

United States Senate

WASHINGTON, DC 20510

March 30, 2017

The Honorable Neil M. Gorsuch
United States Court of Appeals for the Tenth Circuit
1823 Stout Street
Denver, CO 80257

Dear Judge Gorsuch:

We write to follow up on our exchanges last week during the course of your nominations hearing before the Senate Judiciary Committee.

As you will recall, we discussed the fact that the Judicial Crisis Network (JCN) has spent \$10 million in support of your confirmation, after spending \$7 million last year in opposition to the confirmation of President Obama's nominee, Judge Merrick Garland. The organization's own press release termed its effort on your behalf a "comprehensive campaign of paid advertising, earned media, research, grassroots activity, and a coalition enterprise, all adding up to the most robust operation in the history of confirmation battles."¹

Because the organization is not required to disclose the identities of its donors, the American people have no idea who is so aggressively advocating for your confirmation, or why. When asked why you thought JCN was willing to spend \$17 million ensuring your confirmation over that of exceptionally qualified Judge Garland, you responded that we should ask them. We have now done so.

It is your nomination that is before us, however, and we look to you to clarify concerns about it. You assured our Committee last week that, despite the unprecedented flow of dark money in support of your candidacy, "nobody will capture me." To that end, we ask that you answer the following questions prior to the Committee's anticipated vote on your nomination:

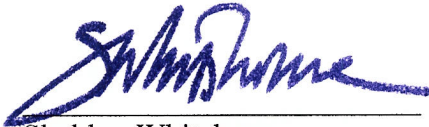
- (1) Will you ask JCN to disclose the identities of its donors in order to put to rest any concerns that donations made in secret could affect your rulings?
- (2) Should you find out the names of individuals or organizations who contributed to the JCN's, or any other campaign in support of your confirmation, will you pledge to disclose them to the American people?
- (3) Should you find out the names of individuals or organizations who contributed to the JCN's, or any other campaign in support of your confirmation, will you pledge to (a)

¹ <https://judicialnetwork.com/judicial-crisis-network-launches-10-million-campaign-preserve-justice-scalias-legacy-support-president-elect-trump-nominee/>

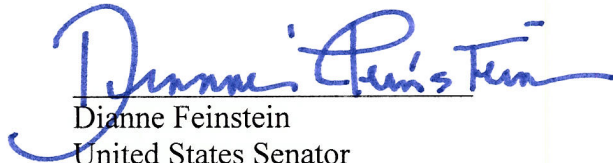
make public any cases in which they appear as litigants and (b) consider recusal even if the formal rules of the Supreme Court do not mandate it?

Thank you for your consideration.

Sincerely,



Sheldon Whitehouse
United States Senator



Dianne Feinstein
United States Senator



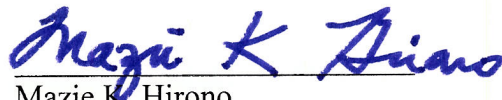
Richard J. Durbin
United States Senator



Al Franken
United States Senator



Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator