

Re: Over 150 Women's Organizations Oppose Judge Gorsuch for Supreme Court

April 17, 2017

Dear Senator:

The undersigned organizations that serve women and advocate for policies of critical importance to women write in opposition to the nomination of Judge Neil Gorsuch to the U.S. Supreme Court. The Supreme Court decides cases that affect women's lives every day – and for generations – and every justice makes a critical difference.

Judge Gorsuch's record on women's legal rights shows that time and time again, his approach to the law gives the benefit of the doubt to employers, politicians, and other powerful entities, rather than the individuals who rely on the law for protection. And time and time again, this approach disadvantages women. For example:

Judge Gorsuch's record shows hostility to the constitutional right to privacy. In writings prior to becoming a judge, Gorsuch demonstrated hostility towards constitutional protections of personal autonomy. At his hearings, Judge Gorsuch declined to say whether *Roe v. Wade* was correctly decided, merely acknowledging that it is a precedent of the Supreme Court. This is especially troubling in light of repeated promises by President Trump that his nominee would vote to overturn *Roe v. Wade*. Taken together, it is clear that Judge Gorsuch would be a threat to abortion rights and the precedent set by *Roe*.

Judge Gorsuch ruled to allow corporations' religious beliefs to override women's insurance coverage of contraception. In the *Hobby Lobby* case, a corporation challenged the Affordable Care Act's birth control benefit, which requires health insurance plans to provide women with birth control coverage with no cost sharing. Judge Gorsuch joined the 10th Circuit in holding, under the Religious Freedom Restoration Act (RFRA), that an employer's religious beliefs could override employees' right to birth control coverage, including an especially extreme holding that promoting gender equality and public health – the very goal of the birth control benefit – were not compelling government interests. His concurring opinion was stunning in its refusal to even acknowledge the health impact and financial burden on the women who would lose insurance coverage under his approach. Ultimately, that case reached the Supreme Court. But unlike the decisions joined and written by Judge Gorsuch, the Supreme Court instructed that as part of RFRA's balancing test, courts must consider the impact on women.

Judge Gorsuch deferred to political efforts to defund Planned Parenthood. In a case in which his colleagues voted to block the governor of Utah from withholding funding from the Utah Planned Parenthood affiliate, Judge Gorsuch went to unusual lengths to have the court reexamine that decision. If the court had allowed the governor to defund Planned Parenthood, women would have been left without essential health care services.

Judge Gorsuch's record makes clear that he is a threat to the LGBTQ community. Judge Gorsuch has demonstrated a disregard for the equal rights and dignity of LGBTQ individuals. His protection of corporations' religious beliefs to the detriment of women in the *Hobby Lobby*

case could give support to RFRA challenges to antidiscrimination laws protecting LGBTQ individuals. He has ruled to deny basic protections to transgender plaintiffs. And at his hearings, he refused to acknowledge that cases regarding the fundamental rights to privacy and liberty that undergird LGBTQ equality were correctly decided, saying only that *Lawrence v. Texas* and *Obergefell v. Hodges* are precedents of the Court.

Judge Gorsuch’s approach in workplace discrimination cases favors employers over people. Judge Gorsuch tended to narrowly interpret laws that are meant to protect workers against discrimination and defer to employers’ explanations for their actions against workers. He has repeatedly voted to deny a plaintiff the opportunity to even present evidence of discrimination or harassment to a jury. Judge Gorsuch also joined a decision concluding that discrimination against a transgender individual did not constitute unlawful gender discrimination. Letters from former students claimed that he had suggested companies can and should ask women – and only women – about their pregnancy plans in order to protect corporate interests. Even in explaining the incident at his hearings, Judge Gorsuch shockingly refused to acknowledge that such behavior would violate Title VII.

Judge Gorsuch questioned whether judges should defer to federal agencies’ expert interpretations of the laws, which provide critical protections upon which people depend. Federal agencies explain how laws should be implemented. For example, Title IX prohibits sex discrimination in schools. The Department of Education’s policy guidance explained, specifically, how schools should promote equal athletics opportunities for girls. These regulations have a real-life impact: for example, between the publication of the policy guidelines in 1979 and now, nearly 1.5 million more high school girls participate in sports. Judge Gorsuch has refused to defer to federal agencies’ interpretations of the laws that protect workers in several notable worker safety cases. Refusing to defer to agency regulations could have adverse effects for women and girls with regards to education, workplace rights and protections, consumer protections, the environment, and beyond.

Judge Gorsuch’s record on women’s legal issues supports only one possible conclusion: if he is confirmed, women would feel the devastating impact of his decisions for generations to come. We, the undersigned women’s organizations, strongly oppose Judge Gorsuch’s nomination and implore you to do everything necessary to stop his confirmation.

