

Judge Amy Coney Barrett

Federal Judicial Service

Judge, U.S. Court of Appeals for the Seventh Circuit (South Bend, Indiana)

Nominated by President Donald J. Trump on May 8, 2017, to a seat vacated by Hon. John Tindler; confirmed by a bipartisan roll call vote (55 – 43) on October 31, 2017, with Democrat Senators Donnelly, Kaine, and Manchin voting to confirm; and received her commission November 2, 2017.

Education

Rhodes College (Memphis, TN), B.A., *magna cum laude*, 1994; Phi Beta Kappa

University of Notre Dame Law School (South Bend, IN), J.D., *summa cum laude*, 1997; Kiley Fellow and Hoynes Prize recipient

Professional History

Law Clerk, Hon. Laurence H. Silberman, U.S. Court of Appeals for the District of Columbia Circuit, 1997 – 1998

Law Clerk, Associate Justice Antonin Scalia, Supreme Court of the United States, 1998 – 1999

Associate, Miller, Cassidy, Larroca & Lewin L.L.P. and Baker Botts L.L.P. (through firm merger), 1999 – 2001

Adjunct Faculty Member, George Washington University Law School, 2001; John M. Olin Fellow in Law, 2001 – 2002

Professor of Law, Notre Dame Law School, 2002 – 2017; Diane & M.O. Miller, II Research Chair in Law 2014 – 2017

Member, Advisory Committee on Federal Rules of Appellate Procedure, 2010 – 2016

Judge Amy Coney Barrett
U.S. Court of Appeals of the Seventh Circuit

Judge Amy Coney Barrett would bring a unique American perspective to the Supreme Court of the United States. If confirmed, she would be:

- The only Republican-appointed woman currently on the Supreme Court, and the fifth woman to serve on the Court in its history.
- The first mother of school-age children to serve on the Court.
- The only sitting member of the Court to have graduated from a leading American law school other than Harvard or Yale.
- The second sitting member of the Court to have been born in the South, and only the second member of the Court in history to have been born in Louisiana.
- The only sitting member of the Court to have served on the Seventh Circuit, which hears cases arising out of Illinois, Indiana, and Wisconsin.

Judge Barrett's impressive legal resume demonstrates excellence at every stage of her career:

- She graduated *magna cum laude* from Rhodes College in Tennessee. She was elected *Phi Beta Kappa* and received prizes as the Most Outstanding English Major and for the Most Outstanding Senior Thesis.
- She graduated first in her class from Notre Dame Law School. She was awarded the Hoynes Prize for the Notre Dame Law School graduate with the best record in “scholarship, application, deportment, and achievement.”
- She clerked for two leading lights of the conservative legal movement—D.C. Circuit Judge Laurence Silberman and Supreme Court Justice Antonin Scalia.
- She practiced litigation at a prestigious boutique appellate law firm before it merged with a highly successful national law firm.
- She received the John M. Olin Fellowship for aspiring academics and earned a tenure-track position at Notre Dame.
- She was selected three times as Notre Dame Distinguished Professor of the Year.
- She was awarded the Diane & M.O. Miller, II Research Chair in Law.
- She was invited to serve as a Visiting Associate Professor of Law at the University of Virginia Law School.
- She was selected by Chief Justice John Roberts to serve on the Federal Rules Committee for Appellate Procedure.

Judge Amy Coney Barrett
U.S. Court of Appeals for the Seventh Circuit

Judge Amy Barrett is eminently qualified to serve as an Associate Justice on the United States Supreme Court. She is currently a judge on the United States Court of Appeals for the Seventh Circuit, which includes Illinois, Indiana, and Wisconsin. If confirmed, Judge Barrett would be the fifth woman to serve as a Justice in the Court's history.

Prior to joining the Seventh Circuit, Barrett was a distinguished legal scholar. She taught at some of the nation's top law schools including University of Notre Dame Law School, University of Virginia School of Law, and George Washington University Law School.

If confirmed, Judge Barrett would join two of her colleagues, Justices Breyer and Kagan, as members of the Court who spent significant portions of their legal careers in academia.

