

**Nomination of Steven D. Grimberg to the United States District Court for the
Northern District of Georgia
Questions for the Record
May 7, 2019**

QUESTIONS FROM SENATOR FEINSTEIN

1. Please respond with your views on the proper application of precedent by judges.

a. When, if ever, is it appropriate for lower courts to depart from Supreme Court precedent?

It is never appropriate for lower courts to depart from Supreme Court precedent.

b. Do you believe it is proper for a district court judge to question Supreme Court precedent in a concurring opinion? What about a dissent?

It is not proper for a district court judge to question Supreme Court precedent in a concurring or dissenting opinion.

c. When, in your view, is it appropriate for a district court to overturn its own precedent?

District Court decisions are not binding precedent, so a district court presented with the same or similar issue is free to disagree with the prior district court decision, so long as it is consistent with precedent from the applicable circuit court and Supreme Court.

d. When, in your view, is it appropriate for the Supreme Court to overturn its own precedent?

The Supreme Court has the prerogative to overrule its prior decisions; whether it is appropriate to do so in a particular case is up to the Supreme Court.

2. When Chief Justice Roberts was before the Committee for his nomination, Senator Specter referred to the history and precedent of *Roe v. Wade* as “super-stare decisis.” A text book on the law of judicial precedent, co-authored by Justice Neil Gorsuch, refers to *Roe v. Wade* as a “super-precedent” because it has survived more than three dozen attempts to overturn it. (The Law of Judicial Precedent, Thomas West, p. 802 (2016).) The book explains that “superprecedent” is “precedent that defines the law and its requirements so effectively that it prevents divergent holdings in later legal decisions on similar facts or induces disputants to settle their claims without litigation.” (The Law of Judicial Precedent, Thomas West, p. 802 (2016))

a. Do you agree that *Roe v. Wade* is “super-stare decisis”? Do you agree it is “superprecedent”?

I do not know whether terms such as “super-stare decisis” or “superprecedent” have any legal significance, but from the perspective of a district court all Supreme Court decisions, including *Roe v. Wade*, are binding precedent that I will follow if confirmed.

b. Is it settled law?

Yes. All Supreme Court decisions are settled law.

3. In *Obergefell v. Hodges*, the Supreme Court held that the Constitution guarantees same-sex couples the right to marry. **Is the holding in *Obergefell* settled law?**

Yes. All Supreme Court decisions are settled law.

4. In Justice Stevens’s dissent in *District of Columbia v. Heller* he wrote: “The Second Amendment was adopted to protect the right of the people of each of the several States to maintain a well-regulated militia. It was a response to concerns raised during the ratification of the Constitution that the power of Congress to disarm the state militias and create a national standing army posed an intolerable threat to the sovereignty of the several States. Neither the text of the Amendment nor the arguments advanced by its proponents evidenced the slightest interest in limiting any legislature’s authority to regulate private civilian uses of firearms.”

a. Do you agree with Justice Stevens? Why or why not?

As a district court nominee, it would be inappropriate for me to comment on Supreme Court decisions or dissents. If confirmed I will follow *District of Columbia v. Heller* fully, fairly and faithfully.

b. Did *Heller* leave room for common-sense gun regulation?

Please see my response to Question 4(a).

c. Did *Heller*, in finding an individual right to bear arms, depart from decades of Supreme Court precedent?

Please see my response to Question 4(a).

5. In *Citizens United v. FEC*, the Supreme Court held that corporations have free speech rights under the First Amendment and that any attempt to limit corporations’ independent political expenditures is unconstitutional. This decision opened the floodgates to unprecedented sums of dark money in the political process.

a. Do you believe that corporations have First Amendment rights that are equal to individuals’ First Amendment rights?

As a district court nominee, it would be inappropriate for me to comment on issues that could come before me as a district court judge. If confirmed I will follow

Citizens United v. FEC fully, fairly and faithfully.

b. Do individuals have a First Amendment interest in not having their individual speech drowned out by wealthy corporations?

Please see my response to Question 5(a).

c. Do you believe corporations also have a right to freedom of religion under the First Amendment?

As a district court nominee, it would be inappropriate for me to comment on issues that could come before me as a district court judge. If confirmed I will follow circuit court and Supreme Court precedent.

6. On February 22, 2018, when speaking to the Conservative Political Action Conference (CPAC), former White House Counsel Don McGahn told the audience about the Administration's interview process for judicial nominees. He said: "On the judicial piece ... one of the things we interview on is their views on administrative law. And what you're seeing is the President nominating a number of people who have some experience, if not expertise, in dealing with the government, particularly the regulatory apparatus. This is different than judicial selection in past years..."

a. Did anyone in this Administration, including at the White House or the Department of Justice, ever ask you about your views on any issue related to administrative law, including your "views on administrative law"? If so, by whom, what was asked, and what was your response?

No. During my interview with the White House Counsel's Office and Department of Justice Office of Legal Policy on October 29, 2018, there may have been some questions concerning my understanding of Supreme Court precedent with regard to administrative law, but I do not have a specific recollection of same.

b. Since 2016, has anyone with or affiliated with the Federalist Society, the Heritage Foundation, or any other group, asked you about your views on any issue related to administrative law, including your "views on administrative law"? If so, by whom, what was asked, and what was your response?

