

# Ms.

## Amy Coney Barrett’s “Much-Touted Cloak of Decency”

*In addition to her record, Amy Coney Barrett absolutely must be called to account for her hypocritical actions, words and lapses.*

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Ever since Donald Trump cemented the trajectory of Amy Coney Barrett to the U.S. Supreme Court, public debate has been fast and furious.

Among the immediate crises posed by the nomination—the sheer hypocrisy of the circumstances given the timing, the rapid-fire rate at which Senate Republicans moved to commence confirmation hearings, her record as a conservative lawyer, academic, and appellate judge—it is the parading of her as a perfect example of virtuous womanhood that has added too much insult to injury.

First out of the gate was Harvard Law’s Noah Feldman, who aimed to counter-spin for his fellow progressives in a Bloomberg column, in which he wrote:

*“I know her to be a brilliant and conscientious lawyer ... [and t]o add to her merits, Barrett is a sincere, lovely person. I never heard her utter a word that wasn’t thoughtful and kind—including in the heat of real disagreement about important subjects. This combination of smart and nice will be scary for liberals.”*

On the other side of the aisle, U.S Senator Todd Young wrote this weekend for his hometown paper, the Indy Star:

*“As a fellow Hoosier, I have had the privilege of getting to know Judge Barrett and her family over the last several years. She is an incredibly sharp legal mind, a woman of great integrity, and a dedicated mother of seven.”*

And the Cato Institute’s Ilya Shapiro pointed to her “graciousness and charm” as reported by The New York Times this morning in remarks made at a Heritage Foundation briefing, suggesting these traits would make her “very influential behind the scenes.”

Whether Barrett is charming or conscientious or a good mom is hardly polarizing fodder in 2020. These traits are neither scary for liberals nor a foil to modern feminism. In fact, I’d dare say that the icon who held the seat Barrett is headed for was proudly all of those things, and then some. (Thank you, RBG.)

Under normal circumstances, this would be mostly a predictable culture war gambit.

But since the narrative has been spun, and we are already being bombarded with more of the same as the hearings have begun, let's be clear: **Amy Coney Barrett has thus far demonstrated a few considerable lapses in judgment as the critical thinker and caring soul she's purported to be.**

### **1. Amy Coney Barrett's Rose Garden Debacle**

The country watched in disbelief—with a dose of schadenfreude, as Merriam-Webster reported a surge in searches of the word after Trump tested positive for COVID—as it became clear that Barrett's grand debut was a governmental super-spreader event.

She went along with the White House's predilection for flouting masks and social distancing. Her colleagues who joined, including the University of Notre Dame president, faced vociferous backlash.

Barrett, too, should not be spared critique. She showed that she was willing to appease the president, even if that meant endangering her own family and community—while showing callous disregard for the millions who have sacrificed, missing school and work and graduations and weddings and family celebrations and even final moments with and funerals for loved ones.

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### **2. Barrett's History of Skirting Rules**

Late last week, the media reported that Barrett omitted in paperwork she was required to file with the Senate mention of two prior speaking events for anti-abortion groups, as well as a paid advertisement she signed on to that criticized *Roe v. Wade*.

Only after these were called out publicly did she submit an addendum.

Her lack of candor and care is problematic, especially if she deliberately excluded the information—but still, too, if she was not able to adhere to the expedited schedule, given that she knows full well why all the rush.

### **3. Barrett's About-Face**

Following the death of Justice Antonin Scalia in 2016, Barrett was interviewed by CBS News and warned against changes that would “dramatically flip the balance of power” on the Court in an election year, noting then that for an Obama nominee, “It would not be a lateral move.”

The circumstances today are even more pronounced: It is not just an election year, but the election is well underway, with more than seven million ballots already cast.

**Barrett Must Be Called to Account for Hypocrisy and Judgement Lapses**

These are just three examples that call into question her much-touted cloak of decency, all of which are worthy of scrutiny—and should be raised by the Senate Judiciary Committee. In addition to her record, Barrett absolutely must be called to account for her hypocritical actions, words and lapses.

It is critical that the American people not lose sight of the overt power grab that the Senate Republicans are making, even as committee members proceed with questioning and considering Barrett's nomination.

But we must also avoid letting tropes about virtuous women and mothers become a distraction to or define the tenor of the debate.

Not only are they irrelevant for the job she seeks, but they also defy the persona she has revealed since her hasty ascent into the public eye.