

June 4, 2020

**Ranking Member Dianne Feinstein
Statement on Justin Walker's Nomination to the D.C. Circuit
Senate Judiciary Committee Executive Business Meeting**

We will be voting on Justin Walker's nomination to the D.C. Circuit. I cannot support his nomination and I'd like to explain why.

Judge Walker is just 38 years old. The Senate confirmed him to the Western District of Kentucky in October 2019 – just seven months ago – with no Democratic votes.

In his time on the bench, Judge Walker has not presided over any bench or jury trials, and has only written opinions in 12 cases.

This is simply not the breadth or depth of experience we would expect of a nominee being elevated to the D.C. Circuit, widely considered the second most important court in the country.

Looking more closely at his record, Judge Walker has argued that the FBI should not function independently of the president. Instead, he has claimed, the FBI director should think of himself 'as an agent of the president.'

That should be an alarming view for everyone given the need to ensure that law enforcement decisions are insulated from political pressures.

The notion that our leading law enforcement officials would act as agents of any president threatens to undermine the rule of law.

Moreover, Judge Walker has been a vocal opponent of the Affordable Care Act, calling the Supreme Court opinion upholding the ACA 'indefensible and catastrophic.'

That opposition to the ACA is one of several reasons the committee has received 17 letters urging senators to vote against him. And I would like to enter those letters into the record.

These letters collectively represent the opposition of more than 275 groups, including the NAACP, AFL-CIO, and Planned Parenthood.

One of those letters, led by the Alliance for Justice and Protect Our Care, states the following: 'At a time of a worldwide pandemic, now is not the time for the Senate to prioritize the confirmation of judges who are committed to taking away health insurance through the courts for millions.'

Finally, I would note that the seat to which Judge Walker has been nominated does not even become vacant until September. There is simply no need to consider his nomination at this

point in time, when the committee should be focused on the COVID-19 pandemic and responding to the police killing of George Floyd.

This is further proof that the number one priority of Mitch McConnell and Senate Republicans is packing the courts with young, ideological and largely unqualified judges.

I will vote against Judge Walker and I urge my colleagues to do the same.