

February 14, 2017

The Honorable Charles E. Grassley, Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

Each of us has had the privilege of serving as a law clerk to Judge Neil M. Gorsuch of the U.S. Court of Appeals for the Tenth Circuit. We came to his chambers from sixteen different law schools in four different time zones. Following our time in his service, we have gone on to every part of the legal profession. Some of us practice in law firms or elsewhere in the private sector. Others work for nonprofits or in government service. Still others teach law. Our political views span the spectrum, and among us you will find differing views on how the Senate handled the nomination of Judge Merrick Garland. But we are united in our view that Judge Gorsuch is an extraordinary judge. The undersigned are every single one of Judge Gorsuch's former clerks not currently clerking for a Justice. All of us strongly support his confirmation as the next Associate Justice of the Supreme Court.

Judge Gorsuch's qualifications are impeccable: He holds an undergraduate degree from Columbia University, a law degree from Harvard Law School, and a doctorate in legal philosophy from Oxford University. He began his career as a law clerk to Judge David Sentelle of the U.S. Court of Appeals for the D.C. Circuit and later clerked for Supreme Court Justices Byron White and Anthony Kennedy. As a partner at Kellogg, Huber, Hansen, Todd, Evans & Figel PLLC — a litigation boutique he joined when it was just a startup — he represented plaintiffs and defendants in both trials and appeals. While at Kellogg, he was instrumental in winning and successfully defending the single largest antitrust enforcement award in U.S. history. He then served at the U.S. Department of Justice as Principal Deputy Associate Attorney General, overseeing all the Department's civil litigating divisions. As a testament to Judge Gorsuch's character and strong qualifications, President George W. Bush nominated him to serve as a judge on the Tenth Circuit. The Senate confirmed him just over two months later without opposition — and indeed with the bipartisan support of his home state Senators, Wayne Allard and Ken Salazar. At the time, he was only 38 years old.

Throughout his career, Judge Gorsuch has devoted himself to the rule of law. He believes firmly that the role of the judge in our democracy is to apply the laws made by the political branches — that is, to adhere to our Constitution and the statutes our elected representatives have enacted, and not to confuse those things with a judge's own policy

preferences. As law clerks who have worked at his side, we know that Judge Gorsuch never resolves a case by the light of his personal view of what the law should be. Nor does he ever bend the law to reach a particular result he desires. For Judge Gorsuch, a judge's task is not to usurp the legislature's role; it is to find and apply the law as written. That conviction, rooted in his respect for the separation of powers, makes him an exemplary candidate to serve on the nation's highest court.

We can also attest to his prodigious skill at the job. Judge Gorsuch approaches every case — large or small — with tremendous care and discipline. He reads the language of the relevant statutory or constitutional text with exactitude. He treats the parties respectfully, thoroughly considering their advocates' arguments with an open mind. And when called upon to write, he aims to produce a thoughtful opinion that sets forth a straightforward rule of decision, fairly explains to the parties how the court resolved their case, and clarifies the law for the future.

Indeed, Judge Gorsuch is widely known as one of the best writers on the bench. In his ten years as a judge, he has penned over 175 published majority opinions and 65 published dissents and concurrences — not to mention the speeches he has delivered and articles he has authored. In working closely with him on those opinions, we were in awe of his instinct for narrative, his care for structure, and his inimitable personal voice. He made all of us better writers — and so better lawyers.

Judge Gorsuch's opinions also demonstrate the courage that is crucial for a Supreme Court Justice. He is committed to respecting the limits that the Constitution imposes on governmental power. He has steadfastly protected the freedoms embodied in the Bill of Rights. He has policed the separation of powers, understanding that it serves as a bulwark of citizens' personal liberties. And he has never feared staking out a principled position in defense of those liberties — even if he had to do so alone. If confirmed, we are confident that Judge Gorsuch's independence — grounded in the limited powers granted to the judiciary by the Constitution — will never waver.

Along with his full workload deciding cases as a judge, Judge Gorsuch enjoys serving his community and improving the quality of our judicial system. Judge Gorsuch serves as the Thomson Visiting Professor at the University of Colorado Law School, where he has taught antitrust, legal ethics, and federal courts. And by appointment of the Chief Justice, he has served as a member of the Standing Committee on Rules of Practice and Procedure of the U.S. Judicial Conference, as the Standing Committee's liaison to the Advisory Committee on the Federal Rules of Civil Procedure, and as Chairman of the Advisory Committee on the Federal Rules of Appellate Procedure. Those experiences have added to his practical understanding of the challenges faced by litigants in our judicial system — an understanding that we believe would prove invaluable in a Supreme Court Justice who must help administer that system and ensure its efficiency and fairness.

Most importantly, we know Judge Gorsuch to be a man of decency and integrity. In his work life, he treats everyone around him with the utmost respect — staff, interns, students, clerks, and his colleagues on the bench. But we also know something of his life outside of chambers, as a man utterly devoted to his wife and two teenage daughters. That is because Judge Gorsuch welcomes his clerks into his extended family. For most of us, Denver is far from family

and friends. Judge Gorsuch made us feel at home for our year there in countless ways — from inviting us to his home to share a meal together to hosting hikes and ski trips in the Colorado mountains. And after we left his chambers, he has continued to teach and mentor us, never hesitating to give us his time and sound guidance.

Judge Gorsuch is a remarkable judge and a remarkable man. We are certain that, if confirmed, Judge Gorsuch would serve his country admirably as Associate Justice of the Supreme Court. We encourage the Senate to take swift action on his nomination, and we are available to speak to any member of the Senate or their staff about Judge Gorsuch and his qualifications.

Sincerely,

Leah Bressack
Clerk for Judge Gorsuch, 2009-11

Mark Champoux
Clerk for Judge Gorsuch, 2007-08

Paul Moore Dubbeling
Clerk for Judge Gorsuch, 2011-12

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