Facts:

- Before joining the Seventh Circuit, Judge Barrett was a distinguished legal scholar at the University of Notre Dame Law School, the University of Virginia School of Law, and George Washington University Law School.
 - She has published articles in such prominent legal publications as *Columbia Law Review*, *Virginia Law Review*, *Texas Law Review*, and *Cornell Law Review*.
 - Her scholarship focused on *stare decisis*, appellate procedure, canons of construction, and judicial authority.
 - In recognition of her expertise on appellate matters, Chief Justice Roberts appointed her to the United States Judicial Conference Advisory Committee on Appellate Rules in 2010. Chief Justice Roberts reappointed her to the same Committee three years later.
- While at Notre Dame, Judge Barrett embraced the school's mission to educate its students "to practice law with competence and compassion, and to be leaders in the bar, the academy, and their communities."

- Judge Barrett dedicated her time to the professional development of women. In particular, she was the faculty advisor for Notre Dame Law School's Women's Legal Forum and served on the University of Notre Dame's Committee on Women Faculty and Students.
- Judge Barrett received the Notre Dame Law School's Distinguished Teaching Award three times. The award recipient is selected by the school's graduating class and honors a faculty member "who exhibits excellence in leadership, friendship, legal knowledge, legal teaching, and professional ability."
- In addition to her academic record, Judge Barrett has stellar educational and professional records.
 - Judge Barrett graduated at the top of her class (*summa cum laude*) from Notre Dame Law School, where she was on the Law Review and won numerous awards. She graduated *magna cum laude* from Rhodes College where she was selected for Phi Beta Kappa.
 - Judge Barrett began her legal career by serving as a clerk for two distinguished jurists: Justice Scalia on the Supreme Court and Judge Laurence Silberman on the D.C. Circuit Court of Appeals.
 - After her clerkships, Judge Barrett practiced appellate law at a prominent firm in Washington.
- Judge Barrett is a woman of commitment and character, devoted to her family, her community, and her Catholic faith.
- Amy Coney Barrett, 48, is a native of New Orleans, Louisiana. She is the oldest of seven children born to Michael and Linda Coney. She is the mother of seven children, including two adopted from Haiti and one with special needs.

Judge Amy Coney Barrett
United States Court of Appeals for the Seventh Circuit

Judge Amy Coney Barrett, 48, is a native of New Orleans, Louisiana. She is the oldest of seven children born to Michael and Linda Coney.

Judge Barrett has an impeccable academic record. She received her B.A., *magna cum laude*, from Rhodes College, in Memphis, Tennessee, where she was elected *Phi Beta Kappa* and received awards for the Most Outstanding English Major and Most Outstanding Senior Thesis. She then attended Notre Dame Law School on a full-tuition scholarship and once again graduated at the top of her class. She received her J.D., *summa cum laude*, and was awarded the Hoynes Prize for the Graduate with the most outstanding record in scholarship, deportment, and achievement. During law school, she served as Executive Editor of the *Notre Dame Law Review* and received the Dean's Award for Best Exam in Administrative Law, Civil Procedure, Constitutional Law, Contracts, Criminal Procedure, Evidence, the First Amendment, Legal Research, and Legal Writing.

It is no surprise that following her outstanding academic achievements, Judge Barrett was hired to clerk for two leading conservative jurists. She clerked first for Judge Laurence H. Silberman on the D.C. Circuit, where she tackled complex administrative law issues, and then for Justice Antonin Scalia on the U.S. Supreme Court. Judge Silberman describes her in glowing terms as one of the finest lawyers—and all around finest people—he has ever been privileged to have in chambers.

After completing her clerkships, Judge Barrett worked as an associate for the prestigious boutique litigation firm Miller, Cassidy, Larroca & Lewin L.L.P. (which merged with Baker Botts L.L.P. in 2001) from 1999 until 2001.

