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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Memorandum [with attachments] [9 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 05/20/2025 JLS] - To: Counsel Attorneys - From: Brett Kavanaugh	9	05/01/2001	
002	Note	[Notes] [1 PAGE RELEASED IN WHOLE ON PRA RE-REVIEW 05/20/2025 JLS]	1	04/27/2001	
003	Webpage	Official Biography of U.S. Representative Christopher Cox	1	04/29/2001	b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Cox, Chris

FRC ID:

9122

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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SUPERSEDED

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MEMORANDUM

TO: Counsel Attorneys
FROM: Brett M. Kavanaugh
DATE: May 1, 2001
RE: Chris Cox – DOJ Analysis

Attached is the DOJ analysis of Chris Cox. It would be useful for everyone to read as we gear up for a possible fight over Cox. It explains why he is plainly such a superb candidate for the President to nominate to that court.

PRIVILEGED/DELIBERATIONAL**CANDIDATE REPORT: REP. CHRISTOPHER COX**

Summary: Representative Cox's outstanding career as both a private and White House lawyer, and in particular his long and distinguished record as an effective legislator and leader in the House of Representatives, show that he is exceptionally well-qualified for a position on the United States Court of Appeals. In addition, the approach to legal and constitutional issues strongly reflected in Mr. Cox's record in Congress and in his writings and public statements appears to be consistent with the philosophy of prudent judicial restraint sought by the President in judicial appointees.

I. General Background/Career

Representative Christopher Cox has been the U.S. Representative for the 47th District of California (Orange County) since 1989. As Chairman of the House Policy Committee, he is a prominent member of the Republican House Leadership. Among Mr. Cox's other significant assignments and responsibilities as a House Member are membership on the House Leadership Steering Committee, the Committee on Energy and Commerce, and the Committee on Financial Services. Mr. Cox also gained particular prominence and stature in 1998-99 as Chairman of the bipartisan "Cox Committee," which investigated and reported upon allegations that the Clinton Administration had permitted transfers of sensitive military technology to China after receiving campaign contributions from Chinese sources.

Mr. Cox graduated from Harvard Law School (where he served on the *Harvard Law Review*) and earned a Harvard MBA as well in 1977. He clerked for Judge Herbert Choy on the U.S. Court of Appeals for the Ninth Circuit in 1977-79. Before his election to Congress, he was a partner in the prominent Los Angeles/Newport Beach law firm of Latham and Watkins, where his practice focused on venture capital and corporate finance and involved very little, if any, litigation experience. From 1986 to 1988, he served as Senior Associate Counsel to the President in the Reagan Administration.

II. Legal Qualifications

As noted, Mr. Cox has no judicial experience and apparently little significant litigation experience. The dearth of litigation experience might be raised by opponents as a shortcoming in Mr. Cox's qualifications for the appellate bench. Nonetheless, other aspects of his career, particularly his long and exceptionally distinguished record as a leading Member of Congress, demonstrate the judgment, experience, knowledge, and unique familiarity with federal statutes and their enactment which would make him well-suited for the federal appellate bench. Among the points of particular significance in evaluating Mr. Cox's legal qualifications are:

- Graduation from Harvard Law School and service on the staff of the *Harvard Law Review*

- Judicial Clerkship on the U.S. Court of Appeals for the Ninth Circuit
- Partnership in a prominent and distinguished law firm.
- Service as Senior Associate White House Counsel, a job which entails high-pressured, fast-paced legal analysis and opinions on some of the most difficult, consequential, and sophisticated issues of federal law, particularly in the area of separation of powers.
- Twelve years experience in Congress in the formulation, enactment, amendment, and debating of federal legislation of every variety, as well as extensive work on a wide range of legal issues as Chairman of the Republican Policy Committee, an active member of numerous House committees and subcommittees, and a testifying witness on various laws and policy issues.

It is also significant to note that Mr. Cox is the unusual candidate who has seen substantial government service in all three branches of the Federal Government: Judiciary (Ninth Circuit clerkship), Executive (Associate White House Counsel), and Legislative (Member of Congress). This varied experience would serve him especially well on the federal bench in dealing with separation of powers and other structural issues.

In addition to the foregoing, Mr. Cox's leadership role in Congress, and especially his widely-praised bipartisan leadership in the investigation and report undertaken by the Cox Committee, demonstrate the characteristics of mature leadership and collegiality which would serve him well in the important area of judicial temperament on the court of appeals.

Because his work in Congress provides the predominant part of Mr. Cox's public record on legal and constitutional issues, this report necessarily focuses on Mr. Cox's record as a Member of Congress.

III. Congressional Record on Legal/Judicial Issues

A. Bills/Legislation Sponsored and Co-Sponsored

Over twelve years in Congress, Mr. Cox has originated, introduced, and co-sponsored a great number of significant bills. Among such bills that might be viewed (either favorably or unfavorably) as reflecting his judicial approach to significant legal, constitutional, or philosophical issues – including several noteworthy Cox bills that were enacted into law – are the following:

“Harris” Habeas Corpus Amendment. – Inspired by the endless delays in carrying out the death sentence of brutal California murderer Alton Harris, Rep. Cox sponsored this significant habeas reform legislation which was enacted into law in 1995 and subsequently upheld by the Supreme Court against constitutional challenge. See 28 U.S.C. § 2254(d). It requires federal habeas courts to defer to

state courts when they "reasonably" interpret the facts and "reasonably" apply the law to the facts. As Rep. Cox tersely described the effect of his amendment: "[T]o put it simply, State decisions that are reasonable on the law and facts will be upheld by a habeas review." 141 Cong. Rec. H1416 (daily ed. 1995). This and other elements of his legislative record suggest that Mr. Cox is philosophically supportive of the death penalty and disinclined to deviate from the presently predominant Supreme Court approach to that and related constitutional issues in the criminal law area.

Internet Tax Freedom Act (105th Congress) – This Cox-initiated bill authorized a three-year moratorium on state taxation of internet transactions and was enacted into law in 1998. This and various other internet-related initiatives of Mr. Cox demonstrate his special familiarity with high-tech legal issues which are assuming increasing importance in the federal litigation.

Internet Freedom and Family Empowerment Amendment – Together with Rep. Ron Wyden (D. Or.), Rep. Cox offered this widely-publicized amendment to the Telecommunications Competition and Deregulation Act of 1996 to prohibit FCC regulation of the internet and provide a legal "safe harbor" from legal liability for those who provide filtering systems to filter obscene material from internet transmission to home computers.

Child Custody Protection Act (H.R. 3682, 105th Cong.) – Mr. Cox co-sponsored this legislation to prohibit the transporting of persons under 18 years of age across a State line in order to obtain abortions where an applicable State law requiring parental involvement in the abortion decision was not complied with before the abortion occurs.

Product Liability Reform (March 9, 1995, 141 Cong. Rec. H2940) – Mr. Cox introduced major product liability reform legislation in 1995 (in the form of an amendment) designed to place reasonable limitations on speculative and arbitrary damage awards. The legislation was grounded on the Commerce Clause and was designed to "establish[] certain uniform legal principles of product liability which provide a fair balance among the interests of product users, manufacturers, and product sellers." Mr. Cox is closely associated with a range of tort reform and products liability reform bills and initiatives (*see, e.g.*, article cited below from *Harvard Journal of Law and Public Policy*); his positions reflect a keen recognition of excesses and abuses characterizing many jury awards in these areas.

Alien Inmate Screening Law (1996) Mr. Cox authored and introduced this bill which was enacted into law as an amendment to the Immigration Reform Act. The legislation authorized a pilot project at the Anaheim City Jail for the screening, identification, and deportation of illegal aliens held in prison for violent crimes. The program was later expanded to the national level. *See* 1997 WL 12105202.

Immigration Moratorium (H.R. 3862, 1994) – Mr. Cox co-sponsored this bill which would have effected a moratorium on immigration by aliens other than refugees, priority workers, and spouses

and children of U.S. citizens.

Phase-out the Internal Revenue Code (H.R. 3097) – Mr. Cox so-sponsored this legislation with Rep. Jim Bunning (R-Ky).

Repeal the "Motor Voter" Voter Registration Law – Mr. Cox introduced this legislation to repeal the widely-abused voter registration provisions previously enacted by Congress.

Ban "Soft Money" (H.R. 2924, 1993, 103d Congress) – Mr. Cox introduced this legislation to "eliminate soft money from federal election campaigns."

Religious Freedom Restoration Act (RFRA – 1993) – Mr. Cox was among the large number of congressmen who co-sponsored this legislation, subsequently held unconstitutional, designed to overturn the Supreme Court's earlier decision in *Employment Div. v. Smith*, 494 U.S. 872 (1990).

Anti-Preference Legislation (H.R. 1909, 1997) – Mr. Cox co-sponsored this bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, and gender in Federal actions.

Constitutional Amendment to Abolish the Federal Income Tax (H.J. Res. 70). Mr. Cox sponsored this constitutional amendment to phase-out the federal income tax, a subject which he has also addressed in an op-ed piece (discussed *infra*).

Eliminate Department of Education (H.R. 1883, 1995) – Mr. Cox joined more than one-half of Republican House Members in co-sponsoring this unsuccessful legislation.

B. Votes on Some Key Issues Implicating Legal/Constitutional Issues

Mr. Cox has voted on literally thousands of bills, amendments, and other measures in his career in Congress. Given that enormous volume, it is not possible to provide a comprehensive evaluation of his voting record with respect to bills and measures implicating or reflecting the Members' position or approach to significant legal or constitutional issues. Nonetheless, Mr. Cox's votes on the significant or controversial bills listed below represent the kinds of votes that, rightly or wrongly, might be noted by Senators seeking to assess his legal/judicial approach from his congressional voting record:

Partial-birth Abortion Legislation (105th Cong.): Yes to enact, Yes to override veto.

ISTEA Minority Contract Preferences (105th Cong.): Yes to amendment which would have amended ISTEA to eliminate unconstitutional contract preferences in conformity with *Adarand*

Prohibit Racial Preferences in College Admissions (1998): Yes to pass.

Race-based Death Penalty Limitation (103d Cong.) – No (i.e., yes on motion to strike)

School Prayer Constitutional Amendment (105th Cong.) – Yes to pass and send to States

Puerto Rico Statehood Referendum (105th Cong.) – No

Impeachment of Pres. Clinton for Perjury (1998) – Yes to impeach.

Prohibit Racial Preferences in Higher Education Amendments Act – Yes.

Reauthorize Independent Counsel Statute – No.

D.C. Statehood Constitutional Amendment (1993) – No.

Exclusionary Rule Reform (i.e., curtailing or relaxing the rule) (104th Cong.) – Yes.

Brady Handgun Legislation (103d Cong.) – No.

C. Noteworthy Speeches, Statements, or Testimony.

Racial Preference Issues. On May 6, 1998, Mr. Cox made a brief but significant floor statement in strong support of an amendment to prohibit racial preferences in higher education. *See* 1998 WL 222830, 144 Cong. Rec. H2860, H2900. In his statement, Mr. Cox explained how the federal court of appeals decisions in *Podberesky*, *Hopwood*, and *Taxman* reflect the same anti-discriminatory equal protection principle underlying *Brown v. Bd. of Education*. He also described how the California Civil Rights Initiative (on which the measure under discussion was patterned) has not had the adverse consequences envisioned by its opponents.

Habeas Corpus Reform/"Harris Amendment". On February 8, 1995, Mr. Cox made a significant floor statement in support of his proposed "Harris" amendment to the federal habeas corpus statute (noted above under Bills Sponsored). *See* 1995 WL 48274. The statement reflects a keen understanding of the abuses and interminable delays in federal habeas procedures in the death penalty context. Mr. Cox described his amendment as follows:

The reasonableness standard that I am proposing is already used for factual determinations in habeas cases pursuant to statute and for legal determinations in many cases. This reasonableness standard respects the coordinate role of the States in our constitutional structure, while assuring ample Federal review of State determinations of law and fact.

It strikes a sensible balance that is consistent with the interests of defendants,

victims, and States.

