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NCLA Applauds Supreme Court Nominee Judge Amy Coney Barrett's Record on Administrative Power

Hon. Amy Coney Barrett

Washington, DC (September 26, 2020) – The New Civil Liberties Alliance commends President Trump's nomination of the Honorable Amy Coney Barrett to fill the U.S. Supreme Court seat of the late Justice Ruth Bader Ginsburg.

NCLA, a nonpartisan, nonprofit civil rights group devoted to protecting constitutional freedoms from violations by the Administrative State, [analyzed](#) Judge Barrett's interpretation of administrative power issues, including any record of questioning judicial deference or bias in favor of agencies in a [white paper](#) of prospective nominees released this week.

NCLA strongly believes we need federal judges who are willing to protect the civil liberties of individual Americans from unlawful administrative power. If courts will not check administrative abuses when they occur and force federal agencies to stick to constitutional pathways, then the government will run amok and civil liberties will be lost.

NCLA released the following statements:

“Although Judge Barrett does not have quite the same robust track record in opposing unlawful administrative power that Justices Gorsuch and Kavanaugh brought with them to the Supreme Court bench, she has shown a willingness to protect civil liberties from administrative power. NCLA is glad President Trump took this crucial factor into account when making his selection, and we look forward to Judge Barrett's prompt confirmation.”

— **Mark Chenoweth, Executive Director and General Counsel, NCLA**

“Judge Barrett's decisions display her willingness to stand up for the constitutional rights of all Americans, including due process rights of college students and Sixth Amendment rights of criminal defendants. She does not reflexively defer to administrative decision making, and her scholarship recognizes that the Constitution assigns certain exclusive powers to Congress which it may not divest. Her criticism of stare decisis suggests she believes that it is appropriate to reconsider a wrongly decided Supreme Court precedent.”

— **Peggy Little, Senior Litigation Counsel, NCLA**

ABOUT NCLA

NCLA is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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