The Honorable Lindsey Graham  
Senate Judiciary Committee  
United States Senate  
Washington, DC 20510

October 13, 2020

Dear Chairman Graham,

After reviewing the legal writings throughout the career of Supreme Court nominee Judge Amy Coney Barrett, the Autism Society of America is concerned that her past decisions and opinions may raise concerns about future decisions she may make related to the disability community if approved by the Senate.

The Autism Society of America is the nation’s oldest and largest organization representing people with autism. Our mission is to improve the quality of lives for people with autism and their families, which includes advocating for civil rights and services for people with autism. Any appointment to the U.S. Supreme Court should protect and advance civil rights or provide laws that protect individuals with autism.

Among the possible upcoming activity of the U.S. Supreme Court is the fate of the Patient Protection and Affordable Care Act (ACA). We hope this nominee and others in the future support the right to access comprehensive and affordable health care as it affects much of the autism community. Judge Barrett has written in the past that she believes the ACA should have been struck down as unconstitutional; she also criticized Chief Justice Roberts for concluding that the penalty for not having health insurance was a tax. This is a major concern for the Autism Society of America.

The ACA provides access to comprehensive health care for millions of Americans, including those with disabilities. Most importantly, the law provides protections for individuals with preexisting conditions to ensure that they are not discriminated against solely because of their disability. The ACA also expanded coverage of habilitation and behavioral health care as part of the essential benefits provided by insurance providers. Behavioral and habilitative services are absolutely essential to the lives of people with autism, who often require training in life skills that help achieve independent living.

There are other opinions of Judge Barrett regarding the education rights of the disabled and the rights of immigrants with disabilities that are equally as concerning.
The Autism Society of America encourages the Senate Judiciary Committee to use their hearings to fully explore any nominee’s positions on health care and other civil rights which are pertinent to individuals with autism and their families and the disability community.

Thank you for considering our concerns during these important nomination hearings.

Sincerely,

Christopher S. Banks
President and CEO
Autism Society of America