Judge Barrett's love for the law led her to a career in legal academia beginning in 2001. She spent one year as the John M. Olin Fellow in Law at George Washington University Law School and was then recruited to join the Notre Dame Law School faculty in 2002. At Notre Dame, she taught courses in Civil Procedure, Constitutional Law, Evidence, Federal Courts, Modern Constitutional Theory, and Statutory Interpretation. She also served as a Visiting Associate Professor of Law at the University of Virginia Law School. Her scholarship focused on constitutional interpretation, statutory interpretation, and the power conferred upon federal courts by Article III. Her work was published in numerous prestigious law reviews, including the *Columbia Law Review*, *Virginia Law Review*, *Texas Law Review*, and *Cornell Law Review*. In 2014, Notre Dame recognized her outstanding scholarship by naming her the Diane & M.O. Miller, II Research Chair in Law.

While at Notre Dame, Judge Barrett embraced the school's mission to educate its students "to practice law with competence and compassion, and to be leaders in the bar, the academy, and their communities." In particular, Judge Barrett dedicated her time to the professional development of women as the faculty advisor for Notre Dame Law School's Women's Legal Forum and as a member of the University-wide Committee on Women Faculty and Students. She also served as the Faculty Advisor for the *Notre Dame Law Review* and

developed close relationships with numerous law students. Indeed, three graduating classes of students voted Judge Barrett to receive Notre Dame Law School’s Distinguished Teaching Award, which honors a faculty member “who exhibits excellence in leadership, friendship, legal knowledge, legal teaching, and professional ability.”

Judge Barrett’s reputation for legal excellence extended nationally. Her peers in the academy—who represent a diverse perspective of legal philosophies—recognized her with leadership positions in the American Association of Law Schools, including as a member of the Executive Board for the Constitutional Law Section and as Chair-Elect of the Federal Courts Section. Chief Justice Roberts, too, recognized Judge Barrett’s abilities when he appointed her to serve on the Advisory Committee on the Federal Appellate Rules in 2010 and then reappointed her to that position in 2013.

Judge Barrett is a woman of commitment and character, devoted to her family, her community, and her Catholic faith. She is married to Jesse Michael Barrett, a Partner at LaDue Curran & Kuehn in South Bend and former Assistant United States Attorney in the Northern District of Indiana. They have seven children, two of whom were adopted from Haiti and one of whom, her youngest, has special needs.

Cases and Writings

I. Judicial Tenure

Judge Barrett’s record on the bench demonstrates her fair-minded, consensus-building approach to the law. She has adjudicated more than 600 cases since joining the Seventh Circuit, achieving unanimity with her colleagues in nearly all cases.

Judge Barrett’s opinions demonstrate a deep understanding of the limited role of a federal judge. She faithfully applies the text of the Constitution and federal statutes, as well as precedent. And she pays close attention to issues of jurisdiction and procedure. She has rejected government overreach and supported the “little guy” on multiple occasions—in cases both big and small. She also affords appropriate deference to law enforcement, but is not afraid to protect the Constitutional rights of the accused.

A. Faithful Interpreter of the Constitution and Statutes

Judge Barrett has a keen understanding of how text, history, and precedent should lead jurists to their outcomes. For instance:

- In *Kanter v. Barr*, 919 F.3d 437 (7th Cir. 2019), Judge Barrett demonstrated that she understands and appreciates the need to look to the Founders to understand the full scope of Second Amendment rights. She dissented from an opinion upholding federal and state bans on firearm ownership by a man who had pleaded guilty to one count of mail fraud for falsely representing that certain therapeutic shoe inserts were Medicare-approved. While recognizing the undeniably compelling interest in protecting the public from gun violence, she concluded that a blanket ban on owning firearms by nonviolent felons is

unconstitutional. Judge Barrett dug into the historical record and concluded that the Second Amendment, as understood by the average citizen at the time of the Founding, could not support such a ban; Founding-era legislatures stripped people of the right to bear arms when they judged it necessary for the public safety, not merely because they were felons.

