



**For Immediate Release**  
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**LDF Statement on Judge Amy Coney Barrett's Nomination to the  
United States Supreme Court**

Today, Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF) issued the following statement regarding President Trump's nomination of Judge Amy Coney Barrett to the United States Supreme Court:

"President Trump's decision to announce a nominee to fill the seat of the late justice Ruth Bader Ginsburg is unacceptable. Early and absentee votes are already being cast for the November general election — and nominating a candidate for a lifetime appointment to this nation's highest court during this electoral period undermines the democratic process and is a disservice to the American public. Senators must also respect the clear will of the American people, and honor the precedent they set in 2016, by declining to consider any nominee until the winner of this presidential election is inaugurated.

"We are already in a constitutional crisis. The President of the United States has refused to commit to the peaceful transfer of power should he lose the election, celebrated attacks on journalists and protesters, encouraged his supporters to vote more than once, and defended white supremacist terrorists. To protect our core democratic values and stop our descent into authoritarianism, the other branches must supply the checks and balances our Founders envisioned. Now is not the moment for the Senate to allow the President to pack the highest court in the land.

"In 2016, Senators refused even to consider President Obama's nominee to fill a Supreme Court vacancy that arose when Justice Scalia died in February of that year, deeming it too close to the presidential election. In the words of Senator Thom Tillis, because the presidential primaries were 'already under way,' it was 'essential to the institution of the Senate and to the very health of our republic to not launch our nation into a partisan, divisive confirmation battle during the very same time the American people are casting their ballots to elect our next president.'

"Yet, now that the President shares their partisan affiliation, many of those same Senators have reversed course -- promising to vote on President Trump's nominee even though the general election is already underway. Our constitutional democracy depends on those in power acting with principle. For the Senate to disregard a rule it created just four years ago because of partisan considerations demeans both the Senate and the Court, and it is an assault on the rule of law itself.

“Although the Senate must not consider any nominee before the inauguration, President Trump’s nomination of Judge Barrett only underscores these concerns. Judge Barrett has written that she believes the doctrine of *stare decisis*, which is essential to the rule of law because it means that judges generally respect prior decisions, should be revisited and may itself be unconstitutional in some instances. And she has said she could ‘not defend’ the statement by another Justice that the oath he ‘took to support the Constitution and laws of the United States’ must govern the resolution of all cases regardless of his personal views.

“Disturbingly, Judge Barrett has also spoken before the Alliance Defending Freedom, which has been designated a hate group by the Southern Poverty Law Center as a result of its extreme anti-LGBTQ views, including its advocacy for the re-criminalization of homosexuality. In no uncertain terms should a Supreme Court justice, tasked with respecting the rule of law and upholding civil rights protections, be affiliated with a group that seeks to actively dismantle and criminalize the rights of others.

“We are also well aware that the strength of our core civil rights principles hangs in the balance with an even more conservative court. Over the past eight years, this Court has upheld affirmative action and the disparate impact standard under the Fair Housing Act on 5-4 votes. The protection of rights for Black voters remain in peril. The stakes could not be higher for the communities of people we represent.

“President Trump should have never moved forward with a Supreme Court nomination during an ongoing election. Now that he has, the onus is on the Senate to remain true to democratic principles – and its own precedent – and avoid holding hearings or a vote on this nominee until after the next session of Congress has been seated and the next president has been inaugurated in January 2021.

“At this moment, American democracy stands at a precipice. The trajectory of this country – for generations to come – could very well be determined by the Senate’s actions at this critical juncture. It is this body’s duty to act in the best interests of the American people they represent — and, as a result, they must refuse to move forward with considering a Supreme Court nominee until the individuals elected in November take their oaths of office.”

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*

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