

PRESENTATION OF NEIL GORSUCH,
NOMINEE TO BE ASSOCIATE JUSTICE OF THE UNITED STATES,
BY HON. MICHAEL F. BENNET, A U.S. SENATOR FROM THE STATE OF COLORADO

It is a distinct privilege to be here today to introduce Judge Neil Gorsuch—a son of Colorado, born and raised in Denver, with a distinguished record of public service, private practice, and outstanding integrity and intellect.

And I welcome his wife, Louise, who met the Judge during their studies at Oxford, and who moved from the United Kingdom to Colorado, where they now live with their two daughters outside of Boulder.

My colleague, Senator Gardner, has done a great job summarizing Judge Gorsuch's professional background. His experience and his approach to his work has earned him the respect of the bench and the bar in our state.

Judge Gorsuch's family has deep roots in Colorado. His grandfather grew up in an Irish tenement in Denver and began supporting his family at the age of 8. His other grandfather was a lawyer who worked his way through law school serving as a streetcar conductor in Denver. His grandmother was one of the first women to graduate the University of Denver in the 1920s.

As a person and as a lawyer, Judge Gorsuch exemplifies some of the finest qualities of Colorado—a state filled with people who are kind to one another, who by and large do not share the conceit that one party or one ideology is all right and the other all wrong, and who are conscious of the legacy we owe the generations who forged our state out of a Western territory of the United States.

If confirmed, Judge Gorsuch will be the first Justice since Sandra Day O'Connor from the West. No less an authority than Justice Scalia observed this lack of representation when he wrote in dissent in *Obergefell v. Hodges* that the Court has “[n]ot a single . . . genuine Westerner,” and then added in parentheses, “(California does not count).” And with respect to our Ranking Member, I think I speak for my colleague from Colorado that on this point—and perhaps on this point alone—he, I, and Justice Scalia are in agreement.

I am also here because I believe the Senate has a Constitutional duty to give fair consideration to this nominee, just as we had a duty to consider fairly Judge Merrick Garland, President Obama's nominee to fill this vacancy.

I am not naïve about the reasons the Senate majority denied Judge Garland a hearing and a vote. The Senate's failure to do its duty with respect to Judge Garland was an embarrassment to this body that will be recorded in history and in the lives of millions of Americans. And, it is tempting to deny Judge Gorsuch a fair hearing because of the Senate's prior failure.

But, Mr. Chairman, two wrongs never make a right. The Supreme Court is too important for us not to find a way to end our destructive gridlock and bitter partisanship. In my mind, I consider Judge Gorsuch as a candidate to fill the Garland seat on the Supreme Court. And out of respect for both Judge Garland and Judge Gorsuch's service, integrity, and commitment to the rule of law, I suggest we fulfill our responsibility to this nominee and the country by considering his nomination in the manner his predecessor deserved but was denied.

Mr. Chairman, there is a second cloud that hangs over this confirmation hearing. It is President Trump's reckless attacks on the judiciary. These attacks, like the President's attacks on the free press, have no precedent in the history of our Republic.

The independence of our courts is an essential strength of our democracy. Attacking the judicial branch erodes the public confidence that gives force to their judgments. It damages the very foundations of our Constitutional system. Disagreeing with a court's decision is acceptable; disparaging a judge is always wrong.

I have no doubt that, unlike the President, Judge Gorsuch has profound respect for an independent judiciary and the vital role it plays as a check on the executive and legislative branches. I may not always agree with his rulings, but I believe Judge Gorsuch is unquestionably committed to the rule of law.

Mr. Chairman, it is customary for senators to introduce nominees from their home state, and I am not here today to take a position or persuade any of our colleagues how to vote: that is a matter of conscience for each of us.

I am keeping an open mind about this nomination and expect this week's hearings will shed light on Judge Gorsuch's judicial approach and views of the law. Like many Americans, I look forward to the Committee's questions and the testimony from the nominee.

And as one of two Americans privileged to represent the State of Colorado in the United States Senate, I am here this afternoon to uphold a tradition with the hope that, in some small way, it helps restore the Senate's strong history of comity and cooperation, especially in our Nation's most difficult times.

Whatever the result of these hearings, we Senators must respond, in some way, to the expectations of most Coloradans and most Americans who are eager for us to work together and to treat each other with respect, particularly when it comes to extraordinarily important decisions like this one.

Thank you, Mr. Chairman.

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