

United States Senate

October 11, 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:

We write regarding additional omissions in the materials provided to the Senate Judiciary Committee by Judge Amy Coney Barrett in relation to her Supreme Court nomination. This is the second letter Committee Democrats have sent as a result of Judge Barrett's incomplete Senate Judiciary Questionnaire (SJQ). You have not yet responded to our previous letter.

Late Friday night, the Committee received a supplemental SJQ from Judge Barrett – just three days before her confirmation hearing is scheduled to begin. Unfortunately, Judge Barrett's supplemental SJQ raises more questions than it answers.

First, Judge Barrett's SJQ supplement includes two 2013 talks – a lecture and a seminar – about the Supreme Court's cases on women's reproductive rights. Both talks, which were also omitted from Judge Barrett's 2017 SJQ and attachments, were made public in press reports early yesterday. It is troubling that Judge Barrett supplemented her SJQ to include these talks only *after* they were identified by the press.

Second, Judge Barrett's SJQ supplement includes an advertisement Judge Barrett signed as a member of Notre Dame University's Faculty for Life. Similarly, this advertisement appears to have been disclosed because of anticipated press reports. Judge Barrett identified this advertisement as responsive to Question 12(b), which requires nominees to disclose "copies of any reports, memoranda, policy statements, minutes, agenda, legal filings, or other materials" that the nominee "prepared or contributed in the preparation of on behalf of any....organization" of which he or she is a member.

The newly disclosed advertisement is substantially similar to a 2006 advertisement Judge Barrett signed as a member of the St. Joseph County Right to Life Organization – yet Judge Barrett has still failed to disclose that advertisement to the Committee. We ask Judge Barrett to immediately produce the 2006 advertisement to the Committee. We additionally ask that Judge Barrett immediately supplement her SJQ to include any responsive materials generated as a result of her membership in Notre Dame’s Faculty for Life.

Finally, press reports have also revealed that Judge Barrett failed to disclose to the Committee her legal work as one of two lead attorneys who defended a Pittsburgh steel magnate accused of orchestrating the bankruptcy of a major Pennsylvania hospital system. The case, *Tenet Health System Philadelphia, Inc. v. Abdelhak*, was the largest non-profit health care bankruptcy in the country at the time.

Question 17 in the SJQ directs nominees to “[d]escribe the ten most significant litigated matters you personally handled, whether or not you were the attorney of record.” Judge Barrett listed only three matters in response to Question 17 and, notably, omitted her involvement in the *Tenet* case. It is highly unusual for any judicial nominee – particularly a Supreme Court nominee – to decline to identify ten litigated matters in response to Question 17.

These new omissions raise more questions about the reliability of Judge Barrett’s SJQ and her candor before the Committee. These new omissions also raise serious concerns about Judge Barrett’s rushed confirmation process and the hasty process of collecting materials responsive to the SJQ.

Please immediately provide an explanation for the omission of these materials 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
United States Senator



CHRISTOPHER A. COONS
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RICHARD BLUMENTHAL
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MAZIE K. HIRONO
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CORY A. BOOKER
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KAMALA D. HARRIS
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