



Office of the President
Brandon S. Combs

Friday, March 31, 2017

VIA FAX AND U.S. MAIL

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Majority Leader McConnell and Minority Leader Schumer:

I write you today on behalf of Firearms Policy Coalition (FPC) and its hundreds of thousands of members and supporters to urge a “yes” vote to confirm Judge Neil M. Gorsuch as Associate Justice on the United States Supreme Court.

FPC is a nonpartisan, nonprofit civil rights organization that serves to defend the Constitution of the United States and the People’s rights, privileges, and immunities deeply rooted in this Nation’s history and tradition—especially the inalienable, fundamental, and individual right to keep and bear arms—through litigation and legal action, issue advocacy, research, education, outreach, and other efforts.

In Judge Gorsuch, the Senate is presented with an opportunity to confirm exactly the kind of thoughtful, principled jurist that the people of the United States need—and our Constitution requires. Noted constitutional scholar and UCLA Law Professor Eugene Volokh, who co-clerked with Judge Gorsuch at the Supreme Court, said that he was “brilliant, thoughtful and temperate.”¹ Having reviewed volumes of materials authored by Judge Gorsuch, we agree with Professor Volokh’s apt assessment.

In 2015, we were joined by 11 national and state civil rights organizations (including the Second Amendment Foundation, which was a party to the *McDonald v. Chicago* litigation) in filing an *amici curiae* brief² to the United States Supreme Court urging them to grant review in the case of *Jackson v. San Francisco*, wherein we *amici* described in detail what was (and remains) nothing less than a constitutional crisis and outright rebellion by the lower courts following the Supreme Court’s landmark decisions of *D.C. v. Heller* and *McDonald v. Chicago* decisions:

...In *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008), the Court held that the Second Amendment confers an individual right to keep and bear arms for self defense, and in *McDonald v. City of Chicago*, 561 U.S. 742, 778 (2010), confirmed that this right is a fundamental one.

¹ “I’m delighted to hear that Judge Neil Gorsuch has been nominated to the Supreme Court...I think he’s brilliant, thoughtful and temperate; he has the intellect of Justice Antonin Scalia...” Eugene Volokh, *Supreme Court nominee Neil Gorsuch on religious freedom*, The Volokh Conspiracy, January 31, 2017, at <http://wapo.st/2jxLpP2> (last accessed March 31, 2017).

² See Brief of Firearms Policy Coalition, Inc.; Second Amendment Foundation, Inc.; Calguns Foundation, Inc.; Firearms Policy Foundation, Inc.; California Association of Federal Firearms Licensees, Inc.; Madison Society, Inc.; and State Firearms Policy Organizations as Amici Curiae in Support of Petitioners, *Espanola Jackson, et al., v. City and County Of San Francisco, et al.*, (Supreme Court no. 14-704), available online at <http://bit.ly/jackson-amicus> (last accessed March 31, 2017).

To: The Honorable Mitch McConnell - Senate Majority Leader
To: The Honorable Charles Schumer - Senate Minority Leader
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Many lower courts have taken great pains to avoid the consequences of these decisions—defying a fundamental constitutional limitation this Court made explicit in *Heller*: “The very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is *really worth* insisting upon.” 554 U.S. at 635 (emphasis in original). Stated another way, “the enshrinement of constitutional rights necessarily takes certain policy choices off the table.” *Id.* at 636.

At the forefront of this resistance is the lower courts’ refusal to follow this Court’s command, made in *Heller* and reiterated in *McDonald*, that Second Amendment claims are not to be judged by unrestrained judicial interest balancing...

To be very clear, the resistance in the lower courts has not improved since that time and, in fact, the now-open judicial mutiny against the Second Amendment appears to be building to a crescendo. Indeed, the Second Amendment appears all but stillborn unless the Court once more weighs in and expressly reaffirms its prior decisions protecting the fundamental, individual right to keep and bear arms.

Such a decision would require that an intellectually honest, originalist jurist like Judge Gorsuch be confirmed to the Supreme Court.

Many appropriate vehicles for a Supreme Court decision on the merits in Second Amendment challenges—expertly litigated constitutional cases with strong records and experienced appellate counsel at the helm—are now or will soon be pending the Court’s consideration of a petition for *certiorari*.

That is why, with the fate of fundamental, individual rights hanging in the balance for millions of Americans, the Senate must take immediate action to confirm Judge Gorsuch and allow a full Supreme Court to resolve constitutional disputes of the highest importance to the People and the endurance of our great Republic.

We strongly urge a “yes” vote and look forward to widely sharing the results of the Senate’s vote with our members and the public.

Should you have any questions or wish to discuss our support of Judge Gorsuch, please feel free to contact me at (916) 378-5785.

Thank you very much for your time and consideration.

Sincerely,



Brandon Combs

cc: President Donald J. Trump