

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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From: SEN. LEAHY

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OCT. 16. 2001 4:42PM

NO. 893 P. 2

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 16, 2001

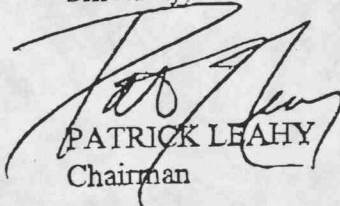
The Honorable Orrin G. Hatch
United States Senate
Washington, D.C. 20510

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Senator Hatch and Judge Gonzales:

On October 4, 2001, I held a nominations hearing for six individuals, one nominee to the U.S. Court of Appeals for the Fifth Circuit, four nominees to the U.S. District Courts, and one nominee for a position at the Department of Justice. While I would like to be able to add the names of these nominees to the agenda for the Judiciary Committee's business meeting on October 18, I have not yet received answers to the written questions I submitted to them last week. Unless I receive their answers shortly, I cannot guarantee them a place on the agenda. Thank you for your consideration.

Sincerely,



PATRICK LEAHY
Chairman

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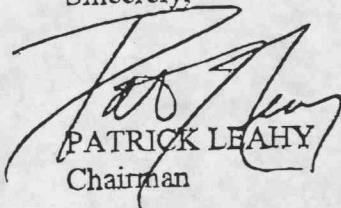
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CHARLES E. SCHUMER, NEW YORK

MANUS COONEY, Chief Counsel and Staff Director
BRUCE A. COHEN, Minority Chief Counsel

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

QUESTIONNAIRE FOR JUDICIAL NOMINEES

Your answers to the following questions will assist the Senate Committee on the Judiciary in evaluating your nomination. Use letter-size paper to complete your answers to the questions. Please type each question and place your answer immediately beneath it.

Certain portions of the Questionnaire will be made available for public review (sections I through III). However, the confidential portion of the Questionnaire (section IV) will be maintained on a confidential basis for the use of the Committee. PLEASE DO NOT STAPLE THE PUBLIC AND CONFIDENTIAL SECTIONS OF THE QUESTIONNAIRE TOGETHER.

If in response to any question you attach judicial opinions or published articles, please include in your response the full citation of the judicial opinion or the full title of the article.

If you have any questions concerning this Questionnaire, please contact Jared Garner, Nominations Investigator, Senate Judiciary Committee, at (202) 224-5225. Please mail or deliver eighteen stapled copies of the completed public portion of the Questionnaire (sections I through III), three stapled copies of the completed confidential portion of the Questionnaire (section IV), and three copies of any attachments to the Questionnaire to the Committee at the following address:

Senate Committee on the Judiciary
Nominations Unit
Dirksen Senate Office Building, Suite 224
Washington, D.C. 20510

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)
2. State the position for which you have been nominated.
3. Address: List current place of residence and office address(es).
4. Date and place of birth.
5. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).
6. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.
7. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.
8. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.
9. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.
10. Bar Associations: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.
11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.
12. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

13. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

14. Health: What is the present state of your health? List the date of your last physical examination.

15. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

16. Citations: If you are or have been a judge, provide:

(1) a short summary of and citations for the ten most significant opinions you have written;

(2) a short summary of and citations for all rulings of yours that were reversed or significantly criticized on appeal, together with a short summary of and citations for the opinions of the reviewing court; and

(3) a short summary of and citations for all significant opinions on federal or state constitutional issues, together with the citation for appellate court rulings on such opinions.

If any of the opinions or rulings listed were in state court or were not officially reported, please provide copies of the opinions.

17. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

18. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

2. whether you practiced alone, and if so, the addresses and dates;
 3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;
- b.
1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?
 2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.
- c.
1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.
 2. What percentage of these appearances was in:
 - (a) federal courts;
 - (b) state courts of record;
 - (c) other courts.
 3. What percentage of your litigation was:
 - (a) civil;
 - (b) criminal.
 4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
 5. What percentage of these trials was:
 - (a) jury;
 - (b) non-jury.
19. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- (a) the date of representation;
- (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
- (c) The individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

20. Legal Activities: In addition to those matters described in response to question 18, describe the most significant legal activities you have pursued. Describe the nature of your participation in this question. Please omit any information protected by the attorney-client privilege unless the privilege has been waived.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.
2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts of interest during your initial service in the position to which you have been nominated.
3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)
5. Please complete the attached financial net worth statement in detail. (Add schedules as called for.)
6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

- d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and
- e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

IV. ~~CONFIDENTIAL~~

1. Full name (include any former names used).
2. Address: List current place of residence and office address(es). List all office and home telephone numbers where you may be reached.
3. Have you ever been discharged from employment for any reason or have you ever resigned after being informed that your employer intended to discharge you?
4. Have you and your spouse filed and paid all taxes (federal, state and local) as of the date of your nomination? Please indicate if you filed "married filing separately". Did you make any back tax payments prior to your nomination? If so, provide details.
5. Has a tax lien or other collection procedure (to include receipt of computer balance due notices, ever been instituted against you by federal, state, or local authorities? If so, give full details.
6. Have you or your spouse ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, give full details.
7. Have you or your spouse ever declared bankruptcy? If so, give particulars.
8. Have you to your knowledge ever been under federal, state, or local investigation for a possible violation of either a civil or criminal statute or administrative agency regulation? If so, give full details. Has any organization of which you were an officer, director, or active participant ever been the subject of such an investigation with respect to activities within your responsibility? If so, give full details.
9. Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, give particulars.
10. Have you ever been a party (whether plaintiff, defendant or in any other capacity) to any litigation?
11. Please advise the Committee of any unfavorable information that may affect your nomination.

