

February 1, 2017

**Via Certified Mail & Email**

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510  
senator@mcconnell.senate.gov

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Chuck Grassley  
Chairman  
United States Senate Judiciary Committee  
135 Hart Senate Office Building  
Washington, D.C. 20510  
chuck\_grassley@grassley.senate.gov

The Honorable Patrick Leahy  
Ranking Member  
United States Senate Judiciary Committee  
437 Russell Senate Office Building  
Washington DC 20510  
senator\_leahy@leahy.senate.gov

**Re: A communication from the States of West Virginia, Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, South Carolina, Texas, Utah, Wisconsin, and Wyoming regarding the nomination of Judge Neil Gorsuch to the Supreme Court of the United States**

Dear Senators McConnell, Schumer, Grassley, and Leahy:

As the chief legal officers of our States, we write to urge the U.S. Senate to promptly hold a hearing on and confirm the nomination of Judge Neil Gorsuch to the Supreme Court of the United States. Judge Gorsuch is an outstanding jurist with a proven commitment to upholding the U.S. Constitution and the rule of law. We have no doubt that he possesses the qualifications, temperament and judicial philosophy to be an excellent Associate Justice.

President Trump campaigned on the promise that he would fill the seat formerly occupied by Justice Antonin Scalia with a jurist who shared the late Justice's commitment to interpreting the Constitution as written, rather than as judges might wish it were written. Now that he has been elected, President Trump has fulfilled that campaign promise through the nomination of

Judge Gorsuch, a committed constitutionalist. The Senate should respect the will of the voters in this last election by confirming President Trump's choice without delay.

Confirmation of Judge Gorsuch to the Supreme Court will have a profound and positive impact on the people in our States. Over the past eight years, the people have suffered from the massive federal overreach in Washington, D.C. as all three branches of government have at times exceeded the limits placed on their authority under the Constitution. In particular, the executive branch has placed onerous and unlawful regulatory burdens on consumers, employees, investors, and businesses. Judge Gorsuch will help reverse that trend by ensuring that the legislative and executive branches, whether controlled by either party, act within their constitutionally assigned roles.

Over the past eight years, federal agencies have also impermissibly intruded on the regulatory authority of the States and commandeered state governments to carry out President Obama's agenda. As the chief legal officers of our States, we have a special interest in ensuring that the federal government respects our role in enforcing policies on matters of local concern reserved to the States under the Constitution. It is imperative that the States and their Attorneys General be able to make and enforce their own environmental, educational, and consumer protection policies, among other things, free from interference from the federal government, unless Congress or the President acts within their specifically enumerated powers.

Judge Gorsuch is particularly well-suited to enforce the Constitution's structural limitations and protect the institutional prerogatives of the States. Judge Gorsuch was confirmed to the Tenth Circuit by a bipartisan, unanimous "voice vote" in the Senate in 2006 and has vindicated the Senate's trust in him in his ensuing decade on that court. In a speech last year commemorating Justice Scalia, he eloquently said that "an assiduous focus on text, structure, and history is essential to the proper exercise of the judicial function" and identified himself as a "believer that the traditional account of the judicial role Justice Scalia defended will endure." On the Tenth Circuit, Judge Gorsuch has written about the judiciary's obligation to act as a meaningful check on federal agencies that exceed their authority and to interpret the Constitution according to its original public meaning. He has also championed the judiciary's critical role in protecting religious beliefs from government interference.

In short, we are convinced that, as the next Supreme Court Justice, Judge Gorsuch will be committed to resisting unlawful government overreach, respecting the democratic process, and protecting individual liberties. We strongly urge all Senators—and particularly the home-state Senators of the undersigned Attorneys General—to express their public support for the prompt confirmation of Judge Gorsuch to the U.S. Supreme Court.

The Honorable Senators McConnell, Schumer, Grassley, and Leahy

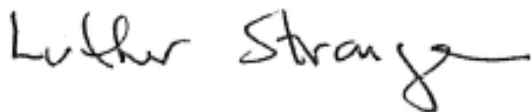
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Sincerely,



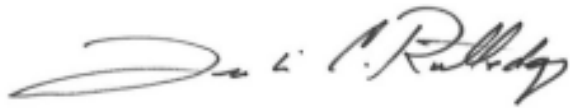
Patrick Morrisey  
West Virginia Attorney General



Luther Strange  
Alabama Attorney General



Mark Brnovich  
Arizona Attorney General



Leslie Rutledge  
Arkansas Attorney General



Pamela Jo Bondi  
Florida Attorney General



Christopher M. Carr  
Georgia Attorney General



Curtis T. Hill, Jr.  
Indiana Attorney General



Derek Schmidt  
Kansas Attorney General



Jeff Landry  
Louisiana Attorney General



Bill Schuette  
Michigan Attorney General



Josh Hawley  
Missouri Attorney General



Timothy Fox  
Montana Attorney General



Alan Wilson  
South Carolina Attorney General



Doug Peterson  
Nebraska Attorney General



Ken Paxton  
Texas Attorney General



Adam Paul Laxalt  
Nevada Attorney General



Sean D. Reyes  
Utah Attorney General



Wayne Stenehjem  
North Dakota Attorney General



Brad D. Schimel  
Wisconsin Attorney General



Peter Michael  
Wyoming Attorney General

CC:

President Donald J. Trump  
Vice President Michael R. Pence