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PRESIDENT

Rachel Rossi

CHAIR

Madeline deLone

July 30, 2025

Senator Charles Grassley
Chair, Senate Judiciary Committee

Senator Richard Durbin
Ranking Member, Senate Judiciary Committee

Dear Chairman Grassley and Ranking Member Durbin,

On behalf of the Alliance for Justice (AFJ), a national association of nearly 140 public interest and civil rights organizations, we write to strongly oppose the nomination of William Mercer to the U.S. District Court for the District of Montana.

William Mercer has built a career defined by partisan loyalty, ideological extremism, and a troubling record of misusing power. His nomination threatens to erode public confidence in the judiciary, replacing the promise of impartial justice with a narrow agenda that serves political allies and entrenched interests, at cost to the public.

Mercer is not fit to serve on the federal bench. As Acting Associate Attorney General at the Department of Justice, he was entangled in the infamous 2006 purge of DOJ attorneys for political reasons — an abuse of power that ultimately led to his resignation. During that time, he also failed to meet the demands of his concurrent role as U.S. Attorney for Montana, neglecting his responsibilities so egregiously that a federal judge publicly questioned whether Mercer even “concern[ed] [himself] with justice” and formally requested his resignation. These episodes underscore not just poor judgment, but a fundamental inability to carry out the basic duties of a federal judge with independence, competence, or integrity.

Mercer’s extremist ideology is equally disqualifying. He has repeatedly advocated for excessive and punitive sentencing, both as a federal prosecutor and as a legislator — policies that would exacerbate mass incarceration and disproportionately harm communities of color. In the Montana House of Representatives, he introduced legislation designed to shield the government from legal accountability, making it harder for ordinary people to recover legal fees when they win lawsuits against the state. He also pushed bills that would force local law enforcement officers to comply with directives from federal immigration agencies to detain undocumented immigrants — an expansive and dangerous view of state-federal relations.

Mercer has also used his legislative platform to attack the rights of women, LGBTQ+ people, and trans youth. He has supported bills to ban abortion and contraception with no exceptions for rape or incest; to criminalize providers of gender-affirming care; to mandate that schools deadname and misgender students; and to bar people from using public bathrooms aligned with their gender identity. These efforts are not just out of step with constitutional protections — they are rooted in cruelty and contempt for the dignity of marginalized communities.

Time and again, Mercer has prioritized private profit and ideological loyalty over the public good. In *Espinoza v. Montana Department of Revenue*, he championed the expansion of public subsidies to private religious schools — ignoring constitutional concerns and undermining the foundational principle of church-state separation. He also previously introduced bills that would hinder the operations of public libraries. His pattern is clear: devalue public institutions, and reward those with privilege or power.

Mercer's professional record further reflects a disregard for environmental protections and the public lands that define much of Montana's identity. He has repeatedly represented mining and fossil fuel interests, defending polluters, undermining water protections, and enabling reckless exploitation of natural resources. His confirmation would embolden industry actors and polluters, endangering the environment and the health of local communities.

At every stage of his career, Mercer has demonstrated that he would use the power of his position not to uphold the law, but to advance a deeply political agenda. It is clear that he would do the same with a lifetime position on the federal bench, if he is confirmed. His nomination is an affront to the values of equal justice, public accountability, and judicial independence. Confirming him would do lasting damage to the legitimacy of the courts and the rights of the people they serve.

We urge you in the strongest possible terms to reject William Mercer's nomination to the District of Montana. The judiciary must be a place for fairness and fidelity to the rule of law — not a reward for partisan operatives.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Rossi".

Rachel Rossi
President, Alliance for Justice