Transgender Legal Defense & Education Fund

Working for Transgender Equal Rights

Transgender Legal Defense & Education Fund Opposes Amy Coney Barrett's Confirmation to the United States Supreme Court

(NEW YORK, NY – October 12, 2020) - Today, as Senate Judiciary Committee hearings begin for Judge Amy Coney Barrett, the following statement was released by **Andy Marra, Executive Director of the Transgender Legal Defense & Education Fund**:

Amy Coney Barrett's judicial record and public statements are clear. She has expressed opposition to basic protections for transgender people, and sought to undermine decades of case law protecting fair employment and access to health care. Judge Barrett has also misgendered transgender girls and women and perhaps most disturbingly, she has targeted transgender children. None of this comes as a shock when you consider her affiliations. Judge Barrett has cozied up to groups that fan the flames of anti-transgender rhetoric and aspire for transgender people to simply not exist.

Judge Barrett's record shows her to be a threat to the safety and well-being of transgender people and our families. Today, we remain steadfast in our opposition to her nomination for our nation's highest court.

Judge Barrett has multiple ties to fervently anti-transgender organizations, including membership in the Federalist Society and past speaking engagements with the Heritage Foundation, a right-wing think tank. She has also been paid to deliver lectures by the Alliance Defending Freedom, a legal advocacy group that has argued transgender people do not exist, that it should be legal for employers to fire workers simply because they are transgender, and that transgender students should be removed from school sports teams.

Earlier this month, TLDEF co-signed a letter with 150 other civil rights groups asserting that because of her judicial and public speaking record and affiliations with anti-LGBTQ organizations, Judge Barrett would be incapable of rendering equal justice under law. In 2017, TLDEF alongside nearly 30 other LGBTQ groups opposed Amy Coney Barrett's nomination to the U.S. Court of Appeals in the Seventh Circuit.

Judge Barrett has a record of openly opposing equal protections for LGBTQ people. She has condemned *Obergefell v. Hodges*, which established marriage equality as the law of the land, and *Price Waterhouse v. Hopkins*, which protected people from sex-based stereotyping in employment and formed the basis for numerous lower court opinions protecting LGBTQ employees. She has also expressed the disturbing view that federal civil rights laws do not protect transgender people from discrimination — putting her at odds with the majority view that was adopted by six Supreme Court justices in this year's *Bostock v. Clayton County, Georgia* opinion.

Judge Barrett has been a vocal opponent to the Affordable Care Act (ACA), including authoring an article stating that the ACA is unconstitutional. She could be the deciding vote in *California v. Texas*, a lawsuit seeking to strike down the ACA which will be argued before the Supreme Court in three weeks. Such a decision would eliminate health care access for millions nationwide, particularly affecting the transgender community. Section 1557 of the ACA prohibits discrimination against transgender people in health care access and insurance coverage.

According to a prominent national transgender survey, one in four respondents experienced a problem with their insurance, such as a being denied coverage for transgender-related health care or being denied coverage for routine care solely on the basis of their gender identity. Additionally, one in three reported negative experiences with health care providers because of their gender identity – a proportion even higher among transgender people of color and those living with disabilities.

Over nearly four years, the current administration has nominated a record-setting number of federal judges, with more than 200 federal appointments confirmed by the Senate Judiciary Committee.

About TLDEF
TLDEF is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts. Please support TLDEF today to help us transform the legal landscape for transgender and non-binary people nationwide. To learn more about how you can support TLDEF's work, visit **tldef.org**.

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