

United States Senate

WASHINGTON, DC 20510

March 30, 2017

Ms. Carrie Severino
Chief Counsel and Policy Director
The Judicial Crisis Network
722 12th St. NW
Fourth Floor
Washington, D.C. 20005

Dear Ms. Severino,

On January 9, 2017, before President Trump had even taken office, the Judicial Crisis Network (“JCN”) announced that it expected to spend at least \$10 million to support the confirmation of President Trump’s yet unnamed Supreme Court nominee.¹ This \$10 million campaign came on the heels of JCN’s \$7 million campaign encouraging Republicans to block President Obama’s choice, Judge Merrick Garland, for the same vacancy. JCN ran advertisements thanking Republican senators for their unprecedented partisan obstruction of Judge Garland, and now is running millions of dollars of advertisements targeting Democratic senators to support Judge Gorsuch. In fact, you threatened that senators who oppose Judge Gorsuch will “pay a heavy price in 2018.”² In light of this multi-million dollar effort to influence the composition of the nation’s highest court, we call on you to disclose to the American people the identities of your donors.

By a ratio of 9:1, Americans already believe the Supreme Court favors corporations over citizens.³ Surely a multi-million dollar advertising campaign supporting a Supreme Court nominee further exacerbates the perception that corporate special interests have captured the Court. In light of this spending, we are asking that you disclose JCN’s donors so that the Senate and the American public can fully evaluate Judge Gorsuch’s nomination for a lifetime seat on the Supreme Court.

JCN is set up as a tax-exempt entity under section 501(c)(4) of the Tax Code that means that, unlike traditional political action committees, it does not have to disclose its donors. The *Citizens United* decision unleashed an unprecedented amount of special interest political spending in politics. One preferred vehicle for this spending has been through 501(c)(4) organizations, precisely because donations are kept secret.

In the context of a Supreme Court nomination, this dark money spending is particularly troubling. Senators have a constitutional duty to provide advice and consent on Supreme Court nominations, and this is a duty we take seriously. One area we must evaluate are potential

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

² <http://thehill.com/business-a-lobbying/324004-former-gop-senator-lobbying-for-gorsuchs-nomination>

³ <http://perma.cc/X2HA-BCXT>

conflicts of interest that may arise between Judge Gorsuch and parties that may appear before the Court. Certainly, it would be pertinent to know who is behind the multi-million dollar campaign supporting his nomination. Unfortunately, because your organization does not disclose its donors, JCN remains a black box of secret spending.

At his confirmation hearing, Judge Gorsuch showed little concern over the dark money supporting his nomination. When asked about the millions of dollars your organization spent in support of his nomination, Judge Gorsuch quipped, that we would “have to ask them.” Following Judge Gorsuch’s advice, we are asking you to disclose the names of entities and individuals that have contributed to your \$10 million campaign to place Judge Gorsuch on the Supreme Court.

In a 2010 opinion, Justice Scalia wrote:

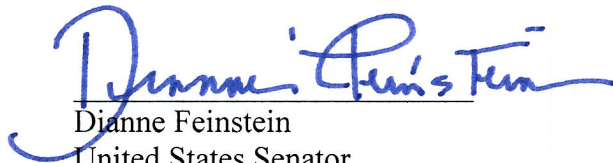
Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed. For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously . . . hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the Home of the Brave.⁴

We call on JCN to engage in an act of “civic courage” and tell us who is behind the dark money spending supporting Judge Gorsuch. The stakes cannot be higher and the Senate and the American people deserve to know.

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

⁴ *John Doe No. 1 v. Reed*, 561 U.S. 186, 228 (2010).