

Prepared Opening Remarks by U.S. Senator Chuck Grassley of Iowa

Senate Judiciary Committee

Nomination of Judge Amy Coney Barrett to Serve as Associate Justice of the Supreme Court

Monday, October 12, 2020

Welcome, Judge.

On March 1, 2016, Justice Ruth Bader Ginsburg delivered a eulogy for her friend, Justice Antonin Scalia.

Justice Ginsburg said, “We were different, yes, in our interpretations of written texts... yet one in our reverence for the Court and its place in the U.S. system of governance.”

Justice Ginsburg’s remarkable life and legacy will be honored for generations. As will Justice Scalia’s.

The Senate is now tasked with carrying out perhaps its most solemn duty under the Constitution.

As we go through this process, we should heed Justice Ginsburg’s words: with a shared reverence for the Court and its place.

This idea of place in our system of government is critical. Ours is a government of separated powers.

The power to make, enforce, and interpret the law isn’t centralized in one person or one branch of government.

That’s not by mistake.

As Justice Scalia said, the Framers recognized the separation of powers as “the absolutely central guarantee of a just Government... [because] without a secure structure of separated powers, our Bill of Rights would be worthless.”

But, this system only succeeds if each branch respects its role.

A good judge understands it’s not the Court’s place to re-write the law as it sees fit.

It’s not his or her place to let policy, personal or moral principles dictate an outcome.

Judge Barrett’s record clearly reflects this standard.

She said, “A judge must apply the law as written. Judges are not policymakers, and they must be resolute in setting aside any policy views they might hold.”

Judge Barrett’s service reflects an exceptional intellect, paired with a deep commitment to the rule of law.

She’s received praise across the legal profession and ideological spectrum.

Former colleagues at Notre Dame describe Judge Barrett as “brilliant, industrious, gracious, and kind,” and as “a person of utmost integrity, with an open mind and the even temperament that is prized in a judge.”

She’s known as “a generous mentor,” and “for her humility, her graciousness, and her ability, born of her credibility, to build consensus among differing views.”

Her students “express awe with the power of Judge Barrett’s intellect, with her mastery and organization of complex material, and with her professionalism.”

Leaders of more than 200 liberty-supporting groups across the country say Judge Barrett “possesses the judicial temperament and philosophy necessary to act as a bulwark for our Constitution and institutions of government.”

Twenty-four state governors describe Judge Barrett as “a woman of great moral character who is devoted to her country, community, family, and faith, like so many Americans.”

The *Wall Street Journal* Editorial Board says, “President Trump’s nomination of Amy Coney Barrett for the Supreme Court is a highlight of his Presidency.”

Liberal Harvard Law professor Noah Feldman calls Judge Barrett “a principled, brilliant lawyer,” a “genuine and good person,” and “highly qualified to serve on the Supreme Court.”

Moreover, Judge Barrett is a tireless mother of seven, two of whom were adopted.

For decades, I’ve led efforts in the Senate to celebrate adoption, and to improve foster care.

So, it’s a special privilege to have a nominee before us whose own family has opened its arms to provide a safe, loving, and permanent home.

To sum up, Judge Barrett’s qualifications – and character – are impeccable.

Unfortunately, I expect the Minority will try to rustle up baseless claims and scare tactics, as they’ve done for decades – anything to derail the confirmation of Republican nominees.

Lately, the left is threatening to pack the Supreme Court in retaliation for this confirmation process. Packing of the Court means 10, 11, 12, 13 justices. There has never been more than 9 justices for 150 years.

Even the Democrats’ nominees for president and vice president haven’t ruled out such a blatantly partisan power grab. The Biden-Harris team will not even tell the voters what they will do if elected.

Republicans are following the Constitution and precedent. It seems Democrats would rather just ignore both.

The left is also suggesting Judge Barrett’s confirmation would be the demise of the *Affordable Care Act* and protections for pre-existing conditions.

That’s absurd.

As a mother of seven, Judge Barrett clearly understands the importance of access to health care.

Let’s set the record straight.

Then-Professor Barrett criticized Chief Justice Roberts’ conclusion that the *Affordable Care Act*’s penalty was actually a tax.

Democrats say her viewpoint is radical and a preview of how she’d vote in the future.

First, her comments dealt with a provision of the law that’s no longer in effect. So the legal questions before the Court this fall are entirely separate.

Moreover, her criticism of Roberts' reasoning is mainstream – not only in the conservative legal community, but well beyond.

I'm the Chairman of the Finance Committee, and was Ranking Member when the Democrats unilaterally cobbled together the health care law.

I know a tax when I see one. This wasn't a tax. It was never discussed in Committee as a tax.

Even the Democrats who forced it through Congress insisted it wasn't a tax.

Jeffrey Toobin wrote that Roberts' tax argument was "not a persuasive one."

President Obama even said, "I absolutely reject that notion" that it was a tax.

Further, Democrats and their allies shouldn't claim to know how any judge would rule in any particular case.

Just look at history.

The left slammed John Paul Stevens for his "consistent opposition to women's rights."

They called Anthony Kennedy "sexist" and "a disaster for women."

They said David Souter would mean "ending freedom for women in this country."

Ultimately, the left praised these justices. Their doomsday predictions failed to pan out.

Democrats and their leftist allies have also shown that there's no low they won't stoop to in their crusade to tarnish a nominee.

Some of my colleagues may, once again, try to misrepresent – or outright disparage – Judge Barrett's religious beliefs and affiliations.

In 2017, they suggested that Judge Barrett was too faithful or too Catholic to be a judge.

One senator asked whether she considers herself an "orthodox Catholic."

Another told her, "the dogma lives loudly within you, and that is of concern...."

Let me remind everyone that Article VI clearly prohibits religious tests for serving in public office.

Judge, you'll no doubt be asked how you'll rule on a question or issue, or whether a case was correctly decided.

I expect you'll follow the example of Justice Ginsburg: a nominee should offer "no forecasts, no hints" on how he or she will vote.

Because that's the role of a judge.

That's the place of a judge in our system of government. Unbiased. Fiercely independent. Faithful to the rule of law.

And a steadfast defender of our Constitution.

Judge Barrett, I look forward to our conversation.