect in Texas.” [Texas Tribune, [4/8/24](#)]
- **The Lawsuit Was Filed In Amarillo And Heard In Front Of District Judge Matthew Kacsmark.** “Mitchell files many of his suits in Amarillo, where almost all federal cases are heard by one man — U.S. District Judge Matthew Kacsmark. Before Trump appointed him to the federal bench in 2019, Kacsmark was a stalwart of the conservative Christian legal movement, litigating cases involving abortion and contraception access.” [Texas Tribune, [4/8/24](#)]

Gene Hamilton Of America First Legal Represented The Plaintiff.

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[Fifth Circuit Court of Appeals, Notice of Form For Appearance, filed [6/26/23](#)]

Project 2025 Called For The Dissolution Of DEI And ESG Efforts; Multiple Partners Sued To End Companies’ DEI And ESG Policies

Project 2025 Called For An End To DEI And ESG Efforts

Project 2025 Called For The Removal Of DEI Policies In The Federal Government

Project 2025 Called For The Next Conservative Administration To Delete “DEI” From Every Federal Rule, Contract, And Piece Of Legislation. “The next conservative President must make the institutions of American civil society hard targets for woke culture warriors. This starts with deleting the terms sexual orientation and gender identity (‘SOGI’), diversity, equity, and inclusion (‘DEI’), gender, gender equality, gender equity, gender awareness, gender-sensitive, abortion, reproductive health, reproductive rights, and any other term used to deprive Americans of their First Amendment rights out of every federal rule, agency regulation, contract, grant, regulation, and piece of legislation that exists.” [Project 2025, Mandate for Leadership, p.4-5, [2023](#)]

Project 2025 Claimed That DEI Offices Were “Vehicles For This Unlawful Discrimination.” “Even though numerous federal laws prohibit discrimination based on notable immutable characteristics such as race and sex,⁷³ the Biden Administration—through the DOJ’s Civil Rights Division and other federal entities—has enshrined affirmative discrimination in all aspects of its operations under the guise of ‘equity.’ Federal agencies and their components have established so-called diversity, equity, and inclusion (DEI) offices that have become the vehicles for this unlawful discrimination, and all departments and agencies have created ‘equity’ plans to carry out these invidious schemes.” [Project 2025, Mandate for Leadership, p.561, [2023](#)]

Project 2025 Called For DEI Policies To Be Eradicated From The Treasury Department. “The next conservative Administration should take affirmative steps to expose and eradicate the practice of critical race theory and diversity, equity, and inclusion (DEI) throughout the Treasury Department.” [Project 2025, Mandate for Leadership, p.708, [2023](#)]

- **Project 2025 Called For A Reversal Of The “DEI Revolution In Labor Policy.”** “Reverse the DEI Revolution in Labor Policy. Under the Obama and Biden Administrations, labor policy was yet another target of the Diversity, Equity, and Inclusion (DEI) revolution. Under this managerialist left-wing race and gender ideology, every aspect of labor policy became a vehicle with which to advance race, sex, and other classifications and discriminate against conservative and religious viewpoints on these subjects and others, including pro-life views. The next Administration should eliminate every one of these wrongful and burdensome ideological projects.” [Project 2025, Mandate for Leadership, p.582, [2023](#)]
- **Project 2025 Called For The Dismantle Of USAID’s DEI Policies, Including Removing The Chief Diversity Officer Position, Removing DEI Requirements, And Ending The “Bullying LGBTQ+ Agenda.”** “The next conservative Administration should dismantle USAID’s DEI apparatus by eliminating the Chief Diversity Officer position along with the DEI advisers and committees; cancel the DEI scorecard and dashboard; remove DEI requirements from contract and grant tenders and awards; issue a directive to cease promotion of the DEI agenda, including the bullying LGBTQ+ agenda; and provide staff a confidential medium through which to adjudicate cases of political retaliation that agency or implementing staff suffered during the Biden Administration. It should eliminate funding for partners that promote discriminatory DEI practices and consider debarment in egregious cases.” [Project 2025, Mandate for Leadership, p.258, [2023](#)]

Project 2025 Repeatedly Criticized ESG Policies

Project 2025 Called For The Federal Government To Remove Its Pension Funds From Managers With ESG Commitments. “The TSP is managed under contract by private-sector fund managers. Its current managers are BlackRock and State Street Global Advisers. Both of these managers have demonstrated a public commitment to use the funds they manage to advance ESG. The federal government should follow the lead of multiple state governments in removing their pension funds from fund managers such as BlackRock and State Street Global Advisers, and contract with a competitive, private-sector manager that will comply with its fiduciary duties.” [Project 2025, Mandate for Leadership, p.343, [2023](#)]

