



For Immediate Release  
February 14, 2017

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**NASW withholds support for Senate Confirmation of Judge Gorsuch to be U.S. Supreme Court Justice**  
*There are indications Judge Gorsuch's judicial philosophy may be in opposition to social work values*

**WASHINGTON, D.C.** – The National Association of Social Workers (NASW) is withholding support for the Senate confirmation of Judge Neil Gorsuch to become a U.S. Supreme Court Justice. Although Judge Gorsuch's judicial record is relatively sparse as it relates to the foremost issues of the day there are indications his judicial philosophy may conflict with social work values.

President Trump on Jan. 31 nominated Judge Gorsuch to the U.S. Supreme Court to fill the vacancy left by the death of Justice Antonin Scalia in February 2016.

As qualified as Judge Gorsuch might appear based his academic and judicial resume, we must remember he is a candidate for a "stolen seat."

Republican leaders announced last March that they would not consider any nominee put forth by President Obama although the former president had 10 months left in his term and other justices, including Anthony Kennedy, had been confirmed in the final year of office of other presidents. In fact during the last century five Supreme Court justices have been nominated and confirmed during a presidential election year.



Here are some reasons why NASW is withholding support for the Senate confirmation of Judge Gorsuch:

**Civil Rights and Human Rights**

The Supreme Court nominee's views of the historical importance of the U.S. Supreme Court as a safeguard for protecting the rights of all Americans are spotty. Gorsuch in a recent article harshly criticized those who turn to the courts to overturn egregious civil and human rights abuses.

In discussing the seminal desegregation case, *Brown v. Board of Education*, Judge Gorsuch wrote:

*"There's no doubt that constitutional lawsuits have secured critical civil-rights victories, with the desegregation cases culminating in Brown v. Board of Education topping the list. But rather than use the judiciary for extraordinary cases...American liberals have become addicted to the courtroom, relying on judges and lawyers rather than elected leaders and the ballot box, as the primary means of effecting their social agenda on everything from gay marriage to assisted suicide to the use of vouchers for private-school education."*

The social work profession is acutely aware of the degree to which the federal courts system, especially the U.S. Supreme Court, aided the country in correcting civil and human rights wrongs. That Judge Gorsuch could downplay the importance of the federal judiciary in protecting the rights of African Americans, women, people living with disabilities and people who are LGBTQ, among others, is deeply concerning.

### **Women's Reproductive Rights**

Another glimpse into Judge Gorsuch's positions is his opinions on women's reproductive health issues. *Burwell v. Hobby Lobby Stores, Inc.*, which was filed as a challenge to the Affordable Care Act, was critical in determining the constitutionality of allowing a business to deny female employees access to contraception based on the religious beliefs of its owners.

In his vote as a justice on the 10<sup>th</sup> Circuit Court of Appeals, Judge Gorsuch supported the opinion that corporations had the same rights as individuals in deciding not to offer coverage that they deem to be against their religious beliefs.

This ruling opened the door to denial of female employee's access to certain contraceptives through Affordable Care Act subsidized health insurance. The Supreme Court ultimately upheld the 10<sup>th</sup> Circuit's opinion.

In its statement on Judge Gorsuch's nomination, NARAL Pro-Choice America viewed the underlying premise of Judge Gorsuch's support of the opinion as reflecting an anti-choice bent. NARAL's view was also based on the fact Judge Gorsuch wrote an anti-choice dissent in a case challenging the Utah governor's executive action to defund Planned Parenthood Association of Utah.

NARAL is concerned that "he is supporting an agenda that undermines abortion access and endangers women -- there is no doubt that Gorsuch is a direct threat to *Roe v. Wade* and the promise it holds for women's equality."

### **Money in Politics Workers- Favoring Corporate Interests**

NASW and other social justice organizations are concerned that Judge Gorsuch will side with corporate interests on cases such as *Citizens United v. FEC*, which involved campaign contributions from corporations and non-profit groups.

NASW worries Judge Gorsuch will serve in the mode of the late Judge Antonin Scalia, which would mean favoring unlimited money in the country's elections with little or no transparency about the identity of donors. This would also mean that the wealthiest people in our nation will continue to expand their disproportionate influence on our democracy and it would further limit the ability of low-income and vulnerable American individuals and families to have their voices heard.

There are several other areas -- such as Judge Gorsuch's advocacy for gun rights, support for the death penalty, and opposition to assisted suicide -- that raise concerns about his positions on civil and human rights and social justice matters.

Therefore, NASW asks the Senate Judiciary Committee to diligently and thoroughly examine Judge Gorsuch's judicial temperament and opinions on a wide range of civil rights, human rights, and economic justice issues. It is crucial the U.S. Supreme Court reach a full complement of justices and that these justices be fair-minded and compassionate and consider the needs of all Americans.

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The [National Association of Social Workers](#) (NASW), in Washington, DC, is the largest membership organization of professional social workers with 120,000 members. It promotes, develops, and protects the practice of social work and social workers. NASW also seeks to enhance the well-being of individuals, families, and communities through its advocacy.