- In *United States v. Watson*, 900 F.3d 892 (7th Cir. 2018), Judge Barrett held that mere possession of a gun does not give police the right to stop and investigate someone for potential wrongdoing. Police blocked and searched a man's car based on an anonymous tip that a group of individuals possessed guns in a parking lot. But, she explained, under the Fourth Amendment, an officer cannot stop someone to investigate potential wrongdoing without reasonable suspicion that criminal activity may be afoot. Exercising one's Second Amendment right to possess a firearm is not a crime. Thus, she explained, "citizens should be able to exercise the constitutional right to carry a gun without having the police stop them when they do so."
- Judge Barrett joined a dissent from the denial of rehearing *en banc* of a panel decision that held unconstitutional an Indiana law that made it illegal to perform an abortion based on the sex, race, or (dis)abilities of the child and that required abortion clinics to bury or cremate fetal remains rather than throw them in medical trash. *Planned Parenthood of Ind. & Ky. v. Comm'r of the Ind. Dep't of Health*, 917 F.3d 532 (7th Cir. 2018). The dissent expressed skepticism that any of the Supreme Court's decisions could be read to hold that "states are powerless to prevent abortions designed to choose the sex, race, and other attributes of children," and it rejected the panel's decision to treat fetal remains worse than animal remains, which are routinely subject to proper disposal requirements, and to create a circuit split in doing so. The dissent accepted the validity of all of the Supreme Court's decisions on abortion, but merely emphasized the importance of full consideration before knee-jerk constitutional rulings in this area. In *Box v. Planned Parenthood of Ind. & Ky.*, --- U.S. --- (2019), the Supreme Court agreed with Judge Barrett, holding that the panel erred in holding the Indiana fetal remains law unconstitutional.
- In *Planned Parenthood v. Box*, 949 F.3d 997 (7th Cir. 2019), Judge Barrett again joined a dissent from the denial of rehearing *en banc* of a panel decision invalidating an Indiana law that would have required state judges to give notice to the parents of underage girls seeking abortions without parental consent. The dissent understood that preventing the State of Indiana from enforcing its law before it even went into effect raised serious questions about judicial overreach and the erosion of federalism in this area.
- In *Price v. City of Chicago*, 915 F.3d 1107 (7th Cir. 2019) Judge Barrett joined an opinion by Judge Sykes upholding Chicago's "bubble zone" ordinance, which prohibits a person from coming within 8 feet of another person near an abortion clinic for the purpose of engaging in sidewalk counselling. Despite serious questions about the constitutionality of such ordinances, the panel applied the Supreme Court's opinion in *Hill v. Colorado*, which upheld a nearly identical law. Judge Barrett demonstrated her appreciation and respect for the roles of judges and precedent in our federal system.

- Judge Barrett dissented from a Seventh Circuit opinion holding that President Trump’s “public charge” rule, which enforces Congress’s prohibition on green cards for those who will be dependent on public assistance, should not be allowed to take effect. In *Cook County v. Wolf*, 962 F.3d 208 (7th Cir. 2020), Judge Barrett undertook a deep historical analysis to determine what the nineteenth-century Congress that first used the term “public charge” in our immigration laws meant and saw the case as it was: a straightforward application of federal immigration and administrative law. The Supreme Court has agreed with Judge Barrett, allowing the “public charge” rule to take effect.

B. Understands Her Limited Role

A hallmark of Judge Barrett’s jurisprudence is attention to matters of jurisdiction. She has repeatedly *sua sponte* raised issues of jurisdiction and judicial power since joining the bench.

- Judge Barrett has enforced constitutional limits on the exercise of personal jurisdiction. In *Ariel Investments, LLC v. Ariel Capital Advisors LLC*, 881 F.3d 520 (7th Cir. 2018), Judge Barrett joined an opinion rejecting the exercise of personal jurisdiction in Illinois over a business based in Florida. The opinion recognized that “[k]nowing about a potential for harm in a particular state is not the same as acting *in* that state—and it takes the latter to permit personal jurisdiction.” Businesses cannot fairly be subject to jurisdiction in a far-flung state based solely on the conduct of the plaintiff.
- Judge Barrett’s first dissent, *Schmidt v. Foster*, 891 F.3d 302 (7th Cir. 2018), arose out of her close attention to statutory text and the deference owed to States in our federal system. Recognizing that AEDPA—the statute governing federal collateral review of State criminal convictions—prevents courts from granting a writ of habeas corpus unless a State court’s decision was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States, she chided the majority for issuing a writ without any Supreme Court precedent on point. Canvassing the relevant precedents herself, she showed that the panel lacked authority to issue the writ.