Tobacco Settlement Attorneys Fees Testimony. On December 10, 1997, Mr. Cox provided substantial and legally sophisticated testimony to the Courts and Intellectual Property Subcommittee of the House Judiciary Committee on "Attorneys Fees in the Tobacco Settlement." See 1997 WL 16138829. This prepared testimony may be the most scholarly and sophisticated of Mr. Cox's public writings on legal issues. The statement sets forth a scholarly and well-documented argument in support of legislation limiting massive attorney's fee awards for the private attorneys retained by the States in any mandated settlement of the nationwide tobacco litigation. The statement touches on a wide range of issues, including the inherent impropriety of States retaining contingency-fee lawyers, the Tenth Amendment, and constitutional "takings" issues raised by legislative abrogation of vested contract rights. Particularly noteworthy is Mr. Cox's discussion of the possible "takings" issue, which stated in relevant part:

I personally could not conscientiously urge Congress to enact legislation that purported to limit attorneys' fees but actually only shifted them to federal taxpayers in the form of liability for a taking. And I would be loath to endorse legislation revising vested contractual interests, no matter how justifiable the cause. Fortunately, the McInnis bill does neither..

The attorneys' fees in this case will accrue if, and only [if], there is a favorable resolution. To date there has been a global settlement whose viability depends on as yet unenacted federal legislation, and state settlements in Mississippi and Florida that themselves nullify the pre-existing fee agreements. In other words, the contingencies specified in the fee contracts have simply not occurred, and they have accordingly conveyed no vested interests that could be taken or impaired.

Flag-Burning Constitutional Amendment. On June 28, 1989, Mr. Cox spoke on the House Floor in support of a constitutional amendment permitting the prohibition of burning the American Flag. See 1989 WL 192464. In concluding his arguments, Mr. Cox stated:

The amendments that we are considering would do nothing more than restate the law that has been in place in 48 States for years and years in this country. They would do nothing new. They would simply preserve the status quo. I think that is very appropriate.

Judge Bork echoed the dissenters on the Supreme Court when he said, "Isn't it ironic that this Government can conscript its citizens, force them, force them to fight, perhaps die, for their flag, but this same Government does not have the power to protect the national symbol, the banner under which they fight?"

That is wrong. That is wrong and we ought to fix it.

Abortion Clinic Access Bill/Federalism – On November 18, 1993, Mr. Cox spoke in opposition to the Freedom of Access to [Abortion] Clinic Entrances Act of 1993. See 1993 WL 478571. In explaining his position, Mr. Cox stressed its implications for important principles of federalism:

.... This legislation would create a new Federal felony for certain kinds of trespass, assault, battery, disorderly conduct, and obstruction of public ways already covered by State law.

I oppose the creation of a Federal criminal code. Criminal law – from murder to trespass – is properly the province of the States. Only when peculiar interstate or international problems of criminal law enforcement render State law inadequate should Congress enlarge the Federal criminal jurisdiction.

Because the conduct complained of by proponents of this legislation is always localized – comprising trespass, disorderly conduct, obstruction of public ways, assault, battery, and like criminal offenses – it does not fall within this narrow exception. If this legislation were to pass, the Federal courts will be required to handle cases as simple as trespass or vandalism.

....

Instead of seeing to it that justice is served, federalizing basic criminal law enforcement only makes our entire criminal justice system less efficient. That is why I intend to vote "no" on H.R. 796.

IV. Articles/Op-ed Pieces

Mr. Cox has published large numbers of brief op-ed pieces over the years, primarily in Southern California/Orange County newspaper outlets. Based on review of all articles identified on the WestLaw ALLNEWS database, the following articles may be considered particularly significant in the judicial nomination/confirmation context.

A. *Wall Street Journal* Article on Supreme Court. This op-ed article written by Rep. Cox in July, 1992 (copy attached) could be considered significant by potential opponents in assessing his likely judicial philosophy. It may be his most significant or controversial article, at least in the judicial confirmation context. Under the title "The Sad Career of the Reagan Justices" (the title was probably assigned by the *WSJ* editorial staff), Mr. Cox sharply criticized the positions taken by Supreme Court Justices O'Connor, Kennedy, and Souter in, among other cases, the 1992 *Planned Parenthood v.*

Casey decision affirming and applying *Roe v. Wade*. Although the article sets forth a legitimate legal criticism/assessment of the approach taken by the three named justices – and strongly suggests a judicial philosophy in sympathy with that of Justices Scalia and Thomas – it might be portrayed by opponents as demonstrating an immoderate position on judicial philosophy in general or the abortion issue in particular.

B. ABA Bias in Rating Judicial Nominees. On March 16, 1997, Mr. Cox published an article in the *Orlando Sentinel* providing well-founded and responsible criticism of the American Bar Association's political bias in evaluating judicial nominees. *Lawyers' Group Courts the Left -- Because of the American Bar Association's Bias, the Group Should Not Rate Judicial Nominees*, 1997 WL 2762202. A longer version of this article was published in *The Weekly Standard*. Among other points, the article states: "The ABA's bias has a chilling effect on judges supporting judicial restraint. When judges refuse to advocate the ABA's liberal agenda, or simply recuse themselves from ABA proceeding, they know they may be sacrificing their future ABA ratings." On the same subject, under Mr. Cox's Chairmanship the House Policy Committee published a "Policy Perspective" on February 4, 1997, entitled "How the ABA Became a Left-Wing Lobbying Group." This longer report focuses on the ABA's anti-death penalty stance (including a call for a national moratorium on the death penalty) and provides further substantiation and documentation of the ABA's liberal bias and its unsuitability to perform an objective role in evaluating the qualifications of judicial nominees.

C. Tort Reform. In 1996, Mr. Cox published a very brief note in the *Harvard Journal of Law and Public Policy* concerning congressional proposals for tort reform. *Hope for the Tort System: Congressional Proposals for Reform*, 19 Harv. J.L. & Pub. Pol'y 667 (1996). The piece briefly discusses the excesses of our contemporary tort liability system and explains the enormous costs, both in liberty and affordable products and services, resulting from that system.

D. Federal Income Tax Abolition. On June 20, 1995, Mr. Cox published an op-ed piece in the *Los Angeles Times* entitled "End the Tyranny of the Federal Income Tax." The article was adapted from testimony previously presented to the House Ways and Means Committee. The article deals with policy rather than legal or constitutional issues, but could be considered vulnerable to criticism by opponents on the grounds that its argument that the income tax "deserves to die" reflects extreme views.

E. Hillary Clinton "Hedge Fund" Investments. On April 25, 1994, Mr. Cox published a *Washington Times* piece entitled, "What Did Hillary Know, and When?" See 1994 WL 13349404. The article discusses whether Mrs. Clinton's personal investments in health care stocks raised conflicts of interest in connection with her chairmanship of President Clinton's health care reform task force. Among other things, the article states: "The Clintons' apparent unwillingness to make the same sacrifice required of all senior federal employees [under the Ethics in Government Act] only can undermine public confidence in our ethics laws."

Attachment A

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Citation

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WSJ

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7/1/92 Wall St. J. A14

1992 WL-WSJ 643246

The Wall Street Journal
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Wednesday, July 1, 1992

The Sad Career of the Reagan Justices
By Christopher Cox

History abounds with examples of Supreme Court justices who abandoned the principles of the presidents who appointed them. Seldom, however, has that abandonment been so rapid as with Justices David Souter and Anthony Kennedy. It is sad commentary indeed that after five Reagan-Bush appointments to the court, and with a total of eight Republican appointees sitting on it, the judicial conservatives still constitute but a minority.

The Supreme Court's spring term ended Monday. The flurry of important decisions issued by the court in its final days shows that Justice Clarence Thomas has vindicated the hopes of the judicial conservatives. They supported his nomination hoping that he would, like Justice Antonin Scalia, interpret both the Constitution and legislative enactments in accordance with their apparent meaning. Justices Kennedy and Souter, on the other hand, have been more than occasionally willing to violate the conservative norm of interpreting the law, rather than making it -- following a path down which Justice Sandra Day O'Connor had preceded them. The Souter-Kennedy-O'Connor bloc that now swings the court practices an approach to judging that runs an unpredictable gamut from interpretivism to what might be called stream-of-consciousness judicial rule-making.

Justice O'Connor's role in crafting the abortion decision, *Planned Parenthood v. Casey*, was predictable, but it was surprising that Justices Kennedy and Souter joined her. For those who have long believed that *Roe v. Wade* was bad constitutional law for reasons having nothing to do with abortion, this trio's refusal even to discuss the textual constitutional basis for the decision they propounded was especially disappointing. While claiming that it was the principle of *stare decisis*, or respect for precedent, that compelled them not to over-rule *Roe*, in fact the justices who voted with Justice O'Connor have rewritten substantial portions of the original *Roe* ruling and substituted brand-new rules of their own devising. The stated respect for precedent was purely disingenuous.

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In *Lee v. Weisman*, the same Souter-Kennedy-O'Connor team, augmented by the court's left-liberal members, Byron White, Harry Blackmun and John Paul Stevens, made new law by reading the First Amendment to ban an invocation at high school graduation ceremonies. In finding that high school graduates cannot be subjected to a nonsectarian prayer delivered by a rabbi at commencement exercises, they ended an American tradition nearly as old as the nation itself. The First Amendment prohibits the passage of laws "respecting an establishment of religion"; Justices Kennedy and Souter have now played their part in establishing secularism as our official creed.

This was too much for Justice Scalia, who recited a sampler of 200 years of American history to the contrary, including Thomas Jefferson's prayer in his first inaugural address. He concluded that Justice Kennedy's opinion "shows more forcefully than volumes of argumentation why our Nation's protection, that fortress which is our Constitution, cannot possibly rest upon the changeable philosophical predilections of the Justices of this Court, but must have deep foundations in the historic practices of our people."

Neither Justice Kennedy nor Justice Souter could be found in judicially conservative company even on a non-constitutional question of statutory interpretation. In the tobacco company liability case decided last week, *Cipollone v. Liggett Group*, both justices joined with Justice Blackmun to reject the traditional legal rule that language should be read as plainly as possible, in favor of what is already being praised as a more "creative" and "flexible" approach to deciding what a statute means.

In the Public Health Cigarette Smoking Act of 1969, Congress expressly stated its intention to preempt "state law" relating to the legal obligations of tobacco and cigarette companies. To Justices Scalia and Thomas, "state law" means state law, and "language should be given its ordinary meaning." But Justices Kennedy and Souter caviled. It does not necessarily follow, they argued, that the words "state law" in an Act of Congress encompass state common law as well as state statutes. As a result, although state legislatures remain prohibited from overriding Congress's limitations upon tobacco and cigarette companies' liability, state judges are free to go right ahead. Instead of certainty in this area of business law, lawyers have been set free to argue into the indefinite future.

To this, Justices Scalia and Thomas observed that since on many occasions the court was willing to infer federal preemption of state common law when the relevant Act of Congress said nothing at all about it, it is extraordinary to concoct a new and different rule of great exactitude that frustrates Congress when it has enacted express statutory preemption. "If this is to be the law," Justice

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Scalia noted, "surely only the most sporting of Congresses will dare to say anything about preemption."

Even in the area of criminal law, where the abuses of the Warren Court were most obvious and the hopes for rectification by the Reagan-Bush appointees the greatest, Justices Kennedy, Souter and O'Connor were found wanting. Despite this spring's case of California killer Robert Alton Harris (who used federal habeas corpus to delay for years his execution for grisly multiple murders), these three justices continue to take an expanded view of when state court convicts should get a brand-new bite at the apple in federal court.

Justice Thomas's majority opinion in *Wright v. West* emphasized that the costs of habeas corpus, as well as the countervailing benefits, must be taken into consideration in defining the scope of the writ. But Justice Kennedy would not join this opinion; he would have left the door open wider for federal court second-guessing of state decisions. And when Justice O'Connor mounted an unusual personal attack on Justice Thomas -- criticizing him by name 19 times in her concurrence -- Justice Souter went south. In a footnote, he said he would "not take a position on the disagreement between Justice Thomas and Justice O'Connor."

But the most telling of the recent cases -- and perhaps the most important Supreme Court decision of the past year -- was *Lucas v. South Carolina Coastal Council*, which helped clarify when land use regulation can amount to the "taking" of private property. While Justice Scalia's majority opinion found that a post-facto ban on all construction can deprive the owner of the entire value of his property, and thus acts as a "taking," Justices Souter and Kennedy declared themselves conscientious objectors in this successful battle to preserve the Fifth Amendment's explicit protections for property rights.

Justice Souter simply refused to join in Justice Scalia's opinion, writing his own tediously hypertechnical explanation for what he considered the better result: refusing to decide the case. And Justice Kennedy was barely better than Justice Blackmun, the most wayward Republican appointee since Earl Warren, who dissented that the landowner's beachfront value was not lost: He could still "picnic, swim, camp in a tent, or live on the property in a movable trailer." Justice Kennedy, too, refused to join Justice Scalia's opinion, arguing instead in favor of "new regulatory initiatives in response to changing conditions," and against "a static body of state property law." His "balancing test" would leave property rights up for grabs, on a case-by-case basis.

