



March 29, 2017

Dear Senator:

On behalf of the over 170,000 members and supporters of the American Association of University Women (AAUW), I urge you to oppose the confirmation of Judge Neil Gorsuch to the United States Supreme Court. After careful consideration of his record and his testimony in front of the Senate Judiciary Committee, AAUW must oppose his confirmation. I also urge the Senator to vote no on cloture and require that, much like other Supreme Court nominees, he must face a 60 vote threshold for his confirmation to move forward.

AAUW believes that, as with all nominations, a full and fair vetting process is vital to determine the nominee's qualifications and temperament. We support Supreme Court justices who are committed to the Constitutional values of liberty, equality, and justice for all, and seek to maintain the hard-fought constitutional rights secured through centuries of hard work and struggle. The Senate has few constitutional duties more significant than that of advising on and consenting to Supreme Court nominations. AAUW believes we should only confirm a nominee that exhibits the impartiality and independence that are so critical to this third, co-equal branch of our government.

The U.S. Supreme Court plays a critical role in our nation's system of checks and balances. It is the final stop when it comes to many of the most important legal challenges our country faces. Now more than ever we need a Supreme Court justice who is not beholden to ideology, who is not beholden to an executive, and who is prepared to be an independent voice. No nominee is presumptively entitled to confirmation.

AAUW opposes Judge Gorsuch's confirmation to the Supreme Court for the following reasons:

- **Judge Gorsuch consistently sides with employers, failing to ensure that workers who are wronged, including women who experience sex discrimination in the workplace, have access to the courts.**
  - In the particularly harrowing case of a trucker facing failing health in subzero temperatures and a choice to abandon his broken rig, Gorsuch disagreed with the majority of the 10th Circuit and argued in a dissent that the law that gives truckers the right to not put their own lives at risk did not apply. He has also repeatedly opted to deny women workers the opportunity to present evidence of sex discrimination to a jury.<sup>1</sup>
- **Judge Gorsuch has failed to agree to uphold *Roe v. Wade*, and when given the opportunity to support women worker's access to reproductive health care he sided with their bosses and corporations.**

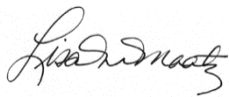
- We take President Donald Trump at his word when he promised to nominate someone to the high court who would overturn *Roe v. Wade*. Judge Gorsuch offered no assurances during his hearing that *Roe* was correctly decided. While he indicated some minimal respect for precedent,<sup>2</sup> his prior actions belie a position in opposition to the legal principles upon which *Roe* is founded.<sup>3</sup>
- Judge Gorsuch has ruled in the past to limit women’s access to reproductive health care. He joined the decision that laid the groundwork for the Supreme Court’s decision in *Hobby Lobby Stores, Inc. v. Sebelius*. In that case, Judge Gorsuch supported allowing employer’s religious beliefs to override employee’s rights to health insurance coverage for contraception. But, he went further – also arguing in a separate opinion that the public health and gender equality benefits of contraception coverage were not compelling government interests. While ultimately allowing for employer’s religious views to be considered, the Supreme Court disagreed with Judge Gorsuch’s extreme expressed views.<sup>4</sup>
- **Judge Gorsuch is willing to be a rubber stamp for an executive, and did so when women’s access to health care was on the line.**
  - In *Planned Parenthood Association of Utah v. Herbert*, Judge Gorsuch sided with a politician who tried to defund Planned Parenthood in Utah, denying people access to STI tests, sex education, and other preventive care.<sup>5</sup>
- **Judge Gorsuch has advocated dismantling key legal precedent that ensures federal agencies can protect everyone’s health and safety and enforce civil rights laws.**
  - Federal agencies draw from expertise and input to explain how laws should be implemented. Courts are expected to defer to these interpretations. Judge Gorsuch has previously expressed a desire to eliminate this deference, which would lead to the erosion of key public health and safety provisions that we rely on every day.<sup>6</sup> AAUW is particularly concerned that Judge Gorsuch’s position would undermine the ability of federal agencies to enforce civil rights laws such as Title IX, which bars sex discrimination in education.
- **Judge Gorsuch has proven to be hostile to ensuring students with disabilities have access to the full educational benefits to which they are entitled.**
  - Judge Gorsuch supported lowering the bar for schools to refuse educational benefits to a student under the Individuals with Disabilities Education Act (IDEA). Last week, the Supreme Court unanimously disagreed with Judge Gorsuch’s interpretation.<sup>7</sup> In the past, Judge Gorsuch had also supported adding procedural obstacles in the case of a parent seeking benefits for their child under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, another approach the Supreme Court rejected.<sup>8</sup>

After careful review of Judge Gorsuch’s record, including his 10 years of appellate opinions, we find him to be a troubling choice. He has denied women who were sexually harassed in the workplace their days in court, he has sided with corporations who wish to use religious beliefs to discriminate against women, and he has supported executive power exercised in pursuit of denying funding to Planned Parenthood. His decisions and answers to questions during his

hearing provided little reassurance that he would uphold fundamental civil rights for all. For these reasons, AAUW opposes his confirmation. I urge the Senator to vote no on his confirmation, vote no on cloture, and require that, much like other Supreme Court nominees, he must face a 60 vote threshold for his confirmation to move forward.

Cosponsorship and votes associated with these issues may be included in the AAUW Action Fund *Congressional Voting Record* for the 115th Congress. Please do not hesitate to contact me at 202/785-7720, or Anne Hedgepeth, senior government relations manager at 202/785-7724, if you have any questions.

Sincerely,



Lisa M. Maatz  
Vice President of Government Relations and Advocacy

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<sup>1</sup> *Strickland v. United Parcel Service; Pinkerton v. Colo. Dep't of Trans.*

<sup>2</sup> Williams, Joseph P. (March 22, 2017). U.S. News and World Report, Dianne Feinstein Presses Neil Gorsuch on Abortion Issues. [www.usnews.com/news/politics/articles/2017-03-22/dianne-feinstein-presses-neil-gorsuch-on-abortion-issues](http://www.usnews.com/news/politics/articles/2017-03-22/dianne-feinstein-presses-neil-gorsuch-on-abortion-issues)

<sup>3</sup> Rebecca Buckwalter-Poza. (March 20, 2017). Center for American Progress, Judge Gorsuch Threatens the Dignity of LGBT People. [www.americanprogress.org/issues/lgbt/news/2017/03/20/428585/judge-gorsuch-threatens-dignity-lgbt-people/#\\_blank](http://www.americanprogress.org/issues/lgbt/news/2017/03/20/428585/judge-gorsuch-threatens-dignity-lgbt-people/#_blank)

<sup>4</sup> *Hobby Lobby Stores, Inc. v. Sebelius.*

<sup>5</sup> *Planned Parenthood Assoc. of Utah v. Herbert.*

<sup>6</sup> *Gutierrez-Brizuela v. Lynch.*

<sup>7</sup> *Thompson R2-J School District v. Luke P.; Endrew F. v. Douglas County School District.*

<sup>8</sup> *A.F. v. Española Public Schools.*