C. Rejects Overreach and Stands Up for Individual Rights

- In *Orchard Hill Building Co. v. U.S. Army Corps of Engineers*, 893 F.3d 1017 (7th Cir. 2018), Judge Barrett joined an opinion rejecting the government’s attempt to regulate 13 acres of wetlands in Tinley Park, Illinois, as “waters of the United States.” The wetlands had become wet only after construction activities in the area led rainwater to pool there, and the closest navigable water was 11 miles away. Yet the government asserted jurisdiction over the land, preventing Orchard Hill from completing its residential development plans. Because the government had not produced evidence of a substantial nexus between the wetlands and any navigable waters in more than 12 years of attempts, Judge Barrett voted to vacate the agency action.
- In *A.F. Moore & Associates, Inc. v. Pappas*, 948 F.3d 889 (7th Cir. 2020), Judge Barrett

sided with taxpayers seeking to challenge unequal local tax treatment. They argued that the tax assessor had cut a break to some taxpayers but not others in violation of the Equal Protection Clause. Yet the taxpayer plaintiffs had been unable to get any relief in the state courts on this claim for more than a decade. After looking at the state court provisions governing their suit, Judge Barrett concluded that the taxpayers did not have a plain, speedy, and efficient remedy in state court, or even any remedy at all. Under those circumstances, neither the Tax Injunction Act, nor the doctrine of comity to state courts prevented the federal courts from hearing the taxpayers' claim.

- In *Doe v. Purdue University*, 928 F.3d 652 (7th Cir. 2019), Judge Barrett emphasized the importance of due process for university students. She recognized that the consequences of being accused of wrongdoing on campus can be significant and demand a fair process. Judge Barrett concluded that the Fourteenth Amendment and Title IX were violated when a University allegedly suspended a student without providing him with any of the evidence against him or allowing him to present any evidence or witnesses on his behalf. Even on college campuses, consequences for alleged misconduct should be based on evidence, not accusation.
- In *Phillips v. Illinois Department of Financial & Professional Regulation*, 718 F. App'x 433 (7th Cir. 2018), Judge Barrett ruled in favor of Dr. Arnold Phillips, a physician who sued Illinois officials for suspending his medical license without notice or a hearing. Although Illinois later restored his license, the suspension harmed Dr. Phillips' medical practice and reputation. The district court dismissed his lawsuit on technical grounds, but the Seventh Circuit stepped in to allow him to proceed with the suit.
- In *Goplin v. WeConnect*, 893 F.3d 488 (7th Cir. 2018), Judge Barrett sided with an individual seeking to bring a Fair Labor Standards Act suit and a Wisconsin state class action.
- Judge Barrett has also voted to reverse the Social Security Administration's denial of benefits on multiple occasions. See, e.g., *Derry v. Berryhill*, 756 F. App'x 619 (7th Cir. 2019); *Thompson v. Berryhill*, 722 F. App'x 573 (7th Cir. 2018).

D. Affords Appropriate Deference to Law Enforcement Without Sacrificing Individual Liberty

Judge Barrett pays close attention to the record in criminal cases, showing appropriate deference to law enforcement without sacrificing individual liberty.

- In *Perrone v. United States*, 889 F.3d 898 (7th Cir. 2018), Judge Barrett denied relief from a 20-year sentence for a man who admitted to injecting 7.5 grams of cocaine into his girlfriend in a deliberate attempt to kill her. Faithfully applying Supreme Court precedent, Judge Barrett canvassed the record and concluded that the government had introduced sufficient medical evidence to show that the injection was the but-for cause of the woman's death.