AFFIDAVIT

I, _____, do swear that
the information provided in this statement is, to the best of my
knowledge, true and accurate.

(DATE)

(NAME)

(NOTARY)

PATRICK J. LEAHY, VERMONT, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
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COPY
United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 25, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
Office of White House Counsel
Washington, D.C. 20500

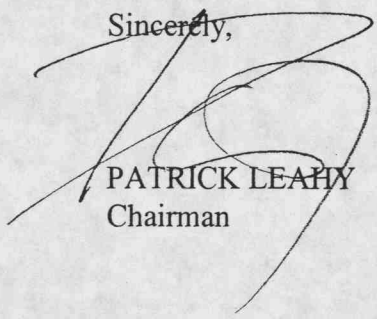
Dear Judge Gonzales:

The questionnaire used by the Committee on the Judiciary to help evaluate judicial and non-judicial executive branch nominees had not been substantially revised or updated in years. When I became Chairman, I discussed with a number of Senators the need to streamline and update the questionnaire because it contained obsolete references and made vague or redundant requests for information. I also shared proposals with your office. There was a need to revise, clarify and eliminate questions, and to add requests for certain pertinent information.

We have produced an updated questionnaire which I believe will ensure that the Committee receives probative and useful information, without unduly burdening nominees.

A copy of the new questionnaire is enclosed, for use by nominees sent to the Senate for consideration by the Judiciary Committee on or after September 17, 2001. While those nominees still pending before the Committee who were nominated before September 17, 2001 need not complete the new questionnaire, I am requesting that the Department of Justice facilitate those nominees' responses to four questions on the new questionnaire: Questions 14, 17, and 20 of the public portion and Question 4 of the confidential portion. This will effectively update their questionnaire responses.

Sincerely,



PATRICK LEAHY
Chairman

cc: The Hon. Daniel J. Bryant

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

SENATE JUDICIARY COMMITTEE NOMINATION PROCESS

1. The nomination is sent from the President to the United States Senate and referred to the Committee on the Judiciary.
2. Upon receipt of the nomination, the Committee requests written responses from the nominee to the Committee's questionnaire comprised of both public and confidential portions.
3. In responding to the questionnaire, or any additional questions Members of the Committee may submit, the nominee should type each question in full before each response. The nominee should provide the Committee with an original and twenty-four (24) copies of the responses to the questionnaire.
4. The Committee reviews the nominee's written responses to the questionnaire and conducts an investigation into the background and qualifications of each nominee, including review of peer evaluations of the nominee's fitness and qualifications for office.
5. The nominee's responses to the public portion of the questionnaire are made available for public inspection, either by posting on the Committee website or in the Committee office, or both.
6. Pursuant to a memorandum of understanding between the White House and the Committee, background investigation reports of the Federal Bureau of Investigation (FBI) are produced to the Committee for review by the Members of the Committee and specially designated staff of the Chairman and Ranking Member. Under certain circumstances, Senators who do not serve on the Judiciary Committee may, upon request, be apprised of information contained in the FBI background investigation reports of a nominee.
7. If necessary, interviews with the nominee or other interested parties are conducted with designated Majority and Minority investigators, either via the telephone or in person.
8. Upon completion of the Committee review and investigation, a hearing date may be set.
9. A full Committee hearing is held. The hearing is chaired by the Chairman or his designee. All hearings are open to the public. If desired, the nominee may be introduced by a Member of Congress from his or her home state. The nominee testifies on his or her own behalf under oath.
10. After the hearing, Members of the Committee may submit written follow-up questions. The nomination will not be placed on the agenda for Committee consideration until responses to questions have been received.
11. The Committee votes on the nominee. If the majority of the Committee vote is favorable, the Committee reports the nomination to the Senate with the recommendation that the nominee be confirmed. If the vote is a tie or not favorable to the confirmation of the nominee, the Committee is not compelled by the Rules of Senate Procedure to report the nomination to the Senate for a floor vote on the final question of whether to confirm the nomination. The Committee may file a report on the nominee.
12. After the Committee votes favorably on the nomination and the report, if any, is filed, the nomination is placed on the Senate Executive Calendar. The nomination is then ready to be acted upon by the full Senate, subject to the call of the Majority Leader.
13. A hearing record is published and made available to the public. Responses to the public portion of the questionnaire are printed as part of the hearing record.

**QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE**

1. **Name**: Full name (include any former names used).
2. **Position**: State the position for which you have been nominated.
3. **Address**: List current office address and telephone number. If state of residence differs from your place of employment, please list the state where you currently reside.
4. **Birthplace**: State date and place of birth.
5. **Marital Status**: (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.
6. **Education**: List in reverse chronological order, listing most recent first, each college, law school, and any other institutions of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.
7. **Employment Record**: List in reverse chronological order, listing most recent first, all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or job description where appropriate.
8. **Military Service**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number and type of discharge received.
9. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.
10. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.
11. **Bar and Court Admission**: List each state and court in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.
12. **Memberships**: List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, charitable, or other organizations since graduation from college, other than those listed in response to Questions 10 or 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion—either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.
13. **Published Writings**: List the titles, publishers, and dates of books, articles, reports, or other material you have written or edited, including material published on the Internet. Please supply four (4) copies of all published material to the Committee, unless the Committee has advised you that a copy has been obtained from another source. Also, please supply four (4) copies of all speeches delivered by you, in written or videotaped form over the past ten years, including the

date and place where they were delivered, and readily available press reports about the speech.

14. **Congressional Testimony**: List any occasion when you have testified before a committee or subcommittee of the Congress, including the name of the committee or subcommittee, the date of the testimony and a brief description of the substance of the testimony. In addition, please supply four (4) copies of any written statement submitted as testimony and the transcript of the testimony, if in your possession.

15. **Health**: Describe the present state of your health and provide the date of your last physical examination.

16. **Citations**: If you are or have been a judge, provide:

- (a) a short summary and citations for the ten (10) most significant opinions you have written;
- (b) a short summary and citations for all rulings of yours that were reversed or significantly criticized on appeal, together with a short summary of and citations for the opinions of the reviewing court; and
- (c) a short summary of and citations for all significant opinions on federal or state constitutional issues, together with the citation for appellate court rulings on such opinions.

If any of the opinions or rulings listed were in state court or were not officially reported, please provide copies of the opinions.

17. **Public Office, Political Activities and Affiliations**:

- (a) List chronologically any public offices you have held, federal, state or local, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or nominations for appointed office for which were not confirmed by a state or federal legislative body.
- (b) List all memberships and offices held in any political party or election committee during the last ten (10) years.
- (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last ten (10) years.

18. **Legal Career**: Please answer each part separately.

(a) Describe chronologically your law practice and legal experience after graduation from law school including:

- (1) whether you served as clerk to a judge, and if so, the name for the judge, the court and dates of the period you were a clerk;
- (2) whether you practiced alone, and if so, the addresses and dates;
- (3) the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

(b) (1) Describe the general character of your law practice and indicate by date if and when its character has changed over the years.

- (2) Describe your typical former clients, and mention the areas, if any, in which you have specialized.
- (c) (1) Describe whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe each such variance, providing dates.
- (2) Indicate the percentage of these appearances in:
 - (A) federal courts;
 - (B) state courts of record;
 - (C) other courts.
- (3) Indicate the percentage of these appearances in:
 - (A) civil proceedings;
 - (B) criminal proceedings.
- (4) State the number of cases in courts of record you tried to verdict or judgment rather than settled, indicating whether you were sole counsel, chief counsel, or associate counsel.
- (5) Indicate the percentage of these trials that were decided by a jury.
- (d) Describe your practice, if any, before the United States Supreme Court. Please supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the U.S. Supreme Court in connection with your practice.
- (e) Describe legal services that you have provided to disadvantaged persons or on a *pro bono* basis, and list specific examples of such service and the amount of time devoted to each.
19. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, and for each provide the date of representation, the name of the court, the name of the judge or judges before whom the case was litigated and the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties. In addition, please provide the following:
 - (a) the citations, if the cases were reported, and the docket number and date if unreported;
 - (b) a detailed summary of the substance of each case outlining briefly the factual and legal issues involved;
 - (c) the party or parties whom you represented; and
 - (d) describe in detail the nature of your participation in the litigation and the final disposition of the case.
20. **Prior Arrest:** State whether you have ever been arrested for, charged with or convicted of a crime, within twenty years of your nomination, other than a minor traffic violation, that is reflected in a record available to the public, and if so, provide the relevant dates of arrest, charge and disposition and describe the particulars of the offense.
21. **Party to Civil or Administrative Proceedings:** State whether you, or any business of which you are or were an officer, have ever been a party or otherwise involved as a party in any civil or administrative proceeding that is reflected in a record available to the public. If so, please describe in detail the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. Do not list any proceedings

in which you were a guardian *ad litem*, stakeholder, or material witness.

22. **Potential Conflict of Interest**: Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts of interest during your initial service in the position to which you have been nominated.
23. **Outside Commitments During Court Service**: Do you have any plans, commitments, or arrangements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
24. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding the nomination, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500. If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.
25. **Statement of Net Worth**: Complete and attach the financial net worth statement in detail. Add schedules as called for.
26. **Selection Process**: Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts?
 - (a) If so, did it recommend your nomination?
 - (b) Describe your experience in the judicial selection process, including the circumstances leading to your nomination and the interviews in which you participated.
 - (c) Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule on such case, issue, or question? If so, please explain fully.

QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE

~~CONFIDENTIAL~~

NAME:

HOME ADDRESS:

TELEPHONE NUMBER:

1. **Employment History**: State whether you have ever been discharged from employment for any reason or have ever resigned after being informed that your employer intended to discharge you.
2. **Bankruptcy and Tax Information**: Information under this heading must be provided for yourself and your spouse.
 - (a) Have you and your spouse filed and paid all taxes (federal, state, and local) as of the date of your nomination? Please indicate if you filed "married filing separately." Did you make any back tax payments, and if so, indicate if you have made any back tax payments with in the past three (3) years. If so, please provide full details.
 - (b) Has a tax lien or other collection procedure(s) ever been instituted against you or your spouse by federal, state, or local authorities? If so, please provide full details.
 - (c) Have you or your spouse ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, please provide full details.
 - (d) Have you or your spouse ever declared bankruptcy? If so, please provide full details.
3. **Past Investigations and Complaints**: State whether, to your knowledge, you have ever been under federal, state, or local investigation for a possible violation of any civil or criminal statute or administrative agency regulation. If so, please provide full details.
 - (a) Has any organization of which you were an officer, director, or active participant ever been the subject of such an investigation with respect to activities within your responsibility? If so, please provide full details.
 - (b) Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, please provide full details.
4. **Disclosure**: Please advise the Committee of any unfavorable information that may affect your nomination, including prior use, possession, purchase or distribution of any illegal substance.

**QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE**

AFFIDAVIT

I, _____, being duly sworn, hereby state that I have read and signed the foregoing Questionnaire for Nominees Before the Committee on the Judiciary and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____.

Notary Public

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks				Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule				Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule			
Real estate owned-add schedule				Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property							
Cash value-life insurance							
Other assets itemize:							
				Total liabilities			
				Net Worth			
				Total liabilities and net worth			
Total Assets							
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)			
On leases or contracts				Are you defendant in any suits or legal actions?			
Legal Claims				Have you ever taken bankruptcy?			
Provision for Federal Income Tax							
Other special debt							

THE WHITE HOUSE
WASHINGTON

October 1, 2001

REVIS
10/1
FILE

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Judiciary Committee Questionnaire for Nominees

Dear Senator Leahy:

I understand that you recently announced your intention to ask judicial and non-judicial nominees whose nominations are forwarded after September 17, 2001, to submit a questionnaire that has been changed in several material respects from the questionnaire used in recent years. I share your desire for a process ensuring that only people of exceptional ability, fitness and professional excellence serve as federal judges, and many of the changes you have made will serve to streamline and update the questionnaire. I also believe that each member of the United States Senate must have all the information he or she deems necessary in discharging his or her constitutional "advice and consent" function. However, respectfully, it appears to me that a few of the proposed changes provide little, if any, additional benefit to the Senate, and may actually hurt the process of finding good judges and other appointees by making the confirmation process unnecessarily more intrusive.

First, the revised questionnaire requires nominees to disclose in the confidential section "any . . . prior use, possession, purchase or distribution of any illegal substance." Questions regarding past involvement with illegal drugs are covered completely in the FBI background investigation report for each nominee. This information is available for review by each Judiciary Committee Member and, historically, has been made available to *any Senator* who requests a briefing from Committee investigators. Accordingly, information about a nominee's past drug use – highly sensitive personal information to be sure – already is available to any Senator who desires to consider it as he or she deems necessary. I understand that information contained in FBI reports is treated with greater care and due confidentiality than information that is contained in the questionnaire. I would respectfully urge you to consider that the FBI report is the proper vehicle, as it historically has been, to inform Senators regarding nominees' sensitive personal information.

Second, the revised questionnaire requires nominees to disclose in the public section prior arrests or convictions. Again, I would respectfully suggest that any legitimate need for such information more than adequately is addressed in the FBI report. Generally, information regarding arrests and convictions is not public in the sense that it is readily available, rather it is "public" only in the limited sense that someone who happens to search particular police or court records could discover it. Only the FBI and other authorized law enforcement agencies can make broad computer searches of arrest records. Even if you conclude that information regarding arrests and convictions should be included on the

questionnaire, I would respectfully suggest that the request be limited to the convictions occurring during the past 10 years of a nominee's life and that juvenile and routine traffic offenses be excluded.

Similarly, the revised questionnaire requires nominees to make public whether they "have ever been . . . a party in any civil or administrative proceeding." This information also is contained in FBI reports and is readily available to all Senators. Because such information may include divorce or other private or family-related proceedings, it too may be highly sensitive for nominees and therefore is more appropriately disclosed in the confidential section, making it available to all members of the Committee.

