

March 17, 2017

The Honorable Charles E. Grassley, Chairman  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein, Ranking Member  
Committee on the Judiciary  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

We are a group of law professors and legal scholars who write to urge the Senate to confirm Judge Neil M. Gorsuch as the next Associate Justice of the Supreme Court of the United States. We are a diverse group of scholars with a wide range of backgrounds, and we hold both liberal and conservative political views. We are united, however, in the belief that Judge Gorsuch will bring the highest judicial standards to the Court.

Although we may not agree with each decision or vote he will cast, we all agree that Judge Gorsuch is eminently qualified to serve on the Court and that his jurisprudence is within the mainstream of contemporary legal thought. Taken together, these traits should ensure his confirmation.

Judge Gorsuch's credentials are first-rate. He holds an undergraduate degree from Columbia University, a law degree from Harvard University, and a doctorate in legal philosophy from Oxford University. His career has covered nearly every facet of the law. After law school, Judge Gorsuch served as a law clerk to Judge David Sentelle of the U.S. Court of Appeals for the D.C. Circuit and Justices Byron White and Anthony Kennedy of the Supreme Court. For ten years, he worked at the firm Kellogg, Huber, Hansen, Todd, Evans & Figel as both a trial and appellate lawyer, ultimately becoming a partner there. In 2005, Judge Gorsuch left private practice to serve the country, initially as Principal Deputy Associate Attorney General at the U.S. Department of Justice, overseeing all of the Department's civil litigating division.

In 2006, President George W. Bush nominated Judge Gorsuch to a seat on the U.S. Court of Appeals for the Tenth Circuit, a position to which the Senate confirmed him in just over two months with no opposition – a rarity in these times. Judge Gorsuch is also a scholar and a teacher, and serves as the Thomson Visiting Professor at the University of Colorado Law School.

Judge Gorsuch is widely known for his fairness and integrity, his analytical rigor, and his persuasive writing. As scholars of the law, we can attest that the law is full of gaps and ambiguities that can bedevil the most careful thinkers. But Judge Gorsuch has handled this complexity with great skill, and his opinions stand out for their learned quality. In writing them,

he routinely draws on law review articles and other scholarship, and he manifests a deep and nuanced understanding of the doctrines he applies. His wide-ranging intellect is equally on display in his extra-judicial publications and speeches, which include an academic book that grew out of his doctoral research and contributions to an important new treatise on the law of judicial precedent.

In closing, we note the costs of playing politics with judicial nominations. In his 2016 Year End Report, Chief Justice Roberts asked “why any lawyer would want a job that requires long hours, exacting skill, and intense devotion – while promising high stress, solitary confinement, and guaranteed criticism.” The political gauntlet that judicial nominations have become – highlighted most recently by the Senate’s outright refusal to consider the nomination of Judge Merrick Garland, also a brilliant judge eminently qualified for the Supreme Court – underscores this concern. Nominees expose themselves and their families to the withering glare of the modern media cycle and to political fortunes unconnected to their merit for the position. Senators of both parties employ arguments to delay and block nominees of the other party’s President, only to denounce these tactics when political fortunes are reversed. Litigants who depend on the efficient functioning of the courts to see justice done ultimately pay the price.

Judge Gorsuch has impeccable qualifications for a seat on the Supreme Court. His views fall well within the bounds of modern jurisprudence. Senators from both parties recognized this fact the last time he was nominated, confirming him quickly and without controversy. We urge the Senate to do so again.\*

Respectfully,

Michael B. Abramowicz  
The George Washington University Law School  
Professor of Law

Bruce Ackerman  
Yale Law School  
Sterling Professor of Law and Political Science

Jonathan H. Adler  
Case Western Reserve University School of Law  
Johan Verheij Memorial Professor of Law

Roger P. Alford  
Notre Dame Law School  
Professor of Law and Associate Dean

John S. Baker, Jr., Ph.D.  
Louisiana State University Paul M. Hebert Law Center  
Professor Emeritus of Law

---

\* University affiliations are for identification purposes only. The views of individual faculty members do not necessarily represent the views of the universities with which they are affiliated.

