



Daniel Collins

President Trump nominated Collins to serve on the U.S. Court of Appeals for the Ninth Circuit on January 31, 2019. Collins is anti-choice.

Career

- Bachelor of Arts, Harvard University, 1985
- Juris Doctorate, Stanford Law School, 1988
- Clerk, Hon. Dorothy Nelson, U.S. Court of Appeals for the Ninth Circuit, 1988-1989
- Attorney Advisor, Office of Legal Counsel, U.S. Department of Justice, 1989-1991
- Clerk, Associate Justice Antonin Scalia, U.S. Supreme Court, 1991-1992
- Assistant U.S. Attorney, U.S. Attorney's Office for the Central District of California, 1992-1996
- Associate, Munger, Tolles & Olson LLP, 1996-1997
- Partner, Munger, Tolles & Olson LLP, 1998-2001
- Associate Deputy Attorney General, Office of the Deputy Attorney General, U.S. Department of Justice, 2001-2003
- Partner, Munger, Tolles & Olson LLP, 2003-present

Record on Choice-Related Issues

Court Cases

- Collins authored an amicus brief on behalf of the anti-choice Ethics and Public Policy Center in *Hobby Lobby Stores v. Sebelius*.¹ The brief argued against the Affordable Care Act's landmark contraceptive-coverage policy, the greatest advancement in reproductive healthcare in a generation. Collins wrote, "According to the Government, it can make any market for goods or services a Free-Exercise-Free Zone simply by the artifice of placing whatever obligations it wants on corporate entities rather than on natural persons. In the Government's view of the matter...an independent Catholic hospital with a lay board could be required to provide abortions... As Judge Jordan recognized in dissent below in the *Conestoga* case, there is a word to describe the Government's position: 'Remarkable.'"²
- Collins also authored a brief on behalf of the Ethics and Public Policy Center in *Zubik v. Burwell* in which he attacked the D.C. Circuit's ruling that upheld the ACA's contraceptive-coverage policy.³ Collins argued that the policy "compels [religious groups] to take actions that violate their religious principles," despite an

accommodation put in place for such groups by the Obama administration. Collins went so far as to warn that the D.C. Circuit's "jury-rigged approach...if upheld, would threaten all constitutional rights."

- Ed Whelan, president of the Ethics and Public Policy Center, thanked, "the great team of lawyers...led by Daniel Collins, for their exceptional brief."⁴
- Collins filed a brief in *Greater Baltimore Center for Pregnancy Concerns v. Mayor and City Council of Baltimore* arguing on behalf of fake women's health centers (also known as crisis pregnancy centers) challenging a Baltimore ordinance that required them to disclose that they do not provide contraception or abortion services.⁵ Fake women's health centers (FWHCs) often attempt to pose as full-service abortion clinics, only to lie to, shame, and coerce women who walk in their doors in an effort to prevent them from accessing abortion. Collins' brief argued that the Baltimore law, which simply required FWHCs to post a sign disclosing that they are not a full-service clinic, "would burden the Center's pro-life advocacy."⁶

Notable Information

- Collins wrote a book review in which he asserted that *Planned Parenthood v. Casey* was an example of Justice Harlan's theory of interpretation "allow[ing] judges to do what they want while pretending to merely follow the law."⁷ In a citation, he asserted that the Casey opinion "rel[ie]d upon Harlan and Frankfurter in order to create a constitutional right to abortion."⁸
- While serving as editor of the Federalist Society's "Federalism and Separation of Powers" publication, Collins published anti-choice remarks from various contributors:
 - "Perhaps no two cases have done more damage to the judiciary than *Roe v. Wade*, 410 U.S. 113 (1973), and its 1992 re-affirmance in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992). In *Roe*, the Court 'discovered' a constitutional right to abortion lurking in the Due Process Clause of the Fourteenth Amendment. For the first 184 years of our Nation's existence, abortion was decided in the democratic process, with a great deal less strife than attends the issue today. In 1973, however, the Supreme Court usurped the issue and prevented America's political institutions from prohibiting abortion in all but the most extreme circumstances. In one fell swoop, the Court legalized what many Americans consider to be murder." – Former Attorney General Jeff Sessions
 - "This is reminiscent of the Court's egregious decision in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), in which the Court held that it must stick to its earlier abortion holdings, even if wrong, because it would 'subvert the Court's

legitimacy beyond any serious question' to admit its error.” – Michael McConnell⁹

