

**INTRODUCTION OF JUDGE NEIL GORSUCH
TO THE SENATE JUDICIARY COMMITTEE
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BY NEAL KUMAR KATYAL
HOGAN LOVELLS US LLP PARTNER, AND
PAUL AND PATRICIA SAUNDERS PROFESSOR OF LAW,
GEORGETOWN UNIVERSITY**

Thank you, Mr. Chairman and Senator Feinstein.

It is my distinct privilege to introduce Judge Gorsuch to this honorable Committee. Unlike Senators Gardner and Bennet, I am (unfortunately) only a part-time Colorado resident, but I am very proud to see this distinguished Judge from our Tenth Circuit be nominated for this position of singular importance.

Judge Gorsuch was born in Denver, Colorado in 1967, the fourth generation of his family to hail from the state. After graduating from high school, he headed East, to Columbia and then Harvard Law School. He clerked for Judge David Sentelle and Justices Byron White and Anthony Kennedy. Judge Gorsuch then joined a law firm, where he stayed for a decade. After taking on a leadership role at the Justice Department, he returned to his native Colorado in 2006, as a judge on the Court of Appeals for the Tenth Circuit. I suppose the fly-fishing in D.C. just wasn't good enough.

In the few minutes I have, I'd like to bring you into my world of litigating before the Supreme Court of the United States. I have argued 32 cases there over the last decade or so, with two more arguments coming next month. My arguments have been on behalf of just about the most diverse client base imaginable -- death penalty inmates, states, the federal government, individual citizens, Native American Tribes, our nation's largest corporations, and everyone in between.

I can tell you that the one thing you really want, when in front of the Court, is just an opportunity to be treated fairly. To have your position listened to, not caricatured, and treated with the gravity it deserves. To have jurists who work day and night to get to the right answer -- not motivated by party or politics, but by a sense of justice.

And honestly, that is how our Supreme Court works. Every time I'm there, I get a lump in my throat, because I get to see it firsthand. I wish the Court would televise its proceedings so that all Americans could see what I see.

And it is because of that deep need for fairness on the Court that I am, as so many Americans are, outraged that Merrick Garland does not sit on it today. I've had the pleasure of appearing before Chief Judge Garland in court, where he has grilled me--once for over an hour. (Come to think of it, I'm not quite sure that "pleasure" is the right word for a litigant who appears before him.) Garland's brilliance, experience,

fairness, and meticulous attention to detail make him perhaps the most qualified nominee *ever* to have been nominated to the Court. And I have no doubt that if Merrick Garland had been confirmed and another vacancy had opened up, Judge Gorsuch would sail through close to 100-0. But that isn't the world we are in. It is a tragedy of national proportions that Merrick Garland is not on the Court.

And it would take a lot to get over that. Indeed, there are less than a handful of people that the President could have nominated to even conceivably start to rebuild that loss of trust in our political branches. But in my opinion, Neil Gorsuch is one. I say that knowing many in my party will disagree, and think the damage cannot be repaired, no matter who the nominee is. I can understand that conclusion. For those folks, there is nothing I can say about the nominee to make things right. But if you have not closed your mind to the possibility of a new nominee, despite the undeserved and unprecedented treatment of Merrick Garland, I'd like to tell you a bit about Judge Gorsuch.

My remarks today about the Judge should come as no surprise to anyone, they are precisely what I have said many times since the day he was nominated. And they are not prompted by any sense of whether the results in my cases or other cases that matter to my wide-ranging client base would come out one way or the other if Judge Gorsuch casts the ninth vote. I could not begin to guess. Like others who litigate in and advocate before the Court who have spoken out historically about nominees, the bottom line is that we all want a Court composed of fair people with the highest professional standards. We as members of the Bar will sometimes win, and sometimes lose; what we crave most of all is someone who will give litigants a fair shake.

So there is a reason why our Supreme Court bar has lined up behind Judge Gorsuch. There is a reason why the American Bar Association has given him the highest rating. I have seen Judge Gorsuch in action, hearing cases. And I have studied his written opinions. This is a first rate intellect, and a fair, and decent, man.

Judge Gorsuch and I serve together on the Federal Appellate Rules Committee. It's complicated work, and quite honestly, not the sort that most people find particularly interesting, but the Judge commits himself to it fully, and his work reflects his commitment to resolving disputes according to established procedures and standards. That is, the Judge's work on the committee reflects his dedication to the rule of law.

The Judge's commitment to the rule of law would endear him to the founders. Ours is a government of laws, not of men and women. That principle is the essence of constitutional government and the foundation of our freedom, and the judiciary is charged with upholding it. The courts say what the law is, and therefore determine what the government can and cannot do. And our history shows that when the tumult of politics and the power of government are kept within the bounds of the law, our country benefits.

Yet if ours is to remain a government of laws, the subjects of the law must not be allowed to interpret it for themselves. No one can be a judge in his own cause — especially not Congress or the President. The founders therefore ensured that the judiciary was independent of the executive and legislative branches. “The complete independence of the courts of justice is peculiarly essential in a limited Constitution...,” Alexander Hamilton wrote in Federalist 78. “Without this, all the reservations of particular rights or privileges would amount to nothing.”

We live in a unique time. The current President has in the past displayed open contempt for the courts, attacking judges who disagree with him and even questioning their legitimacy and motives. Judges who have questioned the President have had to be placed under increased security and protection because of the reaction among some members of the public. Between the President’s attacks on the judiciary and his controversial policies, he seems intent on testing the independence and integrity of our court system.

And that brings me, once again, to my support of Judge Gorsuch. As a judge, he has displayed a resolute commitment to the rule of law and the independence of the judiciary. Even those who disagree with him concede that the Judge’s decisions are meticulously crafted and grounded in the law and our Constitution. And when the Judge believes that the government has overstepped its powers, he is willing to rule against it.

It’s incredibly difficult to make the transition to “Justice.” From different vantagepoints, I have been privileged to watch two of my former bosses, Justices Kagan and Breyer, go through it. It’s not just the massive power one all of a sudden wields, it is the glare of the spotlight, an awareness of becoming part of history, and – most important – getting along with 8 new colleagues who will be at your side for decades. To do this well is hard, really hard. It requires equal parts, and huge amounts, of humility and ability. That’s what Justices Kagan and Breyer brought to their transitions, and what Judge Gorsuch would bring to his: In short, to make up a word, Judge Gorsuch brings copious amounts of Humability (humility & ability) and I know it will serve him, and the Court and public, very well.

In sum, Judge Gorsuch and I come from different sides of the political spectrum; we disagree about many things. But we agree on the most important things: That all people are equal before the law, and that a judge’s duty is to the law, and to the Constitution above all. The Judge has upheld these principles throughout his time on the bench, and I know he would continue to uphold them as a Justice on our Supreme Court. It is therefore my honor to recommend that his nomination be reported favorably to the Senate.