

October 9, 2020

Re: Oppose the Confirmation of Amy Coney Barrett to the Supreme Court of the United States

Dear Senator:

We 136 organizations in support of reproductive health, rights, and justice — strongly oppose the nomination of Judge Amy Coney Barrett to the Supreme Court. The Senate should not consider any nominee to fill any Supreme Court vacancy until after the inauguration. Whoever fills Justice Ginsburg's seat could spend decades being a crucial vote on a range of issues that affect our lives -- from voting rights to health care access to employment discrimination. The people deserve to have a voice in who is confirmed to the Supreme Court and in some states people are already casting their votes to make that voice heard. As the COVID-19 pandemic continues to spread throughout the United States — including now on Capitol Hill and in the White House — we demand the confirmation process of Judge Barrett be halted. The time to confirm the next Supreme Court Justice is not as we work to rein in our global health crisis.

In addition to being an illegitimate process, Judge Barrett's addition to the Supreme Court would be a threat to our reproductive health and rights. These are not hypothetical threats. With 17 abortion-related cases one step away from the Supreme Court as well as Supreme Court oral arguments in *California v. Texas*, which could invalidate the Affordable Care Act (ACA), scheduled for November 10, abortion rights and health care are on the line. President Trump has made clear that he would only appoint justices who would overturn *Roe v. Wade* and strike down the ACA, and it is clear why he believes Judge Barrett meets his litmus test.

Judge Barrett has voted to rehear cases where abortion restrictions had been struck down as unconstitutional — putting the lives of people pushed to the margins of society especially at risk. Barrett signed a two-page newspaper ad that expressed clear opposition to abortion, condemned *Roe* as “barbaric” and states that life begins at “fertilization,”¹ an extreme view that could call into question the legality of some forms of birth control and fertility care. The group that led that ad's placement, which she did not disclose on her Senate Judiciary Committee questionnaire, opposes fertility treatments, such as in vitro fertilization (IVF), which help people build their reproductive futures and have healthy families.

Judge Barrett's record and views are outside the mainstream and a direct threat to a person's ability to decide if, when, and how to parent. For too many people, particularly women of color, people with disabilities, LGBTQ+ individuals, immigrants, people who live in rural communities, and young people, the right to abortion under *Roe* is a right in name only as states have placed insurmountable barriers and legal restrictions on abortion care. *Roe* is the floor, not the ceiling, for ensuring people have access to abortion care and yet Judge Barrett's record suggests she could eliminate that floor. Moreover, her alignment with positions that question the legality of birth control and fertility care directly conflict with the many people who rely on such health care to prevent pregnancy or to become pregnant. For example, the vast majority of sexually active women use birth control and 21% of LGBTQ individuals plan to form their families through IVF.

¹ Josh Salam & Kevin McCoy, *Supreme Court nominee Amy Coney Barret signed 2006 anti-abortion ad in Tribune*, SOUTH BEND TRIBUNE (Oct. 2, 2020), https://www.southbendtribune.com/news/local/supreme-court-nominee-amy-coney-barrett-signed-2006-anti-abortion-ad-in-tribune/article_bbecc3e4-042c-11eb-b1a2-132bb4b716bb.html

Judge Barrett has also been openly critical of the ACA and Supreme Court decisions that have upheld the law. She has been vocal in her criticisms of the ACA's requirement that employer-sponsored health plans comprehensively cover birth control. She signed a letter led by the Becket Fund that objected to the Obama Administration's accommodation for religiously affiliated employers and made anti-science statements, including referring to certain methods as "abortion-inducing drugs."² Invalidating this critical protection, as well as other ACA protections, including eliminating gender rating (where women were charged more than men for the same insurance just because of their gender), guaranteeing coverage for pre-existing conditions, affordability measures, and Medicaid expansion, would have a devastating, long-term impact on the health and economic security of women in the United States. Nullifying or weakening the ACA would especially push insurance coverage out of reach for Black women and other women of color. Importantly, if repealed, women of color would lose access to services that combat pervasive health disparities, such as birth control, screening for breast and cervical cancer, and well-woman visits. Eliminating the ACA could mean that once again being a woman is a pre-existing condition, especially harming women of color who face historic disparities in access to quality care.

People do not live single issue lives. As we fight for the right to bodily autonomy, equality, and privacy, for food security, safe housing, and clean water, to protect immigrants' rights and LGBTQ+ equality, and freedom from police violence, we deserve a Supreme Court Justice who understands these issues, not one who willfully ignores them. Judge Barrett's record is full of examples where she has refused to acknowledge the lived experiences of real people when determining the legal outcome of a case.

Our lives are on the line. If confirmed, Judge Barrett's views on abortion and birth control are contrary to current Supreme Court precedent and she could help decimate the precarious state of reproductive health care in our country. Her record, judicial philosophy, and beliefs appear at odds with critical rights and protections that, if undermined, would particularly hurt Black and Brown people, LGBTQ+ individuals, immigrants, young people, people with disabilities, and those living at the intersections of these identities.