Jodi S. Balsam  
Brooklyn Law School  
Associate Professor of Clinical Law

Daniel D. Barnhizer  
Michigan State University College of Law  
Professor of Law

Stephanos Bibas  
University of Pennsylvania Law School  
Professor of Law and Criminology and Director, Supreme Court Clinic

Lackland H. Bloom, Jr.  
Southern Methodist University Dedman School of Law  
Professor of Law

James M. Boland  
Regent University School of Law  
Associate Professor

Curtis A. Bradley  
Duke University School of Law  
Professor of Law

Emily S. Bremer  
University of Wyoming College of Law  
Assistant Professor of Law

Lisa Schultz Bressman  
Vanderbilt Law School  
David Daniels Allen Distinguished Chair in Law

Michael B. Bressman  
Vanderbilt Law School  
Professor of the Practice of Law

Lester Brickman  
Benjamin N. Cardozo School of Law  
Emeritus Professor of Law

D. Scott Broyles  
Charlotte School of Law  
Professor

Adam Candeub  
Michigan State University College of Law  
Professor of Law

William J. Carney  
Emory University School of Law  
Charles Howard Candler Professor of Law Emeritus

Paul G. Cassell  
S.J. Quinney College of Law at the University of Utah  
Ronald N. Boyce Presidential Professor of Criminal Law

Nathan S. Chapman  
University of Georgia School of Law  
Assistant Professor of Law

Donald Earl Childress III  
Pepperdine University School of Law  
Professor of Law

Rodney D. Chrisman  
Liberty University School of Law  
Professor of Law

Margaret L. Christiansen  
Regent University School of Law  
Law Library Director

Bradford R. Clark  
The George Washington University Law School  
William Cranch Research Professor of Law

G. Marcus Cole  
Stanford Law School  
William F. Baxter-Visa International Professor of Law

Daniel A. Crane  
University of Michigan Law School  
Professor of Law

David Crump  
University of Houston Law Center  
Professor of Law

James A. Davids, J.D., Ph.D.  
Regent University School of Law  
Associate Professor

Christian C. Day  
Syracuse University College of Law  
Professor of Law

Eric A. DeGroff  
Regent University School of Law  
Professor

George W. Dent, Jr.  
Case Western Reserve University School of Law  
Professor of Law

Robert A. Destro  
The Catholic University of America Columbus School of Law  
Professor of Law

Gregory Dolin  
University of Baltimore School of Law  
Associate Professor of Law and Co-Director of the Center for Medicine and Law

Dwight G. Duncan  
University of Massachusetts School of Law  
Professor

Richard F. Duncan  
University of Nebraska College of Law  
Welpton & Wise Professor of Constitutional Law

Stephen D. Easton  
University of Wyoming College of Law  
Professor of Law

E. Donald Elliott  
Yale Law School  
Professor (Adjunct) of Law

Richard A. Epstein  
New York University School of Law  
Laurence A. Tisch Professor of Law

Daniel R. Fischel  
University of Chicago Law School  
Lee and Brena Freeman Professor Emeritus of Law and Business

Brian Fitzpatrick  
Vanderbilt Law School  
Professor of Law

Elizabeth Price Foley  
Florida International University College of Law  
Professor of Law

Bruce P. Frohnen  
Ohio Northern University College of Law  
Ella and Ernest Fisher Professor of Law

Bryan A. Garner  
Southern Methodist University Dedman School of Law  
Distinguished Research Professor of Law

Nicole Stelle Garnett  
Notre Dame Law School  
John P. Murphy Foundation Professor of Law

Richard W. Garnett  
Notre Dame Law School  
Paul J. Schierl / Fort Howard Corporation Professor of Law

Patrick M. Garry  
University of South Dakota School of Law  
Professor of Law

Scott W. Gaylord  
Elon University School of Law  
Professor of Law

Stephen G. Gilles  
Quinnipiac University School of Law  
Professor of Law

Mary Ann Glendon  
Harvard Law School  
Learned Hand Professor of Law

Alberto R. Gonzales  
Belmont University College of Law  
Dean and Doyle Rogers Distinguished Professor of Law

Sean J. Griffith  
Fordham University School of Law  
T.J. Maloney Chair in Business Law and Professor of Law

Melissa Hart  
University of Colorado Law School  
Professor of Law

Robert H. Henry  
Oklahoma City University  
President and CEO

Louis W. Hensler III  
Regent University School of Law  
Professor

Joel D. Hesch  
Liberty University School of Law  
Professor of Law

Carissa Byrne Hessick  
University of North Carolina School of Law  
Distinguished Professor of Law

Robert W. Hillman  
UC Davis School of Law  
Distinguished Professor of Law

Scott C. Idleman  
Marquette University Law School  
Professor of Law

Bradley P. Jacob  
Regent University School of Law  
Associate Professor

Lyman P.Q. Johnson  
Washington and Lee University School of Law  
Robert O. Bentley Professor of Law

Steve R. Johnson  
Florida State University College of Law  
Dunbar Family Professor of Law

