

**Statement from Senator John Kennedy (R-La.) at a Senate Judiciary Committee Hearing on the
Nomination of Judge Neil M. Gorsuch to be an Associate Justice of the United States Supreme Court
Monday, March 20, 2017**

Thank you Mr. Chairman.

I walked by the Supreme Court the other day. I live nearby in an apartment that costs more than my mortgage back home. On the building are the words "Justice, the Guardian of Liberty." And that really tells us everything we need to know about the importance of the Supreme Court. Without justice, without equal treatment by the law, liberty becomes an empty promise. So even though it's easy to look to politicians, the President, Congress as the last protectors of liberty- we as Americans have actually entrusted that to the Supreme Court.

And that's why this hearing and this nomination are so very important. That's why we need go beyond politics, beyond the person who lives in the White House, beyond whatever the issue of the day happens to be - and truly understand what our role in this process is. I hope we focus on temperament. On Judicial Philosophy. On legal reasoning. On qualifications and experience. For just a minute, I hope we forget that we're all politicians and focus instead on the judiciary and the role we get to play in affecting that most American of institutions – the Supreme Court. And I have every confidence that all of my colleagues of both parties will do just that. None of us wants this hearing to turn into the Gong Show.

I've had the opportunity to meet with Judge Gorsuch and read his work. I like what I see. Anyone who knows a law book from a Sears and Roebuck catalog has to be impressed with his legal career. Judge Gorsuch appears to be exceptionally well-qualified to be a Supreme Court Justice. His time getting his Doctorate in Legal Philosophy at Oxford stuck out to me. An Oxford D. Phil. may be the most difficult terminal degree in the world. Harvard and Columbia aren't quite as preeminent as LSU, but they are satisfactory, as well.

I've read many of Judge Gorsuch's opinions. His dissent in *A.M. v. Holmes* should be required reading in every law school. All I can say is that he writes really, really well. His opinions are engaging, whether you agree with them or not. He is direct, clear, concise, and collegial, and he has a clean grasp of the law. There is no boilerplate language in his opinions that lawyers often use. Obviously, the ability to communicate complex legal issues in a way that is understandable to the people directly affected by them and to the American people is a skill that will serve him well as a Supreme Court Justice. I might add that Judge Gorsuch in his opinions also shows concern for the parties. He usually uses their names – not appellant, appellee or respondent- but their names. I like that.

Judge Gorsuch's respect for judicial independence and for precedent is apparent in all of his opinions. He is an unyielding supporter of the separation of powers. I believe that he genuinely understands and values the role of the judiciary as a check on both the legislative and executive branches. And that's extraordinarily important to me. As are we all, I'm rather fond of the constitution and the structure it creates - separating powers so no branch of government can bully another. Or bully the American people. One of the main purposes of the United States Constitution is to tell us where to stop – to reaffirm that the authority of the state over its people is limited and finite.

When I am evaluating candidates for judicial positions, I'm looking for a judge, not someone blinded by ideology. I'm not interested in people who want to use the judiciary to advance their personal policy

goals. I want them to apply the law as it is, as best they understand it, not try to reshape the law as they wish it to be. I also want a person who is intellectually curious, earnest in his desire to rule fairly, and willing to fight for his view of justice - sort of a cross between Socrates and Dirty Harry. I believe Judge Gorsuch is that person.

I look forward to getting to know Judge Gorsuch and his philosophy better through these hearings.

One last thing. None of the questions I ask you is designed to trick you. Nor are they designed to suggest that you should violate Canon 3(A)(6) of the Code of Conduct for United States Judges, which provides: "A judge should not make public comment on the merits of a matter pending or impending in any court."

Nor are my questions designed to cause you to violate Rule 2.10(A) of the American Bar Association Model Code of Judicial Conduct, which provides: "A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in a court."

Nor are my questions designed to ask you to violate Rule 2.10(B) of the American Bar Association Model Code of Judicial Conduct, which provides: "A judge shall not in connection with cases, controversies or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the judicial office."

If you think any of my questions cross these lines please say so and we will talk about it.