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Explaining Barrett’s Attempts to Gaslight

In her Supreme Court confirmation hearing, Amy Coney Barrett repeatedly gave vague answers and deflected when asked a series of questions about past precedent, her views and approach to the law, and her record on health care issues, including abortion. Her answers were an attempt to gaslight – but a closer analysis demonstrates that Barrett’s non-answers make crystal clear just how dangerous her views are.

| What She Said | What it Means |
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| On Justice Scalia: “His philosophy is mine.” | According to Scalia, “ <u>the Constitution contains no right to abortion</u> ” and the <u>Affordable Care Act is unconstitutional</u> . |
| "I have no agenda." | Barrett’s approach to the law itself is an agenda. It seeks a strict interpretation of the Constitution and laws that would interpret away rights like the right to liberty that protects birth control and abortion care, gender and racial equity in the workplace, marriage equality, and the political representation of all, regardless of identity. |
| On the current case challenging the constitutionality of the Affordable Care Act: “It is not a challenge to pre-existing conditions coverage or the lifetime maximum relief amount cap.” | Barrett is trying to hide behind a narrow legal question because she knows how unpopular and devastating it would be for the Court to invalidate the ACA. Barrett has publicly criticized the Court’s prior decisions upholding the ACA and follows the judicial philosophy that would hold that the entire ACA should fall. |
| “Roe is not super precedent.” “It does not fall on the small handful of cases like <i>Marbury v. Madison</i> and <i>Brown v. Board</i> .” | Barrett does not consider the right to abortion a fundamental right or <i>Roe</i> to be a case deserving of respect that can’t be questioned. <i>Roe</i> , and any case that doesn’t fall into a tiny handful of cases, can be reconsidered and overruled. |
| “if a question comes up before me about whether <i>Casey</i> or any other case should be overruled, that I will follow the law stare decisis, applying it as the court has articulated it, applying all of the factors -- reliance, workability, being | As a Justice, Barrett would be in a position to gut or overturn Supreme Court precedent on abortion, by claiming the precedent is “unworkable.” Just this year, thirty-nine anti-abortion Senators argued this exact point when |

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| <p>undermined by later facts and law, just all of the standard factors”</p> | <p>they submitted an <i>amicus</i> brief that called on the Supreme Court to reconsider the foundational cases protecting the right to abortion: “Finally, Amici respectfully suggest . . . the unworkability of the ‘right to abortion’ found in <i>Roe v. Wade</i>, . . . and the need for the Court to again take up the issue of whether <i>Roe</i> and <i>Casey</i> should be reconsidered and, if appropriate, overruled.”</p> |
| <p>When asked about calling for “the unborn to be protected in law” in a 2013 letter she signed: “It is really no more than the expression of a pro-life view.”</p> | <p>It means an end to the constitutional right to abortion, and criminalizing abortion care.</p> |
| <p>When asked about her expression of anti-abortion views: “I feel like I should emphasize here that I do see as distinct my personal moral religious views and my task of applying laws as a judge.”</p> | <p>Barrett wants you to overlook the fact that her personal views on abortion line up exactly with her rulings as a judge. Nearly every public statement and ruling she has made on abortion has been against our constitutional right to access abortion.</p> |
| <p>“I’ve never expressed a view on [IVF]”</p> | <p>Barrett <i>has</i> expressed her view that life begins at fertilization – which is a view that could threaten access to IVF. And she has associated herself with a group that believes discarding unused or frozen embryos created during IVF should be criminalized.</p> |
| <p>When asked whether <i>Griswold v. Connecticut</i> – the 1965 case establishing the right to privacy and to birth control – was wrongly decided: “I can’t express a view, yes or no. I think that <i>Griswold</i> is very, very, very unlikely to go anywhere.”</p> | <p>She is open to revisiting this longstanding precedent. This case not only established the right to birth control but is the basis for other fundamental rights, like the right to marry and the right to make medical decisions.</p> |
| <p>“I would be surprised if birth control was about to be criminalized.”</p> | <p>Barrett wants you to forget that her view that life begins at fertilization can be used to argue for criminalizing birth control. Some policymakers have pushed for measures that would criminalize birth control based on that view.</p> |

As Barrett herself remarked in the past: “However cagey a justice may be at the nomination stage, her approach to the Constitution becomes evident in the opinions she writes.” Her [rulings and her record on health care issues](#), especially [access to abortion](#) and [birth control](#), clearly demonstrate the kind of Justice she would be – one who would roll back our fundamental rights and access to care.