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[Supreme Court Confirmation Hearing Process for Judge Amy Coney Barrett Begins](#)

The Senate Judiciary Committee has deliberated this week on the nomination of Judge Amy Coney Barrett to the Supreme Court. Judge Barrett, who was nominated by President Trump following the passing of Justice Ruth Bader Ginsburg, clerked for the late Antonin Scalia and is similarly staunch in her conservative views. Democrats on the Judiciary Committee have expressed their displeasure with Barrett's rushed confirmation and asked for her to opine on issues such as abortion and health care. Conversely, Republican Senators have pointed to Judge Barrett's exceptional qualifications for being appointed to the Supreme Court, and played down complaints from Democrats about the expediency of the process. Throughout the week, Judge Barrett has been asked to explain her views on hot-button issues and judicial norms such as marriage equality, stare decisis, health care, and severability, among others, which could shape the decisions made by the Supreme Court for decades to come.

In the opening statements given by each senator on the Judiciary Committee, Republicans and Democrats largely stuck with a partisan playbook. At the onset of the statements, Committee Chairman Sen. Lindsey Graham said that it was unlikely any member of the committee would be changing their mind on how to vote, with Republicans voting to confirm Judge Barrett, and Democrats voting against her. Republicans asked for Barrett's opinion on the separation of powers, and she responded that it was Congress' job to pass legislation, and she did not view the judiciary as a policy-making tool. Democrats raised the issue of the Affordable Care Act, which the Trump administration is currently litigating to overturn, and asked Barrett her opinion on it. In response, Judge Barrett followed the precedent set by Justice Ruth Bader Ginsburg in declining to discuss specific aspects of a case before it came before the court, saying that anything she said would harm the integrity of any future trial regarding the subject.

Several judicial norms were also debated during the hearing, most notably the issues of severability and stare decisis. Judge Barrett indicated that in the case of the former, she would prefer to strike down unconstitutional statutes within laws while maintaining the rest of the law wherever possible. This is a key argument in the ongoing Trump administration's lawsuit to overturn the Affordable Care Act, where the government is arguing that because the individual mandate was unconstitutional, the entire law should be struck down. On the issue of stare decisis, Judge Barrett has previously written in favor of overturning existing precedent, particularly in the instance of *Roe v. Wade*. If confirmed, Barrett would join Justice Clarence Thomas as a skeptic of stare decisis, which could influence the court to reexamine landmark cases.

While Republicans have been keen to vote on Judge Barrett's nomination as soon as possible, Democrats intend on exercising a committee rule to delay the vote by a week, which would mean the vote will be held on October 22nd. In the interim, outside witnesses who are familiar with Judge Barrett will testify before the committee to speak on her ability as a jurist. As Senator Graham said at the beginning of the hearings, it is likely that all Republicans will vote in favor of Judge Barrett, and all Democrats will vote against her. Sen. Durbin (D-IL) summed up Democrats' feelings toward the process in an interview when he described Judge Barrett as immensely qualified and capable, but with a cloud over her nomination due to the circumstances and timing under which it came about. However, most analysts contend that it is likely Judge Barrett will be confirmed by the Judiciary Committee, but that Democrats will at least hope the circumstances motivate more voters to turn up at the ballot box because of their anger with the politicization of the process.