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September 30, 2020

The Honorable A. Mitchell McConnell
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The Honorable Charles Schumer
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The Honorable Lindsey Graham
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The Honorable Dianne Feinstein
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**Re: Support for the confirmation of Judge Amy Coney Barrett to the Supreme
Court of the United States**

Dear Senators:

We, the undersigned Attorneys General of our States, write to urge the Senate to promptly hold a hearing on and confirm the nomination of Judge Amy Coney Barrett to the Supreme Court of the United States. Judge Barrett is a distinguished legal scholar and an exceptional appellate judge with a track record of interpreting the Constitution according to its text and original public meaning. As we are sure your review of her exemplary record will reveal, she has the qualifications, experience, and judicial philosophy to be an outstanding Associate Justice.

We are aware that there are those who believe the Senate should not hold a hearing on the President's nominee. In response, we quote excerpts from a 2016 letter sent to the Senate by the Attorneys General of California, New York, and 17 other states: "The Constitution clearly sets out the process for filling a Supreme Court vacancy. The President has a duty to make a nomination." Once the President has nominated a candidate, the Senate "has the responsibility to consider and approve or disapprove the nomination. While simple, this is the law and it should be followed." Indeed, as the 2016 letter makes clear, "since 1900, six justices have been confirmed during election years, including Justice Anthony Kennedy, who was confirmed in the final year of the Reagan Administration."

Some have voiced a concern that the senators of the 116th Congress will not have enough time to adequately consider Judge Barrett's qualifications. History and precedent show that to be untrue. Justice Ginsburg herself was confirmed 42 days after she was nominated. Justice Sandra Day O'Connor's confirmation took 33 days, while Justice John Paul Stevens was confirmed 19 days after he was nominated. As the New York Times reported in 2016, "on average, a nominee has been confirmed, rejected, or withdrawn within 25 days."

We are confident that the Senate will need little time to conclude that Judge Barrett will make an excellent Associate Justice. To begin with, she is exceptionally well-qualified. She earned a full-tuition scholarship to attend Notre Dame Law School, where she graduated at the top of her class. She clerked for the late Justice Scalia, and after working in private practice, she returned to Notre Dame, serving as a law professor for fifteen years. During that time, she gained a reputation as a leading constitutional law expert and a prolific scholar. Since 2017, she has served with distinction as a judge on the United States Court of Appeals for the Seventh Circuit.

As impressive as her background is Judge Barrett's unwavering commitment to a judicial philosophy that prioritizes restraint, humility, and respect for the rule of law. Speaking during her nomination to the Seventh Circuit, Judge Barrett emphasized that she has "rejected throughout my entire career the proposition that the end justifies the means or that a judge should decide cases based on a desire to reach a certain outcome." In other words, it is not the role of judges to create law or policy, or to "impose [their] own personal convictions upon the law."

As the chief legal officers for our States, we have an obligation to our citizens to ensure that the federal government respects the principles of federalism and separation of powers embodied in the United States Constitution. As guardians of the Constitution, Supreme Court Justices bear a special responsibility to prevent the other branches of the federal government from encroaching on individual liberties and the States' power to provide for the health, education, and welfare of their people. From Judge Barrett's stated views of the law and her opinions from the bench, we are confident that she understands this responsibility and will work to safeguard the constitutional framework our Founding Fathers intended. Indeed, Judge Barrett's judicial opinions display a robust commitment to interpreting the Constitution based on its original meaning.

Though no doubt reflecting her brilliance as a jurist, it perhaps serves most as a testament to her character that she has earned the respect and adoration of students, peers, and even senators of all political persuasions. Her nomination to the Seventh Circuit garnered bipartisan support. All 49 of her fellow Notre Dame law professors supported her ascension to the federal bench, stating that while they had a "wide range of political views," they were "united however in our judgment about Amy." Over 450 of her former students wrote the Senate to support her nomination, emphasizing their "belief that Professor Barrett is supremely qualified."

In short, we, like those who have come to know and admire Judge Barrett, are convinced that Judge Barrett will make an outstanding Associate Justice. We therefore urge you to express public support for her prompt confirmation to the Supreme Court of the United States.

Sincerely,



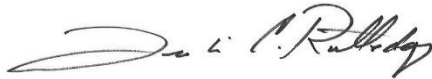
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