



November 28, 2018

**OPPOSE THE CONFIRMATION OF BRIAN BUESCHER TO THE
U.S. DISTRICT COURT FOR THE DISTRICT OF NEBRASKA**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, I write in opposition to the confirmation of Brian Buescher to be a U.S. District Judge for the District of Nebraska.

Based on his track record of partisan activism and deep-seated hostility to LGBTQ equality and reproductive freedom, Mr. Buescher would be incapable of serving as a fair and neutral arbiter. He should not be confirmed for a lifetime appointment to the federal judiciary.

Anti-LGBTQ Agenda: Mr. Buescher has expressed extreme views on LGBTQ equality. In a 2014 questionnaire he filled out during his unsuccessful campaign to be the Nebraska Attorney General, he stated: “I believe marriage is a union between a man and a woman. I do not believe homosexuality should be considered the same way race or ethnicity is considered with regard to anti-discrimination laws which currently apply to race or ethnicity.”¹ In a campaign video, he said: “I believe marriage is between a man and a woman, and that’s the way the government should act.”² Many cases involving aspects of LGBTQ equality are currently being litigated, and Mr. Buescher’s clear bias on this issue provides compelling evidence that he would not be fair to LGBTQ litigants.

Hostile to Women’s Reproductive Freedom: Mr. Buescher has a demonstrated hostility to reproductive freedom. In response to a 2014 questionnaire from the anti-choice organization Nebraska Right to Life, he stated he believes abortion should be illegal in all instances except to prevent the death of the mother.³ He answered “Yes” to the question: “Do you support the complete reversal of *Roe v. Wade* and *Doe v. Bolton*, thereby allowing State Legislatures and Congress to once again protect unborn children.”⁴ He also answered “Yes” to the question: “Would you support banning the use of public funds for organizations such as Planned Parenthood, the largest providers and promoter of abortion in the U.S.?”⁵ These extreme views are consistent with statements Mr. Buescher made in 2014, when he said:

¹ http://www.voterinformation.org/media/pdf/state_attorney_general.pdf.

² <https://drive.google.com/file/d/1DYuoTdinRSj-Z7zPxp167jFdyYGs1PWOv/view>.

³ <http://nebraskarighttolife.org/wp-content/uploads/2014/05/NRTLVG1404updated.pdf>.

⁴ <http://nebraskarighttolife.org/wp-content/uploads/2013/06/2009primaryelectionvg.pdf>.

⁵ *Id.*

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Vanita Gupta



No doctor or no other professional should be required to provide abortion services because, quite frankly, they're just immoral.... I am an avidly pro-life person. And I will not compromise on that issue. That's just simply my moral fabric and that's what I'll do as attorney general. When regulating abortion, my view is this, we should regulate abortion as much as we possibly can. I'm in favor of banning abortion.⁶

In light of such strongly held beliefs, Mr. Buescher would not be capable of ruling fairly in cases involving reproductive freedom.

Ideological Affiliations: Mr. Buescher is a longtime member of the Federalist Society, having joined in 1997 during his first year of law school. This out-of-the-mainstream legal organization represents a sliver of America's legal profession – just four percent – yet more than 80 percent of President Trump's circuit court nominees, and many of his district court nominees, have been Federalist Society members.

Mr. Buescher is a political operative and partisan warrior. His ideological views were most prominently on display in 2014 when he ran unsuccessfully to be the Nebraska Attorney General, but he has worked behind the scenes for years on behalf of Republican candidates and causes. According to his Senate questionnaire, he has worked as a campaign volunteer on 14 different Republican campaigns, and he has contributed thousands of dollars to Republican candidates. In addition, he has served as a Nebraska Republican Party State Central Committee member, Nebraska Republican Party Convention Delegate, Nebraska Republican Party Finance Chair, Nebraska Republican Party Rules Committee Chair, Nebraska Republican Party Resolutions Committee Chair, Nebraska Republican Party Volunteer Legal Counsel, Douglas County, Nebraska Republican Party Chair, Omaha Young Republicans Chair, and treasurer of the University of Nebraska College Republicans.⁷ Such deep political connections would, at a minimum, cast significant doubt on whether Mr. Buescher would be able to check his politics at the courthouse door if he became a judge.

Stunning Lack of Diversity: President Trump's lack of commitment to diversity on the federal judiciary is deeply disturbing. He has appointed the least diverse group of nominees in decades.⁸ Of his 44 appellate nominations, none are African-American. None are Latino. Only nine are women. His district court nominees are also predominately white and male. Our nation's great diversity should be reflected in its government institutions, especially the federal judiciary, which serves as the guardian of our rights and liberties. At a time when the legal profession has more women and attorneys of color than ever before, President Trump's record on judicial diversity is truly appalling.

For the foregoing reasons, The Leadership Conference urges you to oppose the confirmation of Brian Buescher to be a U.S. District Judge for the District of Nebraska. Thank you for your consideration of

⁶ <https://drive.google.com/file/d/1DYuoTdinRSj-Z7zPxpl67jFdYGs1PW0v/view>.

⁷ <https://www.judiciary.senate.gov/imo/media/doc/Buescher%20SJQ.pdf>.

⁸ <https://www.usatoday.com/story/news/politics/2018/02/13/trumps-87-picks-federal-judges-92-white-just-one-black-and-one-hispanic-nominee/333088002/>.

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our views. If you have any questions or would like to discuss this matter further, please contact Mike Zubrensky, Chief Counsel, at (202) 466-3311.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanita Gupta".

Vanita Gupta
President & CEO