



March 19, 2026

Senator Chuck Grassley
Chair, Senate Judiciary Committee

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee

Dear Senator Grassley and Senator Durbin:

On behalf of our hundreds of thousands of supporters and activists nationwide, People For the American Way opposes the nominations of all four judicial nominees expected to have a hearing on March 25: Kathleen Smithgall Lane (District of Montana), Kara Westercamp (Court of International Trade), Sheria Clarke (District of South Carolina), and Evan Rikhye (Virgin Islands).

As explained in more detail in the second half of this letter, we do not support confirming any judicial nominees of Donald Trump. He is dangerously unqualified to be making lifetime appointments to the one branch of government that is in a position to provide checks and balances to his lawless actions.

But first, this letter focuses on one of those nominees: Kathleen Smithgall Lane (District of Montana). Her lack of sufficient legal experience and her record of harming ordinary Americans is not that of someone who can be trusted to protect the rights and freedom of all people.

Kathleen Smithgall Lane

As a threshold matter, Lane lacks the professional experience needed for a lifetime position as a federal judge. She graduated from Scalia Law School less than nine years ago, in 2017. This is significantly less time than the 12 years that the American Bar Association considers necessary to be even minimally qualified.ⁱ

After two judicial clerkships, she spent a year at Jones Day, two years at the Montana Solicitor General's office, two years at the ideologically conservative firm of Consovoy McCarthy, and, so far, a year at the Republican National Committee. During this time, people who have used their power to diminish the rights and dignity of other people have been able to rely on her for help.

For instance, Lane defended Montana's decision to force Randall Menges, who had moved to Montana, to register as a sex offender because he had been convicted in the 1990s of violating Idaho's sodomy law. Such laws had long been used to persecute gay men until 2003, when they were held unconstitutional by the Supreme Court in *Lawrence v. Texas*. Yet

nearly 20 years later, Lane defended applying the sexual registry law in this case. After a federal district court held that this violated Menges's constitutional rights,ⁱⁱ Lane represented Montana in the appeal.

While that appeal was pending, Idaho agreed not to require Menges to register as a sex offender in that state. Under Montana law, that meant that he no longer had to register there, either. When Lane asked the Ninth Circuit to dismiss the appeal as moot, she also unsuccessfully urged it to vacate the district court opinion. That would have ended the ability of other parties to cite it as persuasive precedent.ⁱⁱⁱ

This was not the only time Lane defended an unquestionably unconstitutional government action in order to advance a political agenda that harms others. In 2023, the target was women seeking abortion care. Although *Dobbs* eliminated the federal constitutional right to abortion, the Montana Constitution has its own independent and more robust protection of that right. Nevertheless, anti-choice state legislators passed a law restricting the medical professionals who could legally provide abortion care. Lane defended the law in court as valid under the state constitution. However, the Montana Supreme Court struck it down. This was not a close case: The opinion was unanimous and even included a justice who later voted (in dissent) to overrule the case that had made abortion a state constitutional right.^{iv}

Lane has also helped those who have undermined the fairness of our elections. For instance, she represented the Jefferson County (Alabama) Commission when it was sued for racial gerrymandering in drawing district lines. A federal court found "powerful circumstantial evidence of racial gerrymandering." The judge determined that the Commission's "purported reliance on traditional redistricting criteria" was simply "not credible."^v

Lane also defended a Montana law that imposed criminal penalties for registering to vote in more than one place (including out of state), and for not providing previous voter registration info when registering. She represented the Republican National Committee, which had intervened in the case to help Montana defend the law. A federal district court enjoined enforcement of the law because it chilled voter registration even in situations where a person neither double-votes nor has any intention to do so. This overbreadth put it in violation of the First Amendment.^{vi}

Her record, including her career choices and her longtime membership in the Federalist Society, make clear that she has not simply represented the interests of her clients, whatever they might be. Instead, she has chosen to work where she can advance a conservative political agenda in the courts. If confirmed, she will continue to advance that agenda, but this time as a judge with a lifetime position.

