

Judge Amy Coney Barrett

A Nomination That Will Undermine Civil Rights For All Americans

President Donald Trump nominated Seventh Circuit Court of Appeals Judge Amy Coney Barrett to replace Justice Ruth Bader Ginsburg on the U.S. Supreme Court. Trump and his allies in the U.S. Senate know what is at stake with this nomination – and by nominating Judge Barrett, he is continuing to pack the courts with judges who will undermine civil rights and equal justice under law. The Supreme Court makes key decisions that impact voting rights and other civil rights, including health care, for all Americans. The American people deserve to have their voices and votes count in this process.

BARRETT CRITICIZED THE COURT DECISIONS THAT PROTECTED THE NATION'S HEALTH CARE LAW:

On the Supreme Court's *NFIB v. Sebelius* decision that upheld the health care law, Barrett [said](#), "Chief Justice Roberts pushed the Affordable Care Act beyond its plausible meaning to save the statute." She has [said](#) that the Supreme Court "very creatively interpreted the statute to be a tax" in order to uphold the statute. On the Supreme Court's *King v. Burwell* decision that upheld the tax credits in the Affordable Care Act, Barrett [said](#): "I think the dissent has the better of the legal argument."

BARRETT RULED A CORPORATION COULD SEGREGATE EMPLOYEES BY RACE:

Judge Barrett [ruled](#) against a Black worker whose employer, AutoZone, transferred him to another store through an alleged practice of segregating employees by race. The Equal Employment Opportunity Commission claimed that AutoZone had a practice of segregating employees by race when it assigned Black employees to stores in Black neighborhoods, and Hispanic employees to stores in Hispanic neighborhoods. Judge Barrett denied a petition to rehear the case en banc after a three-judge panel ruled for the employer.

BARRETT RULED TO LIMIT PROTECTIONS FOR OLDER WORKERS:

Judge Barrett [ruled](#) against a 58-year-old man who was passed over for a job in favor of a 29-year-old with less experience. By twisting the text of the Age Discrimination in Employment Act, she concluded that only current employees are protected from discrimination due to disparate impact, not outside job applicants.

BARRETT HAS QUESTIONED THE COURT'S ROLE IN PROTECTING LGBTQ RIGHTS:

In a speech, Barrett questioned *Obergefell*, suggesting that courts shouldn't decide the issue of marriage equality, but rather leave it up to the states – an argument widely used to give states a license to sanction discrimination. Moreover, she argues that transgender people (referring to transgender women as “physiological males who identify as female”) do not deserve protections from discrimination under federal law, claiming “it seems to strain the text of the statute” to say that federal law “demands it.”

BARRETT WANTS TO INCREASE PROTECTIONS FOR MEN WHO COMMIT SEXUAL ASSAULT:

Barrett [authored](#) a Seventh Circuit panel decision that made it easier for students who are held accountable for sexual assault to sue their schools for sex discrimination. Indeed, she suggested that a school's commitment to taking sexual misconduct seriously is evidence of sex discrimination against men.

BARRETT WOULD HAVE PENALIZED IMMIGRANTS FOR ACCEPTING LEGAL BENEFITS:

Judge Barrett would have [upheld](#) the Trump Administration's “public charge” rule, which denies immigrants permanent residency status if they receive a form of public assistance - such as Medicaid or food stamps – for more than 12 months over a three-year period.