



March 17, 2017

Hon. Mitch McConnell, Maj. Leader
U.S. Senate
S230 U.S. Capitol
Washington, D.C. 20510

Hon. Charles Schumer, Min. Leader
U.S. Senate
S221 U.S. Capitol
Washington, D.C. 20510

Hon. Chuck Grassley, Chairman
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Hon. Dianne Feinstein, Ranking Member
U.S. Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, D.C. 20510

**RE: LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW'S
STATEMENT REGARDING THE NOMINATION OF JUDGE NEIL GORSUCH TO
SERVE AS ASSOCIATE JUSTICE OF THE SUPREME COURT**

Dear Leader McConnell, Leader Schumer, Chairman Grassley, and Ranking Member Feinstein:

We, the undersigned members of the Board of Directors and Trustees of the Lawyers' Committee for Civil Rights Under Law, write to express our concern regarding the nomination of Judge Neil Gorsuch to serve as an Associate Justice of the United States Supreme Court. Since its creation in 1963 at the urging of President John F. Kennedy, the Lawyers' Committee for Civil Rights Under Law has been devoted to the recognition and enforcement of civil rights in the United States. While we have seen significant progress in America, the challenges of unlawful discrimination remain. Recognizing the Supreme Court's critical role in civil rights enforcement and the central role that the Court plays in our democracy, the Lawyers' Committee has long reviewed the record of nominees to the Court to determine whether the nominee demonstrates views that are consistent with the core civil rights principles for which we have long advocated.

During every term, critical cases come before the Supreme Court concerning issues of great public importance, including cases concerning the interpretation and application of the Constitution and federal civil rights laws. In evaluating nominees to the Court, the Lawyers' Committee has employed a rigorous standard with two distinct components: (1) exceptional competence to serve on the Court, and (2) profound respect for the importance of protecting the civil rights afforded by the Constitution and the nation's civil rights laws. We are concerned that there is an inadequate record to determine whether Judge Gorsuch has a commitment to protecting and safeguarding civil rights. Therefore, we cannot conclude that the second prong of our requirement for endorsement is satisfied. Based upon our review of Judge Gorsuch's record, we are concerned by both his narrow understanding of the rights that are protected by the



Constitution and his skeptical view about the importance of the federal courts' role in protecting those rights.

In his criminal justice decisions, Judge Gorsuch takes a narrow view of constitutional rights, including particularly Fourth Amendment rights. The judge's record also raises concerns given his views on educational opportunities and students with disabilities. Lastly, Judge Gorsuch has written a number of opinions on employment law issues in which he has disproportionately affirmed district court decisions dismissing claims asserted by people of color, women, and disabled people.

During his tenure as Deputy Assistant Attorney General at the U.S. Department of Justice, Judge Gorsuch assisted in managing the Civil Rights Division. We urge you to ask Judge Gorsuch to provide details about his involvement in the enforcement work and operations of the Division during his tenure. In addition, we also urge you to examine Judge Gorsuch's views regarding the importance of *stare decisis* in deciding constitutional issues, given the centrality of *stare decisis* to Supreme Court constitutional jurisprudence.

The U.S. Supreme Court stands at the helm of one of our most important institutions. Every term, critical cases come before the Court involving core areas of American life. Thus, a new Justice must be someone who will enhance the standing of the Court, while bringing true independence to the role. We look forward to working with the Committee to ensure that a full examination of Judge Gorsuch's record takes place, including a careful examination of his views concerning the interpretation and enforcement of civil rights laws. We reserve the opportunity to amend our position on this nominee based upon the hearing record.

Respectfully,

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