As a member of President Reagan's legal team, I participated in

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the nomination of five Supreme Court justices, including the ill-fated appointment of Judge Robert Bork. In each case, the administration sought a candidate who respected the fundamental principles of federalism, separation of powers and judicial restraint that form the basis for our constitutional system.

It may be that the uneven success that resulted from those efforts could be ascribed to the same hit-or-miss that gave us Richard Nixon's appointments -- both Justice Blackmun, now an unabashed liberal, and William Rehnquist, the conservative chief justice. But a more likely explanation is that the calamity of the Bork hearings derailed what had until then been a coherent and principled talent search. With Antonin Scalia, the appointee immediately before Mr. Bork and the last voted on by a Republican Senate, the president got what he was seeking. After the defeat of Judge Bork, it took two tries before Mr. Reagan found a confirmable candidate in Justice Kennedy. Likewise, most observers agree that David Souter was the perfect nominee for the post-Bork hearings: essentially unpublished before his hearings and non-committal during them.

From the point of view of the Democrats on the Senate Judiciary Committee, Borking worked. The spectacle of a Bork or Thomas hearing is quite evidently the cost of appointing judicial conservatives to the high court while Democrats control the Senate. But a comparison of the distinguished record of Justice Thomas and the lukewarm records of Justices Kennedy and Souter suggest that the price is worth paying. Better still, a Republican Senate would afford us both the intellectual quality of a Justice Scalia, and the statesmanlike hearings that attended his nomination.

Mr. Cox, a Republican congressman from California, was senior associate counsel to President Reagan from 1986 to 1988.

(See related letter: "Letters to the Editor: Ideological Crusade Mutates, Dissipates" -- WSJ July 27, 1992)

920701-0012

--- INDEX REFERENCES ---

NEWS SUBJECT: LAW & LEGAL ISSUES (LAW)
GOVERNMENT: SUPREME COURT (SUP)
REGION: NORTH AMERICA; UNITED STATES (NME US)

7/1/92 WSJ A14

Word Count: 1492

7/1/92 WSJ A14

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**Life-tenured, Federal Judges
with Service in the
United States Congress**

Updated through May 2, 2001

Information Derived from the Federal Judges Biographical Database
Federal Judicial History Office
Federal Judicial Center

Adair, Jefferson Leroy
Illinois USDC Southern District (1937-1956)
U.S. Representative from Illinois, 1933-1937

Allen, William Joshua
Illinois USDC Southern District (1888-1901)
U.S. Representative from Illinois, 1862-1865

Almond, James Lindsay, Jr.
Federal Circuit USCA (1982-1986)
U.S. Representative from Virginia, 1945-1948

Baker, John Harris
Indiana USDC District (1892-1902)
U.S. Representative from Indiana, 1875-1881

Barbour, Philip Pendelton
Virginia USDC Eastern District (1830-1836)
Supreme Court of the United States (1836-1841)
U.S. Representative from Virginia, 1815-1825, 1827-1830
Speaker of the U.S. House of Representatives, 1821-1823

Bassett, Richard
Third Circuit USCC (1801-1802)
U.S. Senator from Delaware, 1789-1793

Battin, James Franklin
Montana USDC District (1969-1990)
U.S. Representative from Montana, 1961-1969

Bennett, Marion Tinsley
Judge, U.S. Court of Claims, 1972-1982
Federal Circuit USCA (1982-1986)
U.S. Representative from Missouri, 1943-1949

Benson, Egbert
Second Circuit USCC (1801-1802)
U.S. Representative from New York, 1789-1793, 1813-1815

Betts, Samuel Rossiter
New York USDC Southern District (1826-1867)
U.S. Representative from New York, 1815-1817

Biggs, Asa
North Carolina USDC Albemarle, Cape Fear & Pamlico Districts (1858-1861)
U.S. Representative from North Carolina, 1845-1847
U.S. Senator from North Carolina, 1855-1858

Black, Hugo Lafayette
✓ Supreme Court of the United States (1937-1971)
U.S. Senator from Alabama, 1927-1937

Boorman, Alexander
Louisiana USDC Western District (1881-1916)
U.S. Representative from Louisiana, 1872-1873

Bone, Homer Truett
✓ Ninth Circuit USCA (1944-1956)
U.S. Senator from Washington, 1933-1944

Bourne, Benjamin
Rhode Island USDC District (1796-1801)
First Circuit USCC (1801-1802)
U.S. Representative from Rhode Island, 1790-1796

Boyle, John
Kentucky USDC District (1827-1834)
U.S. Representative from Kentucky, 1803-1809

Bratton, Sam Gilbert
Tenth Circuit USCA (1933-1961)
U.S. Senator from New Mexico, 1925-1933

Brawley, William Hiram
South Carolina USDC District (1894-1911)
U.S. Representative from South Carolina, 1891-1894

Bronson, Isaac Hopkins
Florida USDC District (1846-1847)
Florida USDC Northern District (1847-1855)
U.S. Representative from New York, 1837-1839

Bryan, Nathan Philemon
Fifth Circuit USCA (1920-1935)
U.S. Senator from Florida, 1911-1917

Judges with Congressional Service

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Buckley, James Lane
District of Columbia Circuit USCA (1985-1996)
U.S. Senator from New York, 1971-1977

Burton, Harold Hitz
Supreme Court of the United States (1945-1958)
U.S. Senator from Ohio, 1941-1945

Byrnes, James Francis
Supreme Court of the United States (1941-1942)
U.S. Representative from South Carolina, 1911-1925
U.S. Senator from South Carolina, 1931-1941

Cadwalader, John
Pennsylvania USDC Eastern District (1858-1879)
U.S. Representative from Pennsylvania, 1855-1857

Campbell, John Wilson
Ohio USDC District (1829-1833)h
U.S. Representative from Ohio, 1817-1827

Cartter, David Kellogg
District of Columbia USDC [Supreme Court of the
District of Columbia], Chief Justice (1863-1887)
U.S. Representative from Ohio, 1849-1853

Chase, Salmon Portland
Supreme Court of the United States, Chief Justice (1864-
1873)
U.S. Senator from Ohio, 1849-1855, 1861

Chipman, Nathaniel
Vermont USDC District (1791-1793)
U.S. Senator from Vermont, 1798-1804

Clark, Bennett Champ
District of Columbia Circuit USCA (1945-1954)
U.S. Senator from Missouri, 1933-1945

Clark, Daniel
New Hampshire USDC District (1866-1891)
U.S. Senator from New Hampshire, 1857-1866

Clayton, Henry De Lamar
Alabama USDC Northern District (1914-1929)
Alabama USDC Middle District (1914-1929)
U.S. Representative from Alabama, 1897-1914

Clifford, Nathan
Supreme Court of the United States (1858-1881)
U.S. Representative from Maine, 1839-1843

Coffin, Frank Morey
First Circuit USCA (1965-1989)
U.S. Representative from Maine, 1957-1961

Colt, LeBaron Bradford
Rhode Island USDC District (1881-1884)
First Circuit USCC (1884-1891)
First Circuit USCA (1891-1913)
U.S. Senator from Rhode Island, 1913-1924

Conkling, Alfred
New York USDC Northern District (1825-1852)
U.S. Representative from New York, 1821-1823

Covington, James Harry
District of Columbia USDC [Supreme Court of the
District of Columbia], Chief Justice (1914-1918)
U.S. Representative from Maryland, 1909-1914

Creighton, William , Jr.
Ohio USDC District (1828-1829)
U.S. Representative from Ohio, 1813-1817, 1827-1828,
1829-1833

Danaher, John Anthony
District of Columbia Circuit USCA (1954-1969)
U.S. Senator from Connecticut, 1939-1945

Davis, David
Supreme Court of the United States (1862-1877)
U.S. Senator from Illinois, 1877-1883

Dayton, Alston Gordon
West Virginia USDC Northern District (1905-1920)
U.S. Representative from West Virginia, 1895-1905

DeHaven, John Jefferson
California USDC Northern District (1897-1913)
U.S. Representative from California, 1889-1890

Denney, Robert Vernon
Nebraska USDC District (1971-1981)
U.S. Representative from Nebraska, 1967-1971

Devitt, Edward James
Minnesota USDC District (1955-1981)
U.S. Representative from Minnesota, 1947-1949

Dickerson, Mahlon
New Jersey USDC District (1840-1841)
U.S. Senator from New Jersey, 1817-1833

Dickerson, Philemon
New Jersey USDC District (1841-1862)
U.S. Representative from New Jersey, 1833-1836, 1839-
1841

Duffy, Francis Ryan
Wisconsin USDC Eastern District (1939-1949)

Judges with Congressional Service

Seventh Circuit USCA (1949-1966)
U.S. Senator from Wisconsin, 1933-1939

Duncan, Richard M.
Missouri USDC Eastern District (1943-1965)
Missouri USDC Western District (1943-1965)
U.S. Representative from Missouri, 1933-1943

Duvall, Gabriel
Supreme Court of the United States (1811-1835)
U.S. Representative from Maryland, 1794-1796

Dyer, David Patterson
Missouri USDC Eastern District (1907-1919)
U.S. Representative from Missouri, 1869-1871

Edgerton, Alonzo Jay
South Dakota USDC District (1890-1896)
Minnesota state representative, 1877-1878
U.S. Senator from Minnesota, 1881

Eicher, Edward Clayton
District of Columbia USDC, Chief Justice (1942-1944)
U.S. Representative from Iowa, 1933-1939

Ellis, Powhatan
Mississippi USDC District (1832-1836)
U.S. Senator from Mississippi, 1825, 1827-1832

Ellsworth, Oliver
Supreme Court of the United States, Chief Justice (1796-1800)
U.S. Senator from Connecticut, 1789-1796

Evans, Walter
Kentucky USDC District (1899-1901)
Kentucky USDC Western District (1901-1923)
U.S. Representative from Kentucky, 1895-1899

Ewart, Hamilton Glover
North Carolina USDC Western District (1898-1900)
U.S. Representative from North Carolina, 1889-1891

Field, Richard Stockton
New Jersey USDC District (1863-1870)
U.S. Senator from New Jersey, 1862-1863

Finkelnburg, Gustavus Adolphus
Missouri USDC Eastern District (1905-1907)
U.S. Representative from Missouri, 1869-1873

Fisher, George Purnell
District of Columbia USDC [Supreme Court of the
District of Columbia] (1863-1870)
U.S. Representative from Delaware, 1861-1863

FitzHenry, Louis
Illinois USDC Southern District (1918-1933)
Seventh Circuit USCA (1933-1935)
U.S. Representative from Illinois, 1913-1915

Gayle, John
Alabama USDC Northern District (1849-1859)
Alabama USDC Southern District (1849-1859)
Alabama USDC Middle District (1849-1859)
U.S. Representative from Alabama, 1847-1849

Gholson, Samuel Jameson
Mississippi USDC Northern District (1839-1861)
Mississippi USDC Southern District (1839-1861)
U.S. Representative from Mississippi, 1836-1837, 1837-1838

Gibson, Ernest William, Jr.
Vermont USDC District (1949-1969)
U.S. Senator from Vermont, 1940-1941

Giles, William Fell
Maryland USDC District (1854-1879)
U.S. Representative from Maryland, 1845-1847

Goff, Nathan
Fourth Circuit USCA (1892-1913)
U.S. Representative from West Virginia, 1883-1889
U.S. Senator from West Virginia, 1913-1918

Goldsborough, Thomas Alan
District of Columbia USDC (1939-1951)
U.S. Representative from Maryland, 1921-1939

Grant, Robert Allen
Indiana USDC Northern District (1957-1972)
U.S. Representative from Indiana, 1939-1949

Gray, George
Third Circuit USCA (1899-1914)
U.S. Senator from Delaware, 1885-1899

Hall, Nathan Kelsey
New York USDC Northern District (1852-1874)
U.S. Representative from New York, 1847-1849

Hall, Sam Blakeley, Jr.
Texas USDC Eastern District (1985-1994)
U.S. Representative from Texas, 1976-1985

Hall, Willard
Delaware USDC District (1823-1871)
U.S. Representative from Delaware, 1817-1821

Harris, Oren
Arkansas USDC Eastern District (1965-1976)

Judges with Congressional Service

Arkansas USDC Western District (1965-1976)
U.S. Representative from Arkansas, 1941-1966

