

United States Senator Thom Tillis
Questions for the Record
Senate Judiciary Committee
On
Nominations

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

Questions for All Nominees

- 1. One challenge you will face as a federal judge is managing a busy caseload. If confirmed, how will you balance competing priorities of judicial efficiency and due process to all litigants involved in the case?**

Response: As a state trial court judge I am familiar with, and I am comfortable with, a substantial work/case load. I will utilize training from the Administrative Office of the United States Courts. I will work with judicial colleagues, court staff, and internal chambers staff to ensure that the work of the court is moved at an appropriate and professionally responsible pace. I fully accept my personal responsibility to diligently, efficiently, and effectively manage my caseload.

- a. Will you give certain cases priority over others?**

Response: I do not intend to give any matter priority except as is necessary and required by, for example, the need to protect speedy trial rights in criminal matters.

- 2. What is a fundamental right?**

Response: In *Washington v. Glucksberg*, 521 U.S. 702 (1997), the Supreme Court stated that: "we have regularly observed that the Due Process Clause specially protects those fundamental rights and liberties which are, objectively, 'deeply rooted in this Nation's history and tradition,' *id.*, at 503 (plurality opinion); *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934) ('so rooted in the traditions and conscience of our people as to be ranked as fundamental'), and 'implicit in the concept of ordered liberty,' such that 'neither liberty nor justice would exist if they were sacrificed,' *Palko v. Connecticut*, 302 U.S. 319, 325, 326 (1937)." *Washington v. Glucksberg*, 521 U.S. at 720-721.

- a. From where are these rights derived?**

Response: Fundamental rights pursuant to constitutional analysis are derived, principally, from the Bill of Rights and the Due Process Clause of the 14th Amendment to the Constitution as recognized by the Supreme Court. *See, e.g., Washington v. Glucksberg*, 521 U.S. at 719-720.

3. What role, if any, should societal pressure or popular opinion play in interpreting legislation or the United States Constitution?

Response: Societal pressure or popular opinion should play no role in interpreting legislation or the United States Constitution.

Questions for Judge Robert John Colville

1. From a judicial candidate questionnaire you were asked: what is your opinion of a federal judge overturning PA's DOMA law in 2014? You answered, "Religious liberty must be respected and at the same time balanced against the rights of others. This is not always easy or simple." How is this balance best achieved?

As a District Court Judge I would faithfully abide by the precedent of the Supreme Court and the Third Circuit if issues involving the balance of religious liberties against the rights of others came before me. *See, e.g., Burwell v. Hobby Lobby*, 573 U.S. ____ (2014).

- 2. A number of states, including North Carolina, have passed or introduced laws to protect women's health. You have characterized *Roe v. Wade* and its progeny as settled law. Please address whether you consider the following settled law:**
- a. That a state can require a consultation with a physician or qualified professional at least 24 hours prior to an abortion procedure,**
 - b. That a state can forbid an abortion if a significant factor in the woman's decision is related to the gender of the unborn child,**
 - c. That a state can require abortion facilities to meet the same standards as ambulatory surgical centers, and**
 - d. That a state can require an ultrasound be made available to the woman before permitting an abortion.**

Response: It is my understanding that each of the scenarios described above is either presently 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 any of these issues came before me as a District Court Judge.