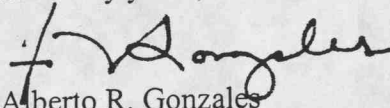
Finally, the revised questionnaire requires nominees to "[i]temize all political contributions." It is unclear how a nominee's history of political giving would bear on that nominee's fitness for office. By asking this question, the questionnaire creates the invidious impression that such contributions are of great relevance in assessing a nominee's fitness for judicial office.

I recognize that the type of questions to be included in the questionnaire is a decision for the Judiciary Committee. I also recognize the need for members of the Committee to have available to them much of the information requested by the proposed questions. But the proposed changes to the questionnaire appear to provide limited benefit to the Senate as it endeavors to carry out its constitutional "advice and consent" duties in good faith, and may have the likely effect of unnecessarily invading a candidate's personal privacy by making public sensitive information that already is available to Senators for their use in exercising their "advice and consent" duties.

At a time when many have raised thoughtful comments regarding the need to safeguard privacy, it seems incongruous to expose to greater public review personal details of the lives of women and men who are ready to serve their country as federal judges and other positions where such information is already available to Senators. If we go down this road, I fear that many qualified people will elect not to participate in this process.

I appreciate the opportunity to share my concerns.

Sincerely yours,



Alberto R. Gonzales
Counsel to the President

cc: The Honorable John D. Ashcroft
Attorney General of the United States

The Honorable Orrin G. Hatch
Ranking Member, Senate Judiciary Committee

PATRICK J. LEAHY, VERMONT, CHAIRMAN

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COPY

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 25, 2001

The Honorable Alberto R. Gonzales
Counsel to the President
Office of White House Counsel
Washington, D.C. 20500

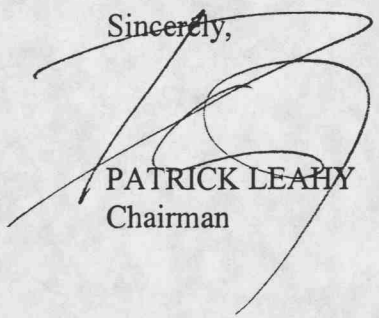
Dear Judge Gonzales:

The questionnaire used by the Committee on the Judiciary to help evaluate judicial and non-judicial executive branch nominees had not been substantially revised or updated in years. When I became Chairman, I discussed with a number of Senators the need to streamline and update the questionnaire because it contained obsolete references and made vague or redundant requests for information. I also shared proposals with your office. There was a need to revise, clarify and eliminate questions, and to add requests for certain pertinent information.

We have produced an updated questionnaire which I believe will ensure that the Committee receives probative and useful information, without unduly burdening nominees.

A copy of the new questionnaire is enclosed, for use by nominees sent to the Senate for consideration by the Judiciary Committee on or after September 17, 2001. While those nominees still pending before the Committee who were nominated before September 17, 2001 need not complete the new questionnaire, I am requesting that the Department of Justice facilitate those nominees' responses to four questions on the new questionnaire: Questions 14, 17, and 20 of the public portion and Question 4 of the confidential portion. This will effectively update their questionnaire responses.

Sincerely,



PATRICK LEAHY
Chairman

cc: The Hon. Daniel J. Bryant

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

SENATE JUDICIARY COMMITTEE NOMINATION PROCESS

1. The nomination is sent from the President to the United States Senate and referred to the Committee on the Judiciary.
2. Upon receipt of the nomination, the Committee requests written responses from the nominee to the Committee's questionnaire comprised of both public and confidential portions.
3. In responding to the questionnaire, or any additional questions Members of the Committee may submit, the nominee should type each question in full before each response. The nominee should provide the Committee with an original and twenty-four (24) copies of the responses to the questionnaire.
4. The Committee reviews the nominee's written responses to the questionnaire and conducts an investigation into the background and qualifications of each nominee, including review of peer evaluations of the nominee's fitness and qualifications for office.
5. The nominee's responses to the public portion of the questionnaire are made available for public inspection, either by posting on the Committee website or in the Committee office, or both.
6. Pursuant to a memorandum of understanding between the White House and the Committee, background investigation reports of the Federal Bureau of Investigation (FBI) are produced to the Committee for review by the Members of the Committee and specially designated staff of the Chairman and Ranking Member. Under certain circumstances, Senators who do not serve on the Judiciary Committee may, upon request, be apprised of information contained in the FBI background investigation reports of a nominee.
7. If necessary, interviews with the nominee or other interested parties are conducted with designated Majority and Minority investigators, either via the telephone or in person.
8. Upon completion of the Committee review and investigation, a hearing date may be set.
9. A full Committee hearing is held. The hearing is chaired by the Chairman or his designee. All hearings are open to the public. If desired, the nominee may be introduced by a Member of Congress from his or her home state. The nominee testifies on his or her own behalf under oath.
10. After the hearing, Members of the Committee may submit written follow-up questions. The nomination will not be placed on the agenda for Committee consideration until responses to questions have been received.
11. The Committee votes on the nominee. If the majority of the Committee vote is favorable, the Committee reports the nomination to the Senate with the recommendation that the nominee be confirmed. If the vote is a tie or not favorable to the confirmation of the nominee, the Committee is not compelled by the Rules of Senate Procedure to report the nomination to the Senate for a floor vote on the final question of whether to confirm the nomination. The Committee may file a report on the nominee.
12. After the Committee votes favorably on the nomination and the report, if any, is filed, the nomination is placed on the Senate Executive Calendar. The nomination is then ready to be acted upon by the full Senate, subject to the call of the Majority Leader.
13. A hearing record is published and made available to the public. Responses to the public portion of the questionnaire are printed as part of the hearing record.

**QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE**

1. **Name**: Full name (include any former names used).
2. **Position**: State the position for which you have been nominated.
3. **Address**: List current office address and telephone number. If state of residence differs from your place of employment, please list the state where you currently reside.
4. **Birthplace**: State date and place of birth.
5. **Marital Status**: (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.
6. **Education**: List in reverse chronological order, listing most recent first, each college, law school, and any other institutions of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.
7. **Employment Record**: List in reverse chronological order, listing most recent first, all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or job description where appropriate.
8. **Military Service**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number and type of discharge received.
9. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.
10. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.
11. **Bar and Court Admission**: List each state and court in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.
12. **Memberships**: List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, charitable, or other organizations since graduation from college, other than those listed in response to Questions 10 or 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion—either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.
13. **Published Writings**: List the titles, publishers, and dates of books, articles, reports, or other material you have written or edited, including material published on the Internet. Please supply four (4) copies of all published material to the Committee, unless the Committee has advised you that a copy has been obtained from another source. Also, please supply four (4) copies of all speeches delivered by you, in written or videotaped form over the past ten years, including the

date and place where they were delivered, and readily available press reports about the speech.

14. **Congressional Testimony:** List any occasion when you have testified before a committee or subcommittee of the Congress, including the name of the committee or subcommittee, the date of the testimony and a brief description of the substance of the testimony. In addition, please supply four (4) copies of any written statement submitted as testimony and the transcript of the testimony, if in your possession.

15. **Health:** Describe the present state of your health and provide the date of your last physical examination.

16. **Citations:** If you are or have been a judge, provide:

(a) a short summary and citations for the ten (10) most significant opinions you have written;

(b) a short summary and citations for all rulings of yours that were reversed or significantly criticized on appeal, together with a short summary of and citations for the opinions of the reviewing court; and

(c) a short summary of and citations for all significant opinions on federal or state constitutional issues, together with the citation for appellate court rulings on such opinions.

If any of the opinions or rulings listed were in state court or were not officially reported, please provide copies of the opinions.

17. **Public Office, Political Activities and Affiliations:**

(a) List chronologically any public offices you have held, federal, state or local, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or nominations for appointed office for which were not confirmed by a state or federal legislative body.

(b) List all memberships and offices held in any political party or election committee during the last ten (10) years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last ten (10) years.

18. **Legal Career:** Please answer each part separately.

(a) Describe chronologically your law practice and legal experience after graduation from law school including:

(1) whether you served as clerk to a judge, and if so, the name for the judge, the court and dates of the period you were a clerk;

(2) whether you practiced alone, and if so, the addresses and dates;

(3) the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

(b) (1) Describe the general character of your law practice and indicate by date if and when its character has changed over the years.

- (2) Describe your typical former clients, and mention the areas, if any, in which you have specialized.
 - (c)
 - (1) Describe whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe each such variance, providing dates.
 - (2) Indicate the percentage of these appearances in:
 - (A) federal courts;
 - (B) state courts of record;
 - (C) other courts.
 - (3) Indicate the percentage of these appearances in:
 - (A) civil proceedings;
 - (B) criminal proceedings.
 - (4) State the number of cases in courts of record you tried to verdict or judgment rather than settled, indicating whether you were sole counsel, chief counsel, or associate counsel.
 - (5) Indicate the percentage of these trials that were decided by a jury.
 - (d) Describe your practice, if any, before the United States Supreme Court. Please supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the U.S. Supreme Court in connection with your practice.
 - (e) Describe legal services that you have provided to disadvantaged persons or on a *pro bono* basis, and list specific examples of such service and the amount of time devoted to each.
19. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, and for each provide the date of representation, the name of the court, the name of the judge or judges before whom the case was litigated and the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties. In addition, please provide the following:
- (a) the citations, if the cases were reported, and the docket number and date if unreported;
 - (b) a detailed summary of the substance of each case outlining briefly the factual and legal issues involved;
 - (c) the party or parties whom you represented; and
 - (d) describe in detail the nature of your participation in the litigation and the final disposition of the case.
20. **Prior Arrest:** State whether you have ever been arrested for, charged with or convicted of a crime, within twenty years of your nomination, other than a minor traffic violation, that is reflected in a record available to the public, and if so, provide the relevant dates of arrest, charge and disposition and describe the particulars of the offense.
21. **Party to Civil or Administrative Proceedings:** State whether you, or any business of which you are or were an officer, have ever been a party or otherwise involved as a party in any civil or administrative proceeding that is reflected in a record available to the public. If so, please describe in detail the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. Do not list any proceedings

in which you were a guardian *ad litem*, stakeholder, or material witness.

