



March 21, 2017

United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510-6050

Dear Members of the Senate Judiciary Committee:

On behalf of the Ms. Foundation for Women, the longest-standing public women's foundation in the country, I write to express our opposition to the confirmation of Judge Neil Gorsuch as Associate Justice of the United States Supreme Court.

For 44 years, the Ms. Foundation for Women has supported women- and women of color-led grassroots movements for justice across the country. We were one of the earliest institutions to fund efforts to protect women from wage discrimination, theft, and unsafe working conditions, and we were among the first funders to provide resources and capacity-building support to organizations on the frontlines of the fight for reproductive justice. Today, we continue to speak out for economic security, health, and safety for *all* women. We understand the vital role the judiciary plays in protecting rights that enable all women to live with dignity and free from harm.

Given Judge Gorsuch's record as a jurist, we believe his confirmation to the Supreme Court would cause serious harm to women, in particular low-income women and women of color.

In fact, Judge Gorsuch's rulings have already harmed these communities. His consequential opinion in *Hobby Lobby v. Sebelius* enabled companies to withhold insurance coverage for birth control on religious grounds, effectively limiting access to health care. More recently, his dissent in *Planned Parenthood Association of Utah v. Herbert* upheld a statewide ban on funding for Planned Parenthood. This ban, put in place after deceptive videos of Planned Parenthood employees were released, would have compromised the health, safety, and economic security of tens of thousands of women and men in Utah. At a time when low-income communities' access to comprehensive health care services, including reproductive care, is under threat, we need to be sure that the next Associate Justice will not politicize their health. Unfortunately, it seems clear that Judge Gorsuch privileges 'religious freedom' over access to care.

We are equally concerned about Judge Gorsuch's potential rulings on police officers' use of excessive force. He has repeatedly ruled in favor of police officers in these cases, including one in which an officer put a 67-pound, 9 year old boy in an arm twist lock and handcuffed him. Judge Gorsuch absolved the officer of any wrongdoing, calling the actions "regrettable." What we find deeply regrettable is Judge Gorsuch's apparent callousness toward police violence. The

grassroots organizations we support know firsthand the threats that communities of color, especially transgender women of color, face every day in this country, and we urge the committee to consider the impact of confirming an Associate Justice who has failed, at nearly every opportunity, to honor their safety.

In addition to Judge Gorsuch's troubling record, the allegations that he made statements last year condoning pregnancy discrimination are disturbing and deserve serious scrutiny. One of Judge Gorsuch's former law students has written to you describing these sexist remarks, which she also reported to the University of Colorado. At the time of this writing, at least one classmate has corroborated this characterization of Judge Gorsuch's statements. These allegations suggest that Judge Gorsuch may not only find fault with existing workplace protections against sex discrimination but also harbor his own gendered biases against women in the workplace – discriminatory beliefs which should have *no* place on our country's highest court. Taking into account Judge Gorsuch's judicial record, including his dismissal of a UPS employee's sex discrimination case, we urge you to seriously examine Judge Gorsuch's views on the legality of workplace protections.

Time and again, Judge Gorsuch has favored corporations over people. His history of siding with powerful interests over communities with the least power should be concerning to anyone who believes in justice for all. We urge you to oppose his confirmation as Associate Justice. If we can be a resource, or should you need additional information, please contact Alyson Silkowski at [asilkowski@ms.foundation.org](mailto:asilkowski@ms.foundation.org) or 212-709-4423.

Sincerely,



Teresa C. Younger  
President and CEO  
Ms. Foundation for Women