

Withdrawn/Redacted Material

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	Draft Interview Outline [3 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/15/2025 JLS]	3	N.D.	

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Judges - General Interview Questions

FRC ID:

9799

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]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- A: Closed by Executive Order 13526 governing access to national security information.
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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- 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]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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SUPERSEDED

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DRAFT INTERVIEW OUTLINE

* local control
* govt inherently corrupt

Desirability

1. Why would you like to be appointed to a position on the circuit court?
2. What do you feel qualifies you most to hold such a position?
3. How do you see your role on the court?
4. What would you like to accomplish as a circuit judge?
5. What is your philosophy of judging?
6. What evidence can you point to in your background or professional life that confirms you follow your philosophy?
7. Are there any instances in your past that you feel put your commitment to principles of judicial restraint to the test? What were they?
8. What do you see as the significant limitations, if any, on the powers, equitable or otherwise, of the federal courts?
9. What is your approach to statutory interpretation? What role, if any, should legislative history play?
10. What is your approach to constitutional interpretation? What is the proper role of constitutional text? History?
11. What do you see as the appropriate role of stare decisis in deciding cases? Is there a difference between statutory and constitutional cases?
12. What role should the federal courts play in federalism cases? Are there substantive limits to congressional power to legislate? Attitudes toward Lopez and its progeny?
13. When is a federal court justified in becoming deeply involved in state or local governance, through, for example, consent decrees governing prisons, schools, schemes of state taxation or school funding etc.?
14. What is your view of the Sentencing Guidelines? What would you do if you believed a straightforward application of the guidelines produced a grossly unfair result?
15. Do you have any views on the propriety of deciding cases by unpublished opinion, with or without oral argument?

CA4

Fed Society

Fed Society
MD questions

16. Do you have any views on the propriety of having court staff attorneys pre-screen cases and put them on different tracks for argument and decision?
17. In your view, when it is appropriate to have en banc review of panel decisions?
18. How do you envision your own role during oral argument?
19. Are there any issues, parties, or legal questions to which you have such a deep personal commitment that you would doubt your own ability to judge them fairly according to law?

Suitability

1. Is there any information about you which, if made public, would be personally embarrassing to you? To the President? *NO*
2. Is there anything we have not already discussed (e.g., some aspect of personal history with a Senator or staff) that could affect your confirmation by the Senate, either positively or negatively? *NO*
3. Would you have any problem submitting an SF-278, which makes full financial disclosure and which eventually becomes public? *NO*
4. Have you ever bought, sold, or used illegal drugs of any kind? *NO*
5. Have you ever had extramarital sexual relationships? *NO*
6. Have you ever had any children out of wedlock? *NO*
7. Are you involved in any relationships that your spouse is unaware of and would not approve of if he or she knew? *NO*
8. Are you subject to blackmail or coercion by any person? *NO*
9. Have you paid all taxes owed by you to the federal government, including applicable Social Security and other taxes any on domestic help? *YES*
10. Have you ever employed an illegal alien? *NO*
11. Have you ever been involved in any business or financial transactions which, if made public, would make you uncomfortable? *NO*
12. Are you, or have you ever been, a member or leader of any group that has a bad public image or reputation in any part of the country?

13. Are you, or have you ever been, a member of leader of any group that discriminates based on race, sex, sexual orientation, religion, or other similar characteristics? *No*
14. Have you ever engaged in any illegal conduct we have not discussed? *No*
15. Have you ever been arrested, convicted, or investigated for a crime other than a traffic infraction? *No*
16. Have you ever written or said anything especially controversial that might be used, even unfairly, by someone seeking to damage your prospects for confirmation?
17. Who are the individual most likely to say unfavorable things about you if contacted by the FBI? What would they say? *NO*
18. Do you expect your nomination to generate significant controversy? If so, why? *No*
19. Is there anything else that concerns you as you think about a confirmation process? *(NO)*
20. If you had the opportunity to make the case to President Bush for nominating you, what would you say?

Boyle