



October 9, 2020

To: Members of the Senate Judiciary Committee

RE: Nomination of Amy Coney Barrett to the United States Supreme Court

Dear Senator:

We write today on behalf of NETWORK Lobby for Catholic Social Justice (“NETWORK”) and our 90,000 supporters living throughout the United States to express strong opposition to the nomination of Amy Coney Barrett to the United States Supreme Court. NETWORK educates, organizes, and lobbies for economic and social transformation and has a 46-year record of accomplishment lobbying for critical federal programs that prioritize the common good and support those at the economic margins. Inspired by our founding Catholic Sisters and the leadership of the women who followed, we faithfully embody Gospel justice as we work for change. We believe that the nomination of Judge Amy Coney Barrett would not be in the interest of the common good. Moreover, pursuing a rushed confirmation process at this particular time in our nation is misguided and recklessly undermines trust in our democratic institutions.

Assessment of Judge Amy Coney Barret

Judge Barrett is being touted as a “pro-life” nomination due to her commitment to overturning *Roe vs. Wade*. Yet Catholic Social Teaching has upheld the sacredness of all life, from conception to death, and Pope Francis has made clear that abortion is not the only issue that matters. Equally sacred are those already born, including the sick, disabled, and elderly; people and families on the economic margins; migrants and refugees; and those oppressed by racial and other forms of discrimination. Judge Barrett’s rulings and public statements have shown that she does not hold all life sacred.

- **Sick, Disabled, and Elderly:** We hold equally sacred the lives of those who are vulnerable due to impaired health, many of whom do not have adequate access to health care. If confirmed to the Supreme Court, Judge Barrett is expected to be the deciding vote to strike down the constitutionality of the Affordable Care Act, depriving millions of people of their access to health care during a global pandemic that has killed 210,000 Americans. The ACA provides critical health care protections for people with pre-existing conditions and disabilities, ensures that young people under 26 can remain

on their parents' health insurance, removes caps on expensive medical treatments, and covers millions of Americans through Medicaid expansion. Yet Judge Barrett's writings have indicated that she opposes the ACA. In 2017, she implied that the law was unconstitutional.¹ She also signed a 2012 petition objecting to employer health plans including contraception coverage.²

- **Economic Justice:** Equally sacred are the lives of those living on the margins struggling to survive against economic injustice. This global pandemic has left millions of people without jobs, food security, housing, and childcare. Our most essential workers – many of whom are low-wage earners – have had to choose between their jobs and their health and safety. We need a Justice who will uphold worker protections, consumer safety, and protect the social safety net. Judge Barrett has instead stood with corporate interests, ruling that the Age Discrimination in Employment Act does not protect job applicants from policies that discriminate based on age and against a plaintiff who sought written verification of a debt she was said to have owed.³
- **Migrants and Refugees:** Catholic social teaching affirms the rights of all peoples to seek the best lives for themselves, and equally sacred are the lives of migrants and refugees who have endured immoral and cruel assaults on their humanity through the prohibition of asylum claims, separation of families, and forced hysterectomies. Judge Barrett has made her hostility toward immigrants evident in a number of cases that have come before her. In two separate instances, she sided with the Board of Immigration Appeals to deny asylum to Salvadorans under the Convention Against Torture⁴ and cast the deciding vote deporting a Mexican immigrant who had been a lawful permanent resident without having the opportunity to argue against his deportation in court.⁵ She dissented in *Cook County v. Wolf*, which temporarily barred the implementation of the public charge rule, supporting the administration's interpretation of the law.
- **Racial and LGBTQ Discrimination:** Equally sacred are the rights of all people to live their lives free from oppression in all forms. Following months of high-profile shootings of African Americans and subsequent national demonstrations concerning racial injustices, the United States can ill afford a Supreme Court Justice with a record of upholding discriminatory practices. In *EEOC v. AutoZone*, Barrett ruled against an African-American worker whose company assigned employees to certain stores based on their race, a violation of Title VII of the Civil Rights Act. She has also stated her opposition to federal law protecting LGBTQ marriage and including Transgender people as protected under Title IX.⁶

For these reasons, we do not support the nomination of Amy Coney Barrett for Supreme Court Justice. Justices are appointed for life and their decisions reverberate for generations.

Assessment of the Nomination Process

Aside from the merits of the nominee, NETWORK also strongly opposes a hasty confirmation process so close to a national election in which many Americans will have already cast their ballot. The timing disregards the voice of the electorate and undermines trust in our democratic institutions, which is already fragile. We are a nation traumatized by deep divisions, suffering and economic pain; the unnecessary coronavirus death toll of more than 200,000 people is one such example of this national trauma. There is a real cost to the public perception of a Congress and a president focused on expediting a Supreme Court nominee while failing to attend to the protracted national suffering.

During this fragile time in our nation, it is vital that our national leaders act with prudence rather than political posturing. Our democratic institutions are maintained by norms as much as strict law and order. There is no precedent for allowing a president to have such extraordinary influence over the outcome of an election, which he is already threatening to contest. The one at risk of facing judgment ought not to choose the judges.

A fast-tracked confirmation process of Judge Barrett is a clear abdication of the Senate's constitutional advise-and-consent function. It jeopardizes the rights and lives of the most vulnerable among us and it undermines the integrity of our most basic democratic norms and institutions. For all of these reasons, NETWORK Lobby for Catholic Social Justice urges you as a member of the Senate Judiciary Committee to vote against the rushed nomination of Judge Amy Coney Barrett.

¹https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=2330&context=law_faculty_scholarship

² <https://www.afj.org/wp-content/uploads/2020/01/Barrett-Becket-Fund-Letter.pdf>

³ *Kleber v. CareFusion Corporation; Paula Casillas v. Madison Avenue Associates Inc.*

⁴ *Alvarenga-Flores v. Sessions and Herrera-Garcia v. Barr*

⁵ *Lopez Ramos v. Barr*

⁶ <https://www.youtube.com/watch?v=7yjTEdZ81II> at 41:40