

Sent Electronically

Sept 28, 2020

Dear President Donald Trump and U.S. Senator Rob Portman,

Last week, we began to mourn the loss of Ruth Bader Ginsburg: a towering figure in American history, whose legal legacy touched the lives of every Ohioan. Our grieving was cut short, though, by the announcement of the pick to replace her this weekend.

We, elected officials that represent communities across this state, take exception to the nomination of Amy Coney Barrett. Mr. President, we demand that you withdraw her; and if you do not, Senator Portman, we demand that you reject this nominee.

We are less than 40 days from an election. The people should decide if this president or another one should make a lifetime appointment to the U.S. Supreme Court. Your hypocrisy should shock us: only four years ago, Senator Portman himself said that Supreme Court appointments should not take place in election years, to protect the credibility of the court. Unfortunately, Senator, we have simply become accustomed (but not numb) to you saying one thing and then doing another.

Rather, our disappointment stems from what this rushed power grab to pack the highest court reveals about your misplaced priorities.

First, it seems you will move heaven and earth for this nominee, but you drag your feet on fighting for everyday Ohioans amidst the pandemic. The Senate should be focused on a pandemic that has killed 200,000 Americans. Ohioans have been asking you both to pass the HEROES Act or a similarly bold federal relief package, to provide aid to essential workers, small businesses, local governments, and schools, since the spring. Instead, you have let unemployment insurance expire for people that lost their job due to the pandemic, and you refuse to pass legislation to stave off evictions and preserve childcare slots. If only working-class Ohioans enjoyed your dogged pursuit of their priorities, the way you attend zealously to the needs of corporations and special interests.

Second, we are outraged at what this pick will mean for Ohioans' health. You know full well that the U.S. Supreme Court is set to hear *California v. Texas* in six weeks, a case in which the President's Department of Justice has asked for the invalidation of the Affordable Care Act. Barrett criticized the last two Supreme Court

rulings that upheld the constitutionality of the ACA, “vehemently objecting” to the reasoning of the opinions as “illegitimate.” She has called its insurer contraception mandates “unacceptable” and a violation of freedom. And she has said she has a “duty” to overrule precedent in cases that in her judgement were wrongly decided.

You have both tried repeatedly to eliminate the ACA, and unable to convince the people’s representatives to do so, it seems you have found a judge to swing the ax. Senator Portman, you have voted to eliminate the Affordable Care Act many times. By some counts, the Republican Party has made over 70 attempts to limit or eliminate the ACA. We see this nomination battle for what it is: a deciding vote to finally get the job done. If Barrett rules to overrule the Affordable Care Act, then:

- 863,000 Ohioans could lose coverage, including the 81,000 Ohio young adults permitted to stay on their parents’ coverage;
- 5,240,575 Ohioans would once again have to pay for preventative services (e.g., flu shots, cancer screenings, contraception, mammograms) that the ACA requires insurers to offer at no cost to consumers;
- 800,000 Ohioans with an opioid use disorder who are enrolled in Medicaid, many of whom became eligible through Medicaid expansion, would be affected; and
- Insurers could once again deny coverage to the 5 million Ohioans with a pre-existing condition, like high blood pressure, high cholesterol, asthma, or osteoarthritis, including the 150,000 Ohioans who got a confirmed case of COVID-19 this year.
- The Ohio Hospital Association says as many as one in four Ohio hospitals could close due to the resulting \$2 B in uncompensated care, especially rural hospitals.

Mr. President and Senator Portman, you must understand the grave consequences of confirming a justice who will strike down healthcare protections for millions of Ohio residents in the middle of a pandemic. Surely you cannot condone it. We stand at a crossroads for our beliefs about politics. Is this a game of sport, measured in points on a scoreboard? Or is this a shared endeavor to better the lives of our communities? It is not too late for you to do what it is right.

Sincerely,

Aryeh Alex, Franklin Township Trustee
Mohamed Al-Hamdani, Dayton Board of
Education President
Nancy L. Byrge, Huber Heights Vice
Mayor and City Council
Elizabeth Brown, Columbus City Council
President Pro Tempore
Kristin Boggs, State Representative
Janine Boyd, State Representative
Peter Bucher, Worthington City Council
Michaela Burriss, Upper Arlington City
Council
Jane Cera, Clinton Township Trustee
Sharon Chaney, Golf Manor Village
Council
Phyllis E. Cleveland, Cleveland City
Council
Kathleen Clyde, Portage County
Commissioner
Brad Cromes, Portage County Treasurer
Richard Dana, Geneva Area City Schools
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Melanie Houston, Grandview Heights City
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Jeffrey Isaacs, Shaker Heights Board of
Education

Matt Joseph, Dayton City Commission
Brigid Kelly, State Representative
Zach Klein, Columbus City Attorney
Beth Kowalczyk, Worthington City Council
Dorene Kray, Newburgh Heights City
Council
Sandra Kurt, Summit County Clerk of
Courts
Mary Lightbody, State Representative
Eric Lochtefeld, Celina City Council
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Brandon C. McClain, Montgomery County
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Mike Stevens, Clayton Mayor
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Kim Thomas, Richmond Heights City
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Craig Treneff, Westerville City Council
Georgine Welo, South Euclid Mayor
Elizabeth Walters, Summit County Council
Nan Whaley, Dayton Mayor