As Justice Ginsburg reminded us in her dissenting opinion in the case that gutted the Voting Rights Act, the arc of history only bends toward justice "if there is a steadfast commitment to see the task through to completion." We demand that the next person to sit on the high court promise to do just that.

We urge the Senate to reject Amy Coney Barrett's nomination to the Supreme Court.

Sincerely,

NARAL Pro-Choice America
National Asian Pacific American Women's Forum (NAPAWF)
National Women's Law Center
Planned Parenthood Federation of America
URGE: Unite for Reproductive & Gender Equity

² The Becket Fund, *Unacceptable* (Feb. 27, 2011), available at <https://www.scribd.com/document/83046828/Unacceptable-2-27-11am2>.

#VOTEPROCHOICE

A Better Balance

A Woman's Choice of Charlotte (NC)

A Woman's Choice of Greensboro (NC)

A Woman's Choice of Jacksonville (FL)

A Woman's Choice of Raleigh (NC)

Abortion Access Force

Abortion Access Front

Abortion Care Network

Advocates for Youth

AIDS United

American Atheists

American Federation of Teachers

American Humanist Association

Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL)

Athlete Ally

Black Women's Health Imperative

Broward Pro-Choice Coalition (FL)

Bucks County Women's Advocacy Coalition (PA)

California LGBTQ Health and Human Services Network

Caneiwalk (RI)

Catholics for Choice

Center for American Progress

CenterLink: The Community of LGBT Centers

Civil Liberties and Public Policy

Clearinghouse on Women's Issues

Coalition of Labor Union Women

Cobalt (CO)

Colorado Coalition Against Sexual Assault

Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)

Daily Kos

Empowering Pacific Islander Communities (EPIC)

End Citizens United / Let America Vote Action Fund

End Citizens United/Let America Vote

Equality California

Equality North Carolina

Family Planning of South Central New York, Inc.

Feminist Humanist Alliance

Feminist Majority Foundation

Florida Interfaith Coalition for Reproductive Health and Justice

Global Justice Center

GLSEN

GSA Network
Health Care Voter
If/When/How: Lawyering for Reproductive Justice
Illinois National Organization for Women
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Indivisible
International Women's Health Coalition
Ipas
Japanese American Citizens League
Jewish Women International
LatinoJustice PRLDEF
League of Women Voters of Broward County
League of Women Voters of St. Lawrence County, New York
Lift Louisiana
Mabel Wadsworth Center (ME)
Maine Family Planning
Matthew Shepard Foundation
Medical Students for Choice
MoveOn
NARAL Pro-Choice Massachusetts
NARAL Pro-Choice Missouri
NARAL Pro-Choice MN
NARAL Pro-Choice North Carolina
NARAL Pro-Choice Ohio
NARAL Pro-Choice Oregon
NARAL Pro-Choice Virginia
NARAL Pro-Choice Washington
National Association of Social Workers
National Coalition of Jewish Women
National Council of Asian Pacific Americans
National Council of Jewish Women
National Equality Action Team (NEAT)
National Family Planning & Reproductive Health Association
National Health Law Program
National Institute for Reproductive Health
National Network of Abortion Funds
National Organization for Women
National Organization for Women (FL)
National Organization for Women Monroe County (IN)
National Organization for Women of New Jersey
National Organization for Women of Northern New Jersey

National Partnership for Women & Families
National Queer Asian Pacific Islander Alliance (NQAPIA)
National Women's Health Network
Not Without Black Women (MD)
Ohio Domestic Violence Network
Ohio Religious Coalition for Reproductive Choice
Ohio Women's Alliance
Oil Change International
PAI
People For the American Way
Physicians for Reproductive Health
Population Connection Action Fund
Population Institute
Positive Women's Network-USA
Power to Decide
Presidential Women's Center (FL)
Pro Choice Coalition (FL)
Pro-Choice Coalition of Broward County
Religious Coalition for Reproductive Choice
Reproductive Health Access Project
Reproductive Health Access Project Florida Cluster Network
Restaurant Opportunities Center of Pennsylvania
SIECUS: Sex Ed for Social Change
Silver State Equality-Nevada
SisterSong: National Women of Color Reproductive Justice Collective
Southeast Asia Resource Action Center
SPARK Reproductive Justice NOW!, inc. (GA)
Step Forward Strategies (RI)
Students Alike
Tampa Bay Abortion Fund
The Ohio Women's Public Policy Network
The Womens Center (PA)
The Womxn Project (RI)
Transgender Law Center
Union for Reform Judaism
United Church of Christ
Virginia Sexual & Domestic Violence Action Alliance
Voices for Progress
Washington Coalition of Sexual Assault Programs
We Testify
WHARR (Womxn's Health and Reproductive Rights)

Whole Woman's Health
Whole Woman's Health Alliance
Women Lawyers On Guard Action Network, Inc
Women of Reform Judaism
Women's Foundation of Florida
Women's March
Women's Medical Fund (PA)