

September 9, 2020

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

Dear Chairman Graham, Ranking Member Feinstein, and Committee Members:

The National Council of Jewish Women (NCJW) writes to express its strong opposition to the nomination of Toby Crouse to the United States District Court for the District of Kansas. Crouse's hostility to reproductive health, rights, and justice, voting access, and immigration makes him unfit for a lifetime appointment.

Since 2018, Crouse served as Kansas Solicitor General where he proved to be a highly partisan opponent of many important rights — reproductive, voting, and workers, among others. On behalf of the state of Kansas, he urged the Supreme Court to review a case defunding Planned Parenthood, a case that the Tenth Circuit disagreed with and the Supreme Court declined to hear. Additionally, Crouse urged the Court to take the case, *Gee v. Planned Parenthood of Gulf Coast Inc.* — which they declined to hear — upholding a Fifth Circuit decision in favor of Planned Parenthood. Crouse signed on to an additional five other anti-reproductive health care cases, demonstrating his commitment to undermining this vital need for millions of people. In another case, *Harris v. West Alabama Women's Center*, under Crouse's leadership, Kansas joined a brief defending Alabama's law banning D&E abortion procedures, one of the safest abortion methods for second trimester abortions. Additionally, Crouse is a member of the Federalist Society, a conservative group that is extremely hostile to reproductive freedom.

Kansas, as you may know, is commonly referred to as the epicenter of voter suppression — a title Crouse helped secure. In private practice, Crouse took a case defending Kansas Secretary of State Kris Kobach's notorious redistricting plan. Later, as Solicitor General, Crouse supported other restrictive voting laws. In *Fish v. Schwab*, Crouse argued in favor of requiring voters to show proof of citizenship before registering to vote, resulting in nearly 30,000 citizens being denied the ability to cast their ballot. Kansas is currently seeking Supreme Court review of this case after the 10th Circuit struck down the proof of citizenship requirement.

Crouse has more than demonstrated his commitment to advancing an anti-immigration agenda throughout his career. In *DHS v. Regents of University of California*, Crouse joined a brief supporting a Trump Administration policy rescinding DACA, which would have made education and work visa's inaccessible to more than 700,000 people who arrived in the United States as young children, in addition to rendering them eligible for deportation. The Supreme Court held that the decision to rescind DACA was arbitrary and capricious and ruled against the Trump administration. Crouse yet again demonstrated his extreme opposition to immigration in *Department of Commerce v. US District Court for SDNY* by supporting the Trump administration's attempt to add a citizenship question on the 2020 census. A different decision by the Court would have rendered 6 million Americans ineligible to be counted in the 2020 census.

The list goes on, unfortunately, as there is almost no area impacting NCJW's mission of improving the lives of women, children, and families in which Crouse would advance rights and

protections. Instead, his record demonstrates a long history of hostility to the values we hold dear.

The Torah teaches the importance of ensuring no possibility of bias in our judicial system, commanding, “You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your kinsman fairly.” Judges confirmed to lifetime appointments on the federal court must ensure the rights of all Americans. Yet, Crouse’s record makes it clear he has a biased approach to the law, and if confirmed, would continue his efforts to roll back the rights of millions of people in this country. Accordingly, we strongly urge the Senate Judiciary Committee to oppose Toby Crouse’s nomination to serve as a judge on the United States District Court for the District of Kansas.

Sincerely,



Jody Rabhan
Chief Policy Officer
National Council of Jewish Women