



February 1, 2017

Key Vote YES on the Nomination of Judge Neil Gorsuch to the Supreme Court

On behalf of FreedomWorks' activist community, I urge you to contact your senators and urge them to support the nomination of Judge Neil Gorsuch to the U.S. Supreme Court. Judge Gorsuch is in the mold of Justice Antonin Scalia and a worthy successor to the conservative jurist.

Our activist community drove more than 1.7 million messages to the Senate urging Members to preserve this important seat on the High Court for someone who respects the rule of law and a textual interpretation of the Constitution. With the nomination of Judge Gorsuch, we now have the opportunity to follow through by solidifying the conservative bloc on the Supreme Court.

Appointed in May 2006 to serve on the U.S. Court of Appeals for the Tenth Circuit and confirmed by voice vote in July 2006, Judge Gorsuch received a unanimous "well-qualified" rating from the American Bar Association.

As explained by SCOTUSBlog, "some of the parallels" between Justice Scalia and Judge Gorsuch "can be downright eerie." Indeed, Judge Gorsuch has the same originalist and textualist approach to the Constitution and narrow application of criminal laws against defendants and support for *mens rea*, or criminal intent, requirements in federal law in common.

The key difference between Justice Scalia and Judge Gorsuch is that Judge Gorsuch has written critically of the Supreme Court's 1984 *Chevron* deference, which requires federal courts to defer to regulatory agencies' interpretations of "silent or ambiguous" statutes. The *Chevron* deference has allowed federal bureaucrats to enact law without judicial review, undermining the separation of powers in the Constitution.

FreedomWorks will count the vote of Judge Gorsuch's confirmation when calculating our Scorecard for 2017 and reserves the right to score any related votes. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Sincerely,

Adam Brandon
President and CEO, FreedomWorks