



October 8, 2020

RE: Opposition to Nomination of Amy Coney Barrett to the Supreme Court of the United States

Dear Senators:

On behalf of the Sierra Club and its more than 3.8 million members and supporters, I write to express our opposition to the confirmation of Judge Amy Coney Barrett and urge you to reject Donald Trump's third Supreme Court nominee. Under no circumstances should the Senate consider a replacement for Justice Ruth Bader Ginsburg until after inauguration. Each day that Mitch McConnell prioritizes Donald Trump's judicial nominees over COVID relief bills is another day our friends and families are evicted from their homes, lose jobs, wait in line at food pantries, or pass away from this deadly virus.

The decision on the next Supreme Court justice will shape the direction of our country for generations, and will determine whether the promises enshrined in our Constitution and our laws are protected or eliminated. The American people cannot afford the cementation of Trump's values on the Supreme Court.

Families are struggling to put food on the table and to pay bills, and more than 210,000 Americans are dead because of COVID-19. Yet Mitch McConnell and Donald Trump have downplayed the virus, turned their backs on the people, and refused to pass legislation that would provide immediate economic relief to families and provide state and local governments, hospitals, and schools with the funding needed. Now, McConnell and Trump feel the urgent desire to act, but only to shamelessly pack the courts with judges who will reverse Justice Ginsburg's legacy and strip away our healthcare and rights.

Justice Ruth Bader Ginsburg was more than a member of the Supreme Court, she was an icon who protected our civil liberties, our freedom, and the ability to access our democracy. Justice Ginsburg's final wish was to wait until a new president was installed before her successor was confirmed. But Senate Republicans and Donald Trump have made it clear they view her passing as an opportunity to dismantle our democracy and are wasting no time in attempting to do so.

Trump has stated repeatedly he will only nominate judges who will overturn *Roe v. Wade* and the Affordable Care Act (ACA). He has a record of only putting forward nominees supported by the Federalist Society and other far-right conservative entities; entities that historically oppose environmental protections and civil liberties alike. Amy Coney Barrett's troubling record and remarks raise serious concerns about how she may rule on issues like the climate crisis, women's rights, civil rights, privacy, and health and safety in the workplace.

Barrett has been vocal of where she stands on women's reproductive health and the ACA. She criticized the Supreme Court's decisions around ACAⁱ and while a professor at Notre Dame, added her name to an ad criticizing and referring to *Roe v. Wade* as "barbaric."ⁱⁱⁱ Barrett's record and past statements demonstrate

hostility toward long-standing precedent. Barrett has less than four years experience as a judge. As with reproductive rights and other human rights, the judicial precedents interpreting environmental laws, and the rights of citizens to enforce them, represent decades of hard fought advocacy and extensive deliberations by the federal judiciary. To suggest that such precedents might be thrown out on the whim of one judge, moreover one judge with no background in environmental law or science, is dangerous.

A robust body of environmental law has grown up around the enactment of the Clean Water Act, Clean Air Act, National Environmental Policy Act and other statutes since the 1970s. Justice Ginsburg was one of the few remaining Justices who understood the deep values embodied in these laws. Our planet faces grave danger. We absolutely need a Justice who understands and accepts the science and congressional intent underpinning environmental laws. Barrett has not demonstrated she will be that judge.

As members for life of the highest court in the country, Supreme Court Justices have the solemn responsibility to be fair, even-handed, and uphold the sanctity of our laws and the values of our Constitution, and to keep faith with the letter and spirit of the nation's core public health, environmental, civil rights, and labor laws. Barrett has failed to demonstrate these values, even outright rejecting them at times. The Supreme Court must protect the rights of women, workers, the LGBTQ community, immigrants, people of color, and other vulnerable communities.

The American people deserve a Supreme Court nominee that will restore the balance of the Court and does not hold extreme views that would threaten the critical safeguards that protect individual rights as well as the health of our families and the environment. That is why the Sierra Club demands that the Senate must wait to vote on a new Justice until after a new President is installed.

For the above reasons, we urge you to oppose Amy Coney Barrett's nomination to serve as an Associate Justice on the Supreme Court. You must ensure that the vacant seat on the nation's highest court is filled by a nominee who will faithfully apply the laws meant to serve the best interest of everyone who lives in the United States, not just corporate polluters, right wing ideologues, and the wealthiest. We urge you to not consider a replacement for Justice Ginsburg until after inauguration.

Sincerely,



Michael Brune
Executive Director
Sierra Club

ⁱ https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1003&context=concomm&link_id=4&can_id=c5ecf99bd92e40e9132812e37bfe8d6c&source=email-amy-coney-barrett-and-the-affordable-care-act&email_referrer=email_938450&email_subject=amy-coney-barrett-and-the-affordable-care-act

ⁱⁱ https://www.theguardian.com/us-news/2020/oct/01/amy-coney-barrett-supported-group-fertilization?link_id=4&can_id=c5ecf99bd92e40e9132812e37bfe8d6c&source=email-new-report-reveals-barrett-signed-ad-calling-for-end-to-barbaric-legacy-of-roe-v-wade&email_referrer=email_943221&email_subject=new-report-reveals-barrett-signed-ad-calling-for-end-to-barbaric-legacy-of-roe-v-wade