Project 2025 Called On Congress To Investigate ESG Practices As Anticompetitive Activity And Possible Unfair Trade Practices. “Congress should investigate ESG practices as a cover for anticompetitive activity and possible unfair trade practices. The business of American business is business, not ideology. The privileges extended to corporations in American society come with the expectation that Mandate for Leadership: The Conservative Promise they will pursue profits for shareholders, bringing about economic growth. Managers, particularly in publicly traded corporations, who use their power to advance sets of fashionable moral beliefs, such as ESG/DEI, introduce agency problems into the shareholder relationship and appropriate corporate wealth for their own benefit.” [Project 2025, Mandate for Leadership, p.873-74, [2023](#)]

America First Legal Filed More Than 100 Legal Actions Against “Woke” Companies, Including Alleging Discrimination Against White Men And ESG Policies

America First Legal Filed More Than 100 Legal Actions Against “Woke” Companies, Including Equal Employment Opportunity Commission Complaints Alleging Discrimination Against White Men. “The group, headed by the former Trump adviser Stephen Miller, has filed more than 100 legal actions against ‘woke’ companies and others. But winning may be beside the point. [...] The legal group has filed complaints with the Equal Employment Opportunity Commission asserting that ‘woke corporations’ like Disney, Nike, Mattel, Hershey, United Airlines and the National Football League discriminate against white males.” [New York Times, [3/21/24](#)]

AFL Sued Target Over Their ESG Mandate Claiming It Misled Stakeholders And Embraced The “Radical Transgender Agenda” In An Ongoing Lawsuit. “Target Corporation and its Board of Directors have misled shareholders and customers with misleading representations on the company’s Environmental, Social, and

Governance (ESG) and Diversity, Equity, and Inclusion (DEI) mandates. Target assured shareholders that it was monitoring for political and social issues and risks that could arise as a result of the ESG and DEI policies. However, management only cared when leftist ‘stakeholders’ cared about these business decisions. Following Target’s May 2023 embrace of the radical transgender agenda, Target shares have seen more than a \$12 billion collapse in value, the largest stock price decline in over 20 years. [...] On behalf of a Target shareholder, AFL sued the company for failing to assess the risks that come when corporations pander to the left and virtue signal while leaving their core customer base behind. [...] This case is currently being litigated.” [America First Legal, accessed [8/16/24](#)]

The National Center For Public Policy Research Filed A Lawsuit Challenging The SEC’s Diversity Rules

The National Center For Public Policy Research Challenged The SEC’s Approval Of Nasdaq’s Diversity Rules Which Required Companies To Explain Failures To Meet Diversity Standards. “The U.S. Securities and Exchange Commission (SEC) is receiving pushback for approving Nasdaq’s Board Diversity Rules, which require all companies listed on the exchange to not only publicly disclose board diversity statistics but also explain failures to meet new diversity requirements. NCLA’s client, the National Center for Public Policy Research, which owns shares in many Nasdaq companies, argues that SEC has no power to regulate in this field because the rules have nothing to do with fraud or honest markets. The diversity rules fall outside of SEC’s regulatory authority under the 1934 Securities and Exchange Act, which empowered SEC to regulate securities to ensure honest markets and enforce federal laws that punish fraud. These longstanding laws are being misinterpreted today by SEC to allow the agency, working with Nasdaq, to impose a ‘meet quota, explain why, or get delisted’ regime.” [NCLA Legal, accessed [8/15/24](#)]

- **The Case Was Pending Before The Fifth Circuit.** “And in May, the right-leaning U.S. Court of Appeals for the 5th Circuit heard oral arguments in a case challenging a rule imposed by Nasdaq, which lists more than 3,000 companies, including Nvidia, Microsoft and Apple. [...] The 5th Circuit is expected to issue a decision in the coming months.” [Washington Post, [6/27/24](#)]

Project 2025 Called For A “Parents’ Bill Of Rights”; ADF And AFL Filed Lawsuits To Give Parents Control Over Progressive Issues In School

Projected 2025 Called For Expansion Of “Parental Rights”

Project 2025 Called For A Federal “Parents’ Bill Of Rights” To Apply Strict Scrutiny To Issues Of Parental Control. “Work to pass a federal Parents’ Bill of Rights that restores parental rights to a ‘top-tier’ right. Such legislation would give families a fair hearing in court when the federal government enforces any policy against parents in a way that undermines their right and responsibility to raise, educate, and care for their children. The law would require the government to satisfy ‘strict scrutiny’—the highest standard of judicial review—when the government infringes parental rights.” [Project 2025, Mandate for Leadership, p.343, [2023](#)]

