

# AMY CONEY BARRETT IS A THREAT TO THE ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITY

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On September 26, 2020, President Trump nominated Amy Coney Barrett to be the next Associate Justice for the Supreme Court of the United States, only days after Justice Ruth Bader Ginsburg's passing. Here is why her nomination is concerning to all Americans, but especially to Asian American and Pacific Islander (AAPI) women.

**Content Warning: This updated factsheet discusses sexual violence.**

## Barrett Promotes Racist Stereotypes by Supporting Sex-Selective Abortion Bans

- Judge Barrett [dissented](#) in a case that makes it clear she supports sex-selective abortion bans (SSABs), a type of law that makes it illegal for a doctor to provide abortion care when they suspect their patient is seeking an abortion due to a preference for the sex of the fetus. These bans are based on [false and racist stereotypes](#) that encourage medical providers to racially profile Asian American pregnant people and stigmatize their abortion decisions.
- Lawmakers who have passed these bans in the states used false, [xenophobic stereotypes](#) to [justify](#) the law's passage.
- [There is an increase in SSAB legislation in states](#). More than 30 states have passed SSABs or introduced it in their state legislatures.
- Under the guise of gender equality, SSABs are another part of the larger anti-abortion strategy to chip away at abortion access and target AAPI women in the process.

## Barrett Is Determined to Bar Access to Health Care

- Amy Coney Barrett has long been an outspoken critic against the Patient Protection and Affordable Care Act (ACA), under which an estimated [2 million](#) AAPIs became eligible for new coverage. If given a chance, she will [strike down the ACA](#).
- The Supreme Court is set to hear arguments striking down a key provision of the ACA [just a week after the election](#). At a time when millions have lost their employer-sponsored health insurance in the midst of a public health crisis, we must oppose any justice who seeks to dismantle the ACA.
- Additionally, Judge Barrett recently signed onto a letter opposing the ACA's mandate that employer-sponsored insurance plans cover contraception. The letter referred to emergency contraception as an "[embryo-destroying](#)" pill—false, needlessly alarming rhetoric that is designed to stigmatize contraception.
- For AAPI women, [who already use inexpensive and less effective contraceptive methods](#) at higher rates than other women, insurance coverage is critical to ensuring access to effective contraception.

## Barrett Seeks to Separate Families and is Staunchly Against Immigrant Rights

- Judge Barrett [decided](#) to deport a man from El Salvador based on “trivial inconsistencies.” He, along with his parents, received threats after he witnessed a murder and feared violence if he were to return to El Salvador.
- She was also the [deciding vote](#) in a case that allowed the deportation of someone who had been a lawful permanent resident since he was 10 years old, after 30 years of living in the country.
- She is also in favor of [upholding](#) the Trump administration’s proposed “public charge” rule. Under the proposed new rule, certain immigrants could be considered “public charge” and denied visas if they are using any one of a variety of non-cash public benefits, such as Medicaid and Supplemental Nutrition Assistance Program (SNAP). In the light of the proposed rule, confusing litigation, and fear, [a large number](#) of immigrant families decided to forego receiving assistance to buy food and get health care. At the same time, our community is experiencing an [unprecedented rate of unemployment](#) in light of COVID-19, leaving us more vulnerable and in need of resources.

## Barrett Has Ruled to Weaken Protections for Workers

- Judge Barrett sided against a Black worker whose employer established a [“separate-but-equal”](#) policy of segregating their employees by race. AAPI workers [face stereotypes](#), which research shows hinder their employment and [promotion](#) chances.
- She ruled to [gut protections for older workers](#) by twisting the wording of the Age Discrimination in Employment Act (ADEA), a federal law that was passed to prevent precisely the discrimination the plaintiff in this case experienced.
- AAPI women [face](#) gender-based sexual harassment and/or harassment based on their sexual orientation or gender identity. Immigrant AAPI women employed in low-wage and socially isolated industries such as nannies, caretakers and other types of domestic workers, are especially vulnerable to workplace sexual harassment and violence. Judge Barrett has demonstrated that she will not side with our workers and willfully ignore the law by twisting its words.

## Barrett Devalues Victims of Sexual Harassment and Violence

- Judge Barrett joined in on a panel decision that reversed the verdict in a case where a corrections officer raped a woman who was incarcerated and found against her. She ruled that the guard was not acting within the scope of his employment when these incidents occurred. As recent events in Georgia’s Immigration and Customs Enforcement (ICE) demonstrated, folks who are incarcerated and detained are in especially vulnerable positions, leaving them dependent on corrections officers and others who make decisions about their daily lives. Judge Barrett’s ruling does not doubt that these incidents occurred. While she was in a position to remedy this atrocity by affirming what the lower court already found, she did not do so.
- In another case, a college found that a student sexually assaulted another student in violation of Title IX. Judge Barrett reversed a lower court ruling and found for this student, by formulating a new and lax set of standards that make it easier for students found to have sexually assaulted another person to bring claims against their schools. Judge Barrett’s new rules go against existing legal standards and she also promotes the idea that schools enforcing Title IX rules, which protect against sexual assault in schools, are engaging in sex discrimination.

- National rates of reported sexual violence are lower for AAPIs than other racial groups. However, rates of sexual violence are particularly high for some ethnicities, including Cambodian Americans and Korean Americans, and the existing statistics demonstrate the issue is more complex and may be obscured by lower reporting numbers.
- Asian American women report higher rates of mental health issues that may be aggravated by sexual harassment and violence, as well as any subsequent investigation. Asian American survivors of sexual violence are more likely than their white counterparts to have high levels of self-blame and suicidal ideation. Judge Barrett's record demonstrates an active effort to dismantle existing laws that are aimed to protect survivors and discourage them from reporting, while incentivizing schools from diligently applying these laws.

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