Jason S. Johnston  
University of Virginia School of Law  
Henry L. and Grace Doherty Charitable Foundation Professor of Law

Douglas A. Kahn  
University of Michigan Law School  
Paul G. Kauper Professor of Law Emeritus

Martin J. Katz  
University of Denver Sturm College of Law  
Professor of Law

Richard S. Kay  
University of Connecticut School of Law  
Wallace Stevens Professor of Law Emeritus

Layne Keele  
Faulkner University Thomas Goode Jones School of Law  
Associate Professor of Law

Jeremy Kidd  
Mercer University School of Law  
Associate Professor of Law

Joshua Kleinfeld  
Northwestern Pritzker School of Law  
Associate Professor of Law

Donald J. Kochan  
Chapman University Dale E. Fowler School of Law  
Associate Dean for Research and Faculty Development and Professor of Law

Kurt T. Lash  
University of Illinois College of Law  
Guy Raymond Jones Chair in Law and Co-Director of the Program in Constitutional Theory,  
History, and Law

Alfred R. Light  
St. Thomas University School of Law  
Professor of Law



Tory L. Lucas  
Liberty University School of Law  
Associate Professor of Law

Adam J. MacLeod  
Faulkner University Thomas Goode Jones School of Law  
Associate Professor of Law

Gregory E. Maggs  
The George Washington University Law School  
Professor of Law

Julia D. Mahoney  
University of Virginia School of Law  
John S. Battle Professor of Law

Paul G. Mahoney  
University of Virginia School of Law  
David and Mary Harrison Distinguished Professor of Law

Earl M. Maltz  
Rutgers Law School  
Distinguished Professor of Law

Dayna Matthew  
University of Colorado Law School  
Professor of Law

Stephen R. McAllister  
University of Kansas School of Law  
E.S. & Tom W. Hampton Distinguished Professor of Law

Barry P. McDonald  
Pepperdine University School of Law  
Professor of Law

Douglas McFarland  
Mitchell Hamline School of Law  
Emeritus Professor of Law

Phillip L. McIntosh  
Mississippi College School of Law  
Associate Dean for Civil Law and Foreign Studies and Professor of Law

Marah Stith McLeod  
Notre Dame Law School  
Associate Professor

Timothy Meyer  
Vanderbilt Law School  
Professor of Law

Linda R. Meyer  
Quinnipiac University School of Law  
Professor of Law

Paul S. Milich  
Georgia State University College of Law  
Professor of Law and Director of Advocacy Program

Robert T. Miller  
University of Iowa College of Law  
Professor of Law and F. Arnold Daum Fellow in Corporate Law

Luke M. Milligan  
University of Louisville Brandeis School of Law  
Professor of Law

Mark Moller  
DePaul University College of Law  
Associate Professor of Law

David H. Moore  
Brigham Young University Law School  
Associate Dean and Professor of Law

Michael P. Moreland  
Villanova University Charles Widger School of Law  
Professor of Law

John D. Morley  
Yale Law School  
Professor of Law

James E. Murphy  
Regent University School of Law  
Lecturer

Gary Myers  
University of Missouri School of Law  
Earl F. Nelson Professor of Law

Richard E. Myers II  
University of North Carolina School of Law  
Henry Brandis Distinguished Professor of Law

Robert F. Nagel  
University of Colorado Law School  
Professor Emeritus

John Copeland Nagle  
Notre Dame Law School  
John N. Matthews Professor of Law

Dale Arthur Oesterle  
The Ohio State University Moritz College of Law  
Professor of Law

Gregory L. Ogden  
Pepperdine University School of Law  
Professor of Law

John K.M. Ohnesorge  
University of Wisconsin Law School  
George Young Bascom Professor of Business Law and Director of the East Asian Legal Studies  
Center

Joseph Olson  
Mitchell Hamline School of Law  
Emeritus Professor of Law

Seth C. Oranburg  
Duquesne University School of Law  
Assistant Professor of Law

Antonio F. Perez  
The Catholic University of America Columbus School of Law  
Professor of Law

Jeffrey Pojanowski  
Notre Dame Law School  
Professor of Law

Stephen B. Presser  
Northwestern Pritzker School of Law  
Raoul Berger Professor of Legal History Emeritus

Adam C. Pritchard  
University of Michigan Law School  
Frances and George Skestos Professor of Law

Robert J. Pushaw  
Pepperdine University School of Law  
James Wilson Endowed Professor of Law

Carolyn Ramsey  
University of Colorado Law School  
Professor of Law

Michael D. Ramsey  
University of San Diego School of Law  
Hugh and Hazel Darling Foundation Professor of Law

