

Statement for the Record | Senator Kamala D. Harris
Senate Judiciary Committee | October 30, 2019

Today, the Senate Judiciary Committee is holding a hearing on Patrick Bumatay's nomination to the U.S. Court of Appeals for the Ninth Circuit, despite longstanding opposition from both California Senators. Mr. Bumatay's nomination represents yet another instance in which the president has put forth a highly flawed nominee, ignored the input of home state senators, and further degraded longstanding Senate institutional norms to rush through an unfit nominee.

In November 2018, the president first nominated Mr. Bumatay to the Ninth Circuit. I objected to Mr. Bumatay's nomination then because of his minimal experience in trial and appellate advocacy. His nomination then lapsed at the end of 2018. In early 2019, Mr. Bumatay was nominated to the U.S. District Court for the Southern District of California, and once again, I raised concerns about his qualifications to serve on the federal bench. In September 2019, when another vacancy arose on the Ninth Circuit, the White House re-nominated Mr. Bumatay to the Ninth Circuit and withdrew his pending nomination to the district court. In once again nominating Mr. Bumatay to the Ninth Circuit, it is clear that the White House is seeking to remake the ideological composition of the court, even in the face of legitimate concerns raised by home state senators and the local legal community.

Any nominee for a lifetime appointment to the federal bench must demonstrate exceptional skill, professionalism, and respect for the principle of equal justice under law. Mr. Bumatay fails to meet this standard. He has a troubling prosecutorial record, including an instance of misconduct that led the United States to move to reverse and vacate a defendant's conviction. At the U.S. Attorney's Office, Mr. Bumatay served as lead counsel in only five jury trials and has argued only two cases before the Ninth Circuit. And Mr. Bumatay's nomination to the Ninth Circuit has elicited strong criticism from members of California's legal community, across party lines.

Senator Feinstein and I have engaged the White House, negotiated in good faith, and identified qualified, consensus Ninth Circuit nominees we could have supported—and whom the White House supported for the district court. Notwithstanding those efforts, the White House has chosen to rush through an unfit nominee who lacks the judgment, qualifications, and local respect that should be required of any nominee. For these reasons, I strongly oppose Mr. Bumatay's nomination to the Ninth Circuit.

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