Harvey, James
Michigan USDC Eastern District (1973-1984)
U.S. Representative from Michigan, 1961-1974

Harvey, Matthew
New Hampshire USDC District (1830-1866)
U.S. Representative from New Hampshire, 1821-1825

Hastings, Alcee Lamar
Florida USDC Southern District (1979-1989)
U.S. Representative from Florida, 1993-present

Hatch, Carl A.
New Mexico USDC District (1949-1963)
U.S. Senator from New Mexico, 1933-1949

Hatfield, Paul Gerhart
Montana USDC District (1979-1996)
U.S. Senator from Montana, 1978

Healey, Arthur Daniel
Massachusetts USDC District (1941-1948)
U.S. Representative from Massachusetts, 1933-1942

Helvering, Guy Tresillian
Kansas USDC District (1943-1946)
U.S. Representative from Kansas, 1913-1919

Hemphill, Robert Witherspoon
South Carolina USDC Eastern District (1964-1965)
South Carolina USDC Western District (1964-1965)
South Carolina USDC District (1965-1980)
U.S. Representative from South Carolina, 1957-1964

Hickey, John Joseph
Tenth Circuit USCA (1966-1970)
U.S. Senator from Wyoming, 1961-1962

Hobart, John Sloss
New York USDC District (1798-1805)
U.S. Senator from New York, 1798

Hopkinson, Joseph
Pennsylvania USDC Eastern District (1829-1842)
U.S. Representative from Pennsylvania, 1815-1819

Hulbert, George Murray
New York USDC Southern District (1934-1950)
U.S. Representative from New York, 1915-1918

Hungate, William Leonard
Missouri USDC Eastern District (1979-1991)
U.S. Representative from Missouri, 1964-1977

Igoe, Michael Lambert
Illinois USDC Northern District (1939-1965)
U.S. Representative from Illinois, 1935

Irwin, Thomas
Pennsylvania USDC Western District (1832-1859)
U.S. Representative from Pennsylvania, 1829-1831

Jackson, Howell Edmunds
Sixth Circuit USCC (1886-1891)
Sixth Circuit USCA (1891-1893)
Supreme Court of the United States (1893-1895)
U.S. Senator from Tennessee, 1881-1886

Jackson, John George
Virginia USDC Western District (1819-1825)
U.S. Representative from Virginia, 1803-1810, 1813-1817

Johnson, Charles Fletcher
First Circuit USCA (1917-1929)
U.S. Senator from Maine, 1911-1917

Johnson, Joseph Travis
South Carolina USDC Western District (1916-1919)
U.S. Representative from South Carolina, 1901-1915

Jones, Woodrow Wilson
North Carolina USDC Western District (1967-1985)
U.S. Representative from North Carolina, 1950-1957

Judson, Andrew Thompson
Connecticut USDC District (1836-1853)
U.S. Representative from Connecticut, 1835-1836

Kenyon, William Squire
Eighth Circuit USCA (1922-1933)
U.S. Senator from Iowa, 1911-1922

Ketcham, Winthrop Welles
Pennsylvania USDC Western District (1876-1879)
U.S. Representative from Pennsylvania, 1873-1876

Key, David McKendree
Tennessee USDC Eastern District (1880-1895)
Tennessee USDC Middle District (1880-1895)
U.S. Senator from Tennessee, 1875-1877

Key, Philip Barton
Fourth Circuit USCC (1801-1802)
U.S. Representative from Maryland, 1807-1813

Kirkpatrick, William Huntington
Pennsylvania USDC Eastern District (1927-1958)
U.S. Representative from Pennsylvania, 1921-1923

Judges with Congressional Service

Kloeb, Frank Le Blond
Ohio USDC Northern District (1937-1964)
U.S. Representative of Ohio, 1933-1937

Lamar, Lucius Quintus Cincinnatus
Supreme Court of the United States (1888-1893)
U.S. Representative from Mississippi, 1857-1860, 1873-1877
U.S. Senator from Mississippi, 1877-1885

Lanning, William Mershon
New Jersey USDC District (1904-1909)
Third Circuit USCA (1909-1912)
U.S. Representative New Jersey, 1903-1904

Laurance, John
New York USDC District (1794-1796)
U.S. Representative from New York, 1789-1793
U.S. Senator from New York, 1796-1800

Leahy, Edward Lawrence
Rhode Island USDC District (1951-1953)
U.S. Senator from Rhode Island, 1949-1950

Leavitt, Humphrey Howe
Ohio USDC District (1834-1855)
Ohio USDC Southern District (1855-1871)
U.S. Representative from Ohio, 1830-1834

Leavy, Charles Henry
Washington USDC Western District (1942-1952)
U.S. Representative from Washington, 1937-1942

Letts, Fred Dickinson
District of Columbia USDC [Supreme Court of the District of Columbia] (1932-1961)
U.S. Representative from Iowa, 1925-1931

Longyear, John Wesley
Michigan USDC Eastern District (1870-1875)
U.S. Representative from Michigan, 1863-1867

Luhring, Oscar Raymond
District of Columbia USDC [Supreme Court of the District of Columbia] (1930-1944)
U.S. Representative from Indiana, 1919-1923

Lumpkin, Alva Moore
South Carolina USDC Eastern District (1939-1941)
South Carolina USDC Western District (1939-1941)
U.S. Senator from South Carolina, 1941

MacKinnon, George Edward
District of Columbia Circuit USCA (1969-1983)
U.S. Representative from Minnesota, 1947-1949

Major, James Earl
Illinois USDC Southern District (1934-1937)
Seventh Circuit USCA (1937-1956)
U.S. Representative from Illinois, 1923-1925, 1927-1933

Marshall, John
Supreme Court of the United States, Chief Justice (1801-1835)
U.S. Representative from Virginia, 1799-1800

Mason, John Young
Virginia USDC Eastern District (1841-1844)
U.S. Representative from Virginia, 1831-1837

Matthews, Stanley
Supreme Court of the United States (1881-1889)
U.S. Senator from Ohio, 1877-1881

McCall, John Ethridge
Tennessee USDC Western District (1905-1920)
U.S. Representative from Tennessee, 1895-1897

McComas, Louis Emory
District of Columbia USDC [Supreme Court of the District of Columbia] (1893-1899)
District of Columbia Circuit USCA (1905-1907)
U.S. Representative from Maryland, 1883-1891
U.S. Senator from Maryland, 1899-1905

McCoy, Walter Irving
District of Columbia USDC [Supreme Court of the District of Columbia] (1914-1918)
District of Columbia USDC [Supreme Court of the District of Columbia], Chief Justice (1918-1929)
U.S. Representative from New Jersey, 1911-1914

McCrary, George Washington
Eighth Circuit USCC (1879-1884)
U.S. Representative from Iowa, 1869-1877

McDuffie, John
Alabama USDC Southern District (1935-1950)
U.S. Representative from Alabama, 1919-1935

McGranery, James Patrick
Pennsylvania USDC Eastern District (1946-1952)
U.S. Representative from Pennsylvania, 1937-1943

McKenna, Joseph
Ninth Circuit USCA (1892-1897)
Supreme Court of the United States (1898-1925)
U.S. Representative from California, 1885-1892

McKinley, John
Supreme Court of the United States (1837-1852)

Judges with Congressional Service

U.S. Senator from Alabama, 1826-1831
U.S. Representative from Alabama, 1833-1835

McLaughlin, Charles Francis
District of Columbia USDC (1950-1964)
U.S. Representative from Nebraska, 1935-1943

McLean, John
Supreme Court of the United States (1829-1861)
U.S. Representative from Ohio, 1813-1816

McPherson, Smith
Iowa USDC Southern District (1900-1915)
U.S. Representative from Iowa, 1899-1900

Mechem, Edwin Leard
New Mexico USDC District (1970-1982)
U.S. Senator from New Mexico, 1962-1964

Merrick, William Matthew
Circuit Court of the District of Columbia USCC (1855-1863)
District of Columbia USDC [Supreme Court of the District of Columbia] (1886-1889)
U.S. Representative from Maryland, 1871-1873

Meskill, Thomas Joseph
Second Circuit USCA (1975-1993)
U.S. Representative from Connecticut, 1967-1971

 Mikva, Abner Joseph
District of Columbia Circuit USCA (1979-1994)
U.S. Representative from Illinois, 1969-1973, 1975-1979

Miller, Jack Richard
Federal Circuit USCA (1982-1985)
U.S. Senator from Iowa, 1961-1973

Miller, John Elvis
Arkansas USDC Western District (1941-1967)
U.S. Representative from Arkansas, 1931-1937
U.S. Senator from Arkansas, 1937-1941

Minton, Sherman
Seventh Circuit USCA (1941-1949)
Supreme Court of the United States (1949-1956)
U.S. Senator from Indiana, 1935-1941

Mitchell, George John
Maine USDC District (1979-1980)
U.S. Senator from Maine, 1980-1995

Moody, William Henry
Supreme Court of the United States (1906-1910)
U.S. Representative from Massachusetts, 1895-1902

Morris, Page
Minnesota USDC District (1903-1923)
U.S. Representative from Minnesota, 1897-1903

Morrow, William W.
California USDC Northern District (1892-1897)
Ninth Circuit USCA (1897-1923)
U.S. Representative from California, 1885-1891

Murphy, John William
Pennsylvania USDC Middle District (1946-1962)
U.S. Representative from Pennsylvania, 1943-1946

Nixon, John Thompson
New Jersey USDC District (1870-1889)
U.S. Representative from New Jersey, 1859-1863

Noland, James Ellsworth
Indiana USDC Southern District (1966-1986)
U.S. Representative from Indiana, 1949-1951

Olin, Abram Baldwin
District of Columbia USDC [Supreme Court of the District of Columbia] (1863-1879)
U.S. Representative from New York, 1857-1863

Paine, Elijah
Vermont USDC District (1801-1842)
U.S. Senator from Vermont, 1795-1801

Parker, Isaac Charles
Arkansas USDC Western District (1875-1896)
U.S. Representative from Missouri, 1871-1875

Parris, Albion Keith
Maine USDC District (1818-1822)
U.S. Representative from Massachusetts, 1815-1818
U.S. Senator from Maine, 1827-1828

Paterson, William
Supreme Court of the United States (1793-1806)
U.S. Senator from New Jersey, 1789-1790

Paul, John
Virginia USDC Western District (1883-1901)
U.S. Representative from Virginia, 1881-1883

Paul, John, Jr.
Virginia USDC Western District (1932-1958)
U.S. Representative from Virginia, 1922-1923

Pennybacker, Isaac Samuels
Virginia USDC Western District (1840-1845)
U.S. Representative from Virginia, 1837-1839
U.S. Senator from Virginia, 1845-1847

Judges with Congressional Service

Peters, John Andrew
Maine USDC District (1921-1947)
U.S. Representative from Maine, 1913-1922

Philips, John Finis
Missouri USDC Western District (1888-1910)
U.S. Representative from Missouri, 1875-1877, 1880-1881

Pitney, Mahlon
Supreme Court of the United States (1912-1922)
U.S. Representative from New Jersey, 1895-1899

Pray, Charles Nelson
Montana USDC District (1924-1957)
U.S. Representative from Montana, 1907-1913

Prentiss, Samuel
Vermont USDC District (1842-1857)
U.S. Senator from Vermont, 1831-1842

Preyer, Lunsford Richardson
North Carolina USDC Middle District (1962-1963)
U.S. Representative from North Carolina, 1969-1981

Pritchard, Jeter Connelly
District of Columbia USDC [Supreme Court of the
District of Columbia] (1903-1904)
Fourth Circuit USCA (1904-1921)
U.S. Senator from North Carolina, 1894-1903

Quarles, Joseph Very
Wisconsin USDC Eastern District (1905-1911)
U.S. Senator from Wisconsin, 1899-1905

Ragon, Heartsill
Arkansas USDC Western District (1933-1940)
U.S. Representative from Arkansas, 1923-1933

Ray, George Washington
New York USDC Northern District (1902-1920)
U.S. Representative from New York, 1883-1885, 1891-1902

Rayfiel, Leo Frederick
New York USDC Eastern District (1947-1966)
U.S. Representative from New York, 1945-1947

Rizley, Ross
Oklahoma USDC Western District (1956-1965)
U.S. Representative from Oklahoma, 1941-1949

Robertson, Thomas Bolling
Louisiana USDC Eastern District (1824-1828)
Louisiana USDC Western District (1824-1828)
U.S. Representative from Louisiana, 1812-1818

Rogers, John Henry
Arkansas USDC Western District (1896-1911)
U.S. Representative from Arkansas, 1883-1891

