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,

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