



Justice Amy Coney Barrett of the U.S. Supreme Court, then judge for the U.S. Court of Appeals for the 7th Circuit, speaks Oct. 13, 2020, before the Senate Judiciary Committee on Capitol Hill in Washington during her confirmation hearing. On Oct. 22 the committee voted 12-0 to send to the full Senate her nomination to the Supreme Court. The 12 Republicans on the panel voted "yes," while the 10 Democratic members boycotted the vote. (CNS photo/Drew Angerer, Pool via Ruerthers)

Kate Scanlon

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Supreme Court Justice Amy Coney Barrett discussed the importance of academic freedom and offered career advice in remarks to law students at The Catholic University of America Columbus School of Law in Washington Sept. 21.

In an event hosted by the school's Project on Constitutional Originalism and the Catholic Intellectual Tradition, Barrett participated in a discussion with Professor Kevin Walsh, the project's co-director, about the study and practice of law, and offered insight about her own rationale for deciding whether she will file a concurring opinion in cases at the high court. About 250 people were estimated to have attended the event.

Supreme Court justices, whether in the majority or minority, sometimes write concurring opinions in the high court's rulings, the documents explaining their thoughts about the case and the arguments that influenced their decisions.

"So, I will say this with the caveat that I've been at this for three years, and so, you know, surely my views may well change over time," Barrett said. "The way that I think about it right now is I would say that I have what I might think of as an institutionalist perspective on opinions. And if I'm in the majority, my presumption is that the court's opinion speaks for the court."

Early Supreme Court justices, Barrett said, each wrote their own opinions in rulings individually, until later in American history when the court developed a practice of writing opinions for the court either as a whole or as a majority.

"I think it's important to have an opinion for the court," Barrett said, adding, "the guideline that I've kind of used for myself is if I have something that I really think I need to add that might help the development of the law, or if there's an explanation

that I feel like I owe," then she will file a concurring opinion.

"Anytime that I don't join a part of an opinion, I feel like I owe an explanation why," she said.

Barrett said other circumstances that would prompt her to do so include "if I feel like it would be valuable to lower courts to understand the limits of an opinion or what an opinion is doing."

Barrett, a Catholic jurist who was previously a professor at the Notre Dame Law School in South Bend, Indiana, said that during her time there, the faculty frequently discussed "what it means to be a Catholic law school just like what it means to be a Catholic University."

"One thing that, you know, we used to say a lot -- and I do think it's true -- is that being at a Catholic school is broadening," she said. "It broadens the number of topics that are permissible and the areas of inquiry rather than narrowing them. Because there's nothing off the table."

"Aquinas and the natural law tradition is part of just the regular jurisprudence," she said of classes at law schools. "However, I think it feels more natural to talk about it, perhaps -- or maybe Aquinas feels less intimidating -- if you are talking about from the Catholic intellectual tradition. And so, I think that really opens up the possibility of being able to talk about it."

She added, "People don't have to be afraid" of the exchange of ideas.

"We're used to, in universities, having academic freedom and having all viewpoints on the table; and I think at a Catholic school you can feel particularly comfortable about bringing your religious or moral points of view to the table (and) that's okay in the classroom."

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She added, "That aspect of it really opens up more lines of inquiry than narrows or shuts them down because it invites, very explicitly, another perspective to the table."

Barrett was nominated to a federal appeals court in 2017 and rose to national prominence after California Sen. Dianne Feinstein, then the top Democrat on the Senate Judiciary Committee, questioned Barrett about whether she could differentiate her religious views from her legal ones, telling her, "the dogma lives loudly within you and that's of concern."

That line became a rallying cry for some who said Feinstein's remark about the Catholic jurist, who is also a married mother of seven, was a religious litmus test of sorts. Barrett was later confirmed to the 7th U.S. Circuit Court of Appeals.

Just a few years later, Barrett was nominated to the U.S. Supreme Court in 2020 by then-President Donald Trump to fill a vacancy left by the death of Justice Ruth Bader Ginsburg. That contentious confirmation process came after the Republican Senate leader, Sen. Mitch McConnell of Kentucky, previously declined to confirm Merrick Garland, nominated by then-President Barack Obama in 2016, to the court, arguing such appointments should not take place in election years. Barrett was confirmed by the Senate in 2020, just weeks before that year's election.

Asked about her advice for navigating a professional path, Barrett cited the advice she received from her father.

"Never make a decision based exclusively on money," she said.

"I think money is a factor; you have to put food on the table to have yourself, if you have children, to be able to provide for your children. So, I don't want to be here saying that money isn't relevant, of course, but it's one factor," she said.

"It is a mistake to ever make a decision that's driven only by money," Barrett continued. "So when you're thinking about these decisions and career choices -- and you have your pro-con columns and you find yourself saying that the only advantage to this job is that it has more money on the table, that's probably not a good reason to take it. And conversely, if you have a pro-con column and the only con to another job was that you'd be making less money, that's not a reason not to take it."

Barrett said that has been "good advice for my own life."

"And so, it's something that I've shared with students along the way," she said.