Russell, Donald Stuart
South Carolina USDC District (1966-1971)
Fourth Circuit USCA (1971-1998)
U.S. Senator from South Carolina, 1965-1966

Russell, Gordon James
Texas USDC Eastern District (1910-1919)
U.S. Representative from Texas, 1902-1910

Schwellenbach, Lewis Baxter
Washington USDC Eastern District (1940-1945)
U.S. Senator from Washington, 1935-1940

Scott, George Cromwell
Iowa USDC Northern District (1922-1943)
U.S. Representative from Iowa, 1913-1915, 1917-1919

Sherburne, John Samuel
New Hampshire USDC District (1804-1830)
U.S. Representative from New Hampshire, 1793-1797

Smith, Caleb Blood
Indiana USDC District (1862-1864)
U.S. Representative from Indiana, 1843-1849

Smith, Jeremiah
First Circuit USCC (1801-1802)
U.S. Representative from New Hampshire, 1791-1797

Smith, John Joseph
Connecticut USDC District (1941-1960)
Second Circuit USCA (1960-1971)
U.S. Representative from Connecticut, 1935-1941

Smith, Walter Inglewood
Eighth Circuit USCA (1911-1922)
U.S. Representative from Iowa, 1900-1911

Smith, William Robert, Sr.
Texas USDC Western District (1917-1924)
U.S. Representative from Texas, 1903-1917

Speer, Emory
Georgia USDC Southern District (1885-1918)
U.S. Representative from Georgia, 1879-1883

Sprague, Peleg
Massachusetts USDC District (1841-1865)
U.S. Representative from Maine, 1825-1829
U.S. Senator from Maine, 1829-1835

Judges with Congressional Service

Story, Joseph

Supreme Court of the United States (1811-1845)
U.S. Representative from Massachusetts, 1808-1809

Strong, William

Supreme Court of the United States (1870-1880)
U.S. Representative from Pennsylvania, 1847-1851

Sutherland, George

Supreme Court of the United States (1922-1938)
U.S. Representative from Utah, 1901-1902
U.S. Senator from Utah, 1905-1917

Tait, Charles

Alabama USDC Northern District (1824-1826)
Alabama USDC District (1820-1824)
Alabama USDC Southern District (1824-1826)
U.S. Senator from Georgia, 1809-1819

Tappan, Benjamin

Ohio USDC District (1833-1834)
U.S. Senator from Ohio, 1839-1845

Taylor, Robert Walker

Ohio USDC Northern District (1905-1910)
U.S. Representative from Ohio, 1895-1903

Thomason, Robert Ewing

Texas USDC Western District (1947-1963)
U.S. Representative from Texas, 1931-1947

Thompson, Albert Clifton

Ohio USDC Southern District (1898-1910)
U.S. Representative from Ohio, 1885-1891

Thornberry, William Homer

Texas USDC Western District (1963-1965)
Fifth Circuit USCA (1965-1978)
U.S. Representative from Texas, 1949-1963

Thruston, Buckner

Circuit Court of the District of Columbia USCC (1809-1845)

U.S. Senator from Kentucky, 1805-1809

Underwood, Mell Gilbert

Ohio USDC Southern District (1936-1965)
U.S. Representative from Ohio, 1923-1936

Vinson, Frederick Moore

District of Columbia Circuit USCA (1937-1943)
Supreme Court of the United States, Chief Justice (1946-1953)
U.S. Representative from Kentucky, 1923-1929, 1931-1938

Waddill, Edmund, Jr.

Virginia USDC Eastern District (1898-1921)
Fourth Circuit USCA (1921-1931)
U.S. Representative from Virginia, 1890-1891

Wade, Martin Joseph

Iowa USDC Southern District (1915-1931)
U.S. Representative from Iowa, 1903-1905

Wayne, James Moore

Supreme Court of the United States (1835-1867)
U.S. Representative from Georgia, 1829-1835

Webb, Edwin Yates

U.S. Representative from North Carolina, 1903-1919

Webster, John Stanley

Washington USDC Eastern District (1924-1939)
U.S. Representative from Washington, 1919-1923

Welker, Martin

Ohio USDC Northern District (1873-1889)
U.S. Representative from Ohio, 1865-1871

Wellborn, Olin

California USDC Southern District (1895-1915)
U.S. Representative from Texas, 1879-1887

Welsh, George Austin

Pennsylvania USDC Eastern District (1932-1957)
U.S. Representative from Pennsylvania, 1923-1932

White, Albert Smith

Indiana USDC District (1864-1864)
U.S. Representative from Indiana, 1837-1839, 1861-1863
U.S. Senator from Indiana, 1839-1845

White, Edward Douglass

Supreme Court of the United States (1894-1910)
Supreme Court of the United States, Chief Justice (1910-1921)
U.S. Senator from Louisiana 1891-1893

Wiggins, Charles Edward

Ninth Circuit USCA (1984-1996)
U.S. Representative from California, 1967-1979

Wilkins, William

Pennsylvania USDC Western District (1824-1831)
U.S. Senator from Pennsylvania, 1831-1834
U.S. Representative from Pennsylvania, 1843-1844

Wilson, James Clifton

Texas USDC Northern District (1919-1947)
U.S. Representative from Texas, 1917-1919



Judges with Congressional Service

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Woodbury, Levi

Supreme Court of the United States (1846-1851)

U.S. Senator from New Hampshire, 1825-1831, 1841-
1845

Sam Chapman 4/27 1:45pm

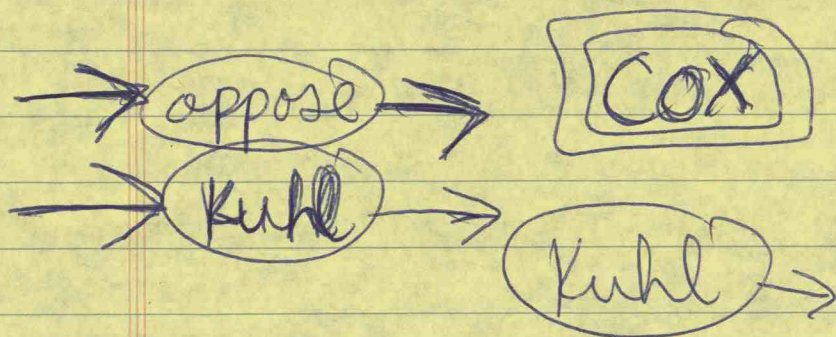
- 8 years w/ Clinton Administration
- Boxes not actively involved in process
- district court level
→ moderate, mainstream
- moderate, in the mainstream

- Cox → votes → how many jury trials, w/ counsel, court

"far out of the mainstream"

- Kuhl → decisions, not in the mainstream,

- circulated information



→ on call list

①

②

OFFICE OF REPRESENTATIVE CHRISTOPHER COX



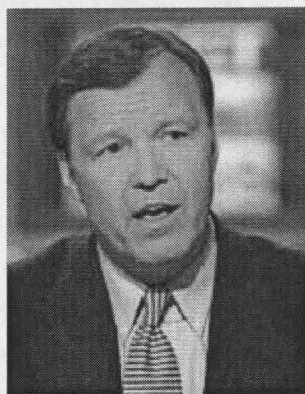
U.S. Rep. Christopher Cox

of California

Christopher Cox is the highest ranking Californian in Congress, and the only Californian in the elected leadership of the House or Senate. As Chairman of the House Policy Committee, elected by the full majority Conference in the House for four consecutive terms, he is the fourth-ranking member of the leadership behind the Speaker.

Among Chairman Cox's other responsibilities are:

- House Leadership Steering Committee (makes Committee assignments in the House)
- Member, Committee on Energy and Commerce
- Member, Energy and Commerce Subcommittee on Telecommunications
- Member, Energy and Commerce Subcommittee on Energy and Air Quality
- Member, Committee on Financial Services



ABOUT
REP. COX

LEGISLATIVE
ACCOMPLISHMENTS

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REP. COX

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POLICY COMMITTEE

THE 47TH
DISTRICT

REP. COX'S
TELEVISION REPORT

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[Click here](#) for press biographies about Rep. Cox.

On April 24, 2001, Rep. Cox released the unanimous and bipartisan Report of the Study Group on Enhancing Multilateral Export Controls. The Study Group, co-chaired by Senator Michael B. Enzi (R-WY), Senator Jeff Bingaman (D-NM), and Congressman Howard L.

Berman (D-CA), was established by law in the 2000 Defense Appropriations Act. Its members included leaders from the U.S. Senate, U.S. House, the Bush and Clinton administrations, industry, and academia. The Study Group proposes a sweeping reform of export controls, including the establishment of mutually agreed-upon international controls to replace the current weak and ineffective system in which each country goes it alone.

As chairman of the Speaker's Advisory Group on Russia during the second session of the 106th Congress, Rep. Cox presided over a high-level group of House leaders including the Chairmen of six House committees: Armed Services, Appropriations, Banking, Intelligence, International Relations, and the Joint Economic Committee. Chairman Cox issued a 209-page report on U.S.-Russia relations on September 20, 2000.

In the 105th Congress, Rep. Cox served as chairman of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, which was created by a 409-10 vote of the House on June 18, 1998. The bipartisan Select Committee unanimously approved its report December 30, 1998, prompting major legislative and administrative action. The unclassified version of the report was issued in three volumes in May 1999. Since then, 28 of the Select Committee's recommendations have been enacted, including the creation of a new National Nuclear Security Administration to take over the nuclear weapons security responsibilities of the Department of Energy.

Since leaving President Reagan's White House staff to begin his career in Congress, Christopher Cox has established himself as a leading advocate of economic growth through lower taxes, free enterprise, and limited government. In the past few years, he has seen more than a dozen of his bills enacted into law, including the Internet Tax Freedom Act--which provides for the current moratorium on multiple and discriminatory taxes on the Internet--and the Securities Litigation Reform Act, the only bill that became law over President Clinton's veto.

Rep. Cox's expertise and his thoughtful approach to legislation have earned him bipartisan support outside of Congress as well. In 1994, President Clinton appointed him to the Bipartisan Commission on Entitlement and Tax Reform. The *Los Angeles Times*, in a rare endorsement of a Republican, called him "an intelligent spokesman for fiscal responsibility and an expert on foreign affairs." George Will, writing in *Newsweek*, praised Cox's efforts to bring honesty to the federal budget process. And the *Wall Street Journal* featured him as a key leader in a page-one profile on the historic opening day of the 104th Congress.

Rep. Cox has won numerous awards from grassroots organizations. Each year since he was first elected, he has earned the prestigious "Golden Bulldog Award" from the Watchdogs of the Treasury for his consistent votes to stop runaway government spending. He has regularly been named a "Hero to the Taxpayer" by the 500,000-member grassroots lobbying group Citizens Against Government Waste. In addition, the National Taxpayers Union has consistently honored him with the "Taxpayer's Friend Award" for his work to promote free enterprise and limit the scope of government; the National Federation of Independent Business has each year given him the "Friend of Small Business" Award; and the citizen watchdog group Consumer Alert has twice presented him with their "Friend of the Consumer" Award.

Southern California voters have always sent Christopher Cox to the U.S. House of Representatives with more than 65 percent of the popular vote. In 1996, his re-election came with the largest margin of victory of all California Republicans. In the 1994 Republican sweep, he won with 72 percent – and the largest popular vote of all California's 52 Congressional races.

Domestic Policy Priorities

In the 106th Congress, Rep. Cox saw his seven-year campaign to repeal the Death Tax to the brink of ultimate success. He had introduced the first major Death Tax repeal legislation in 1993. No bill to repeal

the Death Tax had ever been seriously considered in the entire 20th Century. But even though President Clinton's own White House Conference on Small Business made Death Tax repeal a top legislative priority, Dick Gephardt, the Democrat leader in the House, worked to increase the Death Tax. On June 9, 2000, Death Tax repeal passed the House by a veto-proof margin of 279-136.

Even before entering Congress, as a member of President Reagan's White House staff, Rep. Cox was responsible for drafting a comprehensive overhaul of the badly broken federal budget-making system. After his election to Congress, he introduced it as the Budget Process Reform Act, with the bipartisan sponsorship of over 200 of his colleagues. It would require a simplified, binding budget in the form of a law *before* Congress could spend taxpayers' money. In May 2000, the bill received its first-ever floor vote--falling short of the necessary 218 votes for House passage, but winning Gov. George W. Bush's attention in the process. In June 2000, Gov. Bush made budget process reform a plank in his platform.