- Collins clerked for staunchly anti-choice Associate Justice Antonin Scalia on the U.S. Supreme Court.¹⁰
- Collins is a member of the conservative, anti-choice Federalist Society.¹¹ The Federalist Society is led by Leonard Leo, the anti-choice activist who is heavily involved in selecting Trump’s Supreme Court and lower court nominees. Leo has been outspoken in his anti-choice views, calling abortion “an act of force” and “a threat to human life,”¹² and serves as co-chairman of Students for Life,¹³ a group whose mission is to “abolish abortion.”¹⁴
 - Not only is Collins an active member of the Federalist Society, he has also donated tens of thousands of dollars to the group. From 2011 to 2017, Collins was a “sustaining member” of the Federalist Society, donating between \$5,000 and \$9,999 each year.¹⁵
- Collins has donated tens of thousands of dollars to anti-choice, Republican politicians over the years, including \$8,200 to Carly Fiorina’s failed Senate campaign¹⁶ and over \$25,000 to the National Republican Senatorial Committee.¹⁷
 - Collins has also donated to numerous sitting senators who will now have the opportunity to vote on his nomination:
 - \$5,400 to Sen. Ron Johnson’s 2016 campaign.¹⁸
 - \$2,700 to Sen. Tod Young’s 2016 campaign.¹⁹
 - \$2,700 to Sen. Marco Rubio’s 2016 campaign.²⁰
 - \$2,700 to Sen. Pat Toomey’s 2016 campaign.²¹
 - \$2,700 to Sen. Ted Cruz’s failed 2016 presidential campaign.²²
 - \$2,700 to Sen. Marco Rubio’s failed 2016 presidential campaign.²³
 - \$500 to Sen. Dan Sullivan’s 2014 campaign.²⁴
 - \$7,500 to Sen. Mitt Romney’s failed 2012 presidential campaign.²⁵

¹ Brief of Amicus Curiae Ethics and Public Policy Center in Support of Respondents in No. 13-354 and Petitioners in No. 13-356, *Kathleen Sebelius v. Hobby Lobby Stores*, 573 U.S. __ (2014)

² *Ibid.*

³ Brief of Amicus Curiae Ethics and Public Policy Center in Support of Petitioners, *Zubik v. Burwell*, 578 U.S. __ (2016)

⁴ *EPPC Supports Little Sisters of the Poor in Supreme Court*, Ethics & Public Policy Center (Jan. 16, 2016) <https://eppc.org/news/eppc-supports-little-sisters-of-the-poor-in-supreme-court/>

⁵ Brief of Amici Curiae Ethics & Religious Liberty Commission; International Society for Krishna Consciousness, Inc.; and Archdiocese of Baltimore in Support of Appellee and Affirmance, *Greater*

Baltimore Center for Pregnancy Concerns, Inc. v. Mayor and City Council of Baltimore, 879 F.3d 101 (4th Cir. 2018)

⁶ Ibid.

⁷ Daniel Collins, *Farewell Miranda?*, 1995 Pub. Int. L. Rev. 185, 198-199 (1995) (reviewing Joseph D. Grano, *Confessions, Truth, and the Law* (1993))

⁸ Ibid.

