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The nomination of Amy Barrett for Supreme Court Justice highlights the lack of diversity in the current U.S. Supreme Court. Some profess that choosing a women remedies the lack of gender representation. Having no women on the court is likely to indicate a bias, so appointing a women is seminal when numbers are lacking.

Yet, I fear we allow more glaring and inherent bias in the Court.

1) That 6 of 8 Justices attended Harvard or Yale Law School is an indication of insidious social and economic bias, which is much more dangerous. Groups that socialize or study together share experiences which over time creates insider language and convention. Their verbal reinforcements to one another popularize language that may disguise bias, or make it less accessible without a careful parsing to identify the sophistry. Euphemisms become more likely to be accepted as factual.

2) 6 of the 8 serving Supreme Court Justices also have professed a Catholic Faith. Adding the additional Justice who professes those same Religious beliefs as determinant has at least the appearance of establishing legal opinion which favors a singular religious perspective. We should not want Justices attempting to appoint their family or friends as the determinant. We should not want Justices whose religious conviction dominates their legal reasoning.

Appointment of another Catholic who is a women might address an inequity of gender, but is it advisable? When Justices fail to admit an awareness of their own biases and how they remove it from their reasoning, we cannot assume it happens in their judgments. That surely is the argument for having balance on the court that Justice Ginsberg advanced, representation allowing the broadest examination of argument.

To meet a desired gender requirement while blind to the religious monotheism on the court is inexcusable. The largest religious faith by number has never been represented on the high court. Agnostics have never been represented on the high court. These are Constitutionally protected rights of belief, yet carries a de facto exclusion. There are also no Jurists on the High Court trained in Science or Mathematics.

It is true Barrett did not attend Harvard or Yale. Her choice would appear to balance gender and education, yet it cements a Catholic dominance on the court. It limits challenge to that dominance within the cloistered environment.

I fear that belief and membership in this one powerful group demonstrating membership in a singular religious organization now dominates our Jurisprudence. Governmental power appears to be committed more to Popularity (exclusion of the Minority) and Wealth (exclusion of the Poor) than to Equality under the Law for every Citizen.

It is clear that Originalists place the words of the Original Constitution to limit those of any Amendment, treating Amendments as subservient modifiers. That leads inevitably to Federal Power by Wealth rather than Citizenship as provided in the original Constitution with no Amendments. Congress shall make no law discriminating on the basis of sex. Congress should make no law discriminating on the basis of religion. Yet by choosing we do.

The Supreme Court should not decide cases by those who share the primary determinant as membership in a singular Religion or Academic Institution. It should be populated by choices which check and balance bias, and by those who openly demonstrate that Constitutionally based fairness.

Amy Barrett should not be appointed to the U.S. Supreme Court. Vote NO for her confirmation.

*Delivered to the Office of Senator Kamela Harris 600 B Street Suite 2240 San Diego CA 92101*