- In *Sanzone v. Gray*, 884 F.3d 736 (7th Cir. 2018), she joined an opinion granting qualified immunity to a police officer who fatally shot an agitated man after he threatened to fire a “warning shot” and then pointed his gun at police officers. The opinion recognized that the police officer “did not violate [the man’s] Fourth Amendment right by defending himself and other officers once [the man] pointed a gun at them.”
- But in *Broadfield v. McGrath*, 737 F. App’x 773 (7th Cir. 2018), she recognized that officers clearly violated a detainee’s Fourth Amendment rights if he was not resisting when they pressed his “neck against the concrete in a manner that prevented him from breathing, carr[ied] him hog-tied to his cell, and severely twist[ed] his wrist in the process.” Such officers are not entitled to qualified immunity from suit for this conduct.

II. Legal Scholarship

Before Judge Barrett was appointed to the federal bench, she spent her time focused on the complex issues that face the federal courts.

A. Jurisprudence & Precedent

In a crowded area of scholarship, Judge Barrett distinguished herself with her thoughtful analysis and unique perspective.

Much of Judge Barrett’s scholarship focuses on *stare decisis*, particularly in the federal courts of appeals. See *Stare Decisis and Due Process*, 74 U. Colo. L. Rev. 1011 (2003); *Statutory Stare Decisis in the Courts of Appeals*, 73 Geo. Wash. L. Rev. 317 (2005); *Precedent and Jurisprudential Disagreement*, 91 Tex. L. Rev. 1711 (2013). In her first major law review article, Judge Barrett tackled an often overlooked issue: “the way that stare decisis affects individual litigants” in the courts of appeals. She recognized that “a rigid application of stare decisis deprives litigants” of “the right to an opportunity to be heard on the merits of one’s claims or defenses” and she advocated, as a matter of due process, that courts of appeals apply a bit more flexibility in their *stare decisis* approach.

In her second piece, she continued along the same theme, arguing that a strict application of statutory *stare decisis* was not justified in the courts of appeals, where Congress has significantly less incentive to respond to an incorrect decision. But she “assume[d] the basic validity of the doctrine in the Supreme Court” because of its very different position in the judicial hierarchy.

Although Judge Barrett’s scholarship primarily addressed the courts of appeals, her discussion of precedent reflects a respect for *stare decisis* at the Supreme Court:

- “Neither the Supreme Court nor any of the courts of appeals will overrule precedent absent ‘special justification.’ Error in the precedent does not so qualify. . . . To be overruled, a case should be not only erroneous, but also unworkable. Overruling it should not tarnish the public’s perception of the judiciary or upset reliance interests. The very strong presumption in the federal courts is that precedent will stand.” *Stare Decisis*

and Due Process, 74 U. Colo. L. Rev. at 1019.

- “[T]he traditionally weak presumption of stare decisis in constitutional cases is both realistic about, and respectful of, pluralism. And it accommodates not only a pluralistic Court, but also a pluralistic society.” *Precedent and Jurisprudential Disagreement*, 91 Tex. L. Rev. at 1723.
- “[P]artisan politics are not a good reason for overturning precedent.” *Id.* at 1729.
- “Basic confidence in the Supreme Court requires the assumption that, as a general matter, justices decide cases based on their honestly held beliefs about how the Constitution should be interpreted.” *Id.*

With respect to the authority of the courts, Judge Barrett has argued that Article III does not provide the Supreme Court the inherent authority to regulate lower court procedural rules, including the *stare decisis* effect that lower courts will afford to their own judgments; rather, Congress could do so. *See The Supervisory Power of the Supreme Court*, 106 Colum. L. Rev. 324 (2006); *Procedural Common Law*, 94 Va. L. Rev. 813 (2008). And she has recognized that Congress has an independent obligation to engage in conscientious constitutional interpretation and assumes that they do so. *See Amy Coney Barrett & John Copeland Nagle, Congressional Originalism*, 19 U. Pa. J. Const. L. 1 (2016).

Judge Barrett’s final area of scholarship demonstrates her commitment to text as a means for courts to be faithful agents of Congress and, ultimately, of the People. *See Substantive Canons and Faithful Agency*, 90 B.U. L. Rev. 109 (2010); *Countering the Majoritarian Difficulty*, 32 Const. Comm. 61 (2017). She has explained that textualists, “as Congress’s honest agents, must apply statutes as they are written, not improve upon them.” They must also apply the Constitution as written, because its “meaning is fixed until lawfully changed.” In all cases, “[a] faithful judge resists the temptation to conflate the meaning of the Constitution with the judge’s own political preference; judges who give into that temptation exceed the limits of their power.”