⁹ Michael McConnell, *The RFRA Decision: A Blow for Judicial Supremacy and Against Religious Freedom*, 1 Federalism and Separation of Powers News 1-2 (Fall 1997)

¹⁰ *Questionnaire for Judicial Nominees: Daniel Paul Collins*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/imo/media/doc/Daniel%20Collins%20SJQ%20-%20PUBLIC.pdf> (last visited Feb. 28, 2019)

¹¹ *Questionnaire for Judicial Nominees: Daniel Paul Collins*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/imo/media/doc/Daniel%20Collins%20SJQ%20-%20PUBLIC.pdf> (last visited Feb. 28, 2019)

¹² Jeffrey Toobin, *The Conservative Pipeline to the Supreme Court*, THE NEW YORKER (April 17, 2017), <https://www.newyorker.com/magazine/2017/04/17/the-conservative-pipeline-to-the-supreme-court>

¹³ Board of Directors, STUDENTS FOR LIFE, <http://studentsforlife.org/supporters/board-of-directors-1> (last visited July 5, 2018)

¹⁴ Mission Statement, STUDENTS FOR LIFE, <http://studentsforlife.org/about/mission-statement/> (last visited July 5, 2018)

¹⁵ 2011 Annual Report, THE FEDERALIST SOCIETY, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/qiGbnU0fkcfAiHpZ9fdP00uNXYtDUSQzCSuEvj.pdf> (last visited Feb. 28, 2019);

2012 Annual Report, THE FEDERALIST SOCIETY, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/IJGMQgQ12ZCdAcDCb5gZWMfKqyBUwsAAxuafWDhk.pdf> (last visited Feb. 28, 2019);

2013 Annual Report, THE FEDERALIST SOCIETY, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/0iamvscuGSyYpH9TNtkLz5qygeRLZuyh1LsV3QqY.pdf> (last visited Feb. 28, 2019);

2014 Annual Report, THE FEDERALIST SOCIETY, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/S8XgZApujX8nZLf0UmDr4eYD9VW707fBMIMkN7Ut.pdf> (last visited Feb. 28, 2019);

2015 Annual Report, THE FEDERALIST SOCIETY, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/JnTcAPQf9fw04Ts4tRd8t9kYsuKhxaAY24t6y62A.pdf> (last visited Feb. 28, 2019);

2016 Annual Report, THE FEDERALIST SOCIETY, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/KOMI3jmf8TMnNAYKwlwoR1R9EuMEXJMAP7Z8FZpp.pdf> (last visited Feb. 28, 2019);

2017 Annual Report, THE FEDERALIST SOCIETY, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/MvqGg29Q81NillcwowGDQLsgpEPHGmkvUxyjIAys.pdf> (last visited Feb. 28, 2019);

¹⁶ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?10021031320> (last visited Feb. 28, 2019);

Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?11020202934> (last visited Feb. 28, 2019);

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Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?10020062945> (last visited Feb. 28, 2019).

¹⁷ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?14020023994> (last visited Feb. 28, 2019);

Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?12021110544> (last visited Feb. 28, 2019);

Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?11020070595> (last visited Feb. 28, 2019);

Federal Election Commission Report <http://docquery.fec.gov/cgi-bin/fecimg/?10021023469> (last visited Feb. 28, 2019);

Federal Election Commission Report <http://docquery.fec.gov/cgi-bin/fecimg/?10021023512> (last visited Feb. 28, 2019).

¹⁸ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?201702080200069666> (last visited Feb. 28, 2019);

Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?201612130200773662> (last visited Feb. 28, 2019).

¹⁹ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?201702270200078859> (last visited Feb. 28, 2019)

²⁰ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?201612090200730942> (last visited Feb. 28, 2019)

²¹ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?201610180200450747> (last visited Feb. 28, 2019)

²² Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?201606159018176173> (last visited Feb. 28, 2019)

²³ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?201510309003256151> (last visited Feb. 28, 2019)

²⁴ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?15020104462> (last visited Feb. 28, 2019)

²⁵ Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?13942257614> (last visited Feb. 28, 2019);

Federal Election Commission Report, <http://docquery.fec.gov/cgi-bin/fecimg/?14941679503> (last visited Feb. 28, 2019);

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