

**Responses of Stephanie Marie Rose
Nominee to be United States District Judge for the Southern District of Iowa
to the Written Questions of Senator Chuck Grassley**

1. At your confirmation hearing, I asked you about the role Main Justice played in the Postville criminal cases. You responded in part that “the major decisions about what charges to offer, what kinds of provisions were going to go into...plea agreements...were made with [the] Department of Justice, either at their direction or with their blessing.” However, at a 2008 House Judiciary Subcommittee hearing Ms. Deborah Rhodes, the Senior Associate Deputy Attorney General with the Department of Justice, testified that, “all of the charging decisions were made by the career prosecutors in the local office.”

a. Could you please clarify who was responsible for making the charging decisions?

Response: I was not involved in developing the fast-track proposal or the underlying charging strategy. However, it is my understanding that the major decisions about what charges to offer were made pursuant to a fast-track authorization program approved by the Deputy Attorney General. I also understand that the charging strategy was developed by the United States Attorney at the time and several career prosecutors in our office, after consulting with various components and offices of the Department of Justice and other United States Attorneys’ Offices that had previously received fast-track approvals for worksite enforcement actions. In some cases, provisions of the proposed fast-track plea agreements were modified to address special circumstances in the cases of individual defendants encountered during the worksite enforcement action. I made some of these modifications in the fast-track plea agreements I signed on behalf of the office during my two-week involvement in the lengthy work-site investigation.

b. Who was responsible for making charging decisions in the local office?

Response: Please see above.

c. Were you ever consulted, or asked for your opinion, on charging decisions?

Response: I was not consulted, nor asked for an opinion, regarding the charging and case disposition plan. I was one of the prosecutors who implemented the approved fast-track plan once the enforcement action began in May 2008, and, as noted above, made some modifications to address special circumstances.

2. What is the most important attribute of a judge, and do you possess it?

Response: A judge must be capable of setting aside his or her personal opinions to render a fair and impartial decision based solely upon the facts of a particular case and existing law. Yes, I believe I possess that ability.

3. Please explain your view of the appropriate temperament of a judge. What elements of judicial temperament do you consider the most important, and do you meet that standard?

Response: The most effective judges possess a consistently calm and rational temperament. The most important elements of judicial temperament include the willingness and ability to treat all individuals who appear before the bench with respect, patience, dignity, and understanding. Yes, I believe I meet such a standard.

4. In general, Supreme Court precedents are binding on all lower federal courts, and Circuit Court precedents are binding on the district courts within the particular circuit. Are you committed to following the precedents of higher courts faithfully and giving them full force and effect, even if you personally disagree with such precedents?

Response: Yes.

5. At times, judges are faced with cases of first impression. If there were no controlling precedent that was dispositive on an issue with which you were presented, to what sources would you turn for persuasive authority? What principles will guide you, or what methods will you employ, in deciding cases of first impression?

Response: If faced with a case of first impression involving the interpretation of a statute or Constitutional provision, I would first look to the text of the statute or provision to determine its plain and ordinary meaning. If the meaning of the statute or provision is clear, I would simply apply that meaning. If the meaning is unclear, I would look for analogous cases from the Supreme Court, the Court of Appeals for the Eighth Circuit, and other circuit courts to guide my decision.

6. What would you do if you believed the Supreme Court or the Court of Appeals had seriously erred in rendering a decision? Would you apply that decision or would you use your best judgment of the merits to decide the case?

Response: I fully recognize that a Southern District of Iowa district court judge is bound by the precedent of the Supreme Court and the Court of Appeals for the Eighth Circuit. In all matters, I would apply such existing precedent.

7. Under what circumstances do you believe it appropriate for a federal court to declare a statute enacted by Congress unconstitutional?

Response: A federal court could appropriately declare a statute enacted by Congress to be unconstitutional if the statute violated the plain and ordinary meaning of the Constitution, or if Congress exceeded its Constitutional authority when it enacted the provision.

8. As you know, the federal courts are facing enormous pressures as their caseload mounts. If confirmed, how do you intend to manage your caseload?

Response: As a district court judge, I would consistently and regularly monitor the cases on my caseload. I would work with the attorneys and parties in the district, the Clerk's Office, and the United States Probation Office to set reasonable and firm scheduling deadlines for all civil and criminal cases. I would rule on dispositive issues in a timely manner, and would ensure I was available to attorneys and parties as necessary to address issues that arose during the pendency of any case.

9. Do you believe that judges have a role in controlling the pace and conduct of litigation and, if confirmed, what specific steps would you take to control your docket?

Response: Yes, I believe judges have a role in controlling the pace and conduct of litigation. As outlined in my response to Question 8, above, I would work with the attorneys and parties in the district, the Clerk's Office, and the United States Probation Office to set reasonable and firm scheduling deadlines for all civil and criminal cases. I would rule on dispositive issues in a timely manner, and would ensure I was available to attorneys and parties as necessary to address issues that arose during the pendency of any case.

10. Please describe with particularity the process by which these questions were answered.

Response: I received the questions on March 21, 2012. I prepared my answers on March 22, 2012 and submitted them to the Department of Justice for submission to the Committee on March 26, 2012.

11. Do these answers reflect your true and personal views?

Response: Yes.