

October 16, 2017

To the Honorable Members of the United States Senate
Washington, D.C. 20510

RE: 36 LGBT Groups Demand Withdrawal of Jeff Mateer Nomination

Dear Senator:

We, the undersigned 36 national, state and local advocacy organizations, representing the interests of lesbian, gay, bisexual and transgender (LGBT) people and everyone living with HIV, write to oppose the nomination of Jeff Mateer to the U.S. District Court for the Eastern District of Texas. Through his words and actions, Mr. Mateer has disqualified himself from any position of public trust. In particular, his brazen contempt for LGBT people renders him wholly unfit for a lifetime appointment to the federal bench. We urge you to demand that his nomination be withdrawn immediately.

Mr. Mateer has spent his professional life denigrating and vilifying LGBT people and their families. While his anti-LGBT record is too voluminous to detail in this short letter, a few examples stand out. In a 2015 speech titled “The Church and Homosexuality,” Mr. Mateer openly mocked a transgender girl whose parents successfully sued her elementary school for preventing her from using the girls’ bathroom.¹ Mr. Mateer then proceeded to assert that transgender children were evidence of “how Satan’s plan is working and the destruction that’s going on.”² Such vitriol directed at children reveals more than just a lack of judgment or empathy; rather, it reveals a level of cruelty and ideological fervor that are incompatible with judicial service. These comments alone are cause for demanding that his nomination be withdrawn.

Unfortunately, these hateful remarks about transgender children were not made in isolation; rather, they are part of a pattern of unrestrained, hostile bombast and vile anti-LGBT propaganda that Mr. Mateer routinely spews. In the same speech, Mr. Mateer decried marriage equality as “the destruction of marriage,” and claimed that it would open the door to “disgusting” new forms of matrimony, including “people marrying their pets.”³ During a public conference call, he encouraged everyone to “religify” and “write down” their objections to homosexuality and same-sex marriage out of concern that judges adjudicating LGBT rights claims would consider the views of Christian “heretics” who support the freedom to marry.⁴

¹ Chris Massie and Andrew Kaczynski, *Trump judicial nominee said transgender children are part of ‘Satan’s plan’, defended ‘conversion therapy,’* CNN.com (Sept. 20, 2017), available at <http://www.cnn.com/2017/09/20/politics/kfile-jeff-mateer-lgbt-remarks/index.html>.

² *Id.*

³ *Id.*

⁴ See American Pastors Network, *PA Pastors Network Conference Call with Jeff Mateer* at 45:30 (June 2, 2015), available at <https://americanpastorsnetwork.net/resource/pa-pastors-network-conference-call-with-jeff-mateer-6-2-15/>.

Mr. Mateer’s anti-LGBT zeal was on further display during his presentation at the now-infamous “National Religious Liberty Conference,” whose main organizer, Pastor Kevin Swanson, proposed that “homosexuals are worthy of death.”⁵ Even before the conference, Mr. Swanson’s horrific anti-LGBT views were widely known. Mr. Swanson had previously praised a bill that would make homosexuality punishable by death in Uganda, and in 2013, he condemned attending a wedding ceremony for a same-sex couple unless attendees held up signs telling the couple that they should be put to death.⁶

Rather than denouncing Mr. Swanson’s comments and declining participation, Mr. Mateer elected to give them legitimacy and add his voice to the hate. During his two speeches at the 2015 conference, Mr. Mateer declared that there is no “right to homosexuality” protected in the Fourteenth Amendment and that no honest attorney could defend the Supreme Court’s marriage equality ruling.⁷ During the same conference, Mr. Mateer lamented that states were attacking “therapists” and “counselors” by banning “conversion therapy,” the cruel and discredited practice of attempting to change a person’s sexual orientation or gender identity.⁸ He also used his platform at the conference to cast doubt on the very notion of the separation of church and state.⁹ From there, Mr. Mateer’s remarks turned from repugnant to unhinged when he warned attendees at his “Seven Things Every Christian Employee Should Know” presentation about pro-LGBT government “brainwashing” and “reprogramming” sessions.¹⁰

Mr. Mateer has channeled these dangerous views into building a legal career dedicated to defending extreme positions that target members of the LGBT community. Until last year, he served as general counsel for the Texas-based First Liberty Institute (FLI), an anti-LGBT legal organization that seeks to immunize discrimination by those who claim that their discriminatory actions are motivated by religious belief. Mr. Mateer and his organization have sued on behalf of employees who have criticized their employer’s non-discrimination policies as “promot[ing] sodomy,”¹¹ and who have denounced the “LGBTQXYZ crowd and the Gaystapo” for trying to “make their sinful nature right with God.”¹²

⁵ See Nick Duffy, *Ted Cruz Finally Admits It Was A Mistake To Attend Death To Gays Rally, But No Apology*, PinkNews (Feb. 24, 2016), available at <http://www.pinknews.co.uk/2016/02/24/ted-cruz-finally-admits-it-was-a-mistake-to-attend-death-to-gays-rally-but-no-apology/>.

⁶ Miranda Blue, *Kevin Swanson Aghast That Christians Support Death Penalty Crime Of Gay Marriage*, RightWingWatch (Nov. 3, 2015), available at <http://www.rightwingwatch.org/post/kevin-swanson-aghast-that-christians-support-death-penalty-crime-of-gay-marriage/>; Brian Tashman, *Swanson: Tells Gay Couples To Die On Their Wedding Day*, RightWingWatch (Sept. 5, 2013), available at <http://www.rightwingwatch.org/post/swanson-tell-gay-couples-to-die-on-their-wedding-day/>.

⁷ Jeff Mateer, *Are You Protecting Your Churches or 501c3 Ministry?*, National Religious Liberty Conference (recording on file with Lambda Legal).

