

Senator Jeff Sessions Questions for the Record Robert John Colville

Robert John Colville
Nominee, U.S. District Judge for the Western District of Pennsylvania

1. **A non-profit organization recently asked you the following question on a judicial candidate questionnaire: “Do you support judges verifying citizenship of each defendant and plaintiff in their court and turning illegals over to ICE or police/sheriff?” You responded: “No. Such routine inquiries can/should not be made in the absence of probable cause; but the law, immigration and otherwise, should be enforced when violations become known.” Do you still adhere to that view?**

Response: I do believe that the laws of the United States, including immigration laws, should be enforced. When violations become known, they should be reported to appropriate authorities for appropriate legal consequences. In all cases, I would faithfully abide by, and be guided by, the precedent of the Supreme Court and the Third Circuit with respect to these issues.

2. **In 2013, the Supreme Court of Pennsylvania decided *Robinson Township v. Commonwealth*, which involved constitutional challenges to a statewide land use standard for oil and gas development that overrode local zoning ordinances and limited fracking. You responded to a questionnaire from the League of Women’s Voters that asked whether you agreed with the plurality’s interpretation of Article I, Section 27 of the Pennsylvania Constitution, which was central to the results in that case. You answered:**

“I agree with the plurality decision as I understand it. (This reservation is of no small moment. As intimated in the Opinion, it remains to be seen how broadly, and in what specific factual contexts the holding will be applied over time). I agree that as a general proposition, in the absence of indications to the contrary, constitutional and legislative language should be afforded its plain meaning, in order to carry out the collective will of the people. The constitutional language of Article I, Section 27 plainly creates a trust protecting the environment for the benefit of future Pennsylvanians.”

- a. **Please expand on your basis for agreement with the plurality’s decision in *Robinson Township*.**

Response: As a plurality decision, the *Robinson Township* ruling of the Pennsylvania Supreme Court is limited in its binding authority to the specific claims asserted by the parties in that case alone, but its reasoning is entitled to due consideration as persuasive authority by lower courts. *Klopp v. Keystone Ins. Companies*, 378 Pa. Super. 605, 549 A.2d 221 (1988). As a trial court judge, I afforded it such consideration.

- b. **Under what circumstances should constitutional or legislative language not be afforded its plain meaning?**

Response: None, unless binding precedent dictates otherwise.

- 3. **You indicated in your submissions to this Committee that you “happily presid[ed] as judge at several same-sex weddings.”**

- a. **In your view, should churches or religious organizations that advocate for traditional marriage lose their tax-exempt status for “political activity” in the wake of the Supreme Court’s decision in *Obergefell v. Hodges*?**

Response: Respectfully, it is my understanding that this is a matter subject to pending litigation and/or potentially subject to impending litigation. As such it would be inappropriate for me to express a view as to the issues involved. I would like to assure the Committee that I would faithfully abide by the precedent of the Supreme Court and the Third Circuit if this issue came before me as a District Court Judge.

- b. **Do you believe that the First Amendment protects persons who, based on sincerely held religious beliefs, decline to provide a service, such as baking a cake for a same-sex marriage wedding ceremony, from being forced by law to do so?**

Response: Respectfully, it is my understanding that this is a matter subject to pending litigation and/or potentially subject to impending litigation. As such it would be inappropriate for me to express a view as to the issues involved. I would like to assure the Committee that I would faithfully abide by the precedent of the Supreme Court and the Third Circuit if this issue came before me as a District Court Judge.