No.

c. What are your "views on administrative law"?

As a district court nominee, it would be inappropriate for me to comment on issues that could come before me as a district court judge. If confirmed I will follow circuit court and Supreme Court precedent.

7. You indicated on your Senate Questionnaire that you have been a member of the Federalist Society since 2015. You also indicated that you were previously a member of

the Federalist Society 1997 to 2004. The Federalist Society's "About Us" webpage explains the purpose of the organization as follows: "Law schools and the legal profession are currently strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society. While some members of the academic community have dissented from these views, by and large they are taught simultaneously with (and indeed as if they were) the law." It says that the Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law. It also requires restoring the recognition of the importance of these norms among lawyers, judges, law students and professors. In working to achieve these goals, the Society has created a conservative and libertarian intellectual network that extends to all levels of the legal community."

- a. Could you please elaborate on the "form of orthodox liberal ideology which advocates a centralized and uniform society" that the Federalist Society claims dominates law schools?**

I have never read the passage from the Federalist Society's "About Us" webpage referenced in this question. I have no knowledge of what the Federalist Society's understanding of this passage means.

- b. How exactly does the Federalist Society seek to "reorder priorities within the legal system"?**

Please see my response to Question 7(a).

- c. What "traditional values" does the Federalist society seek to place a premium on?**

Please see my response to Question 7(a).

- d. Have you had any contact with anyone at the Federalist Society about your possible nomination to any federal court?**

No.

8. On your Senate Questionnaire, you indicated that you have been a member of the Republican National Lawyers Association ("RNLA") since 2008. The RNLA's "About Us" webpage states that "[e]ach member . . . must ascribe to the accomplishment" of the organizations missions, which include: "Advancing Republican Ideals. The RNLA further builds the Republican Party goals and ideals through a nationwide network of supportive lawyers who understand and directly support Republican policy, agendas and candidates."

- a. Please detail the activities that your membership in this organization has entailed.**

My activities with the Republican National Lawyers Association (RNLA) have been minimal. In fact, I do not recall ever having attended or participated in a RNLA event. I intend to withdraw my membership in the RNLA prior to confirmation.

b. In what ways do you believe that you have “directly support[ed] Republican policy, agendas and candidates”?

I have never read the passage from the RNLA’s “About Us” webpage referenced in this question. I have no knowledge of what the RNLA’s understanding of this passage means. I do not believe I have directly supported Republican policy, agendas or candidates through the RNLA.

9. When is it appropriate for judges to consider legislative history in construing a statute?

The Supreme Court has made clear that judges may consider legislative history when construing the language of a statute that is ambiguous. *See, e.g., Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 568 (2005). If confirmed I will follow circuit court and Supreme Court precedent and authority on the proper framework for statutory construction.

10. At any point during the process that led to your nomination, did you have any discussions with anyone — including, but not limited to, individuals at the White House, at the Justice Department, or any outside groups — about loyalty to President Trump? If so, please elaborate.

No.

11. Please describe with particularity the process by which you answered these questions.

I received these questions on the evening of Tuesday, May 7, 2019. I personally drafted the responses after I consulted my previous responses to the Senate Judiciary Questionnaire, conducted limited legal research, and reviewed the responses of prior judicial nominees to the same or similar questions, which are publicly available on the Senate Judiciary Committee website. I submitted a draft of my responses to lawyers within the Department of Justice Office of Legal Policy on Friday, May 10, 2019, but they provided no suggestions to change the substance of my drafted responses. The answers to these questions are my own.

**Questions for the Record
From Senator Mazie Hirono**

For Steven D. Grimberg

You've given speeches in which you've provided guidance to corporations on how to prepare for and respond to cyber-attacks. You've stressed that companies should report incidents to law enforcement without fear that such reporting will trigger scrutiny from regulators.

For example, in 2017 you said, "It is difficult to overstate the importance of reporting breach activity to the government, especially if it's coming from actors outside the United States. A Chief Information Security Officer (CISO) may think no information has been taken, but it does not address that the network that was breached might be used to gain access to another network, or used as a test run to see if a method of attack is successful."

1. Do you think that applies in other situations?

With regard to the interplay between law enforcement and regulators in responding to cyber incidents, I believe the context of my statements on this issue have been that in my experience law enforcement officials who receive voluntary notification from victim companies of a potential cyber incident generally do not relay or report that victim notification to regulators. As a result, my remarks have been that companies must make its own decisions of whether and when to report a cyber incident to applicable regulators. I was always speaking in the context of cyber incidents exclusively. As a judicial nominee, it would not be appropriate for me to comment on whether I think this applies to other situations.

2. Should people in government or in political campaigns report overtures from or attacks by a foreign actor or foreign government to the authorities?

As a judicial nominee, it would not be appropriate for me to comment on this question.

