

U.S. SENATOR BEN CARDIN



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Dear Fellow Marylander:

Nearly [21 million Americans have already cast their ballots in this year's election](#). That's nearly three and a half times the population of Maryland, and it shows how far into this election we already are.

No matter that the election is already in full swing, Senate Republican leadership continue to ignore the will of the [majority of Americans](#) as they seek to ram through a Supreme Court nominee literally days before our country decides who will lead our nation for the next four years.

These are the same senators who once said that eight (8!) months before a presidential election was too close to an election to consider a Supreme Court nominee. That, of course, was in 2016, when President Barack Obama nominated the impeccably credentialed Judge Merrick Garland to serve on the high court. Yet the Republican-controlled Senate [would not even hold a hearing](#) on Judge Garland, saying that the voice of the people needed to be heard – and respected – before a new justice was installed.

The "[McConnell Rule](#)," as it was dubbed, now apparently only applies to Democratic nominees. Majority Leader Mitch McConnell and Senate Judiciary Chairman Lindsey Graham have both willfully chosen to ignore the hypocrisy in moving on a nominee this close to an election. This is not a partisan attack but a statement of the facts as they are happening today. There is no precedent in the history of our country for such a confirmation this close to a presidential election.

Of course, this is the same Republican leadership that for years has assailed the expanded health care coverage that implemented many consumer protections available because of the Patient Protection and Affordable Care Act (ACA), such as coverage for those with pre-existing conditions, even though they have offered [no plan to replace it](#).

And now, in the middle of a pandemic that has stricken more than eight million Americans and killed more than 215,000, they are intent on installing a Supreme Court justice in time for the November 10 oral arguments Republicans hope finally will strike down the ACA.

Make no mistake, the nomination of Judge Amy Coney Barrett is another attempt to undercut that landmark law. In both major cases brought against the ACA, Judge Barrett sided against the law. She publicly [criticized Chief Justice John Roberts](#) for upholding the law, and said that if the Supreme Court read the statute the way she does, they would have had to “invalidate” it.

If Judge Barrett is confirmed, the risk becomes real as [133 million Americans with preexisting conditions](#) could be once again be denied health insurance coverage or face monthly premium hikes. Those struck by COVID-19 would be added to that list. Upwards of [20 million Americans could lose their health care coverage](#) – in the midst of a pandemic. Yearly and lifetime caps on things like cancer treatments and other critical care would also return.

Women would lose out. Perhaps some forgot that before the ACA, just 10 years ago, simply being a woman was considered a pre-existing condition by insurance companies and women were forced to pay higher costs because of it. Women – and our families – have [gained access](#) to guaranteed maternity care, preventive health screenings like mammograms and colonoscopies, and birth control without copays.

Even the millions of senior citizens on Medicare wouldn't be immune should the Supreme Court to strike down the ACA. The Affordable Care Act closed the [Medicare prescription drug “donut hole.”](#) If the law is struck down, drug costs for seniors most certainly will go back up.

What's worse, the effects of Judge Barrett's nomination will not be confined to simply impacting your health coverage. Her shadow will be cast much farther over our lives, potentially impacting women's rights generally, climate change policy, the freedom to marry, and much more.

While doing her best to share as few of her actual views as possible during Judiciary Committee hearings this week, Judge Barrett repeatedly characterized herself as an “originalist,” meaning that she only supported those freedoms and rights expressly mentioned in the Constitution.

The Constitution, of course, does not contain the word “woman” and was written at time when many people were considered to be the property of others. While we have progressed dramatically as a country, some would have us move backward.

Rushing to fill the vacancy on the Supreme Court left by legal icon Ruth Bader Ginsburg is deplorable. That it comes at a time when the Republican-led senate has shirked its responsibility to address the many more pressing issues confronting this nation – like the pandemic – is even worse. The Senate still has not passed an updated, comprehensive COVID-19 relief measure – even though the House managed to do so in May. Americans everywhere are struggling – small businesses are closing at a record pace, unemployment is far too high, our schools don’t have the resources they need to re-open safely, and much more.

Yet the Republican leadership, held back by [senators who cannot see the urgent need](#) to pass a measure that could bring much-needed relief to the American people, has stalled and abdicated their responsibilities for months.

I so want to be optimistic that two more Republican senators will find their conscience and join us in blocking this confirmation battle until the next president can make a decision. If Joe Biden wins, he should pick the nominee. If President Trump wins, Barrett could be considered fully. But the American public should have time to vote.

What can you do? Continue to make your voices heard by calling and writing your elected officials, speaking out in public forums, and contributing constructively to the public discourse.

And, above all, vote.

Thank you.



Ben Cardin