

ALLISON JONES RUSHING ON LGBTQ RIGHTS

Highlights:

- Allison Jones Rushing opposed LGBTQ rights.
 - Rushing interned for anti-LGBTQ Alliance Defending Freedom.
 - Rushing supported the Alliance Defending Freedom's legal fellowship program.
 - Rushing supported the Defense of Marriage Act.

Rushing Opposed LGBTQ+ Rights And Worked For An Anti-LGBTQ Group

RUSHING INTERNED FOR THE ANTI-LGBTQ ALLIANCE DEFENDING FREEDOM

2005: Rushing Was A Legal Intern For The Group Now Known As The Alliance Defending Freedom. [U.S. Senate Judiciary Committee, Allison Jones Rushing, Questionnaire for Judicial Nominees, accessed [9/20/20](#)]

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Rushing Claimed She Was Unaware Of The Alliance Defending Freedom's Offensive Positions

Rushing Claimed She Was Not Aware Of All Of The Alliance Defending Freedom's Anti-LGBTQ, And Anti-Abortion Positions.

In her Answers to Supplemental Questions from the Senate Committee on the Judiciary, Rushing said, "You have an extended relationship with the Alliance Defending Freedom (ADF), formerly known as the Alliance Defense Fund. Your affiliation began in the summer of 2005, when you interned for ADF. You have also served as a panelist and speaker at three ADF sponsored events. Among other positions, ADF opposes women's reproductive rights; believes that

healthcare workers have a right to decline participation in the performance of practices they find morally objectionable; and opposes marriage equality, civil unions between same-sex couples, and adoption by same-sex couples. a. When did you become aware that the organization: i. Opposes women’s reproductive rights? Regarding the Alliance Defending Freedom (ADF), I participated in a summer internship as a law student, and since then I have spoken to law students about clerking and careers, as I have done for other organizations. As regards the alleged positions attributed to ADF, I am not aware of all of ADF’s policy or litigating positions, and for those positions of which I am aware, I do not recall when I learned of them. I do not work for ADF or have any official role with them. If I am confirmed as a judge on the Fourth Circuit, I will be bound by the precedent of the Supreme Court and the Fourth Circuit, including *Roe v. Wade* and *Obergefell v. Hodges*, among others. I will faithfully follow those precedents. ii. Believes healthcare workers can decline participation in the performance of practices they find morally objectionable? Please see my response to question 7.a.i above. iii. Opposes marriage equality, civil unions between same-sex couples, and adoption by same-sex couples? Please see my response to question 7.a.i above.” [U.S. Senate Judiciary Committee, Allison Jones Rushing, Supplemental Questions for Judicial Nominees, 10/24/18]

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Rushing Supported The Alliance Defending Freedom’s Legal Fellowship Program

Rushing Spoke At Least Three Times To The Alliance Defending Freedom’s Blackstone Legal Fellowship Program. According to the Alliance for Justice, “In addition to writing this article, skeptical of efforts to enforce separation of church and state, Rushing has used her platform as a conservative lawyer to mentor other ideologues through ADF’s controversial Blackstone Legal Fellowship program. As described in one article, ADF develops and promotes ‘legal actions and its various legal training programs’ – such as the Blackstone Legal Fellowship program – to focus ‘on fighting for the criminalization of abortion; against the rights of LGBT people; for so-called religious liberty (which often comes in the form of defending clients who wish to discriminate against gay people based on their religious beliefs); and for organized Christian prayer in government or public school settings.’ Rushing spoke to lawyers and law students at least three times through the Blackstone Legal Fellowship program, in 2013, 2015, and as recently as 2017. Her affiliation with these organizations demonstrates her commitment to the conservative legal movement, which is no doubt one reason why she was selected for a federal judgeship.” [Alliance for Justice, [10/15/18](#)]

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RUSHING SUPPORTED THE DEFENSE OF MARRIAGE ACT

2013: Rushing Participated In A Panel Titled “‘Enemies of Mankind’: Religion and Morality in the Supreme Court’s Same-Sex Marriage Jurisprudence.” According to the Alliance for Justice, “In 2013, Rushing participated in a panel at Capitol Hill Baptist Church titled ‘Henry Forum: ‘Enemies of Mankind’: Religion and Morality in the Supreme Court’s Same-Sex Marriage Jurisprudence.’ In this discussion, Rushing frequently referenced Justice Antonin Scalia’s opinion that the holding in *United States v. Windsor*, 570 U.S. 744 (2013), departed from ‘traditional’ concepts of marriage and morality. Rushing said that the Defense of Marriage Act (DOMA) ‘explicitly stated that its purpose was ‘protecting the traditional moral

teachings reflected in heterosexual-only marriage laws’ and that ‘[t]he congressional record indicated that DOMA reflected ‘moral disapproval of homosexuality, and a moral conviction that heterosexuality better comports with traditional (especially Judeo-Christian) morality.’¹¹ Rushing then highlighted the dissenting justices in Windsor who emphasized “the fact that DOMA codified the definition of marriage that had prevailed throughout most of human history and, at the time of DOMA’s enactment, had been adopted by every State in the nation and every nation in the world, was evidence that the law did have a valid basis, or at least explained how lawmakers could enact such a law motivated by something other than hatred.”¹² Additionally, she noted how ‘[m]ost interestingly, the dissenters observed that the majority could have decided the case on legal principles that would have accused DOMA’s supporters simply of making a legal error, which is an error that one could make in good faith. But instead, the majority chose the [sic] write the opinion in a unique way that calls it bigotry to believe that homosexuality does not comport with Judeo-Christian morality.’¹³ Rushing’s characterizations show an affinity for the dissent’s arguments in Windsor, presenting support of DOMA in a positive light and favorably comparing Justice Scalia’s dissent to Justice Anthony Kennedy’s majority opinion. This is especially disturbing at a time when the LGBTQ community faces incredible hostility from the Trump Administration and threats to its rights in the courts” [Alliance for Justice, [10/15/18](#)]

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