

# United States Senate

October 6, 2020

The Honorable Beth Williams  
Assistant Attorney General  
Office of Legal Policy  
United States Department of Justice  
950 Pennsylvania Avenue  
Washington, D.C. 20530

Dear Assistant Attorney General Williams:

Judge Amy Coney Barrett omitted materials provided to the Senate Judiciary Committee in relation to her Supreme Court nomination. We ask that you explain the omission, confirm whether any other materials have been omitted, and immediately provide those materials for the Committee's review.

On the night of Tuesday, September 29, 2020, the Justice Department transmitted Judge Barrett's Senate Judiciary Questionnaire (SJQ) and attachments to the Committee—just 13 days before the confirmation hearing unilaterally scheduled by the Committee's chairman.

Absent from those materials was a 2006 open letter, bearing Judge Barrett's name, that opposed women's reproductive freedoms and explicitly called for overturning *Roe v. Wade*. For example, the letter referred to "the barbaric legacy of *Roe v. Wade*." Judge Barrett also omitted this letter from her 2017 SJQ and attachments, submitted in relation to her Seventh Circuit nomination.

Question 12(a) of the SJQ directs nominees to provide any "letters to the editor, editorial pieces, or other published material" that the nominee has "written or edited." Question 12(c) of the SJQ similarly directs nominees to provide "communications relating, in whole or in part, to matters of public policy or legal interpretation" that have been "presented . . . to public bodies or public officials."

While both Question 12(a) and Question 12(c) require providing the 2006 letter, Judge Barrett neglected to provide it to the Committee.

Letters of this sort have regularly been provided to the Committee as part of the SJQ. For instance, in 2017, then-Judge Neil Gorsuch provided an open letter to *Vanity Fair* in relation to his Supreme Court nomination. The letter was signed by former

Supreme Court law clerks and practitioners, including now-Justice Gorsuch. There is no indication, however, that Justice Gorsuch was himself the author or editor of the letter.

Further, Judge Barrett included information in response to Question 6 on the SJQ that she indicated was “not necessarily responsive” but which she nevertheless provided “out of an abundance of caution.” This raises additional questions as to why Judge Barrett did not disclose the 2006 letter. Simply put, if Judge Barrett provided “not necessarily responsive” information for Question 6 “out of an abundance of caution,” there is little basis to not do the same for Question 12.

The failure to disclose the 2006 letter leads to additional questions about other potentially missing materials. The omission also raises concerns that the process of collecting materials responsive to the SJQ, like the nomination process itself, has been rushed, for no legitimate reason.

Please immediately provide an explanation for the omission of this open letter and please provide any other responsive materials that have not been disclosed by Judge Barrett.

Sincerely,



DIANNE FEINSTEIN  
Ranking Member



PATRICK LEAHY  
United States Senator



RICHARD J. DURBIN  
United States Senator



SHELDON WHITEHOUSE  
United States Senator



AMY KLOBUCHAR  
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CHRISTOPHER A. COONS  
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KAMALA D. HARRIS  
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