

Those are just a few of the contradictory quotes from the pre- and post-nomination Professor Harris which strikingly illustrate almost unbelievable inconsistencies in her judicial philosophy and understanding of constitutional interpretation.

The quotations also point to issues that are deeply troubling about this nominee, and I'll discuss a few of them. First, this nominee has made many statements suggesting that if confirmed, she would pursue a results-oriented, whatever-it-takes approach to deciding cases. From this nominee's past commentary, we know that she is not only a devoted liberal, but she would also strive to move the courts leftward to suit her ideological preferences.

For example, in discussing the Warren Court, the professor said she wondered "whether we almost have, by now, a stunted sense of what the legal choices really are, what really is a liberal legal outcome."

Just listen to that phrasing again: "liberal legal outcome." Is there any doubt this nominee views the courts as simply a third political branch?

I will quote again:

If Chief Justice Warren came out a certain way, that must be as liberal as it gets. That's not right! I think that we've stunted the spectrum of legal thought in a way that removes the possibility that there could have been more progressive readings of the Fourth Amendment and the Fifth Amendment.

It seems Professor Harris doesn't think the Warren court was nearly liberal enough. That is a fairly astonishing view in itself.

I often hear liberals and some of our nominees talk about the so-called living Constitution. Well, it is clear to me this nominee sees not a living Constitution but a profoundly political Constitution. She said so herself. She sees judges as proxies engaged in a tug-of-war who use judicial power as an instrument of political control. Her statements, as I explained a few minutes ago, also are a clear indication of her belief that the role of a judge is to reflect those political and social forces.

For example, speaking about Justice Kennedy's stance on gay marriage, the professor said that the Justice "should be changing the same way the whole country is changing."

That is the language of politics, not the language of law.

She has said so many things to this effect that I find myself asking this question: Will this nominee even consider the law when deciding a case or is it all progressive outcomes, social movements, and critical junctures?

So it is clear there are two Professor HARRISES: the pre-nomination professor and the post-nomination professor.

Let's not be naive about which Professor Harris will sit on the Federal bench—for life—if confirmed, because no one else is being naive about that question.

Take, for example, an article published last May in New Republic gush-

ing that the professor is a "champion of liberal jurisprudence" and will be a "sympathetic vote for liberal causes." We know that will be the case from the pre-nomination professor's long record of impassioned liberal advocacy.

The article also observes—accurately, in my view—that Professor Harris "clearly has an interest in using her voice to project a liberal jurisprudence perspective." That quotation pretty much sums it up. All anyone needs to do to confirm that claim is to read the pre-nomination professor's public statements, because they are all out there. It is not a secret what this nominee thinks about the law and what she thinks about the courts. And it is no secret what kind of a judge this nominee will be if she takes the bench.

So it seems pretty clear to me that the timing of the vote on this nominee is not purely coincidental. We know this because of this week's ObamaCare decisions handed down by the DC Circuit and the Fourth Circuit.

Last November, when the majority changed the cloture rule on judicial nominees, I told my colleagues the decision was a blatant attempt to stack the DC circuit with judges who would view sympathetically the administration's arguments in upcoming ObamaCare lawsuits.

The other side dismissed the notion that the rules change was designed to tilt the court in the President's direction and to salvage ObamaCare. Well, as we all know, a three-judge panel of the DC Circuit decided the Halbig case this week against the administration, and it only took the administration about an hour to announce that it would seek a rehearing by the en banc DC Circuit, which now includes four of the President's nominees.

As we all know, our distinguished majority leader rushed through three of those four nominees immediately after the rules change. And yesterday the distinguished majority leader finally admitted that the upcoming en banc panel on the Halbig ruling vindicated his decision to go nuclear. He said: "I think if you look at simple math, it does."

So the distinguished majority leader isn't even trying to disguise his intent, and that is exactly what happened with this nominee on her way to the Fourth Circuit.

This nomination is being considered ahead of other circuit nominees on the executive calendar. Why is this Fourth Circuit nomination being fast-tracked? Why fast-track one of the most liberal nominees we have considered to date? If history is any guide, the answer is simple. It is all about saving ObamaCare. The other side wants to stack the Fourth Circuit just like the DC Circuit, because the Fourth Circuit hears a disproportionate number of significant cases involving Federal law and regulations, as does the DC Circuit.

So my colleagues should understand a vote for this nominee is also a solid

vote for the Affordable Care Act as the cases make their way through the court.

I am voting "no" on this nominee and I urge my colleagues to do the same. I yield the floor.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, following the cloture vote on Executive Calendar No. 777, Disbrow, the Senate consider and vote on calendar No. 919, Mendez; No. 920, Rogoff; and No. 921, Andrews; further, that at a time to be determined by me, in consultation with Senator MCCONNELL, on Monday, July 28, the Senate consider Calendar Nos. 915, Kaye; 916, Kaye; 913, Mohorovic; and 744 McKeon; that there be 2 minutes for debate equally divided between the two leaders or their designees prior to each vote; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations; further, if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. For the information of all Senators, we expect nominations considered today to be confirmed by voice vote.

The PRESIDING OFFICER. The Senator from Washington.

WASHINGTON WILDFIRES

Mrs. MURRAY. Madam President, I come to the floor today to speak for a few minutes about the absolutely devastating wildfires currently burning through the farms, communities, and public lands of our home State of Washington.

As a lifelong resident of Washington State and the Pacific Northwest, I have always been aware of the annual risks and dangers that wildfires pose to our region. Every summer, a combination of rising temperatures, months of dry weather, and our State's obvious abundance of forest and fields have resulted in wildfires capable of threatening homes and businesses across our State. Each summer we have worked to become better and better prepared to help protect our communities.

But one wildfire burning this year is the single largest we have seen in Washington State. Since last Tuesday, massive wildfires covering hundreds of thousands of acres have ravaged our farm lands, our agricultural areas, our cherished public lands, and, most importantly, communities throughout Chelan County, Okanogan County, and others across eastern Washington.