

October 16, 2020

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein,

We the undersigned organizations write to express our strong opposition to the confirmation of Amy Coney Barrett to serve as an Associate Justice of the Supreme Court of the United States. Judge Barrett's record and judicial temperament indicate she would move the Roberts' Court even further in favor of powerful special interests over the needs of the American people by continuing the Court's assault on our campaign finance laws and basic voter protections.

Since Chief Justice John Roberts was confirmed in 2005, we have seen the conservative majority of the Supreme Court debase our democracy with decisions that have removed fundamental protections for the American people, and shifted the power to those with the most money and influence. From *FEC v. Wisconsin Right to Life Inc.*, to *McCutcheon v. FEC*, to the disastrous *Citizens United v. FEC*, the Roberts Court has time and time again given the wealthy more power to influence our elections, ushering an unprecedented amount of big and unregulated money into our politics.¹ The same has occurred to voting rights, with the Court dismantling much of the landmark Voting Rights Act of 1965 in its *Shelby County v. Holder* ruling, as well as making it much harder for voting rights plaintiffs to prove they were victims of discrimination.²

As the Court's conservative majority allowed for more voter suppression and unlimited political spending by special interests, the late Justice Ruth Bader Ginsburg never wavered in her staunch defense of the American people. She lambasted the *Citizens United* ruling as the current Court's worst decision and the one she would overturn if she could, saying, "If there was one decision I would overrule, it would be *Citizens United*. I think the notion that we have all the democracy that money can buy strays so far from what our democracy is supposed to be."³ Her thoughts on the Court's *Shelby* decision were just as clear, writing in her blistering dissent that "throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."⁴

Judge Amy Coney Barrett's record demonstrates that she will join her conservative colleagues in their push to undermine voting rights and the regulation of political spending. She began her career clerking for the late Justice Antonin Scalia, and said they shared the same "judicial philosophy."⁵ That judicial philosophy includes Justice Scalia's twenty-five year fight against sensible limits on money in politics, culminating in his defense of the *Citizens United* decision by equating unlimited political contributions as a form "corporate speech" that we should

1. Brennan Center, The Pro-Money Court: How the Roberts Supreme Court Dismantled Campaign Finance Law, [4/2/14](#)

2. Vox; Chief Justice Roberts's lifelong crusade against voting rights, explained; [9/18/20](#)

3. New Republic, Ruth Bader Ginsburg Is an American Hero, [9/28/14](#)

4. The Atlantic, How Shelby County v. Holder Broke America, [7/10/18](#)

5. New Republic; Amy Coney Barrett Wants Felons to Have Guns, but Not Votes; [9/26/20](#)

“celebrate” rather than “exclude or impede.”⁶ It also includes Justice Scalia—as part of his argument to dismantle the Voting Rights Act—alleging the fact that the Act had long had widespread support in Congress as “very likely attributable, to a phenomenon that is called perpetuation of racial entitlement.”⁷

As a Judge, Barrett has done her best to uphold Justice Scalia’s judicial philosophy when it comes to favoring powerful special interests over essential civil rights protections. In a dissent just last year, Judge Barrett suggested that the right to vote was not an “individual” right, and said “that felons could be disqualified from exercising certain rights—like the rights to vote and serve on juries—because these rights belonged only to virtuous citizens.”⁸ In her short period on the Seventh Circuit, Judge Barrett has consistently ruled in favor of the wealthy and powerful over the rights of everyday people, and has been unusually frank in her support for overturning precedents.⁹ In fact, Judge Barrett sided with corporations over the people 76% of the time on the 7th Circuit Court of Appeals, in 44 of 55 cases reviewed.¹⁰

