



PRESIDENT
NAN ARON

CHAIR
PAULETTE MEYER

October 13, 2020

Dear Senator:

On behalf of Alliance for Justice (AFJ), a national association representing over 120 public interest and civil rights organizations, I write to strongly oppose the confirmation of Amy Coney Barrett to the Supreme Court. If confirmed, Barrett will undermine health care, erode the rights of women, and undermine some of our nation's most important laws.

At the outset, it is outrageous that Senate Republicans are moving forward to confirm Judge Barrett right before the election. Millions of Americans have already voted. The American people should decide who selects our next justice, as Republicans made clear in 2016. Indeed, no justice has even been confirmed after July in an election year. Moreover, it is galling that Senate Republicans seem intent on moving forward on Barrett while having done nothing to address the health, economic and racial justice crises in the country.

It is no surprise, though, that Republicans seem intent on rushing Barrett through a sham, illegitimate process. Most notably, for a decade Republicans have been relentless in their attacks on the Affordable Care Act (ACA). Yet, despite controlling the White House, Senate, and House, they were unable to repeal the Act. And now, right before the Court is set to hear the latest challenge to ACA, Republicans are not taking any chances; they are rushing through Barrett with the express purpose of doing through the Court what they could not do in Congress – stripping away health care from millions.

Donald Trump promised that his justices will vote to invalidate the ACA and take away protections for people with preexisting conditions. The 2016 Republican Party platform likewise made clear that Republican appointed judges will overturn the Act; and three Republican appointed lower court judges have kept a lawsuit challenging the law alive, including one Trump appointed judge who was the deciding vote on the Fifth Circuit. As Barrett's writings emphasize, she meets this dangerous litmus test; she has repeatedly criticized the Court for upholding the Act before.

Make no mistake, any Senator who supports Barrett is voting to take away health care from millions, including people with preexisting conditions, in the middle of a pandemic where, as of this writing, more than 217,000 individuals have died.

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President Trump also promised that every one of his judges will “automatically” overturn *Roe v. Wade*, yet a majority of the American people are on record opposing this tact. Barrett meets Trump’s litmus test too, and she has made clear she thinks *Roe*, which she called “judicial fiat,” was wrongly decided. In a letter she originally hid from the Senate, she called *Roe* “barbaric.” She has, moreover, emphasized that judges should not follow precedents they disagree with and has also voted to erode abortion rights on the Seventh Circuit.

Of equal alarm are President Trump’s statements making clear that he is counting on Barrett to help him steal the election if necessary. He has refused to commit to a peaceful transition of power should the election not go his way and has explicitly argued his nominee is needed to decide the election in his favor. From *Shelby County* to scores of other decisions that have condoned voter suppression and political gerrymanders, Republican appointed judges have already undermined our democracy. Barrett’s confirmation constitutes a great threat to our country.

Finally, we have no doubt that Amy Coney Barrett will undermine protections for people of color, women, LGBTQ Americans, immigrants, persons with disabilities, workers, consumers, gun safety and clean air and clean water. Indeed, Barrett has already demonstrated on the Seventh Circuit that she is willing to erode critical laws put in place by Congress. For example, Barrett sided with a business that segregated employees by race, condoning what one judge in dissent called “separate but equal” employment. She undermined protections for victims of age discrimination. She overturned a three-decade precedent to stymie the Federal Trade Commission’s ability to protect consumers. She consistently ruled against immigrants and those in the criminal justice system. And her position that Congress could not keep dangerous weapons out of the hands of former felons is so extreme that it was rejected by other Republican appointed judges and other courts that have addressed the issue.

Justices Neil Gorsuch and Brett Kavanaugh have already eroded critical rights and legal protections. Trump’s appointed lower court judges have likewise already staked out extreme positions and issued troubling rulings. If Barrett is confirmed, AFJ has no doubt the American people will suffer grave harm. Millions risk losing their health insurance. The clock will be turned back on critical rights and legal protections.

As detailed more fully in our [report](#) on her nomination, Alliance for Justice strongly opposes Amy Coney Barrett’s confirmation. The Senate should reject her nomination to the Supreme Court.

Sincerely,



Nan Aron
President