

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
October 5, 2017**

Good morning. Today, we have a number of nominees on today's agenda and I'd like to be able to get through the whole agenda. I know that we have votes this morning as well as other Committee meetings so I'll keep my remarks brief and would ask other Members to consider doing so as well so we can get through the entire agenda.

We have several nominees on the agenda for the first time today and the minority has requested that they be held over, so the nominations of the following are held over:

- Annemarie Axon, Northern District of Alabama
- Michael Brown, Northern District of Georgia
- Thomas Farr, Eastern District of North Carolina
- William Ray, Northern District of Georgia

We also have 3 US Attorney nominees on today's agenda who we'll be able to vote on.

Finally, we'll be voting on several nominees. I'd like to say a few words about one of the nominees on today's agenda in particular.

Professor Amy Barrett is nominated to serve on the 7th Circuit. She is an eminently qualified and exceptionally bright nominee who has received praise and support across the legal profession. But I was surprised and disheartened by the line of questioning that took place during her hearing.

During her hearing, my friends in the minority raised concerns over and asked questions about her personal religious beliefs. Specifically, her Catholic beliefs. And their questions strongly implied that she's too Catholic for their taste, whatever it means to be "too Catholic."

I mention this because I fear the Committee is heading down a dangerous road if we continue to ask nominees questions like this. The Constitution specifically provides that "no religious test shall ever be required as a qualification to any office under the United States." It's one of the most important founding principles.

And yet I saw Members seeking to understand just how Catholic Professor Barrett considers herself, as if this is relevant to assessing her credentials to be on the bench.

I don't think an evaluation of how religious a nominee is—or isn't—should ever be part of our evaluation.

We received many letters on this topic including one from Princeton University's President who is a former law clerk to Justice Stevens and a constitutional scholar. He writes that the questions

posed to Professor Barrett about her faith were “not consistent with the principle set forth in the Constitution’s ‘no religious test’ clause” and that the views expressed in her law review article on Catholic judges are “fully consistent with a judge’s obligation to uphold the law and the Constitution.” Without objection, I’ll enter this letter into the record.

Professor Barrett has assured the Committee that she strongly believes it’s inappropriate for a judge to place their religious views before their oath to the Constitution. Indeed, the main point of her law review article is that if a judge cannot put aside her personal religious convictions, she should not be involved in the case.

I’ll make one more related comment. Professor Barrett, and a few other nominees, have a relationship with or ties to the Alliance Defending Freedom group, which, as several Senators have recently pointed out, has been labeled a “hate group” by the Southern Poverty Law Center.

Now, the nominees have pointed out that the SPLC’s designation is highly controversial. I’d say it’s completely unfounded. The Alliance Defending Freedom is an advocacy organization that litigates religious liberty cases. They’ve won 7 cases in front of the Supreme Court the past 7 years. They’re not outside the mainstream.

Any difference in viewpoint folks may have with them boil down to policy differences. But dissent and difference of opinion does not equal hate and it’s wrong to compare an organization like ADF to that of the KKK or Nazi party, and, by extension, imply that the nominees before us sympathize with such actual hate groups.