



The Pueblo Chieftain

Coloradan Gorsuch nominated for high court

Peter Strescino

January 31, 2017

Judge Neil Gorsuch, a fourth-generation Coloradan and conservative jurist, was named Tuesday evening as the choice for President Donald Trump to replace the late Justice Antonin Scalia, who died last year.

Gorsuch is a justice on the Denver-based 10th Circuit Court of Appeals.

Gorsuch spoke for about five minutes.

“It is for Congress, not the courts, to write new laws. A judge who likes every outcome he reaches is likely a very bad judge,” Gorsuch said.

Gorsuch thanked the late Supreme Court Justice Byron “Whizzer” White of Colorado, for whom he clerked. “The only Supreme Court justice who led the NFL in rushing.” White was an All-America halfback and played one season for the Pittsburgh Pirates, now Steelers, leading that league in yards gained on the ground.

U.S. Sen. Cory Gardner, R-Colo., in a statement Tuesday night called Gorsuch “one of our country’s brightest legal minds with significant experience as a federal judge and a private litigator.

“He is an ardent defender of the Constitution and he has the appropriate temperament to serve on the nation’s highest court,” Gardner said. “Judge Gorsuch also adds to the court’s Western perspective, with his understanding of uniquely Western issues like water and public lands issues. I’m enthusiastic about the native Coloradan’s nomination and will work to ensure that his confirmation process is fair, thorough and expedient.”

A spokeswoman for U.S. Sen. Michael Bennet, D-Colo., said in a statement: “As a fellow Coloradan, Michael congratulates Judge Gorsuch and his family. He takes seriously the Senate’s responsibility to advise and consent on Supreme Court nominations. He intends to review Judge Gorsuch’s record carefully in the coming weeks.”

Gorsuch meets conservative standards as an originalist and a textualist — someone who interprets the Constitution and statutes as they were originally written in the late 1780s.

Gorsuch is best known for taking the side of religious organizations that opposed parts of the Affordable Care Act that forced the coverage of contraceptives. In one case, *Burwell v. Hobby Lobby Stores*, Gorsuch wrote that U.S. courts should give wide latitude to religious beliefs.

“It is not for secular courts to rewrite the religious complaint of a faithful adherent, or to decide whether a religious teaching about complicity imposes ‘too much’ moral disapproval on those only ‘indirectly’ assisting wrongful conduct,” he noted in a case that was upheld 5-4 by the Supreme Court in 2014.

He has also written that federal term limits are “constitutionally permissible.”

“Recognizing that men are not angels, the Framers of the Constitution put in place a number of institutional checks designed to prevent abuse of the enormous powers they had vested in the legislative branch,” he wrote for the Cato Institute, a libertarian think tank. “A term limit, we suggest, is simply an analogous procedure designed to advance much the same substantive end.”

Gorsuch, 49, attended Columbia, Harvard and Oxford. His civilian work includes time as a partner with the Washington law firm Kellogg Huber Hansen Todd Evans & Figel, then two years with the U.S. Department of Justice and clerkships with Supreme Justices Anthony Kennedy and White.

In 2006, he was supported for his federal bench seat by then-U.S. Sens. Wayne Allard, a Republican, and Ken Salazar, a Democrat. He passed the Senate by voice vote. No one believes there will be a voice vote this year for the Supreme Court, since Republicans denied President Barack Obama the right to fill the seat when Scalia died.

Gorsuch is a Denver native who lives in Boulder and is married with children. He comes from a well-known Colorado Republican family. His mother, the late Anne Gorsuch Burford, was Environmental Protection Agency director for the Reagan administration for 22 months. She slashed the agency’s budget and resigned under fire in 1983 during a scandal over mismanagement of a \$1.6 billion program to clean up hazardous waste dumps.

The 10th Circuit covers Colorado, Kansas, most of Oklahoma, Utah, Wyoming and New Mexico.