



## **Senate Confirms Gorsuch to Supreme Court: A Look at Past Business Rulings**

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Following a GOP-led change in Senate rules to shut down a filibuster (also known as the nuclear option), President Donald Trump's Supreme Court pick Judge Neil Gorsuch was confirmed by the Senate Friday to fill the ninth seat on the High Court.

The nuclear option allowed Judge Gorsuch to be confirmed with a simple majority of votes, as opposed to the traditional 60-vote threshold. The final vote count was 54 to 45.

As Gorsuch prepares to be sworn in Monday, here is a look at where he has come down on key issues in the past.

### **Worker Protection**

While Democrats have criticized a few of Gorsuch's Tenth Circuit Court of Appeals rulings as examples of his propensity to rail against the "little guy," the language in his dissents indicate he is not evaluating moral arguments, but legal ones.

In a highly cited case, *TransAm Trucking Inc. v. Administrative Review Board*, it was determined a trucker had been wrongfully fired after he unhitched his trailer and drove away when the truck's brakes froze. Gorsuch dissented, saying the company had given him the legal option to stay with his trailer and wait for help, which he declined, instead operating the truck in a way not permitted by the company.

During his confirmation hearing before the Senate Judiciary Committee last month Gorsuch called this case "one of those that you take home at night."

Highlighting what drove his decision, Gorsuch noted in his dissent, “It might be fair to ask whether TransAm’s decision was a wise or kind one. But it’s not our job to answer questions like that. Our only task is to decide whether the decision was an illegal one.”

When grilled on worker protection during his hearing, Gorsuch responded by telling Sen. Dianne Feinstein (D-CA) he was unable to give her any assurances about which way he would rule on future cases.

“The bottom line I think is ... from the bottom of my heart is that I’m a fair judge ... I can’t guarantee you more than that, but I can promise you absolutely nothing less,” he said.

### **Religious Liberty**

Gorsuch is well-known for his track record of defending religious liberty.

In *Hobby Lobby Stores Inc. v. Sebelius*, Judge Gorsuch ruled against the Affordable Care Act’s contraceptive mandate, which requires private employers to provide employees with free contraceptive coverage. Gorsuch sided with the company, which argued the mandate violated its religious beliefs.

In addition to the Hobby Lobby case, Gorsuch sided with the Little Sisters of the Poor, defending the religious right of nuns not to have to pay for contraceptive drugs under their health care plans.

Gorsuch will likely rule on an important marquee case regarding church and state later this month, *Trinity Lutheran Church of Columbia v. Pauley*. The question that will be argued before the Supreme Court is whether an institution can be denied access to a secular benefit program it is qualified for purely on the basis of its religious affiliation.

### **The Administrative State**

Gorsuch is not only known for his opinions supporting religious liberty, but also for his opinions “pushing back on the administrative state,” Ilya Shapiro, senior fellow in constitutional studies at the Cato Institute, told FOX Business.

*Compass Environmental, Inc. v. OSHRC* was a case focusing on an excavator’s fatal electrocution on the job at a mining site. The Occupational Safety and Health Review Commission fined the employer \$5,550, which the Tenth Circuit Court of Appeals upheld. Gorsuch however, dissented, saying: “Even [federal administrative agencies] cannot penalize private persons and companies without some evidence the law has been violated. Yet that’s what we’re being asked to countenance in this case and why I would grant the petition for review.”