22. **Potential Conflict of Interest**: Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts of interest during your initial service in the position to which you have been nominated.
23. **Outside Commitments During Court Service**: Do you have any plans, commitments, or arrangements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
24. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding the nomination, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500. If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.
25. **Statement of Net Worth**: Complete and attach the financial net worth statement in detail. Add schedules as called for.
26. **Selection Process**: Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts?
 - (a) If so, did it recommend your nomination?
 - (b) Describe your experience in the judicial selection process, including the circumstances leading to your nomination and the interviews in which you participated.
 - (c) Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule on such case, issue, or question? If so, please explain fully.

QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE

~~CONFIDENTIAL~~

NAME:

HOME ADDRESS:

TELEPHONE NUMBER:

1. **Employment History:** State whether you have ever been discharged from employment for any reason or have ever resigned after being informed that your employer intended to discharge you.
2. **Bankruptcy and Tax Information:** Information under this heading must be provided for yourself and your spouse.
 - (a) Have you and your spouse filed and paid all taxes (federal, state, and local) as of the date of your nomination? Please indicate if you filed "married filing separately." Did you make any back tax payments, and if so, indicate if you have made any back tax payments with in the past three (3) years. If so, please provide full details.
 - (b) Has a tax lien or other collection procedure(s) ever been instituted against you or your spouse by federal, state, or local authorities? If so, please provide full details.
 - (c) Have you or your spouse ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, please provide full details.
 - (d) Have you or your spouse ever declared bankruptcy? If so, please provide full details.
3. **Past Investigations and Complaints:** State whether, to your knowledge, you have ever been under federal, state, or local investigation for a possible violation of any civil or criminal statute or administrative agency regulation. If so, please provide full details.
 - (a) Has any organization of which you were an officer, director, or active participant ever been the subject of such an investigation with respect to activities within your responsibility? If so, please provide full details.
 - (b) Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, please provide full details.
4. **Disclosure:** Please advise the Committee of any unfavorable information that may affect your nomination, including prior use, possession, purchase or distribution of any illegal substance.

**QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE**

AFFIDAVIT

I, _____, being duly sworn, hereby state that I have read and signed the foregoing Questionnaire for Nominees Before the Committee on the Judiciary and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____.

Notary Public

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks				Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule				Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule			
Real estate owned-add schedule				Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property							
Cash value-life insurance							
Other assets itemize:							
				Total liabilities			
				Net Worth			
Total Assets				Total liabilities and net worth			
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)			
On leases or contracts				Are you defendant in any suits or legal actions?			
Legal Claims				Have you ever taken bankruptcy?			
Provision for Federal Income Tax							
Other special debt							

SENATOR ORRIN G. HATCH
RANKING REPUBLICAN MEMBER
COMMITTEE ON THE JUDICIARY

FAX COVER SHEET

Fax Number 202/228-1698

Sending To: The Honorable Alberto R. Gonzalez

Fax Number: 202/456-6279 Date: October 11, 2001

From: Rena M. Johnson
Senior Counsel

4 pages (inclusive of this cover sheet)

Call 202/224-7152 if you have any questions

Comments: Senator Hatch forwarded the accompanying letter to
Chairman Leahy today, and wanted to ensure that you received a copy.

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately (202/224-7152).

PATRICK J. LEAHY, VERMONT, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 11, 2001

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy:

We write to express our grave concern about your announcement of numerous and material changes to the questionnaire that all nominees referred to the Judiciary Committee must complete. As you know, the Committee has never met to discuss these changes. Although you and your staff had some discussions with Senator Hatch and his staff about these changes, no consensus was ever reached, and we understand that several areas of concern were raised to your attention. We received our first notice that you had made the decision to formally make changes in your September 17 letter announcing that all future nominees will be required to complete the new questionnaire embodying the changes. We are also aware of the concerns raised by the White House Counsel's Office expressed in Judge Gonzalez's letter dated October 1, 2001. We are disappointed that you chose to make such an important decision without any bipartisan Committee consensus.

You may be aware that there is precedent for achieving consensus or at least broad debate among Committee members before implementing significant changes in the Committee questionnaire. For example, in 1985, the Committee fully debated changes to the questionnaire at two executive business meetings. Significantly, much of this debate centered on whether to make public certain financial disclosure information that was already available to the Committee. The Committee ultimately decided to make the information public, but not until after each Member had the opportunity to voice his views and concerns. More importantly, the result of these discussions was reflected in a bipartisan agreement signed by Chairman Thurmond and Ranking Member Biden, as well as by Majority Leader Dole and Minority Leader Byrd. We can provide you with a copy of this agreement if you do not already have it. Although non-controversial changes to the questionnaire have been implemented at other times with a lesser degree of formality than the information disclosure changes implemented in 1985, they have nevertheless been achieved through bipartisan consensus — a measure that was lacking in the recent changes you implemented on September 17.