“Parental Rights” Was Often Evoked To Defend Anti-LGBTQ+ Issues In Schools. “States throughout the country are targeting LGBTQ+ youth. Bills and regulations banning youth access to transgender medical care or forbidding discussion of LGBTQ+ issues in the classroom have been enacted or proposed in at least 25 states. Most often these bills are defended on the grounds that they protect ‘parental rights.’” [Slate, [11/1/22](#)]

Alliance Defending Freedom Filed A Lawsuit Challenging A School District Policy Preventing Teachers From Outing Transgender Students To Their Parents

ADF Filed A Lawsuit After A Kansas Teacher Alleged Her Religious Beliefs Were Violated By A School Policy Prohibiting Teachers From Informing Parents About Their Children’s Preferred Names And Pronouns. “In October 2021, the district informed teachers about a new policy that had been approved by the school board. In addition to forcing teachers to use preferred names and pronouns, this new policy prohibited teachers from informing parents about their children’s decisions to go by new names and pronouns unless the student consented. This policy would force Pam to violate her religious beliefs by denying truths to children about what it means to be male and female and dishonestly concealing information from the parents of her students. For those reasons, attorneys with ADF and Kriegshauser Ney Law Group assisted Pam in filing a lawsuit against the Geary County school district for violating her constitutional freedoms, including her First Amendment right to exercise her religion.” [Alliance Defending Freedom, [5/16/24](#)]

- **A Court Ruled In The Teacher’s Favor And Issued An Order Temporarily Barring The District From Enforcing Their Policy.** “In May 2022, the court ruled Pam was likely to succeed on her claim that the district had violated her right to exercise her religion by forcing her to keep parents in their dark about their children. It issued an order temporarily barring the district from enforcing this policy while the lawsuit proceeded. [...] After the ruling, the school board voted to revoke the policy prohibiting teachers from informing parents about their children’s choices of names and pronouns. The board then agreed to a settlement awarding \$95,000 in damages and attorney’s fees, and ADF attorneys dismissed the complaint.” [Alliance Defending Freedom, [5/16/24](#)]
- **The School Board Then Voted To Change The Policy.** “After the ruling, the school board voted to revoke the policy prohibiting teachers from informing parents about their children’s choices of names and pronouns. The board then agreed to a settlement awarding \$95,000 in damages and attorney’s fees, and ADF attorneys dismissed the complaint.” [Alliance Defending Freedom, [5/16/24](#)]

Matt Sharp Said The Courts “Repeatedly Affirmed” That The Constitution Protected Parental Rights. “School boards looking for inspiration to adopt strong, pro-parent policies should follow the lead of states like Montana and Florida, which recently enacted parental notification and involvement laws, or Oklahoma and Virginia, where the respective Departments of Education issued proposed rules and policies that strengthen parental rights. And despite what opponents may claim, such parental notification policies are supported—even required—by the U.S. Constitution, which courts have repeatedly affirmed protects the fundamental right of parents to raise and train their child.” [Matt Sharp - Alliance Defending Freedom, [6/7/24](#)]

- **Matt Sharp Of Alliance Defending Freedom Was Listed As Project 2025 Contributors.** [Project 2025, Mandate for Leadership, [2023](#)]

America First Legal Filed A Lawsuit Successfully Challenging A School District For Not Requiring Parental Consent For A DEI Survey

2021: Six Parents Filed A Complaint With The Department Of Education Over Their District’s Failure To Provide Prior Notice And Receive Consent For A Student Survey Which Asked Questions About Racial Acceptance At The School. “In 2021, six parents filed PPRA complaints with the U.S. Department of Education challenging the Cedar Grove School District’s failure to provide prior notice and obtain parental consent before administering intrusive surveys. These ‘surveys’ included questions about same-sex unions, religious affiliation, gender identity, and race/ethnicity, asking whether school is ‘a safe place’ for the student’s ‘race/ethnic group,’ whether ‘adults in your school are fair in dealing with your particular racial/ethnic group,’ and whether ‘adults in your school are fair in dealing with people not in your particular racial/ethnic group.’” [America First Legal, [8/1/24](#)]

2023: AFL Filed A Lawsuit To Compel The DOE To Investigate The Complaints. “The U.S. Department of Education, however, did not act promptly, leading AFL to file a lawsuit in 2023 to compel the federal agency to investigate.” [Fox News, [8/2/24](#)]

August 2024: AFL Claimed It Achieved Victory After The Department Of Education Deemed The School System Acted Unlawfully By Not Providing An Opt-Out For DEI Surveys For Students. “Conservative watchdog legal group American First Legal (AFL), says it has achieved a significant ‘victory’ in a New Jersey school district after the U.S. Department of Education deemed the school system to have acted unlawfully by not providing an opt-out option for ‘equity’ and ‘diversity’ surveys handed out to students.” [Fox News, [8/2/24](#)]

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