Cassandra Burke Robertson  
Case Western Reserve University School of Law  
Professor of Law and Director of the Center for Professional Ethics

Randall W. Roth  
University of Hawaii William S. Richardson School of Law  
Professor of Law

Ronald D. Rotunda  
Chapman University Dale E. Fowler School of Law  
Doy and Dee Henley Chair and Distinguished Professor of Law

Ronald J. Rychlak  
The University of Mississippi School of Law  
Professor and Jamie L. Whitten Chair of Law and Government

Paul E. Salamanca  
University of Kentucky College of Law  
Professor of Law

Nathan A. Sales  
Syracuse University College of Law  
Associate Professor of Law

Tuan Samahon  
Villanova University Charles Widger School of Law  
Professor of Law

Lee D. Schinasi  
Barry University School of Law  
Associate Professor of Law

Alan Schwartz  
Yale Law School  
Sterling Professor of Law

Sean B. Seymore  
Vanderbilt Law School  
Professor of Law

Bradley Shannon  
Florida Coastal School of Law  
Professor of Law

Charles A. Shanor  
Emory University School of Law  
Professor of Law Emeritus

Steven Shavell  
Harvard Law School  
Professor of Law and Economics

Howard Shelanski  
Georgetown University Law Center  
Professor of Law

Suzanna Sherry  
Vanderbilt Law School  
Herman O. Loewenstein Professor of Law

Dawinder S. Sidhu  
University of New Mexico School of Law  
Associate Professor of Law

Ric Simmons  
The Ohio State University Moritz College of Law  
Professor of Law

Gregory C. Sisk  
University of St. Thomas School of Law (Minnesota)  
Laghi Distinguished Chair in Law

Stephen F. Smith  
Notre Dame Law School  
Professor of Law

Thomas A. Smith  
University of San Diego School of Law  
Professor of Law

O. Carter Snead  
Notre Dame Law School  
Professor of Law and Director of the Center for Ethics and Culture

Michael E. Solimine  
University of Cincinnati College of Law  
Professor of Law

Andrew C. Spiropoulos  
Oklahoma City University School of Law  
Robert S. Kerr Sr. Professor of Constitutional Law

Gabrielle Marks Stafford  
University of Colorado Law School  
Legal Writing Professor

Todd M. Stafford  
University of Colorado Law School  
Legal Writing Professor

Paul Stancil  
Brigham Young University Law School  
Professor of Law

James Y. Stern  
William & Mary Law School  
Associate Professor of Law

Kate Stith  
Yale Law School  
Lafayette S. Foster Professor of Law

Victoria Sutton  
Texas Tech University School of Law  
Paul Whitfield Horn Professor of Law

Alan O. Sykes  
Stanford Law School  
Professor of Law

Deanell Reece Tacha  
Pepperdine University School of Law  
Duane and Kelly Roberts Dean and Professor of Law

Eric Talley  
Columbia Law School  
Isidor and Seville Sulzbacher Professor of Law

Jan C. Ting  
Temple University Beasley School of Law  
Professor of Law

Adrian Vermeule  
Harvard Law School  
Ralph S. Tyler, Jr. Professor of Constitutional Law

Alexander “Sasha” Volokh  
Emory University School of Law  
Associate Professor of Law

Eugene Volokh  
UCLA School of Law  
Gary T. Schwartz Distinguished Professor of Law

Eli Wald  
University of Denver Sturm College of Law  
Charles W. Delaney Jr. Professor of Law

E. Gregory Wallace  
Campbell University School of Law  
Associate Professor of Law

Amy L. Wax  
University of Pennsylvania Law School  
Robert Mundheim Professor of Law

Matthew C. Waxman  
Columbia Law School  
Liviu Librescu Professor of Law

Russell L. Weaver  
University of Louisville Brandeis School of Law  
Professor of Law and Distinguished University Scholar

Donald J. Weidner  
Florida State University College of Law  
Dean Emeritus and Alumni Centennial Professor

Joan G. Wexler  
Brooklyn Law School  
Emerita Dean and Professor of Law

James J. White  
University of Michigan Law School  
Robert A. Sullivan Professor of Law Emeritus

Steven J. Willis  
University of Florida Levin College of Law  
Professor of Law

William A. Woodruff  
Campbell University School of Law  
Professor of Law

Stephen Yelderman  
Notre Dame Law School  
Associate Professor of Law

Christopher S. Yoo  
University of Pennsylvania Law School  
John H. Chestnut Professor of Law, Communication, and Computer & Information Science

David Zarfes  
University of Chicago Law School  
Clinical Professor of Law