

October 12, 2020

Dear Senator:

We the **83** undersigned local, state, and national organizations write in opposition to the nomination of Amy Coney Barrett to the Supreme Court of the United States. As organizations committed to social justice including reproductive health, rights, and justice, and working alongside young people, it is imperative that we speak out in opposition to confirming Amy Coney Barrett to a lifelong seat on the Supreme Court of the United States.

Like millions across the world, and as organizations dedicated to social change, we mourn the passing of Justice Ruth Bader Ginsburg. Justice Ginsburg worked tirelessly throughout her career to advocate against sexism and for positive social change. Justice Ginsburg opened doors not only for women in the legal field but for every person dedicated to achieving a world where there is true equal justice under the law. With her passing, Justice Ginsburg leaves both a formidable legacy and her open seat on the Supreme Court of the United States.

Young people, especially young queer and trans people of color, are disproportionately impacted by the actions of those in power. If Judge Barrett were confirmed to the Supreme Court, not only would the legacy of Justice Ginsburg be in jeopardy but also the rights of young people and other marginalized communities across the country. In her three years on the Seventh Circuit, Judge Barrett dissented from decisions that refused to revisit panel decisions that upheld abortion access. In *Planned Parenthood of Ind. & Ky., Inc. v. Comm'r of the Ind. State Dep't of Health*, again, she joined a dissent from denial of en banc review. The dissent compared people who have abortions to people who are furthering “eugenics goals” - a shameful suggestion that has its roots in xenophobia and racism. In *Planned Parenthood of Ind. & Ky., Inc. v. Box*, she dissented from denial of en banc review of an order striking down as unconstitutional an Indiana law that targeted young people for additional barriers to abortion access. In her dissent, she disputed pre-enforcement challenges to abortion laws, a line of argument that could potentially have the long-term effect of stripping people of their constitutional rights by allowing unconstitutional laws to go into effect without challenges.

Young people already face extreme barriers to accessing abortion care, from unnecessary abortion restrictions like forced parental involvement and waiting periods, to limitations on their ability to obtain confidential care using their family health insurance, to inability to pay because of federal and state restrictions on abortion insurance coverage. These barriers are magnified for Black, Indigenous and other people of color (BIPOC), and queer and trans youth. Barrett’s judicial record and possible confirmation could also make the threat of criminalization for providing or having an abortion more imminent than it has been for decades, a threat that disproportionately puts Black, Indigenous, and other people of color at risk.

I. The impact of parental involvement laws.

Ending forced parental involvement in abortion decision-making is a key part of ensuring reproductive self-determination for all young people.

Most young people under the age of 18 involve a parent or guardian in their decision whether to continue a pregnancy or have an abortion. For minors who cannot or choose not to involve a parent or legal guardian, forced parental involvement laws create significant and unnecessary barriers that may prevent them from getting abortion care. In 37 states with parental involvement laws, people under the age of 18 are forced to involve their parents or legal guardians by giving them notice or seeking their consent before obtaining abortion care. The only alternative to this forced parental involvement is for a teen to obtain a judicial bypass, meaning the young person must go to court to get approval from a judge so they can consent to their own healthcare.

To the great detriment of young people's health, life chances, and reproductive autonomy, the judicial bypass process is no panacea to protect their constitutional rights. In fact, the judicial bypass process causes significant delays for young people seeking abortion care, especially for young people of color and those living in foster care or other state and federal facilities.