Sincerely,
9to5 California
9to5 Colorado
9to5 Georgia
9to5 Wisconsin
9to5, National Association of Working Women
A Better Balance
Abortion Care Network
African American Ministers In Action (AAMIA)
AFSCME Retirees
Alliance for Citizenship
American Association of University Women (AAUW)

American Federation of Teachers, AFL-CIO
American Medical Student Association
Association of Reproductive Health Professionals
Atlanta Women's Center
Bazelon Center for Mental Health Law
Black Women's Health Imperative
Cadwell Media/AIDS Ride South Africa, Ltd.
California NOW
California Women's Law Center
Cambodian Women's Networking Association
Capital Area Missouri NOW
Catholics for Choice
Center for American Progress Action Fund
Center for Popular Democracy
Central Arizona National Lawyers Guild
Central Oregon Coast NOW
Central Phoenix/Inez Casino NOW Chapter
Charlottesville Chapter of the National Organization for Women
Cherry Hill Women's Center
Coalition of Labor Union Women
Communications Workers of America
Contra Costa NOW
Daily Kos
Delaware County Women's Center
EMILY's List
Equal Rights Advocates
Every Voice
Family Values @ Work
Feminist Majority Foundation
Feminist Women's Health Center
Fergus Falls Area NOW
Florida Interfaith Coalition for Reproductive Health
Florida NOW
Girls for Gender Equity
Hartford GYN Center
Human Rights Campaign
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Institute for Science and Human Values
Ipas
Jewish Women International (JWI)
League of United Latin American Citizens
Lean On and Lead, Mothering and Work in the 21st Century Economy
Legal Aid at Work
Legal Voice
LULAC
Maine Women's Lobby

Make it Work
Maryland National Organization for Women
Mi Familia Vota
MomsRising.org
Monmouth County Democratic Women's Caucus
Montana chapter of the National Organization for Women
NARAL Pro-Choice America
National Abortion Federation
National Advocates for Pregnant Women
National Association of Social Workers (NASW)
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Council of Jewish Women
National Domestic Workers Alliance
National Employment Law Project
National Employment Lawyers Association
National Immigration Law Center
National Institute for Reproductive Health
National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Organization for Women
National Organization for Women - Bucks County PA
National Organization for Women - Central Oregon Coast Chapter
National Organization for Women - North Carolina
National Organization for Women Alaska
National Organization for Women Arizona
National Organization for Women of Mississippi
National Organization for Women of New Jersey
National Organization for Women, Louisiana Chapter
National Organization for Women, Missouri
National Organization for Women, Montgomery County, MD Chapter
National Organization for Women, Washington, DC Chapter
National Organization for Women, Westchester Chapter
National Organization for Women: Chester County Chapter
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
New Jersey Tenants Organization
New York Paid Leave Coalition
Newport Oregon NOW
NFBPWC-NYC
NM Religious Coalition for Reproductive Choice
North Carolina Women United
North Dakota Women's Network

Northern New Jersey Chapter, National Organization for Women
NOW San Gabriel Valley/Whittier, CA
NOW/ Pinellas County Florida
Oregon Chapter of the National Organization for Women
Pennsylvania National Organization for Women
Philadelphia Women's Center
Physicians for Reproductive Health
Planned Parenthood Advocates of Ohio
Planned Parenthood Federation of America
Population Connection Action Fund
Progress Virginia
ProgressOhio
Public Justice Center
RiseUp Coastal
Rockbridge Valley N.O.W.
Santa Fe NOW
Seattle National Organization for Women
Small Wonder Communications
Southwest Women's Law Center
Spokane Area National Organization for Women (NOW)
SUNY Downstate Medical Center Midwifery Student Association.
Texas State National Organization for Women
The Pink House Defenders
The Voter Participation Center
Tucson NOW Chapter
UltraViolet
United For Equality, LLC
V.I. Domestic Violence & Sexual Assault Council (DVSAC)
Vice-Chair of Central Oregon Coast NOW
Voices for Vermont's Children, Inc.
Voto Latino
Washington State National Organization for Women
Westchester National Organization for Women
Women and Girls Foundation PA
Women Employed
Women's Action for New Directions
Women's Caucus of the California Democratic Party
Women's Information Network NYC (WIN.NYC)
Women's Law Project
Women's Production Network, Inc.
Women's Voices. Women Vote Action Fund
Young Feminists and Allies: National Organization for Women's (NOW) Inaugural Virtual Chapter
YWCA Kauai
YWCA Madison
YWCA Mohawk Valley

YWCA of the University of Illinois
YWCA San Francisco & Marin
YWCA Seattle|King|Snohomish
YWCA USA
YWCA Warren