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October 8, 2020

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Graham, Ranking Member Feinstein, and Committee Members:

The National Council of Jewish Women (NCJW) writes to express its strong opposition to the nomination of Amy Coney Barrett to the United States Supreme Court. Judge Barrett's troubling record prioritizing religious objections over established law and her disregard for judicial precedent makes her unfit for a lifetime appointment to the highest court in the land. We also write to stress that rushing through a divisive nomination in the midst of a global pandemic rather than passing meaningful COVID-19 relief legislation is entirely misguided and an abdication of the Senate's responsibility to the American people.

Judges who serve lifetime appointments to our federal courts must be fair, independent, qualified, and reflect the diversity of our nation. Judge Barrett is none of these things. She is on record in opposition of the Affordable Care Act (ACA) and, as early as November 10, the Supreme Court will hear arguments to decide the constitutionality of this landmark law which had a transformative impact on all aspects of health care. Particularly during the COVID-19 crisis, it is critical that Americans have access to affordable, comprehensive, and non-discriminatory health care and coverage. If the ACA is deemed unconstitutional, tens of millions of people would lose coverage immediately, Medicaid expansion would be eliminated, protections for people with pre-existing conditions would be disrupted, and the entire health care system would be thrown into confusion and chaos.

Further, Judge Barrett has called *Roe v. Wade* a "judicial fiat" and has stated that the "framework of *Roe v. Wade* essentially permitted abortions on demand, and *Roe* recognizes no state interest in the life of a fetus." An open critic of the principle of *stare decisis*, it is deeply concerning that Judge Barrett would have the opportunity to overturn well-established precedent supported by the vast majority of Americans and to prioritize her own faith above the law. From health care to immigration to gun safety to racial justice and more, Judge Barrett's views are far outside the mainstream and disqualifying, rendering her incapable of serving as a fair and independent justice.

Importantly, early voting is well underway across the country. As Americans are already deciding who will serve as the next president, it is essential that the hearing on Judge Barrett's nomination be halted until after the inauguration to reflect the will of the people. Instead, the Senate must focus on passing comprehensive COVID-19 relief packages to address the immediate public health emergency, support families and workers, ensure fair and safe elections, and prepare for a successful recovery. It is disrespectful to the more than 200,000

Americans who have died and to the more than 20 million citizens who have lost their jobs to prioritize the confirmation of a judge over COVID-19 relief.

As more members of Congress test positive for COVID-19, the implication that a virtual confirmation hearing would be a suitable option is a mockery to due process. If it is not safe for the hearings to occur in person, it is not safe for the hearings to move forward at all.

Confirmation hearings are the venue to discern if a nominee is qualified and committed to equal justice. This cannot be achieved in a virtual format. Throughout the pandemic, all hearings for circuit court nominees have been in-person. A lifetime seat on the highest court demands the same. Therefore, it is important to wait until it is safe to conduct the confirmation hearing.

The Torah commands us to appoint judges who will “judge the people with a just law,” and tells us that those judges should “not pervert the law [and] show any partiality” (Deuteronomy 16:18-19). Examining her extreme views on health care, abortion, immigration, gun safety, and racial justice, it is clear that Judge Barrett is unfit to serve on the Supreme Court. In addition, the proximity to the election and the COVID-19 outbreak in the White House and on Capitol Hill proves that conducting a confirmation hearing on October 12 is an irresponsible action that will impact the American people for generations.

Without hesitation, NCJW urges you to oppose Amy Coney Barrett for a lifetime appointment to the Supreme Court and to cancel the confirmation hearings.

Sincerely,



Jody Rabhan
Chief Policy Officer
National Council of Jewish Women