In sum, Judge Barrett’s scholarship reflects an evenhanded and thoughtful assessment of the role of the federal courts. Her scholarship provides significant insight into the conscientious, faithful interpreter of the Constitution that she would be on the Supreme Court. It demonstrates her respect for precedent, proper understanding of the limited role of the federal courts, and her commitment to faithful interpretation of the Constitution and federal statutes.

B. Independence in Judging

Judge Barrett repeatedly expressed her commitment to independent decision-making during her confirmation hearing for the Seventh Circuit:

- “It is **never appropriate** for a judge to impose that judge’s personal convictions, whether they derive from faith or anywhere else, on the law.”

- Judge Barrett acknowledged that the 1998 article and its every particularity does not reflect “the benefit of 20 years of experience and also the ability to speak solely in my own voice,” but she “continue[s] to stand by and vehemently believe the core proposition of that article, which is that if there is ever a conflict between a judge’s personal conviction and that judge’s duty under the rule of law, it is **never, ever permissible** for that judge to follow their personal convictions in the decision of a case rather than what the law requires.”
- “I totally reject and I have rejected throughout my entire career the proposition that, as you say, the end justifies the means or that a judge should decide cases based on a desire to reach a certain outcome.”

Senate Democrats during Judge Barrett’s confirmation to the Seventh Circuit chose to misrepresent an article that she co-authored as a law student with then-law professor John H. Garvey in 1998 titled *Catholic Judges in Capital Cases*, 81 Marq. L. Rev. 303 (1998). That article made clear that under no circumstances would it be permissible for a Catholic judge to impose his faith through a distortion of the law.

As a judge on the Seventh Circuit, Judge Barrett has demonstrated that she will not put her personal religious beliefs before the rule of law.

- In *Peterson v. Barr*, 965 F.3d 549 (7th Cir. 2020), Judge Barrett joined an opinion allowing the federal execution of Daniel Lewis Lee to proceed. Mr. Lee was a member of the Aryan People’s Republic, a group of white supremacists that sought to establish an independent nation in the Pacific Northwest. In 1996, he travelled from the State of Washington to the Arkansas home of a firearms dealer and perpetrated a particularly gruesome murder against the firearms dealer, his wife, and his eight-year old daughter. In July 2020, anti-death penalty advocates sought to have the execution postponed because of the COVID-19 pandemic. Judge Barrett followed the law and allowed the execution to proceed.

Messaging: Process

Top Line: The President's nomination of Judge Amy Barrett – like his nomination of Justices Kavanaugh and Gorsuch – has been among the most transparent Supreme Court nominations in history.

- President Trump's commitment to transparency and openness in choosing a Supreme Court nominee is unprecedented.
- President Trump included in his list the finest legal minds in our nation.
- The White House Counsel's Office has carefully studied and analyzed the writings and backgrounds of all the candidates, including Judge Barrett.
- President Trump informed the American people throughout the process about his priorities in choosing a nominee and about his decision-making timeline.
- Following this exhaustive, transparent process, the President selected Judge Barrett.
- Judge Barrett's upbringing and professional experience in the American heartland would bring a unique perspective to the Court, while her outstanding intellect and legal experience would continue the finest traditions of the institution.
- Judge Barrett has made no commitments on the positions she would take on particular legal issues, and she was not asked to do so. As a Justice, she will decide cases independently and according to the law, exactly as she has done on the Seventh Circuit.
- Throughout her career, Judge Barrett has shown herself to be brilliant, thoughtful, and fair-minded—exactly the kind of person the American people would want on the Supreme Court.
- President Trump has nominated an exceptional candidate with a proven record of deciding cases thoroughly in accordance with the Constitution and laws of the United States and with due respect for precedent. She should be swiftly confirmed to the Supreme Court.