



October 12, 2020

Dear Senator:

On behalf of the millions of members of our national and state-based pro-life and pro-family organizations listed below, we urge your support for the confirmation of Amy Coney Barrett, a judge of the U.S. Court of Appeals for the Seventh Circuit, to the United States Supreme Court.

Judge Barrett is widely recognized as a brilliant, thoughtful jurist. A mother of seven children, two of whom are adopted and one of whom has special needs, Judge Barrett's reputation is one of kindness, decorum, and determination. She is respected by legal minds of varying persuasions and ideologies. Noah Feldman, professor of law at Harvard University, notes that despite disagreeing with Judge Barrett "on almost everything... I know her to be a brilliant and conscientious lawyer who will analyze and decide cases in good faith, applying the jurisprudential principles to which she is committed."<sup>1</sup>

In 2017 the U.S. Senate recognized Amy Barrett's distinguished career and reputation, confirming the former clerk to the late Justice Antonin Scalia to her current position on the Seventh Circuit with bipartisan support. Once again, Judge Barrett deserves the full support of the Senate as you now consider her confirmation to the Supreme Court.

Despite the blatant hostility and religious bias shown to her by certain senators during her confirmation to the Seventh Circuit, Judge Barrett has proven herself to handle disputes impartially, approaching cases as a textualist and originalist who loves the Constitution. She is a jurist who rightly leaves politics to politicians and legislating to legislators.

Quite apart from whatever policy views she may have on the matter, Judge Barrett strives to apply the governing law in each case before her. As a federal appellate judge appropriately following controlling precedent, in February 2019 she joined a panel decision upholding a law creating a "buffer zone" around abortion facilities. Separately, she joined a dissent<sup>2</sup> to a denial of *en banc* review of a Seventh Circuit panel decision that affirmed a lower court's decision barring enforcement of a parental notification law. The district court sided with Planned Parenthood, America's largest abortion provider, and the Seventh Circuit panel affirmed. The dissent argued *en banc* review was warranted because of the question of federalism and the "unsettled status of pre-enforcement challenges in the abortion context."

In another significant case, *Planned Parenthood of Indiana and Kentucky, Inc. v. Commissioner of the Indiana State Department of Health*,<sup>3</sup> a Seventh Circuit panel had ruled against an Indiana law regarding the appropriate disposition of fetal remains as well as an Indiana law prohibiting discriminatory abortions. On the ruling regarding the disposal statute, Judge Barrett joined a dissent by Judge Easterbrook that said, "The panel has held invalid a statute that would be sustained had it concerned the remains of cats or gerbils." While *en banc* review was denied, the position suggested by Judge Barrett was later summarily affirmed by the Supreme Court on a 7-2 vote. The Easterbrook dissent joined by Judge Barrett also

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<sup>1</sup> <https://www.bloomberg.com/opinion/articles/2020-09-26/amy-coney-barrett-deserves-to-be-on-the-supreme-court>

<sup>2</sup> <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2019/D10-30/C:17-2428:J:Kanne:dis:T:opDr:N:2422451:S:0>

<sup>3</sup> <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2018/D06-25/C:17-3163:J:PerCuriam:aut:T:npDp:N:2176287:S:0>

expressed skepticism that the Supreme Court’s *Casey* precedent condemned the anti-eugenics law, noting, “Using abortion to promote eugenic goals is morally and prudentially debatable on grounds different from those that underlay the statutes *Casey* considered.” However, because the state of Indiana had not requested *en banc* review of the anti-eugenics law, the dissent did not argue for *en banc* review, or express any final judgment on the questions it raised.

Judge Amy Coney Barrett is the Supreme Court Justice America needs. Her life and jurisprudential record prove that she deserves elevation to the Supreme Court of the United States. We trust that her convictions, writings, and values will lead you to the same conclusion. We urge her swift confirmation.

Sincerely,

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Susan B. Anthony List

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National Right to Life

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