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March 9, 2017

The Honorable Mitch McConnell
 Majority Leader
 United States Senate
 S230 US Capitol
 Washington, DC 20510

The Honorable Charles Schumer
 Minority Leader
 United States Senate
 S221 US Capitol
 Washington, DC 20510

The Honorable Charles Grassley
 Chairman
 Senate Committee on the Judiciary
 224 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Dianne Feinstein
 Ranking Member
 Senate Committee on the Judiciary
 152 Dirksen Senate Office Building
 Washington, DC 20510

Dear Leader McConnell, Leader Schumer, Chairman Grassley, and Ranking Member Feinstein:

The National Council of Jewish Women (NCJW) writes to express its strong opposition to the confirmation of Judge Neil Gorsuch to the US Supreme Court. NCJW believes that only those committed to upholding constitutional rights and fundamental freedoms should be confirmed to our nation’s highest court. Judge Gorsuch, through his opinions and essays, has made it clear that he has no respect for the constitutional principles that have supported the progress made by women and people of color throughout our country’s history. The Supreme Court is the final arbiter of our laws, and its rulings dramatically impact the lives and rights of all Americans. **Nonetheless, Judge Gorsuch has demonstrated, time and time again, that he prioritizes corporations and the wealthy over the people most in need of the Court’s protection.**

Senator Grassley, in 2009, **you said:**

Because Supreme Court Justices have the last say with respect to the law and have the ability to make precedent, they do not have the same kinds of restraints lower court judges have. So we need to be convinced these nominees have judicial restraint—in other words, the self-restraint to resist interpreting the Constitution to satisfy their personal beliefs and preferences... The preservation of our individual freedoms depends on limiting policymaking to legislators rather than on elected judges who have a lifetime appointment.ⁱ

These words ring true today. Unfortunately, Judge Gorsuch’s record on the Court of Appeals for the Tenth Circuit demonstrates his lack of judicial restraint. Indeed, Gorsuch has a clear agenda; his rulings do not reflect the impartiality and independence the American people expect and deserve from the federal bench.

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Throughout his tenure on the bench, Judge Gorsuch has repeatedly demonstrated the exact lack of self-restraint against which Senator Grassley warned. Perhaps most notably, Judge Gorsuch joined the Tenth Circuit's majority opinion in *Hobby Lobby Stores, Inc. v. Sebelius*,ⁱⁱ which allowed for-profit employers to refuse to comply with the contraceptive coverage benefits of the Affordable Care Act — policy properly made by legislators — without any regard for the constitutionally-guaranteed rights of women and families or the integrity of the legislative process. He went even further in his concurring opinion, essentially prioritizing individual business owners' personal religious views over those of female employees.ⁱⁱⁱ

Judge Gorsuch has repeatedly shown hostility to nearly every population with rights at risk, from women and workers to the environment and beyond. **His extensive writings reveal his identity as an ideological warrior, not an open-minded jurist.** While on the Tenth Circuit, Judge Gorsuch has argued against agency-imposed company fines when the company's lack of safety training led to an employee's death;^{iv} protected medical device companies from liability when patients were harmed by the companies' products, which were neither FDA-approved nor proven to be safe and effective;^v and upheld the denial of long-term benefits to a disabled employee despite the employee's physician's determination that the employee was, indeed, fully disabled.^{vi}

Our next Supreme Court justice must be a fair and independent individual who will stand up for constitutional values and protections for everyone — not just corporations and the wealthy. Judge Neil Gorsuch is not this individual. Accordingly, we strongly **urge the Senate Judiciary Committee to vote against the confirmation** of Judge Gorsuch to the US Supreme Court.

Sincerely,



Nancy K. Kaufman
CEO, National Council of Jewish Women

ⁱ 155 Cong. Rec. S8923 (2009) (statement of Sen. Charles Grassley).

ⁱⁱ 723 F.3d 1114 (10th Cir. 2013).

ⁱⁱⁱ *Id.* (Gorsuch, J., concurring).

^{iv} *Compass Environmental, Inc. v. OSHRC*, 633 F.3d 1164, 1170 (10th Cir. 2011) (Gorsuch, J., dissenting).

^v *Caplinger v. Medtronic, Inc.*, 784 F.3d 1335 (10th Cir. 2015).

^{vi} *Lucas v. Liberty Life Assurance Co. of Boston*, 444 F.App'x 243 (10th Cir. 2011).