Rep. Cox has been at the forefront of protecting the Internet from destructive taxation and regulation. In the 105th Congress, Rep. Cox passed the Internet Tax Freedom Act, which prevents state and local taxes on the Internet, and establishes a process to make the Internet a global tax-free zone. His Internet Freedom and Family Empowerment Act, which passed the House on a 420-4 vote in 1996, prohibited FCC regulation of the Internet. It also encouraged the development of commercial software to permit the screening of objectionable material on the Internet.

Rep. Cox authored the successful initiative to eliminate the Interstate Commerce Commission, the oldest (and most outdated) regulatory agency in Washington.

Another Cox landmark is the long-sought privatization of the National Helium Reserve, a notoriously wasteful government program that had long since outlived its purpose (fielding a blimp fleet in World War I). Thanks to Rep. Cox's law, its antiquated

plant and facilities near Amarillo, Texas, were put on the block in late 1998, and the federal government transferred title to 100 years' worth of federal helium needs.

Two other Cox bills were recently signed into law by President Clinton: The Savings In Construction Act (which allows more cost-effective metric conversion in federal construction projects), and the Fast and Efficient Tax Filing Act (which permits taxpayers to send their tax returns using express delivery services, letting people avoid long lines at the Post Office on April 15).

Rep. Cox has strongly supported efforts to fight crime. Cox-authored legislation to prohibit convicted murderers from re-litigating their cases by incessantly filing and re-filing petitions in federal court was passed in 1996, 291-140. It was recently upheld by the U.S. Supreme Court.

Even while Republicans were in the minority, Rep. Cox found ways to influence legislation and get his own bills passed. In 1993, along with Democrat Charles Schumer of New York, Rep. Cox was the chief Republican sponsor of the Religious Freedom Restoration Act, a civil liberties bill that received much national attention. It was signed into law by President Clinton on November 16, 1993. As Chairman of the Task Force on Capital Markets in three successive Congresses, he led the fight to repeal the so-called "capital gains" penalty tax on savings and investment, and to eliminate the double tax on dividends. (The capital gains tax rate was finally cut in 1997 after Republicans won the majority.)

Foreign Policy and National Security Priorities

As Chairman of the Policy Committee, Rep. Cox is well positioned to help set our nation's foreign policy in the post-Cold War era.

On March 15, 2000, House Speaker Dennis Hastert asked him to lead the Speaker's Advisory Group on Russia, a special panel of House committee chairmen assembled to review U.S. policy toward Russia.

Rep. Cox's appointment to head a Select Committee on U.S. National Security was approved by the near-unanimous vote of the House on June, 22, 1998, and resulted in the influential Cox Report issued in mid-1999.

His leadership on China policy didn't begin here, however: In the 105th Congress, Chairman Cox crafted 11 separate bills articulating a new, comprehensive China policy that seeks to reward governmental respect for individual freedom, democracy, and free enterprise while directly addressing Communist failures in these areas. The House unanimously approved the first two Cox bills on China policy in June and July, 1997, and then, in a marathon Thursday-through-Sunday session during November 1997, considered no fewer than nine more Cox-written bills. Every one was passed, by an average margin of more than 90%.

During the 1996 Taiwan missile crisis, when the People's Republic of China launched nuclear-capable missiles over Taiwan for several days prior to the island's first-ever democratic presidential election, Rep. Cox authored legislation rebuking the Clinton policy of "strategic ambiguity." The Cox resolution, which stated flatly that if the PRC invaded Taiwan then America would defend her militarily, passed the House 369-14 and the Senate 97-0.

Chairman Cox has been a forceful advocate for a greater emphasis on defensive weapons, including those protecting U.S. citizens against biological, chemical, and nuclear attack. Under his direction, the Policy Committee has led the fight on the floor for both strategic missile defense and against the proliferation of weapons of mass destruction.

Rep. Cox has earned international recognition for his continuing efforts to assist the former captive nations of the Soviet Empire in their transition to democracy and free markets. He worked successfully for the inclusion of former Warsaw Pact nations in the NATO defensive alliance. A Cox resolution calling for the removal of Russian troops from the Baltic Sea region of Kaliningrad – troops which pose a continuing threat to

regional security – passed the House in 1996, and was publicly credited by the Presidents of the three Baltic nations with hastening recent Russian troop reductions there. In October 1998, Lithuanian President Valdas Adamkus presented him with the Baltic nation's highest award for a living foreign leader.

Rep. Cox is the author of the Support for Eastern European Democracy Act, signed into law by President Bush, which facilitated private investment in Poland and Hungary instead of wasteful foreign aid. Prior to the collapse of the Soviet Empire, he was a leader in the fight to re-establish Baltic independence, and once delivered a speech in Russian to 300 members of the Soviet Air Force and Navy in the closed Soviet Far East city of Vladivostok. Rep. Cox's first successful bill, H.R. 2022, in 1989, gave refugee status to Ukrainian Orthodox and Ukrainian Catholics being persecuted by the Soviet government. It passed unanimously.

At the requests of President Bush, Speaker of the House Tom Foley, Speaker of the House Newt Gingrich, and Speaker of the House Dennis Hastert, Rep. Cox has served as an observer to elections in Lithuania, Poland, and Russia, and as a delegate of the Helsinki Commission to Estonia, Latvia, and Lithuania. His foreign affairs interests include the Middle East as well, where he has met with the leaders of Israel, Jordan, Syria, and Lebanon, and where – in 1991 – he traveled to war-torn Kuwait and Iraq during the Gulf War. In our hemisphere, he has served as an election observer in El Salvador and as leader of a Mexico City delegation to the President and Congressional leaders of Mexico.

Pre-Congressional Career

While many on Capitol Hill dream of moving down Pennsylvania Avenue to the White House, Christopher Cox, who was then a White House counsel to President Reagan, spent 1988 moving the other way – up the street to Congress. From 1986-1988, he served as Senior Associate Counsel to President Reagan, advising the President on a broad range of policy matters – including writing President Reagan's Budget Process Reform Act (which Rep. Cox later introduced in Congress, and which received its first-ever floor vote in 2000). He also served as an advisor to the President

on judicial selections, including the nomination and confirmation of three Supreme Court Justices.

Prior to his White House career, Rep. Cox, along with his father, a retired publisher, founded a company that provided a complete English translation of the former Soviet Union's leading daily paper, *Pravda*. For four years, beginning in 1984, their firm, which had no relationship with the Soviet Union, offered a rare glimpse of Soviet propaganda designed for the Russians themselves. The translations were used by the CIA, the FBI, U.S. military intelligence, and colleges and universities in 26 countries throughout the world.

From 1978 to 1986, he specialized in venture capital and corporate finance with the international law firm of Latham & Watkins, where he was the partner in charge of the Corporate Department in Orange County and a member of the firm's national management.

In 1982-83, Rep. Cox took a leave of absence from Latham & Watkins to teach federal income tax at Harvard Business School.

In 1977-78, he was law clerk to U.S. Court of Appeals Judge Herbert Choy, the first Asian-American federal appellate judge in America. The preceding year, he graduated simultaneously from Harvard Business School and the Harvard Law School, with honors, where for two years he served as an Editor of the *Harvard Law Review*. He graduated magna cum laude from the University of Southern California in 1973, after completing a three-year accelerated course.

Orange County: Hi-Tech World Leader

Rep. Cox's entrepreneurial background fits the "Tech Coast" of Southern California well. With a population of nearly 3 million people and an annual economic output of over \$110 billion, Orange County is one of the most successful and diverse hi-tech centers of commerce in the world. Its economy is larger than all but 31 nations in the world – ranking ahead of Israel, Portugal, and Singapore. Orange County's diverse population is larger than 20 states, and its economy is bigger than 25 states. It is one of California's top exporting

regions, behind only Silicon Valley and Los Angeles, and tied with San Francisco. Orange County exports more than \$12 billion worth of goods each year, from computers to state-of-the-art medical equipment, biotechnology, and other ultra-sophisticated technological goods. In just the last three years, high-tech exports from Orange County companies have grown by 53%.

Orange County is home to some of the most beautiful beaches in the world, stretching for miles along the Pacific Ocean between Los Angeles and San Diego. The "Places Rated Almanac" has selected Orange County as the best place to live in the nation, ahead of more than 350 other metropolitan areas.

Orange County is a national center for higher education. Universities and colleges in Rep. Cox's district include the University of California, Irvine, where Rep. Cox serves on the Advisory Board of the world-class Brain Imaging Center, and Chapman University, on whose Board of Trustees Rep. Cox serves.

The Anaheim Angels baseball team and the Anaheim Mighty Ducks hockey team make their homes in Rep. Cox's district. The Anaheim Pond, home of the Ducks, is also the second most active concert venue in America, behind only Madison Square Garden. Orange County is home to the Ronald Reagan Federal Courthouse, authorized in legislation Rep. Cox wrote as a member of the House Public Works Committee in 1992.

Personal

Christopher Cox was born (b)(6) He, his wife Rebecca, and their three children, Charles, Katie, and Kevin, live in Newport Beach, California.

One-page summary of Chairman Cox's biography

**Life-tenured, Federal Judges
with Service in the
United States Congress**

Updated through May 2, 2001

Information Derived from the Federal Judges Biographical Database
Federal Judicial History Office
Federal Judicial Center

Adair, Jefferson Leroy
Illinois USDC Southern District (1937-1956)
U.S. Representative from Illinois, 1933-1937

Allen, William Joshua
Illinois USDC Southern District (1888-1901)
U.S. Representative from Illinois, 1862-1865

Almond, James Lindsay, Jr.
Federal Circuit USCA (1982-1986)
U.S. Representative from Virginia, 1945-1948

Baker, John Harris
Indiana USDC District (1892-1902)
U.S. Representative from Indiana, 1875-1881

Barbour, Philip Pendelton
Virginia USDC Eastern District (1830-1836)
Supreme Court of the United States (1836-1841)
U.S. Representative from Virginia, 1815-1825, 1827-1830
Speaker of the U.S. House of Representatives, 1821-1823

Bassett, Richard
Third Circuit USCC (1801-1802)
U.S. Senator from Delaware, 1789-1793

Battin, James Franklin
Montana USDC District (1969-1990)
U.S. Representative from Montana, 1961-1969

Bennett, Marion Tinsley
Judge, U.S. Court of Claims, 1972-1982
Federal Circuit USCA (1982-1986)
U.S. Representative from Missouri, 1943-1949

Benson, Egbert
Second Circuit USCC (1801-1802)
U.S. Representative from New York, 1789-1793, 1813-1815

Betts, Samuel Rossiter
New York USDC Southern District (1826-1867)
U.S. Representative from New York, 1815-1817

Biggs, Asa
North Carolina USDC Albemarle, Cape Fear & Pamlico Districts (1858-1861)
U.S. Representative from North Carolina, 1845-1847
U.S. Senator from North Carolina, 1855-1858

✓ Black, Hugo Lafayette
Supreme Court of the United States (1937-1971)
U.S. Senator from Alabama, 1927-1937

Boarman, Alexander
Louisiana USDC Western District (1881-1916)
U.S. Representative from Louisiana, 1872-1873

✓ Bone, Homer Truett
Ninth Circuit USCA (1944-1956)
U.S. Senator from Washington, 1933-1944

Bourne, Benjamin
Rhode Island USDC District (1796-1801)
First Circuit USCC (1801-1802)
U.S. Representative from Rhode Island, 1790-1796

Boyle, John
Kentucky USDC District (1827-1834)
U.S. Representative from Kentucky, 1803-1809

Bratton, Sam Gilbert
Tenth Circuit USCA (1933-1961)
U.S. Senator from New Mexico, 1925-1933

Brawley, William Hiram
South Carolina USDC District (1894-1911)
U.S. Representative from South Carolina, 1891-1894

Bronson, Isaac Hopkins
Florida USDC District (1846-1847)
Florida USDC Northern District (1847-1855)
U.S. Representative from New York, 1837-1839

Bryan, Nathan Philemon
Fifth Circuit USCA (1920-1935)
U.S. Senator from Florida, 1911-1917

Judges with Congressional Service

Buckley, James Lane
District of Columbia Circuit USCA (1985-1996)
 U.S. Senator from New York, 1971-1977

Burton, Harold Hitz
 Supreme Court of the United States (1945-1958)
 U.S. Senator from Ohio, 1941-1945

Byrnes, James Francis
Supreme Court of the United States (1941-1942)
 U.S. Representative from South Carolina, 1911-1925
 U.S. Senator from South Carolina, 1931-1941

