

Who is Trump Supreme Court nominee Neil Gorsuch?

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Over the last four days, the Senate Judiciary Committee conducted a charade of a hearing for Neil M. Gorsuch, president Donald Trump's nominee to fill the Supreme Court seat vacated by the 2016 death of arch-reactionary Antonin Scalia.

While more polished, tactful and amiable than the crass and bullying Scalia, Gorsuch is expected to vote along the same reactionary lines. Gorsuch will restore the dominant right-wing bloc that, when joined by the conservative Justice Anthony Kennedy, over the last decade destroyed the Voting Rights Act, opened the floodgates to unlimited corporate campaign contributions, empowered corporate bosses to impose their religious views and practices on employees, dismantled environmental protections, stripped workers and consumers of their rights to file lawsuits, stripped search-and-seizure protections, and expanded immunity for police murders and other official misconduct, among other things.

As a private lawyer, Gorsuch represented Colorado billionaire Phil Anschutz, a major contributor to archconservative groups including the Federalist Society and the Heritage Foundation. In 2006 Anschutz intervened at the White House to advocate that President George W. Bush nominate Gorsuch to a vacancy on the Tenth Circuit Court of Appeals, which covers Colorado, Oklahoma, Kansas, New Mexico, Wyoming and Utah.

The Heritage Foundation and the Federalist Society, an organization dedicated to the right-wing takeover of the United States judiciary, handpicked Gorsuch for Trump. Disclosing how these forces operate out of the public eye, Gorsuch acknowledged that he found out about Trump's nomination directly from Leonard Leo, the Federalist Society executive vice president widely considered a major right-wing kingmaker.

Gorsuch is relatively young at 49—a major asset for a lifetime appointment—with solid educational and legal credentials, including a coveted Supreme Court clerkship split between Byron White and Anthony Kennedy. More importantly, Gorsuch has proven time and again that he will support dismantling all restraints on corporate looting as well as the expansion of governmental power to suppress the social explosions that will inevitably result.

Writing in 2005 for the conservative *National Review*, Gorsuch denounced “American liberals,” as “addicted to the courtroom,” for “effecting their social agenda on everything from gay marriage to assisted suicide to the use of vouchers for private-school education.”

The hearings opened Monday, with Senator Chuck Grassley, Republican from Iowa, praising Gorsuch as “the gold standard,” labeling any attempt to probe his right-wing views as “political posturing and grandstanding.”

Virtually every Democrat who spoke during the hearing pointed out the hypocrisy after the Republicans refused to consider former president Barack Obama's nominee for the seat, Merrick Garland.

Gorsuch was introduced to the Judiciary Committee in glowing terms by both senators from his home state of Colorado, including Democrat Michael Bennet. Neal K. Katyal, who argued cases in the Supreme Court for the Obama administration, called Gorsuch “a first-rate intellect and a fair and decent man.”

Gorsuch's prepared opening remarks consisted solely of generalities and homilies, interlaced with occasional strained and corny attempts at humor. He studiously avoided any substance that would tend to confirm how he intends to vote on controversial issues he is likely to confront as a justice.

During two days of questioning Tuesday and Wednesday, Gorsuch refused to reveal his views on any substantive issues, denying that he had been asked to submit to any “litmus test.”

“I would tell you that *Roe vs. Wade*, decided in 1973, is the precedent of the United States Supreme Court,” Gorsuch said when asked about a woman’s right to terminate a pregnancy, adding, “all of the other factors that go into analyzing precedent have to be considered,” a hint that Gorsuch would be open to overturning the ruling.

The only new revelations raised during the four-day hearing arise from newly uncovered emails that demonstrate how, during his seven-month stint with the Department of Justice in 2005 and 2006, Gorsuch urged then-president George W. Bush to issue an unprecedented “signing statement” that essentially repudiated the Detainee Treatment Act, a law sponsored by Senator John McCain, a former prisoner of war, that barred US agencies from inflicting cruel, inhuman or degrading treatment on people detained anywhere in the world.

When pressed on the documents by Democratic Senator Dianne Feinstein, Gorsuch shifted responsibility to others, claiming that he was only their lawyer, not a policy maker. At the same time, Gorsuch refused to state whether he viewed torture techniques such as waterboarding and prolonged sleep deprivation to be illegal.

Later in the hearings, Feinstein asked Gorsuch about a memo where he scribbled “yes” next to the question whether CIA torture had yielded valuable information, knowing from her own Senate investigation that none was obtained.

“I was a lawyer. My job was as an advocate, and we were dealing with detainee litigation. That was my job,” Gorsuch responded.

Similarly, Feinstein pressed Gorsuch whether he actually believes the comments he wrote for Alberto Gonzales, Bush’s attorney general, asserting that Congress lacked authority to require federal agents to always obtain warrants for national security surveillance. “Goodness no, Senator, and I didn’t believe it at the time,” Judge Gorsuch replied, describing himself as only “a speechwriter,” and “the scribe.”

The final day of hearings on Thursday was dedicated

to other witnesses, some of whom came to praise Gorsuch as bright, hardworking and fair, and others to condemn his record. Elisa Massimino of Human Rights First pointed out that Gorsuch joined the Bush administration shortly after the sickening images emerged from Afghanistan and Iraq.

Dominated by a Republican majority, the Committee will vote on April 3, most likely along party lines, to recommend Gorsuch to the full Senate, where the only suspense is likely to be whether the Democrats stage a meaningless filibuster before rolling over for his confirmation.

Senate Minority Leader Chuck Schumer of New York has pledged to muster the more than 40 Democratic votes needed to block the nomination on the Senate floor under the current rules, on the basis that Gorsuch’s extreme right-wing views are out of the “mainstream.”

Senate Republicans, who control 52 of the 100 Senate seats plus the tiebreaker, can counter a filibuster by changing the rules by majority vote. There are implications to such a maneuver, however, and various media reports cite behind-the-scene negotiations that could affect votes on future judicial nominees or meet the parochial interests of certain senators.

Regardless, there is no reason to believe that Gorsuch will not be confirmed and join the other Supreme Court justices, probably before the current term ends in late June.

The author recommends:

The right-wing record of Supreme Court nominee Neil Gorsuch

[2 February 2017]

The CIA torture report and the crisis of legitimacy in the United States

[12 August 2014]



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