



October 9, 2025

The Honorable Chuck Grassley
Chair
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington D.C. 20510

The Honorable Dick Durbin
Ranking Member
Senate Committee on the Judiciary
711 Hart Senate Building
Washington D.C. 20510

RE: Lambda Legal Opposes the Confirmation of William “Bill” Mercer for the District Court for the District of Montana

Dear Senator:

Lambda Legal urges you to oppose the nomination of William “Bill” Mercer for the District Court for the District of Montana. Founded in 1973, Lambda Legal is the oldest and largest national legal organization dedicated to achieving full recognition of the civil rights of lesbian, gay, bisexual, and transgender (“LGBTQ+”) people and everyone living with HIV, through impact litigation, policy advocacy, and public education.

Approximately 5.1% of Montana’s population identifies as LGBTQ+. ¹ Consequently, the views of this nominee on the equal dignity of LGBTQ+ people and their families are highly relevant to whether LGBTQ+ people living in the state will receive fair and impartial justice if Representative Mercer is confirmed to the District of Montana.

After a comprehensive review of Representative Mercer’s record, we believe his views, particularly with respect to civil rights issues, reflect a deep hostility to the principles of equality, liberty, justice and dignity under the law for LGBTQ+ people and others seeking to vindicate their civil rights. As a state representative in Montana, Mercer has taken every opportunity to embrace measures that rollback the rights of LGBTQ+ people in public life. Such laws have serious and devastating impacts on LGBTQ+ people in the state, particularly youth. While the work of a state representative is different from that of a federal judge, Rep. Mercer’s record as a legislator offers a guide to his legal views and how he would rule as a judge. It allows us to see what laws he believes to be constitutional, despite their assault on the rights of LGBTQ+ people. His animus against LGBTQ+ people is clear.

¹ Andrew R. Flores & Keith J. Conron, *Adult LGBT Population in the United States*, The Williams Institute (December 2023), available at <https://williamsinstitute.law.ucla.edu/publications/adult-lgbt-pop-us/>.





Rep. Mercer was elected in 2018 and has served as a state representative since 2019. Over the years, he has supported many anti-LGBTQ+ laws. In 2025 alone, he has supported several measures that restrict the rights of transgender, nonbinary, and intersex people. He voted yes on a bill² that forbids transgender and nonbinary people from using the restroom consistent with their gender identity in public buildings such as libraries, museums, schools, etc. and provides a private right of action against such facilities for a person who happens to use the restroom at the same time as a transgender person. He also supported [HB 300](#), a bill that bans transgender girls from playing sports with other girls. This law now provides that it is “unlawful discrimination” to allow transgender girls to have equal access to sports. It also bans transgender students’ access to restrooms and locker rooms consistent with their identity. Additionally, this year Rep. Mercer supported a bill that created a private right of action against medical professionals who provide treatment for gender dysphoria to minors³. He also supported a bill that failed to pass this year but would have created a private right of action against drag performers, simply for performing drag.⁴

In the past, Rep. Mercer has also voted for another anti-drag performance bill. In 2023, he voted for a bill that bars minors from attending drag shows, bans drag story hour from places like libraries and schools and allows a private right of action against performers or those who promote or hold drag performances where children are present.⁵ This law was quickly enjoined by the very court that Rep. Mercer is nominated to join.⁶ Additionally, in 2023, Rep. Mercer voted for a bill that defined the words “sex,” “female,” and “male” throughout many Montana statutes. This bill attempted to write transgender, nonbinary, and intersex people out of the law. It, too, was enjoined. The court found that the law was “facially unconstitutional in violation of the Montana Constitution’s guarantees of equal protection and privacy.”⁷ It is clear from his voting record that Rep. Mercer either does not understand which laws raise serious constitutional concerns or does not care. Either way, Rep. Mercer isn’t qualified for a lifetime appointment to the federal courts.

Thank you for considering our views on this important matter. Please do not hesitate to reach out if we can provide additional information throughout the confirmation process. You can reach us through Ethan Rice, Senior Attorney, erice@lambdalegal.org.

Sincerely,

Lambda Legal

² [2025 HB 121](#).

³ [2025 SB 218](#).

⁴ [2025 HB 675](#).

⁵ [2023 HB 359](#); SB 458.

⁶ *Imperial Sovereign Court v. Knudsen*, 699 F. Supp. 3d 1018, (D. Montana, 2023).

⁷ *Edwards v. State*, Montana Fourth Judicial District Court, Missoula County, Cause No. DV-23-1026 (Feb. 18, 2025), <https://uppersevenlaw.com/s/2025-02-18-Dkt-54-Ord-on-Cross-Mots-for-SJ.pdf>.