Cadwalader, John
 Pennsylvania USDC Eastern District (1858-1879)
 U.S. Representative from Pennsylvania, 1855-1857

Campbell, John Wilson
 Ohio USDC District (1829-1833)h
 U.S. Representative from Ohio, 1817-1827

Cartter, David Kellogg
 District of Columbia USDC [Supreme Court of the
 District of Columbia], Chief Justice (1863-1887)
 U.S. Representative from Ohio, 1849-1853

Chase, Salmon Portland
 Supreme Court of the United States, Chief Justice (1864-
 1873)
 U.S. Senator from Ohio, 1849-1855, 1861

Chipman, Nathaniel
 Vermont USDC District (1791-1793)
 U.S. Senator from Vermont, 1798-1804

Clark, Bennett Champ
District of Columbia Circuit USCA (1945-1954)
 U.S. Senator from Missouri, 1933-1945

Clark, Daniel
 New Hampshire USDC District (1866-1891)
 U.S. Senator from New Hampshire, 1857-1866

Clayton, Henry De Lamar
 Alabama USDC Northern District (1914-1929)
 Alabama USDC Middle District (1914-1929)
 U.S. Representative from Alabama, 1897-1914

Clifford, Nathan
 Supreme Court of the United States (1858-1881)
 U.S. Representative from Maine, 1839-1843

Coffin, Frank Morey
 First Circuit USCA (1965-1989)
 U.S. Representative from Maine, 1957-1961

Colt, LeBaron Bradford
 Rhode Island USDC District (1881-1884)
 First Circuit USCC (1884-1891)
 First Circuit USCA (1891-1913)
 U.S. Senator from Rhode Island, 1913-1924

Conkling, Alfred
 New York USDC Northern District (1825-1852)
 U.S. Representative from New York, 1821-1823

Covington, James Harry
 District of Columbia USDC [Supreme Court of the
 District of Columbia], Chief Justice (1914-1918)
 U.S. Representative from Maryland, 1909-1914

Creighton, William, Jr.
 Ohio USDC District (1828-1829)
 U.S. Representative from Ohio, 1813-1817, 1827-1828,
 1829-1833

Danaher, John Anthony
District of Columbia Circuit USCA (1954-1969)
 U.S. Senator from Connecticut, 1939-1945

Davis, David
 Supreme Court of the United States (1862-1877)
 U.S. Senator from Illinois, 1877-1883

Dayton, Alston Gordon
 West Virginia USDC Northern District (1905-1920)
 U.S. Representative from West Virginia, 1895-1905

DeHaven, John Jefferson
 California USDC Northern District (1897-1913)
 U.S. Representative from California, 1889-1890

Denney, Robert Vernon
 Nebraska USDC District (1971-1981)
 U.S. Representative from Nebraska, 1967-1971

Devitt, Edward James
 Minnesota USDC District (1955-1981)
 U.S. Representative from Minnesota, 1947-1949

Dickerson, Mahlon
 New Jersey USDC District (1840-1841)
 U.S. Senator from New Jersey, 1817-1833

Dickerson, Philemon
 New Jersey USDC District (1841-1862)
 U.S. Representative from New Jersey, 1833-1836, 1839-
 1841

Duffy, Francis Ryan
 Wisconsin USDC Eastern District (1939-1949)

Judges with Congressional Service

Seventh Circuit USCA (1949-1966)
U.S. Senator from Wisconsin, 1933-1939

Duncan, Richard M.
Missouri USDC Eastern District (1943-1965)
Missouri USDC Western District (1943-1965)
U.S. Representative from Missouri, 1933-1943

Duvall, Gabriel
Supreme Court of the United States (1811-1835)
U.S. Representative from Maryland, 1794-1796

Dyer, David Patterson
Missouri USDC Eastern District (1907-1919)
U.S. Representative from Missouri, 1869-1871

Edgerton, Alonzo Jay
South Dakota USDC District (1890-1896)
Minnesota state representative, 1877-1878
U.S. Senator from Minnesota, 1881

Eicher, Edward Clayton
District of Columbia USDC, Chief Justice (1942-1944)
U.S. Representative from Iowa, 1933-1939

Ellis, Powhatan
Mississippi USDC District (1832-1836)
U.S. Senator from Mississippi, 1825, 1827-1832

Ellsworth, Oliver
Supreme Court of the United States, Chief Justice (1796-1800)
U.S. Senator from Connecticut, 1789-1796

Evans, Walter
Kentucky USDC District (1899-1901)
Kentucky USDC Western District (1901-1923)
U.S. Representative from Kentucky, 1895-1899

Ewart, Hamilton Glover
North Carolina USDC Western District (1898-1900)
U.S. Representative from North Carolina, 1889-1891

Field, Richard Stockton
New Jersey USDC District (1863-1870)
U.S. Senator from New Jersey, 1862-1863

Finkelnburg, Gustavus Adolphus
Missouri USDC Eastern District (1905-1907)
U.S. Representative from Missouri, 1869-1873

Fisher, George Purnell
District of Columbia USDC [Supreme Court of the District of Columbia] (1863-1870)
U.S. Representative from Delaware, 1861-1863

FitzHenry, Louis
Illinois USDC Southern District (1918-1933)
Seventh Circuit USCA (1933-1935)
U.S. Representative from Illinois, 1913-1915

Gayle, John
Alabama USDC Northern District (1849-1859)
Alabama USDC Southern District (1849-1859)
Alabama USDC Middle District (1849-1859)
U.S. Representative from Alabama, 1847-1849

Gholson, Samuel Jameson
Mississippi USDC Northern District (1839-1861)
Mississippi USDC Southern District (1839-1861)
U.S. Representative from Mississippi, 1836-1837, 1837-1838

Gibson, Ernest William, Jr.
Vermont USDC District (1949-1969)
U.S. Senator from Vermont, 1940-1941

Giles, William Fell
Maryland USDC District (1854-1879)
U.S. Representative from Maryland, 1845-1847

Goff, Nathan
Fourth Circuit USCA (1892-1913)
U.S. Representative from West Virginia, 1883-1889
U.S. Senator from West Virginia, 1913-1918

Goldsborough, Thomas Alan
District of Columbia USDC (1939-1951)
U.S. Representative from Maryland, 1921-1939

Grant, Robert Allen
Indiana USDC Northern District (1957-1972)
U.S. Representative from Indiana, 1939-1949

Gray, George
Third Circuit USCA (1899-1914)
U.S. Senator from Delaware, 1885-1899

Hall, Nathan Kelsey
New York USDC Northern District (1852-1874)
U.S. Representative from New York, 1847-1849

Hall, Sam Blakeley, Jr.
Texas USDC Eastern District (1985-1994)
U.S. Representative from Texas, 1976-1985

Hall, Willard
Delaware USDC District (1823-1871)
U.S. Representative from Delaware, 1817-1821

Harris, Oren
Arkansas USDC Eastern District (1965-1976)

Judges with Congressional Service

Arkansas USDC Western District (1965-1976)
U.S. Representative from Arkansas, 1941-1966

Harvey, James
Michigan USDC Eastern District (1973-1984)
U.S. Representative from Michigan, 1961-1974

Harvey, Matthew
New Hampshire USDC District (1830-1866)
U.S. Representative from New Hampshire, 1821-1825

Hastings, Alcee Lamar
Florida USDC Southern District (1979-1989)
U.S. Representative from Florida, 1993-present

Hatch, Carl A.
New Mexico USDC District (1949-1963)
U.S. Senator from New Mexico, 1933-1949

Hatfield, Paul Gerhart
Montana USDC District (1979-1996)
U.S. Senator from Montana, 1978

Healey, Arthur Daniel
Massachusetts USDC District (1941-1948)
U.S. Representative from Massachusetts, 1933-1942

Helvering, Guy Tresillian
Kansas USDC District (1943-1946)
U.S. Representative from Kansas, 1913-1919

Hemphill, Robert Witherspoon
South Carolina USDC Eastern District (1964-1965)
South Carolina USDC Western District (1964-1965)
South Carolina USDC District (1965-1980)
U.S. Representative from South Carolina, 1957-1964

Hickey, John Joseph
Tenth Circuit USCA (1966-1970)
U.S. Senator from Wyoming, 1961-1962

Hobart, John Sloss
New York USDC District (1798-1805)
U.S. Senator from New York, 1798

Hopkinson, Joseph
Pennsylvania USDC Eastern District (1829-1842)
U.S. Representative from Pennsylvania, 1815-1819

Hulbert, George Murray
New York USDC Southern District (1934-1950)
U.S. Representative from New York, 1915-1918

Hungate, William Leonard
Missouri USDC Eastern District (1979-1991)
U.S. Representative from Missouri, 1964-1977

Igoe, Michael Lambert
Illinois USDC Northern District (1939-1965)
U.S. Representative from Illinois, 1935

Irwin, Thomas
Pennsylvania USDC Western District (1832-1859)
U.S. Representative from Pennsylvania, 1829-1831

Jackson, Howell Edmunds
Sixth Circuit USCC (1886-1891)
Sixth Circuit USCA (1891-1893)
Supreme Court of the United States (1893-1895)
U.S. Senator from Tennessee, 1881-1886

Jackson, John George
Virginia USDC Western District (1819-1825)
U.S. Representative from Virginia, 1803-1810, 1813-1817

Johnson, Charles Fletcher
First Circuit USCA (1917-1929)
U.S. Senator from Maine, 1911-1917

Johnson, Joseph Travis
South Carolina USDC Western District (1916-1919)
U.S. Representative from South Carolina, 1901-1915

Jones, Woodrow Wilson
North Carolina USDC Western District (1967-1985)
U.S. Representative from North Carolina, 1950-1957

Judson, Andrew Thompson
Connecticut USDC District (1836-1853)
U.S. Representative from Connecticut, 1835-1836

Kenyon, William Squire
Eighth Circuit USCA (1922-1933)
U.S. Senator from Iowa, 1911-1922

Ketcham, Winthrop Welles
Pennsylvania USDC Western District (1876-1879)
U.S. Representative from Pennsylvania, 1873-1876

Key, David McKendree
Tennessee USDC Eastern District (1880-1895)
Tennessee USDC Middle District (1880-1895)
U.S. Senator from Tennessee, 1875-1877

Key, Philip Barton
Fourth Circuit USCC (1801-1802)
U.S. Representative from Maryland, 1807-1813

Kirkpatrick, William Huntington
Pennsylvania USDC Eastern District (1927-1958)
U.S. Representative from Pennsylvania, 1921-1923

Judges with Congressional Service

Kloeb, Frank Le Blond
Ohio USDC Northern District (1937-1964)
U.S. Representative of Ohio, 1933-1937

Lamar, Lucius Quintus Cincinnatus
Supreme Court of the United States (1888-1893)
U.S. Representative from Mississippi, 1857-1860, 1873-1877
U.S. Senator from Mississippi, 1877-1885

Lanning, William Mershon
New Jersey USDC District (1904-1909)
Third Circuit USCA (1909-1912)
U.S. Representative New Jersey, 1903-1904

Laurance, John
New York USDC District (1794-1796)
U.S. Representative from New York, 1789-1793
U.S. Senator from New York, 1796-1800

Leahy, Edward Lawrence
Rhode Island USDC District (1951-1953)
U.S. Senator from Rhode Island, 1949-1950

Leavitt, Humphrey Howe
Ohio USDC District (1834-1855)
Ohio USDC Southern District (1855-1871)
U.S. Representative from Ohio, 1830-1834

Leavy, Charles Henry
Washington USDC Western District (1942-1952)
U.S. Representative from Washington, 1937-1942

Letts, Fred Dickinson
District of Columbia USDC [Supreme Court of the District of Columbia] (1932-1961)
U.S. Representative from Iowa, 1925-1931

Longyear, John Wesley
Michigan USDC Eastern District (1870-1875)
U.S. Representative from Michigan, 1863-1867

Luhring, Oscar Raymond
District of Columbia USDC [Supreme Court of the District of Columbia] (1930-1944)
U.S. Representative from Indiana, 1919-1923

Lumpkin, Alva Moore
South Carolina USDC Eastern District (1939-1941)
South Carolina USDC Western District (1939-1941)
U.S. Senator from South Carolina, 1941

MacKinnon, George Edward
District of Columbia Circuit USCA (1969-1983)
U.S. Representative from Minnesota, 1947-1949

Major, James Earl
Illinois USDC Southern District (1934-1937)
Seventh Circuit USCA (1937-1956)
U.S. Representative from Illinois, 1923-1925, 1927-1933

