## 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 Chuck Grassley Chairman United States Senate Judiciary Committee 135 Hart Senate Office Building Washington, D.C. 20510 chuck\_grassley@grassley.senate.gov The Honorable Charles Schumer Minority Leader United States Senate 322 Hart Senate Office Building Washington, DC 20510

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 The Honorable Senators McConnell, Schumer, Grassley, and Leahy February 1, 2017
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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.

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Sincerely,

PATRICK Momsey

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CC:

President Donald J. Trump Vice President Michael R. Pence