When I found out I needed parental consent to get an abortion, it was difficult to understand, because I didn't have my parents for a lot of things in my life because I was completely independent of them...and didn't have access to them. And this one obstacle of needing them...it was impossible to get consent from them. Going before the judge was terrifying. Honestly, I felt criminalized. - CoWanda, Texas, 17 years old when obtaining a judicial bypass

II. "Judicial bypass" or judicial waiver process is still a burden. Judge Barrett would likely make it worse.

The U.S. Constitution prohibits a third party from having the ultimate veto power over a young person's abortion decision. In *Bellotti v. Baird* and subsequent cases, the Supreme Court made clear that parental involvement laws must include an alternative mechanism that allows a young person who is unable to involve a parent or guardian in their decision to nonetheless obtain an abortion. [Most states](#) utilize the "judicial bypass" process to meet this constitutional mandate. The judicial bypass process forces young people to navigate a labyrinth of institutional rules, local restrictions, and contradictory information. This process is difficult to navigate under normal circumstances, which includes trying to protect their privacy and safety while also having to leave school, home, or work to go to court, sometimes in a small community where they might be known by adults who work in the [courthouse](#), and navigating transportation to and from both the courthouse and [clinic](#).

As a teenager with a strict parent, the process of being able to discretely get my judicial bypass granted and find a way to get to my nearest abortion clinic was hard. I didn't have a car, money, or support from anyone in my family. It took 21 days for me to get my abortion from the moment I made the decision to get an abortion until I was able to get the care I needed. - Veronika, Texas, age 17 when she obtained abortion care through the judicial bypass process

These barriers pose even more difficulties under the [current pandemic](#) where young people are navigating lack of privacy under stay at home orders, diminished provider options, limited court access, and the cumulative burden of an [array of restrictions](#) on abortion may prevent young people from getting the timely care they need altogether. Additionally, the judicial bypass

process is harmful because it forces young people, specifically young people of color, to interact with a legal system that historically has targeted and over-criminalized Black, Indigenous and other people of color. Indeed, for some young people, this process can be traumatic. Moreover, its imposition of unnecessary delays also adds to the physical burden a young person needing an abortion may face, because they are forced to have a later abortion procedure. These compounded barriers do not uphold young people's human rights and dignity when their own healthcare decisions are quite literally put in the hands of another party and institution.

Another significant barrier is access to information about the judicial bypass or waiver process. Even when a young person seeks information to pursue a judicial waiver petition, they too often find court personnel who, if not openly hostile, are uninformed, cannot answer the young person's questions about the judicial waiver process, or give young people misinformation that may delay or entirely prevent the necessary judicial waiver (see, [The Judicial Waiver Process in Florida Courts Report](#)).

Although the judicial bypass is not the solution to forced parental involvement laws and is itself a burden on young people, judicial bypass is a critical protection for youth abortion access that is rooted in Supreme Court precedent. This case serves as a clear sign that her appointment on the Supreme Court puts even the flawed judicial waiver process at risk as an option for young people who are seeking to exercise their constitutional right to end a pregnancy – which would essentially eliminate the right to reproductive self-determination for young people. [Research has shown](#) that these increasing state restrictions on youth abortion access have led to more judicial bypass denials in states where they are enacted.

III. Judge Barrett would attempt to dismantle the Reproductive Justice needs of young people, including sexual assault survivors and immigrants.

In addition to her record on attempting to place restrictions on young people's abortion access, Judge Barrett has also sought to lower the bar for accountability in a case involving student sexual assault. In deciding if he had a claim, Barrett found that John Doe had been deprived of a "protected liberty interest: his freedom to pursue naval service, his occupation of choice," when the university formally found him guilty of a sexual offense. Young people already face [prevalent rates of sexual violence](#) on college campuses and immense obstacles coming forward to report incidents of violence. Her record on sexual assault and Title IX specifically disregards student survivors and portends poorly for her judicial view of laws designed to end gender discrimination.

*As a Black woman and someone who survived intimate partner violence throughout my twenties it is alarming that those in power would choose to nominate and confirm someone like Amy Coney Barrett to the Supreme Court given her record on civil rights issues. As I watch continued violence against Black people by the state, a pandemic that is disproportionately affecting Black and brown communities and sit with the alarming rates in which women of color experience intimate partner violence, there is simply other things that Congress can be focusing on besides rushing this nomination process. -
Monica, Virginia, 28*

Importantly, Judge Barrett's record on important issues affecting young people of color, including immigration and policing, is deeply harmful. In *Day v. Wooten*, Barrett joined a decision that granted qualified immunity to police officers after the death of 18-year-old Terrell Day while in police custody. In *Cook County v. Wolf*, she dissented from a ruling blocking the implementation of the Trump's administration "public charge" rule, which would force immigrants to risk being separated from their families if they receive certain public benefits - a decision that sanctions denying basic health care, nutrition and housing to people who may be most in need, in the midst of a pandemic.