Marshall, John
Supreme Court of the United States, Chief Justice (1801-1835)
U.S. Representative from Virginia, 1799-1800

Mason, John Young
Virginia USDC Eastern District (1841-1844)
U.S. Representative from Virginia, 1831-1837

Matthews, Stanley
Supreme Court of the United States (1881-1889)
U.S. Senator from Ohio, 1877-1881

McCall, John Ethridge
Tennessee USDC Western District (1905-1920)
U.S. Representative from Tennessee, 1895-1897

McComas, Louis Emory
District of Columbia USDC [Supreme Court of the District of Columbia] (1893-1899)
District of Columbia Circuit USCA (1905-1907)
U.S. Representative from Maryland, 1883-1891
U.S. Senator from Maryland, 1899-1905

McCoy, Walter Irving
District of Columbia USDC [Supreme Court of the District of Columbia] (1914-1918)
District of Columbia USDC [Supreme Court of the District of Columbia], Chief Justice (1918-1929)
U.S. Representative from New Jersey, 1911-1914

McCrary, George Washington
Eighth Circuit USCC (1879-1884)
U.S. Representative from Iowa, 1869-1877

McDuffie, John
Alabama USDC Southern District (1935-1950)
U.S. Representative from Alabama, 1919-1935

McGranery, James Patrick
Pennsylvania USDC Eastern District (1946-1952)
U.S. Representative from Pennsylvania, 1937-1943

McKenna, Joseph
Ninth Circuit USCA (1892-1897)
Supreme Court of the United States (1898-1925)
U.S. Representative from California, 1885-1892

McKinley, John
Supreme Court of the United States (1837-1852)

Judges with Congressional Service

U.S. Senator from Alabama, 1826-1831
U.S. Representative from Alabama, 1833-1835

McLaughlin, Charles Francis
District of Columbia USDC (1950-1964)
U.S. Representative from Nebraska, 1935-1943

McLean, John
Supreme Court of the United States (1829-1861)
U.S. Representative from Ohio, 1813-1816

McPherson, Smith
Iowa USDC Southern District (1900-1915)
U.S. Representative from Iowa, 1899-1900

Mechem, Edwin Leard
New Mexico USDC District (1970-1982)
U.S. Senator from New Mexico, 1962-1964

Merrick, William Matthew
Circuit Court of the District of Columbia USCC (1855-1863)
District of Columbia USDC [Supreme Court of the District of Columbia] (1886-1889)
U.S. Representative from Maryland, 1871-1873

Meskill, Thomas Joseph
Second Circuit USCA (1975-1993)
U.S. Representative from Connecticut, 1967-1971

Mikva, Abner Joseph
District of Columbia Circuit USCA (1979-1994)
U.S. Representative from Illinois, 1969-1973, 1975-1979

Miller, Jack Richard
Federal Circuit USCA (1982-1985)
U.S. Senator from Iowa, 1961-1973

Miller, John Elvis
Arkansas USDC Western District (1941-1967)
U.S. Representative from Arkansas, 1931-1937
U.S. Senator from Arkansas, 1937-1941

Minton, Sherman
Seventh Circuit USCA (1941-1949)
Supreme Court of the United States (1949-1956)
U.S. Senator from Indiana, 1935-1941

Mitchell, George John
Maine USDC District (1979-1980)
U.S. Senator from Maine, 1980-1995

Moody, William Henry
Supreme Court of the United States (1906-1910)
U.S. Representative from Massachusetts, 1895-1902

Morris, Page
Minnesota USDC District (1903-1923)
U.S. Representative from Minnesota, 1897-1903

Morrow, William W.
California USDC Northern District (1892-1897)
Ninth Circuit USCA (1897-1923)
U.S. Representative from California, 1885-1891

Murphy, John William
Pennsylvania USDC Middle District (1946-1962)
U.S. Representative from Pennsylvania, 1943-1946

Nixon, John Thompson
New Jersey USDC District (1870-1889)
U.S. Representative from New Jersey, 1859-1863

Noland, James Ellsworth
Indiana USDC Southern District (1966-1986)
U.S. Representative from Indiana, 1949-1951

Olin, Abram Baldwin
District of Columbia USDC [Supreme Court of the District of Columbia] (1863-1879)
U.S. Representative from New York, 1857-1863

Paine, Elijah
Vermont USDC District (1801-1842)
U.S. Senator from Vermont, 1795-1801

Parker, Isaac Charles
Arkansas USDC Western District (1875-1896)
U.S. Representative from Missouri, 1871-1875

Parris, Albion Keith
Maine USDC District (1818-1822)
U.S. Representative from Massachusetts, 1815-1818
U.S. Senator from Maine, 1827-1828

Paterson, William
Supreme Court of the United States (1793-1806)
U.S. Senator from New Jersey, 1789-1790

Paul, John
Virginia USDC Western District (1883-1901)
U.S. Representative from Virginia, 1881-1883

Paul, John, Jr.
Virginia USDC Western District (1932-1958)
U.S. Representative from Virginia, 1922-1923

Pennybacker, Isaac Samuels
Virginia USDC Western District (1840-1845)
U.S. Representative from Virginia, 1837-1839
U.S. Senator from Virginia, 1845-1847

Judges with Congressional Service

Peters, John Andrew
Maine USDC District (1921-1947)
U.S. Representative from Maine, 1913-1922

Philips, John Finis
Missouri USDC Western District (1888-1910)
U.S. Representative from Missouri, 1875-1877, 1880-1881

Pitney, Mahlon
Supreme Court of the United States (1912-1922)
U.S. Representative from New Jersey, 1895-1899

Pray, Charles Nelson
Montana USDC District (1924-1957)
U.S. Representative from Montana, 1907-1913

Prentiss, Samuel
Vermont USDC District (1842-1857)
U.S. Senator from Vermont, 1831-1842

Preyer, Lunsford Richardson
North Carolina USDC Middle District (1962-1963)
U.S. Representative from North Carolina, 1969-1981

Pritchard, Jeter Connelly
District of Columbia USDC [Supreme Court of the District of Columbia] (1903-1904)
Fourth Circuit USCA (1904-1921)
U.S. Senator from North Carolina, 1894-1903

Quarles, Joseph Very
Wisconsin USDC Eastern District (1905-1911)
U.S. Senator from Wisconsin, 1899-1905

Ragon, Heartsill
Arkansas USDC Western District (1933-1940)
U.S. Representative from Arkansas, 1923-1933

Ray, George Washington
New York USDC Northern District (1902-1920)
U.S. Representative from New York, 1883-1885, 1891-1902

Rayfiel, Leo Frederick
New York USDC Eastern District (1947-1966)
U.S. Representative from New York, 1945-1947

Rizley, Ross
Oklahoma USDC Western District (1956-1965)
U.S. Representative from Oklahoma, 1941-1949

Robertson, Thomas Bolling
Louisiana USDC Eastern District (1824-1828)
Louisiana USDC Western District (1824-1828)
U.S. Representative from Louisiana, 1812-1818

Rogers, John Henry
Arkansas USDC Western District (1896-1911)
U.S. Representative from Arkansas, 1883-1891

Russell, Donald Stuart
South Carolina USDC District (1966-1971)
Fourth Circuit USCA (1971-1998)
U.S. Senator from South Carolina, 1965-1966

Russell, Gordon James
Texas USDC Eastern District (1910-1919)
U.S. Representative from Texas, 1902-1910

Schwellenbach, Lewis Baxter
Washington USDC Eastern District (1940-1945)
U.S. Senator from Washington, 1935-1940

Scott, George Cromwell
Iowa USDC Northern District (1922-1943)
U.S. Representative from Iowa, 1913-1915, 1917-1919

Sherburne, John Samuel
New Hampshire USDC District (1804-1830)
U.S. Representative from New Hampshire, 1793-1797

Smith, Caleb Blood
Indiana USDC District (1862-1864)
U.S. Representative from Indiana, 1843-1849

Smith, Jeremiah
First Circuit USCC (1801-1802)
U.S. Representative from New Hampshire, 1791-1797

Smith, John Joseph
Connecticut USDC District (1941-1960)
Second Circuit USCA (1960-1971)
U.S. Representative from Connecticut, 1935-1941

Smith, Walter Inglewood
Eighth Circuit USCA (1911-1922)
U.S. Representative from Iowa, 1900-1911

Smith, William Robert, Sr.
Texas USDC Western District (1917-1924)
U.S. Representative from Texas, 1903-1917

Speer, Emory
Georgia USDC Southern District (1885-1918)
U.S. Representative from Georgia, 1879-1883

Sprague, Peleg
Massachusetts USDC District (1841-1865)
U.S. Representative from Maine, 1825-1829
U.S. Senator from Maine, 1829-1835

Judges with Congressional Service

Story, Joseph
Supreme Court of the United States (1811-1845)
 U.S. Representative from Massachusetts, 1808-1809

Strong, William
 Supreme Court of the United States (1870-1880)
 U.S. Representative from Pennsylvania, 1847-1851

Sutherland, George
 Supreme Court of the United States (1922-1938)
 U.S. Representative from Utah, 1901-1902
 U.S. Senator from Utah, 1905-1917

Tait, Charles
 Alabama USDC Northern District (1824-1826)
 Alabama USDC District (1820-1824)
 Alabama USDC Southern District (1824-1826)
 U.S. Senator from Georgia, 1809-1819

Tappan, Benjamin
 Ohio USDC District (1833-1834)
 U.S. Senator from Ohio, 1839-1845

Taylor, Robert Walker
 Ohio USDC Northern District (1905-1910)
 U.S. Representative from Ohio, 1895-1903

Thomason, Robert Ewing
 Texas USDC Western District (1947-1963)
 U.S. Representative from Texas, 1931-1947

Thompson, Albert Clifton
 Ohio USDC Southern District (1898-1910)
 U.S. Representative from Ohio, 1885-1891

Thornberry, William Homer
 Texas USDC Western District (1963-1965)
Fifth Circuit USCA (1965-1978)
 U.S. Representative from Texas, 1949-1963

Thruston, Buckner
 Circuit Court of the District of Columbia USCC (1809-1845)
 U.S. Senator from Kentucky, 1805-1809

Underwood, Mell Gilbert
 Ohio USDC Southern District (1936-1965)
 U.S. Representative from Ohio, 1923-1936

Vinson, Frederick Moore
 District of Columbia Circuit USCA (1937-1943)
 Supreme Court of the United States, Chief Justice (1946-1953)
 U.S. Representative from Kentucky, 1923-1929, 1931-1938

Waddill, Edmund, Jr.
 Virginia USDC Eastern District (1898-1921)
 Fourth Circuit USCA (1921-1931)
 U.S. Representative from Virginia, 1890-1891

Wade, Martin Joseph
 Iowa USDC Southern District (1915-1931)
 U.S. Representative from Iowa, 1903-1905

Wayne, James Moore
 Supreme Court of the United States (1835-1867)
 U.S. Representative from Georgia, 1829-1835

Webb, Edwin Yates
 U.S. Representative from North Carolina, 1903-1919

Webster, John Stanley
 Washington USDC Eastern District (1924-1939)
 U.S. Representative from Washington, 1919-1923

Welker, Martin
 Ohio USDC Northern District (1873-1889)
 U.S. Representative from Ohio, 1865-1871

Wellborn, Olin
 California USDC Southern District (1895-1915)
 U.S. Representative from Texas, 1879-1887

Welsh, George Austin
 Pennsylvania USDC Eastern District (1932-1957)
 U.S. Representative from Pennsylvania, 1923-1932

White, Albert Smith
 Indiana USDC District (1864-1864)
 U.S. Representative from Indiana, 1837-1839, 1861-1863
 U.S. Senator from Indiana, 1839-1845

White, Edward Douglass
 Supreme Court of the United States (1894-1910)
 Supreme Court of the United States, Chief Justice (1910-1921)
 U.S. Senator from Louisiana 1891-1893

Wiggins, Charles Edward
 Ninth Circuit USCA (1984-1996)
 U.S. Representative from California, 1967-1979

Wilkins, William
 Pennsylvania USDC Western District (1824-1831)
 U.S. Senator from Pennsylvania, 1831-1834
 U.S. Representative from Pennsylvania, 1843-1844

Wilson, James Clifton
 Texas USDC Northern District (1919-1947)
 U.S. Representative from Texas, 1917-1919

Judges with Congressional Service

Woodbury, Levi
Supreme Court of the United States (1846-1851)
U.S. Senator from New Hampshire, 1825-1831, 1841-
1845