We urge senators to oppose Lane's confirmation.

The Senate Should Not Confirm Judicial Nominees of a President Who Defies the Courts and Expects Absolute Loyalty From His Nominees

The federal courts are essential to providing the checks and balances needed to prevent tyranny. At present, they are the only branch of the federal government carrying out this essential function.

President Trump does not share that vision of the courts. He expects the judges he nominates to show him personal loyalty and always rule in his favor.

This has been clear for a long time. However, on March 16, Trump himself made it impossible to pretend otherwise. In a Truth Social post, he condemned the Court for striking down his tariffs even though he supported them:

The Court knew where I stood, how badly I wanted this Victory for our Country, and instead decided to, potentially, give away Trillions of Dollars to Countries and Companies who have been taking advantage of the United States for decades.^{vii}

He then went on to condemn the independence of justices who have ruled against him:

They openly disrespect the Presidents who nominate them to the highest position in the Land, a Justice of the United States Supreme Court, and go out of their way, with bad and wrongful rulings and intentions, to prove how "honest," "independent," and "legitimate" they are.^{viii}

No president who is looking for unfettered loyalty from his judicial nominations can be allowed to put more judges on the bench at any level.

This development does not come out of the blue. Soon after returning to office, Trump began defying court orders and threatening judges who rule against him. In a May 30, 2025, letter to the Judiciary Committee, we explained that a president who does this should not be allowed to name anyone to the one branch of the federal government that is checking his power.^{ix}

Events since then have only strengthened our case. For instance, an extensively-documented whistleblower complaint revealed that senior Justice Department official Emil Bove suggested in March that the administration violate court orders.^x President Trump subsequently nominated Bove to a seat on the Third Circuit, to which he was confirmed. The administration now routinely defies the courts. In fact, a July study revealed that the Trump administration had defied one in three judges who had ruled against him.^{xi}

Nationwide concern over the Trump administration's deceptive filings and court defiance continues to grow. The administration even risks losing the "presumption of regularity," in which judges presume that the federal government and its lawyers are telling the truth and

acting in good faith.^{xii} Indeed, an October 2025 report revealed dozens of instances of judges expressing distrust in the government's representations, as well as growing concerns within the federal bench about noncompliance with judicial orders.^{xiii}

And in November 2025, a sitting federal judge nominated by President Reagan resigned from his lifetime position in order to speak frankly and in depth about Trump's threat to the rule of law. Mark L. Wolf wrote:

I no longer can bear to be restrained by what judges can say publicly or do outside the courtroom. President Donald Trump is using the law for partisan purposes, targeting his adversaries while sparing his friends and donors from investigation, prosecution, and possible punishment. This is contrary to everything that I have stood for in my more than 50 years in the Department of Justice and on the bench. The White House's assault on the rule of law is so deeply disturbing to me that I feel compelled to speak out. Silence, for me, is now intolerable.^{xiv}

Later that same month, President Trump even called for the execution of members of Congress for stating the undisputed legal fact that members of the military may not follow unlawful orders.^{xv}

In January 2026 alone, the Trump administration violated nearly 100 court orders relating to ICE's reign of terror in the Minneapolis area that led to brutal killings of American citizens Alex Pretti and Renee Good. These orders were issued to protect the people of Minnesota from unlawful abuses of power by ICE. On January 28, Chief Judge Patrick Schiltz released a list of those violated orders.^{xvi} He wrote:

[It] identifies 96 court orders that ICE has violated in 74 cases. The extent of ICE's noncompliance is almost certainly substantially understated. This list is confined to orders issued since January 1, 2026, and the list was hurriedly compiled by extraordinarily busy judges. Undoubtedly, mistakes were made, and orders that should have appeared on this list were omitted.

This list should give pause to anyone—no matter his or her political beliefs—who cares about the rule of law.^{xvii}

At least 35 times between August 2025 and February 2026, federal district court or magistrate judges in California, Texas, Florida, Massachusetts, Michigan, New York, West Virginia and Puerto Rico ordered the administration to explain why it should not be punished for violating court orders.^{xviii}

This is a unique moment of crisis for our nation. Fortunately, the framers of our Constitution anticipated a moment such as this. Through the confirmation process, they gave the Senate

the power and the responsibility to prevent a president such as this from sabotaging the independence of our courts.