I have been diagnosed with a reproductive health issue which has been very expensive to treat. In the medical system I was denied the healthcare that I wanted at a Catholic hospital because it could lead to the harm of my reproductive organs. I have also had to take birth control to treat this medical condition. Birth control is important and necessary health care for young people for many reasons. - Hannah, 20, California, Junior at UCLA

As organizations committed to achieving a world where [Reproductive Justice](#) is a reality, given her record, confirming Judge Barrett to the highest court in the U.S. would be antithetical to achieving that goal. Amid a global pandemic that has claimed more than 210,000 American lives, [hypervisibility](#) of anti-Black police violence, yet another instance in the U.S.'s horrific record of forced sterilization against women of color, further violence committed against those in [ICE custody](#), and continuous restrictions on reproductive health care, those in power are instead choosing to focus on rushing through a judicial confirmation process. If confirmed, Judge Barrett threatens the integrity of the Supreme Court and it is young people who will be negatively impacted for decades by its decisions.

We call on those in power to put young people first and reject the nomination of Amy Coney Barrett to the Supreme Court of the United States.

Sincerely,

Advocates for Youth

If/When/How: Lawyering for Reproductive Justice

Janes's Due Process

URGE: Unite for Reproductive & Gender Equity

ACCESS Women's Health Justice

American Humanist Association

American Nurses Association \California

American Sexual Health Association

Beyond the Bomb

Break the Cycle

California Latinas for Reproductive Justice

Caneiwalk

Carolina Abortion Fund

Center on Reproductive Rights & Justice (CRRJ)

CenterLink: The Community of LGBT Centers

Chicago Abortion Fund

Clearinghouse on Womens Issues

Coalition of Labor Union Women

Cobalt

Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)

Deeds Not Words

East Coast Asian American Student Union (ECAASU)

Equality Federation

Equality North Carolina

Feminist Women's Health Center

Flood Family Law, LLC

Florida Student Power Network

Fund Texas Choice

Gender Justice

Generation Ratify

GSA Network

Illinois Collaboration On Youth

International Student Environmental Coalition

International Women's Health Coalition

Ipas

Japanese American Citizens League

Kentucky Health Justice Network

Law Office of Sheena Chiang, PLLC
Legal Voice
Lilith Fund
Lilith Fund
NARAL Pro-Choice America
NARAL Pro-Choice Texas Foundation
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Social Workers - Texas Chapter
National Equality Action Team (NEAT)
National Family Planning & Reproductive Health Association
National Institute for Reproductive Health
National Network of Abortion Funds
National Organization for Women
National Partnership for Women & Families
National Women's Law Center
National Youth/Student Council, Japanese American Citizens League
Northern New Jersey NOW
Ohio Religious Coalition for Reproductive Choice
Ohio Women's Alliance
Oil Change International
People's Parity Project
Physicians for Reproductive Health
Planned Parenthood Affiliates of California
Platform
Population Institute
Pro-Choice Arizona
Progress Texas
Rainbow Cafe LGBTQ Center
Red River Women's Clinic

Scheff & Washington, P.C.

Step Forward Strategies

Student Power Network

Texas Equal Access Fund

Texas Freedom Network

Texas Rising

The Afiya Center

The Raben Group

The Womxn Project

Transgender Law Center

Union for Reform Judaism

We Testify

Whole Woman's Health Alliance

Women Have Options/ Ohio

Women's Law Project

WV FREE

Young Invincibles