Not surprisingly, outside conservative groups borne out of the *Citizens United* decision have recognized the opportunity she represents to further advance their agendas before the Court, and have pledged to spend tens of millions of dollars on her confirmation.¹¹ These groups, many of which are not required to disclose their donors but are secretly funded by wealthy corporate special interests and Republican billionaire megadonors, know that in return for their spending, they will get a reliable partner in their fight to make it harder to vote and nearly impossible to regulate political spending.¹² With the Supreme Court slated soon to hear another major voting rights case that will all but determine the future scope of the Voting Rights Act, their investment may start paying off sooner than later.¹³

As recently detailed in a new Senate Democrats’ Captured Court report, we have seen this formula before: a proliferation of dark money spending on behalf of the rich and powerful helps lead to the confirmation of a conservative judicial nominee who then rules in favor of the erosion of the country’s most important campaign finance and voter protection laws, further opening the door for even more unlimited political spending and voter suppression.¹⁴ As we have become all too familiar with, this overwhelming influence of dark money and voter suppression then halts progress on all the important issues we care about - whether its tackling climate change, lowering the cost of prescription drugs, reforming our broken criminal justice and guns systems, and so much more.

Overturning centuries of precedent to rush a Supreme Court confirmation process as voters cast their ballots is an insult to the wisdom of the American people. Doing it in the middle of a pandemic that has taken the lives of over 210,000 Americans and that shows no signs of slowing down is shameful. To fill Justice Ginsburg’s seat in this manner and at this time with

6. Politico, How Scalia’s Death Could Shake Up Campaign Finance, [2/14/16](#)

Citizens United v. Federal Election Commission; Scalia, J., concurring opinion, [1/21/20](#)

7. New Yorker; In Voting Rights, Scalia Sees a “Racial Entitlement,” [2/28/13](#)

8. New Republic; Amy Coney Barrett Wants Felons to Have Guns, but Not Votes; [9/26/20](#)

9. Alliance for Justice, Nomination of Amy Coney Barrett, [10/9/20](#)

Los Angeles Times; Judge Amy Coney Barrett, a potential Supreme Court nominee, has defended overturning precedents; [7/3/18](#)

10. Accountable.Us; Report: Coney Barrett Sided with Corporations Over People 76% of the Time; [9/29/20](#)

11. Center for Responsive Politics, Political ads bombard airwaves in battle over Supreme Court, [10/2/20](#)

12. Sludge, Billionaire Oligarchs and Anonymous Megadonors Behind Amy Coney Barrett Ads, [10/5/20](#)

13. Vox, The Supreme Court will hear a case that could destroy what remains of the Voting Rights Act, [10/2/20](#)

14. Senate Democrats, Captured Courts: The Judicial Assault on Democracy, [10/8/20](#)

another justice who will help the Court further favor special interests over the American people is just plain wrong and a complete disrespect for Justice Ginsburg's legacy.

Justice Ginsburg spent her entire career standing up for equality and the rights and voices of everyday Americans. Nothing could be more of a contrast to that than shutting out Americans' voices in who is confirmed to her seat on the Supreme Court, and millions of people have already cast their votes to make that voice heard. The Senate must not consider any nominee to fill any Supreme Court vacancy until after the inauguration.

Signed,

End Citizens United / Let America Vote Action Fund
American Atheists
American-Arab Anti-Discrimination Committee (ADC)
Black Lives Matter PAC
Center for Science and Democracy - Union of Concerned Scientists
Clean Elections Texas
DemCast USA
Democratic Policy Center
Equality California
Equality North Carolina
Fix Democracy First
Government Information Watch
Greenpeace USA
Indivisible
Jobs to Move America
National Council of Jewish Women
National Equality Action Team (NEAT)
NETWORK Lobby for Catholic Social Justice
Oil Change International
People's Parity Project
Service Employees International Union (SEIU)
Silver State Equality-Nevada
Stand Up America
Step Forward Strategies
The Womxn Project
Voices for Progress
Women Lawyers On Guard Action Network, Inc.
Woodhull Freedom Foundation

Cc Senate Majority Leader Mitch McConnell
 Senate Democratic Leader Chuck Schumer
 Members of the U.S. Senate