

FACT SHEET

Amy Coney Barrett, a professor at the Notre Dame Law School, was nominated by Donald Trump for a seat on the United States Court of Appeals for the Seventh Circuit. Barrett has no judicial experience and very limited litigation experience, but she has written extensively about her view of the law. Barrett holds the dangerous opinion that judges should put their personal religious beliefs ahead of the law and the Constitution when carrying out their duties, which is antithetical to American democracy. Many of her writings lay the groundwork for an attack on women’s reproductive rights, as well as other critical legal rights and protections.

BARRETT WILL PUT HER PERSONAL VIEWS ABOVE THE LAW

Barrett wrote specifically about the duty of judges to put their faith above the law in an article entitled “Catholic Judges in Capital Cases.” Among other things, she strongly criticized Justice William Brennan’s statement about faith, in which he said that he took an oath to uphold the law, and that “there isn’t any obligation of our faith superior” to that oath. In response, Barrett wrote: “We do not defend this position as the proper response

for a Catholic judge to take with respect to abortion or the death penalty.”

Barrett takes the extreme view, unsupported by virtually anyone in the legal community, that a judge does not have to adhere to precedent if she believes a case was wrongly decided.

REPRODUCTIVE RIGHTS

Barrett was cited in a Notre Dame publication for “her own conviction that life begins at conception,” and she has been critical of Roe, stating that the Supreme Court “creat[ed] through judicial fiat a framework of abortion on demand” that “ignited a national controversy.”

affiliated employers that allowed them to avoid having to directly inform their employees about contraceptive coverage, and went on to say that the contraceptive coverage requirement was “a grave violation of religious freedom and cannot stand.”

Barrett signed a letter authored by The Becket Fund criticizing the Affordable Care Act’s requirement that employers provide contraceptive coverage as part of their employer-sponsored health insurance plans. The letter objected to the Act’s accommodation for religiously-

Her belief that judges should be bound by their religious faith, not the law combined with her repeated statements rejecting stare decisis, the doctrine that requires courts to follow precedent, clearly threatens precedents such as Roe that form a basis for enforcing women’s reproductive rights.

ESTABLISHED LEGAL RIGHTS AND PROTECTIONS

Barrett’s insistence that judges do not need to follow precedent could threaten a wide range of established rights and protections established by past court rulings, including rights for workers, LGBTQ Americans’ rights, and

voting rights, in addition to women’s reproductive rights. Her views are completely at odds with the way in which our justice system works, and would make it unworkable if adopted by judges.

CRIMINAL JUSTICE

Barrett has criticized the Miranda decision requiring that persons who are arrested must be informed of their rights, including their right to an attorney. She also criticized the United States Sentencing Commission’s amendment to sentencing guidelines aimed at correcting the sentencing disparity between powder and crack cocaine, ignoring the disproportionate harm that had been done to communities of color.

JUDICIAL PHILOSOPHY

Barrett promotes an extreme form of textualism and originalism in interpreting the Constitution and laws. Her view could lead her to reject as unconstitutional cases that have advanced basic civil rights for people of color, women, and LGBTQ Americans.

ALLIANCE FOR JUSTICE BELIEVES THAT AMY CONEY BARRETT’S EXTREME VIEWS MAKE HER UNFIT FOR THE FEDERAL BENCH.