



# JUDGE NEIL GORSUCH

## What You Need to Know About President Trump's Nominee to the United States Supreme Court

Judge Gorsuch was born in Denver, Colorado in 1967 and graduated from Harvard Law School. From 1993-1994, Gorsuch clerked for Supreme Court Justices Byron White and Anthony Kennedy. In 2006, George W. Bush nominated Neil Gorsuch to the Tenth Circuit. He was rated "unanimously well qualified" by the American Bar Association and confirmed by voice vote.

**Police Accountability.** Judge Gorsuch has protected the use of excessive force and will likely further entrench systemic "colorblind" racism within the culture of law enforcement.

- Judge Gorsuch reasoned that the use of force was reasonable because —[defendant] was resisting arrest by fleeing from officers after they identified themselves—even if the crime of which he was suspected was not itself a violent one, he was likely to be apprehended eventually, and he hadn't harmed anyone yet. *Wilson v. City of Lafayette*, 510 F. App'x 775 (10th Cir. 2013)

**Money In Politics.** Judge Gorsuch's record on money in politics raises significant concerns.

- Judge Gorsuch has expressed openness to providing a higher level of constitutional protection to a donor's right to make political contributions than the level of protection the Court currently affords the right to vote. *Riddle v. Hickenlooper*, 742 F.3d 992, 930-31 (10th Cir. 2014)
- Judge Gorsuch joined a Tenth Circuit panel in striking down an ill-advised Colorado statute that imposed lower campaign contribution limits on minor party candidates than the limits applying to major party candidates.
- Judge Gorsuch joined a troubling extension of the Supreme Court's holding in *Citizens United* in favor of corporate personhood. Specifically, the Tenth Circuit ruled that privately held, for-profit secular corporations are "persons" under the meaning of the Religious Freedom Restoration Act (RFRA), and could qualify for religious exemptions from the Affordable Care Act's mandate to provide reproductive health services. *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114 (10th Cir. 2013)

**Women's Reproductive Rights.** Judge Gorsuch has a demonstrated hostility towards a woman's right to access reproductive health care.

- Judge Gorsuch joined the majority in upholding the birth control accommodation for religiously-affiliated non-profit organizations, which allows them to opt out of providing birth control coverage by signing a form, but still ensures that women get that coverage from their regular insurance plan. *Little Sisters of the Poor Home for the Aged, Denver, Colo. v. Burwell*, 799 F.3d 1315 (10th Cir. 2015).
- Judge Gorsuch joined the majority in holding that corporations are persons exercising religion for purposes of the Religious Freedom Restoration Act (RFRA) and that the ACA contraceptive-coverage requirement was not enforceable as to the corporation. *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114 (10th Cir. 2013),

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*"We are deeply concerned by Judge Gorsuch's support for limiting the power of federal regulators and his hostilities towards the use of the courts to effectuate change in the social justice movement."*

*- Kim Tignor, Policy Director  
Lawyers' Committee for  
Civil Rights Under Law*

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*"It is not for secular courts to rewrite the religious complaint of a faithful adherent, or to decide whether a religious teaching about complicity imposes 'too much' moral disapproval on those only 'indirectly' assisting wrongful conduct."*

Judge Gorsuch's defense of opposition to the ACA's requirement of coverage of contraceptives. *Burwell vs. Hobby Lobby Stores*