Aside from the substantive concerns relating to some of the changes, one effect of your revised questionnaire is to change the basis for the Committee's evaluation of nominees of Presidents with different party affiliations midstream. Some may perceive the fact that you did not raise the issue of making the more controversial changes to the questionnaire during the Clinton Administration – whose nominees filled out the pre-September 17 questionnaire – but were now motivated to implement these changes for political purposes.

Additionally, in your September 17 letter, you stated that you intended to ask only nominees whose nominations are forwarded to the Committee *after* the date of that letter to complete the new questionnaire. However, in your September 25 letter to Judge Gonzalez, you requested that all candidates nominated *prior* to September 17 answer specific questions that you added to the questionnaire. Again, we are puzzled by your apparent change in position, and the compelling need to change midstream the basis for our evaluation of the nominees.

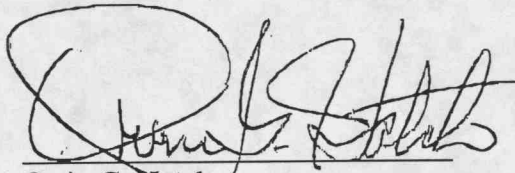
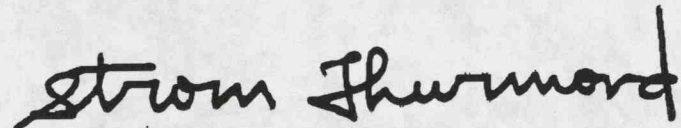
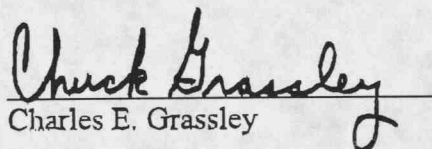
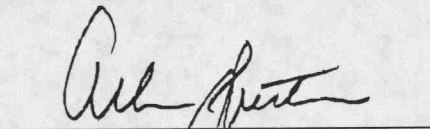
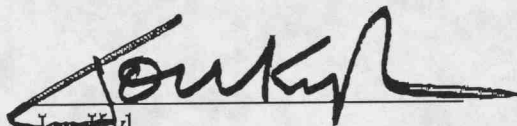
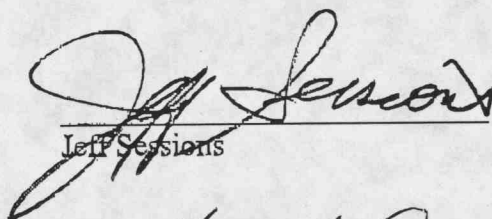
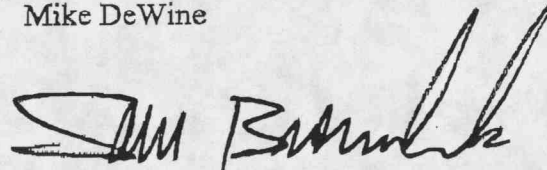
Moreover, your changes do not accomplish one of the primary objectives set forth in your letter, specifically "the need to streamline" the questionnaire. We wholeheartedly agree that the questionnaire as it existed required nominees to provide vast amounts of personal and professional information, and that streamlining the questionnaire to reduce the burden on the nominees would have been ideal. But instead of accomplishing this goal, your changes request nominees to supply even more information and material – and in a more public manner – than before. A prime example is the expansion of the questions regarding a nominee's service in public office and political campaigns.

In addition, some of your changes require nominees to list highly sensitive personal information to which all Committee members and other Senators already have access under more controlled conditions to safeguard the privacy of such information, such as through the nominee's FBI file. For example, your questionnaire now requires nominees to list in the public section of the questionnaire any arrests, charges, or convictions of public record during the last 20 years. It also requires nominees to list in the confidential section – which is accessible not only by all Committee members, but also by *all Committee staff* – any prior drug use. Requiring nominees to list this information in the questionnaire appears to us to be an exercise in redundancy – precisely what you profess to be trying to avoid – and unnecessarily would intrude further into the privacy of Americans willing to serve our government. The cumulative effect of your changes is that qualified potential nominees may be deterred from pursuing a career in public service by the more complex and intrusive nature of the questionnaire, and the very real fact that highly sensitive personal information will be unnecessarily disclosed.

It is important to note that no Clinton nominee evaluated under Republican control of the Committee was ever subjected to such a potentially embarrassing process of confirmation.

For these reasons, we are requesting that you suspend distribution of the new questionnaire you circulated on September 17 until after the Committee has had a meaningful opportunity to discuss your proposed changes and we can reach bipartisan consensus on whether to adopt them. We are hopeful that we can reach such a bipartisan accord on simplifying the questionnaire. In the meantime, we respectfully urge that the Committee continue to request that nominees fill out the questionnaire distributed prior to September 17 and used throughout much of the Clinton Administration for President Clinton's nominees.

Sincerely,


Orrin G. Hatch
Strom Thurmond
Charles E. Grassley
Arlen Specter
Jon Kyl
Mike DeWine
Jeff Sessions
Sam Brownback
Mitch McConnell