September 1, 2017

The Honorable Charles Grassley
Chairman Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Reproductive Health, Rights, and Justice Groups Oppose Confirmation of Amy Coney Barrett

Dear Chairman Grassley and Ranking Member Feinstein:

We are 17 reproductive rights, health, and justice organizations writing to urge you to reject the nomination of Amy Coney Barrett to the U.S. Court of Appeals for the Seventh Circuit.

President Trump has vowed to use federal-court appointments to elevate and cement in place his extreme agenda, and we see him doing just that—once again—with this nomination. A qualified nominee must believe in and uphold our fundamental constitutional rights, including reproductive freedom. Barrett does not.

In fact, Barrett has expressly opposed reproductive and women’s rights. She believes that life begins at conception. During a presentation on Roe v. Wade, Barrett spoke disapprovingly of the landmark decision, claiming “Roe essentially permitted abortion on demand, and Roe recognizes no state interest in the life of a fetus.”

Barrett has also criticized the Affordable Care Act’s contraceptive-coverage policy, which is being threatened by the Trump administration even though it has benefited millions. She joined a public “statement of protest” that called the policy an “assault on religious liberty” and accused the Obama administration of “compelling religious people and institutions who are employers to purchase a health-insurance contract that provides abortion-inducing drugs, contraception and sterilization.” It also referred to emergency contraception as “the embryo-destroying ‘five-day-after pill.’”

Furthermore, she wrote that judges who face conflicts due to their faith should recuse themselves on cases involving the death penalty but did not make a similar recommendation for conflicted judges in abortion-related cases. In an article discussing how legislatures can seek to override or circumvent “unpopular constitutional decision[s],” Barrett highlighted the
Partial-Birth Abortion Ban Act as an “example of congressional success” that undermined the Supreme Court’s decision in *Stenberg v. Carhart.*\(^i\)

Relatedly, in an article calling for greater “flexibility” from *stare decisis,* Barrett cited *Planned Parenthood v. Casey* as an example of a decision where the court failed to overturn an “erroneous decision” (i.e. *Roe*).\(^ii\) From both her choice of language and repeated references to *Casey,* one reasonably infers that she believes *Roe* was incorrectly decided.

Reproductive rights are under intense attack in Congress and in the states. In 2016 alone, states have enacted 56 new anti-choice measures. Now, more than ever, women must be able to rely on the courts to protect their constitutional rights. But Barrett’s record shows she will undermine, not protect, the freedoms Americans depend on.

This nominee would put reproductive freedom in danger. We urge you to vigorously oppose the nomination of Amy Coney Barrett to the Seventh Circuit.

Sincerely,

Advocates for Youth
Catholics for Choice
NARAL Pro-Choice America
National Abortion Federation
National Asian Pacific American Women’s Forum (NAPAWF)
National Center for Lesbian Rights
National Council of Jewish Women
National Health Law Program
National Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Network of Abortion Funds
National Organization for Women
National Partnership for Women and Families
National Women’s Health Network
People for the American Way
Planned Parenthood Federation of America
Secular Coalition for America

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Ibid.

