

International Union of Bricklayers And Allied Craftworkers

Timothy J. Driscoll
President

October 23, 2020

Dear Senator:

On behalf of the International Union of Bricklayers and Allied Craftworkers (BAC) and our 75,000 members, I am writing to express our opposition to the nomination of Judge Amy Coney Barrett for Associate Justice of Supreme Court of the United States. BAC opposes both the abuse of process that the United States Senate has undertaken to advance this nomination and the inherent animus towards protecting the rights of working Americans that Judge Barrett has demonstrated through her writings and her opinions.

The vote on this nomination is scheduled to take place only eight days before our national election. In fact, over 50 million Americans have already voted. We will soon hear the voice of the American people about the kind of future they want for our country. While no one knows for sure what the results of this election will be, we should all agree that the views of the American voter must be respected.

Instead, the United States Senate has decided to muzzle the voice of the people by rushing to vote on a life-time appointment to the highest court in the land. This vote will impact the direction of our country for decades to come. The Senate should follow the well-established procedures for a fair and deliberate consideration of this critically important appointment. That is the least we expect of our elected leaders. A willful disregard of precedent and the voice of the American voter to install Judge Barrett in this manner will be a stain upon both the US Senate and the Supreme Court itself.

Growing income and wealth inequality is among the greatest challenges we face as a nation. Our efforts to address this inequality will determine the character and vitality of our country going forward. While our elected leaders have a central role in that effort, the Supreme Court will also have a profound impact on our ability to address our unbalanced economy.

When it comes to the rights and protections of working people, the Supreme Court has already been moving steadily in the wrong direction. The recent *Janus*¹ decision is perhaps the worst example, but there are many others. Each time the court advances corporate interests at the expense of working people, America becomes weaker and more divided.

While Judge Amy Coney Barrett's tenure on the Appellate Court has been brief her judicial philosophy and writings on those employment law cases that came before her demonstrate an anti-worker bias. In the *Smith v. Illinois Department of Transportation* case², Barrett authored the opinion that denied relief to a black employee for workplace harassment, even though the employee's supervisor had called her the N-word. Barrett also signed on to an opinion that narrowed the ability of job applicants to seek


¹ *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448 (2018).

² *Smith v. Illinois Department of Transportation*, No. 18-2948 (7th Cir. 2020).

protection from age discrimination³. She has also joined an opinion that makes it harder for gig workers to earn overtime pay.⁴ Finally, her criticism of Chief Justice Roberts' opinion that upheld the Affordable Care Act (ACA) makes clear her hostility to the health care protections that ACA provides to millions of Americans.

The stakes are too high, and the issues are too important to rush to judgment and deny the American people a meaningful role in the process. We urge you delay this vote and listen to the voice of the people.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Driscoll". The signature is fluid and cursive, with a long horizontal line extending from the start of the name.

Timothy J. Driscoll
President

³ *Kleber v. Care Fusion Corp*, No. 17-1206 (7th Cir. 2019).

⁴ *Wallace v. Grubhub Holdings, Inc.*, No 19-1564 (7th Cir. 2020)