⁸ *Id.*

⁹ Kristine Phillips, *A Trump Judicial Pick Said Transgender Children Are Proof That Satan’s Plan is Working*, Wash. Post (Sept 25, 2017), available at https://www.washingtonpost.com/news/politics/wp/2017/09/25/a-trump-judicial-pick-said-transgender-children-are-proof-that-satans-plan-is-working/?utm_term=.392eaf972517.

¹⁰ Jeff Mateer, *Seven Things Every Christian Employee Should Know*, National Religious Liberty Conference (recording on file with Lambda Legal).

¹¹ *Banks v. Ford Motor Company*, EEOC Complaint, available at <https://www.libertyinstitute.org/Banks>.

¹² EEOC Intake Questionnaire, available at <https://www.libertyinstitute.org/file/FINAL-Eschliman-EEOC-Charge.072214GCS1.pdf>; Alex Bollinger, *Trump Nominates Two Federal Judges From A Conservative Christian Organization*, LGBTQ Nation (Sept. 10, 2017), available at <https://www.lgbtqnation.com/2017/09/trump-nominates-two-federal-judges-conservative-christian-organization/>.

Included among Mr. Mateer's clients during his tenure at the FLI is Tom Brown Ministries, documented as an anti-LGBT hate group by the Southern Poverty Law Center.¹³

In addition to his litigation efforts opposing equality for LGBT people, Mr. Mateer has engaged in legislative advocacy against non-discrimination measures. For instance, in 2015, he led the opposition to Plano's Equal Rights Ordinance after it was expanded to bar discrimination based on gender identity and sexual orientation.¹⁴ He objected to municipal non-discrimination ordinances in cities like Plano by arguing that people of faith would be "subject to criminalization" and promising to take legal action on behalf of any business fined under them.¹⁵ During a 2013 panel discussion, Mr. Mateer was incredulous that, as he put it, "the good Baptist city" of Waco was "gonna do some protections for homosexuals."¹⁶

Mr. Mateer has left no doubt that he would be willing to use the federal bench to curtail LGBT rights. He has stated that *Obergefell v. Hodges* is "not the law of the land" because "it's a 5-4 decision with Justice Kennedy joining the four liberals" to recognize the right to marriage equality and because "I don't see anything about the right to same-sex marriage, I don't see anything about the right to homosexuality, I don't see anything about the right to privacy" in the text of the Fourteenth Amendment.¹⁷ He has also criticized *Obergefell* for recognizing a "new so-called sexual liberty right" and declared that "[t]he unwritten sexual liberty rights do not trump the written First Amendment rights."¹⁸ Referring to himself in the third person, Mr. Mateer has made clear that "if Jeff Mateer had written [*Obergefell*], we would've used different language than Justice Kennedy."¹⁹ Any suggestion that Mr. Mateer is committed to respecting constitutional precedent or rendering fair and impartial justice is, quite simply, rendered untenable by his own words.

Mr. Mateer's appointment to the bench would cause grave harm to the LGBT community, as well as many other communities who rely on the federal judiciary to administer fair and impartial justice. His record of vicious and hateful statements combined with his portfolio of extreme anti-LGBT advocacy make Mr. Mateer uniquely and demonstrably unfit for a job as a federal judge. It is both abnormal and alarming that someone with Mr. Mateer's record is even being considered for judicial office, let alone that they made it through any vetting process. We urge you to demand that Mr. Mateer's nomination be immediately withdrawn.

¹³ Southern Poverty Law Center, *Anti-LGBT Hate Groups*, available at <https://www.splcenter.org/fighting-hate/extremist-files/ideology/anti-lgbt>.

¹⁴ Bobby Blanchard, *Voters May Decide Plano's Equal Rights Ordinance*, Texas Tribune (Jan. 20, 2015), available at <https://www.texastribune.org/2015/01/20/planos-nondiscrimination-ordinance-faces-challenge/>.

¹⁵ *First Assistant Texas AG Jeff Mateer Says Christians Are Under Attack*, YouTube (Mar. 11, 2016), available at <https://www.youtube.com/watch?v=Yu4tF8GonI>.

¹⁶ *Panel Discussion (Full) - Make Straight the Pathway 2013*, YouTube (July 9, 2013), available at <https://www.youtube.com/watch?v=6gHy70Qzxc>.

¹⁷ Jeff Mateer, *Are You Ready Protecting Your Church or 501(c)3 Ministry?*, National Religious Liberty Conference, available at <https://soundcloud.com/rightwingwatch/rww-news-jeff-mateer-no-right-to-homosexuality> (recording on file with Lambda Legal).

¹⁸ *Id.*

¹⁹ *Id.*



Thank you for considering our views on this important issue. Please do not hesitate to reach out if we can provide additional information. You can reach us through Sharon McGowan, Director of Strategy for Lambda Legal, at smcgowan@lambdalegal.org.

Very truly yours,

Lambda Legal
American Unity Fund
Anti-Defamation League
Bend the Arc Jewish Action
BiNet USA
CenterLink: The Community of LGBT Centers
COLAGE
Equality California
Equality Federation
Equality Texas
Family Equality Council
Freedom for All Americans
GLAAD
GLBTQ Legal Advocates & Defenders (GLAD)
GLSEN
Human Rights Campaign
Mazzoni Center
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition for LGBT Health
National Council of Jewish Women
National Latina Institute for Reproductive Health
National LGBT Bar Association
National LGBTQ Task Force
NEAT - the National Equality Action Team
OutServe-SLDN
People For the American Way
Pride at Work
Sexuality Information and Education Council of the United States
Transcend Legal
Transgender Law Center
Transgender Legal Defense & Education Fund
The Trevor Project
Whitman-Walker Health
Witness to Mass Incarceration