

WILLIAM “BILL” MERCER

Bill Mercer is no stranger to conservative positions that undermine public education, threaten prosecutorial independence, and challenge our constitutional guarantees. Mercer has built a reputation as a conservative crusader through his work as a career prosecutor, corporate attorney, and more recently, as a state representative in the Montana Legislature. He is a yes-man who has advocated retribution over rehabilitation, advanced anti-environment policies, and sought to curtail LGBTQ+ rights and reproductive freedom. His performance in previous roles has also been marred by scandals. Now nominated for a lifetime seat on the U.S. District Court for the District of Montana, Mercer’s legal and legislative record provide a clear illustration of the ideology he is likely to bring to the federal bench and the harm he could inflict on Montana — and the country — if confirmed.

COMPETENCE AND JUDICIAL INDEPENDENCE

Mercer has been criticized for the performance of his work and his role in politicizing the Department of Justice. The chief district judge in Montana formally requested Mercer be removed from his role as the U.S. attorney for Montana in 2007 for a lack of professionalism and asked him, “Do you ever concern yourself with justice?” That same year, Mercer stepped down from the position of acting associate attorney general at the U.S. Department of Justice amid criticism related to dismissal of DOJ attorneys for political reasons. These incidents raise colossal concerns about his ability to fairly and impartially handle the large volume of cases as district court judge for Montana or maintain judicial independence when faced with political pressure.

CRIMINAL JUSTICE

Mercer advocated for harsh punishment as the U.S. attorney and a representative in the Montana House of Representatives. In United States v. Rivas-Gonzalez, he appealed a six-month sentence given to a Mr. Rivas-Gonzalez, who is married to a U.S. citizen and is the father of an American child, for illegal re-entry. Unsatisfied with what he viewed as too lenient a punishment, Mercer sought a harsher sentence, despite Gonzalez’s strong family ties and no indication that he posed any threat to public safety. As an elected official, Mercer also introduced state legislation that would lead to lengthier sentences. His aggressive positions show support for unnecessary punitive harm on defendants and raise serious doubts about his ability to fairly assess criminal justice policies that disproportionately impact people of color.

EDUCATION

Mercer champions using taxpayers’ money to fund religious schools but not local libraries. In *Espinoza v. Mont. Dep’t Revenue*, he advocated for expanding a tax credit to religious-affiliated schools despite our Constitution’s intent to the contrary. At the same time, he introduced a bill in the Montana House of Representatives that would make public libraries more difficult to operate. Mercer’s favorable view on religious institutions and disdain for public education benefits families who can afford private institutions or are willing to attend religious schools and discriminates against those who do not.

ENVIRONMENTAL JUSTICE

Mercer has consistently challenged regulations and decisions that protect our environment through his representation of mining and oil and gas industries. He supported the Bureau of Land Management's decision to lease federal land for oil and gas exploration, challenged the Environmental Protection Agency's evaluation on air quality, defended new mining permits over concerns regarding water pollution, and advocated for a CEO who ignored Montana laws on cleaning up the land after mining stops. In other words, Mercer has attacked efforts to protect the environment, and in turn public health, from nearly all directions. His unwavering support for industry interests and reckless individuals could lead to irreparable damage to the quality of our air, water, and natural scenery, undermining our right to a clean environment. Given that roughly 30% of Montana's land is managed by the federal government, this could have a devastating impact on healthy land, air, and water in the Big Sky state.

IMMIGRATION, RACIAL JUSTICE, AND CIVIL RIGHTS

Mercer has a hardline position on immigration and led a bill in the Montana House of Representatives that requires local law enforcement agencies to cooperate with Immigration and Customs Enforcement. The bill, had it been passed, would have diverted local resources to support federal prerogatives and undermine policing objectives. His expansive view on federal power would undoubtedly influence his decisions, and if a case challenging Trump's many executive abuses is presented before him, it is evident that he is likely to offer a rubber stamp of approval.

GOVERNMENT OVERSIGHT

Mercer's record demonstrates a belief that government accountability is only important when it benefits billionaires and corporate interests, not everyday people. He introduced a bill requiring successful litigants against the government to overcome complicated barriers before their legal fees could be sought in court. Litigations can take years before a final decision, and often only affluent litigants would be able to afford the legal costs themselves. His legislative record clearly demonstrates his disinterest in holding the government answerable to the people.

GENDER AND REPRODUCTIVE JUSTICE

Mercer is a staunch anti-abortion advocate seeking to restrict reproductive freedom at all costs. He voted for legislation that severely restricts access to abortion and contraception without any exceptions for survivors of rape or incest. If confirmed to the district court, his extreme anti-choice record raises serious concerns about his ability to fairly uphold Montanans' rights to access essential reproductive health care and medication.

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LGBTQ+ RIGHTS

Mercer has actively supported anti-LGBTQ+ legislation that targets transgender Montanans. He voted for bills that ban transgender people from using bathrooms that align with their gender identity, restrict their participation in sports, and criminalize providers of gender-affirming care. He also backed measures that force schools to deadname and misgender trans students. These actions reflect a dangerous hostility toward LGBTQ+ people and could have devastating consequences for the estimated 4,000 transgender Montanans.