The Senate should not confirm any judicial nominee of President Trump's at any level.

Sincerely,



Marge Baker
Executive Vice President

ⁱ American Bar Association, "Standing Committee on the Federal Judiciary: What It Is and How It Works," updated 2025, https://www.americanbar.org/content/dam/aba/administrative/federal_judiciary/fjc-background-2025.pdf.

ⁱⁱ *Menges v. Knudsen*, 538 F. Supp. 3d 1082 (D. Mont., 2021).

ⁱⁱⁱ *Menges v. Knudsen*, 2023 U.S. App. LEXIS 4952 (9th Cir., 2023).

^{iv} *Weems v. State*, 2023 MT 82, 529 P.3d 798 (2023).

^v *McClure v. Jefferson County Commission*, 800 F. Supp. 3d 1209 (N.D. Ala., 2025).

^{vi} *Montana PIRG v. Jacobsen*, 731 F. Supp. 3d 1175 (D. Mont., 2024).

^{vii} <https://truthsocial.com/@realDonaldTrump/posts/116236850873003597>.

^{viii} *Id.*

^{ix} https://www.peoplefor.org/sites/default/files/downloads/2025-06/Hermandorfer_and_4_MO_noms-opposition_letter.pdf.

^x "Justice Dept. Leader Suggested Violating Court Orders, Whistle-Blower Says," *New York Times*, June 24, 2025, <https://www.nytimes.com/2025/06/24/us/politics/justice-department-emil-bove-trump-deportations-reuveni.html>.

^{xi} "Trump officials accused of defying 1 in 3 judges who ruled against him," *Washington Post*, July 21, 2025, <https://www.washingtonpost.com/politics/2025/07/21/trump-court-orders-defy-noncompliance-marshals-judges>.

^{xii} See, e.g., David French, "How a Trump Judge Exposed the Trump Con," *New York Times*, Oct. 12, 2025, <https://www.nytimes.com/2025/10/12/opinion/trump-judge-immegut-portland-national-guard.html>; "Judges Openly Doubt Government as Justice Dept. Misleads and Dodges Orders," *New York Times*, Aug. 4, 2025, <https://www.nytimes.com/2025/08/04/us/politics/trump-justice-department-judges-courts.html>.

^{xiii} "'The 'Presumption of Regularity' in Trump Administration Litigation," *Just Security*, updated Oct. 15, 2025, <https://www.justsecurity.org/120547/presumption-regularity-trump-administration-litigation>.

^{xiv} “Why I Am Resigning,” Judge Mark L. Wolf, The Atlantic, Nov, 9, 2025,

<https://www.theatlantic.com/ideas/2025/11/federal-judge-resignation-trump/684845>.

^{xv} “Trump says Democrats’ message to military is ‘seditious behavior’ punishable by death,” Associated Press, Nov. 20, 2025, <https://apnews.com/article/trump-military-traitors-sedition-illegal-orders-c5fc3c5bd2fbc6b1204550e4203c24b2>.

^{xvi} “ICE is not a law unto itself,’ Minnesota judge says after immigrant released following contempt threat,” CNBC, Jan. 28, 2026, <https://www.cnbc.com/2026/01/28/ice-immigrant-minnesota-contempt-released.html>.

^{xvii} Juan v. Noem, Case No. 26-CV-0107 (PJS/DLM), order of Jan. 28, 2026, https://storage.courtlistener.com/recap/gov.uscourts.mnd.230171/gov.uscourts.mnd.230171.10.0_2.pdf.

^{xviii} “Judges Grow Angry Over Trump Administration Violating Their Orders,” New York Times, Feb. 23, 2026, <https://www.nytimes.com/2026/02/23/us/politics/judges-contempt-immigration-trump.html>.