3. Do you think that is especially true for a foreign actor like Russia or people connected to Russian intelligence?

As a judicial nominee, it would not be appropriate for me to comment on this question.

Nomination of Steven D. Grimberg
United States District Court for the Northern District of
Georgia Questions for the Record
Submitted May 7, 2019

QUESTIONS FROM SENATOR BOOKER

1. You have been a member of the Republican National Lawyers Association since 2008. One of RNLA's stated missions is to "build[] the Republican Party goals and ideals through a nationwide network of supportive lawyers who understand and directly support Republican policy, agendas and candidates."¹

a. Do you think it is appropriate for a federal judge to belong to an organization that seeks to "directly support" the "agenda" of a political party?

My activities with the Republican National Lawyers Association (RNLA) have been minimal. In fact, I do not recall ever having attended or participated in a RNLA event. I intend to withdraw my membership in the RNLA prior to confirmation.

b. Do you plan to maintain your membership in this organization as a federal judge?

No.

c. As a longtime member of the Republican National Lawyers Association, have you expressed any concerns to anyone in that organization about its advocacy for stringent voter ID laws?

I am unaware of the RNLA's position concerning, or advocacy for, voter ID laws. I have not expressed any opinions to members of the organization concerning same.

d. Do you believe that in-person voter fraud is a widespread problem in American elections?

As a judicial nominee, it would not be appropriate for me to comment or provide my personal views on this question.

e. Do you agree with the statement that voter ID laws are the twenty-first-century equivalent of poll taxes?

As a judicial nominee, it would not be appropriate for me to comment or provide my personal views on this question.

2. According to a Brookings Institution study, African Americans and whites use drugs at similar rates, yet blacks are 3.6 times more likely to be arrested for selling drugs and 2.5 times more likely to be arrested for possessing drugs than their white peers.² Notably, the same study found that whites are actually *more likely* than blacks to sell drugs.³ These shocking statistics are reflected in our nation's prisons and jails. Blacks are five times more likely than whites to be incarcerated in state prisons.⁴ In my home state of New Jersey, the disparity between blacks and whites in the state

¹ About the RNLA, <https://www.rnla.org/about-rnla> (last visited May 2, 2019).

² Jonathan Rothwell, *How the War on Drugs Damages Black Social Mobility*, BROOKINGS INST. (Sept. 30, 2014), <https://www.brookings.edu/blog/social-mobility-memos/2014/09/30/how-the-war-on-drugs-damages-black-social-mobility>.

³ *Id.*

⁴ Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, SENTENCING PROJECT (June 14, 2016), <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons>.

prison systems is greater than 10 to 1.⁵

- a. Do you believe there is implicit racial bias in our criminal justice system?

Yes. I believe implicit racial bias unfortunately exists in many aspects of our society, including the criminal justice system.

- b. Do you believe people of color are disproportionately represented in our nation's jails and prisons?

Yes.

- c. Prior to your nomination, have you ever studied the issue of implicit racial bias in our criminal justice system? Please list what books, articles, or reports you have reviewed on this topic.

Yes. As an adjunct professor at Emory Law School, I have attended lectures and presentations concerning implicit racial bias in the criminal justice system and beyond. For the last several years (most recently this past week), I participated as a team leader in a trial skills program at Emory Law School where the case file pertained to a traffic stop involving alleged racial profiling. I also attended implicit racial bias training while employed at the U.S. Attorney's Office for the Northern District of Georgia.

- d. According to a report by the United States Sentencing Commission, black men who commit the same crimes as white men receive federal prison sentences that are an average of 19.1 percent longer.⁶ Why do you think that is the case?

I have not studied this particular issue. However, as a general matter, as stated above, I believe that implicit racial bias unfortunately exists in our criminal justice system.

- e. According to an academic study, black men are 75 percent more likely than similarly situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.⁷ Why do you think that is the case?

I am not familiar with this academic study or its methodology for reaching this conclusion. However, as a general matter, as stated above, I believe that implicit racial bias unfortunately exists in our criminal justice system.

- f. What role do you think federal judges, who review difficult, complex criminal cases, can play in addressing implicit racial bias in our criminal justice system?

First and foremost, addressing implicit racial bias in our criminal justice system requires a recognition that it exists and has the potential to infect a judge's decision-making. If confirmed I will take my responsibility seriously to render sentences on criminal defendants that are free of discrimination, prejudice or bias, and I will seek to achieve the purposes of sentencing as set forth in Title 18, United States Code, Section 3553(a) fairly and equitably, to the best of my ability.

3. According to a Pew Charitable Trusts fact sheet, in the 10 states with the largest declines in their

⁵ *Id.*

⁶ U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING: AN UPDATE TO THE 2012 *BOOKER* REPORT 2 (Nov. 2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171114_Demographics.pdf.

⁷ Sonja B. Starr & M. Marit Rehani, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

incarceration rates, crime fell by an average of 14.4 percent.⁸ In the 10 states that saw the largest increase in their incarceration rates, crime decreased by an average of 8.1 percent.⁹

- a. Do you believe there is a direct link between increases in a state's incarcerated population and decreased crime rates in that state? If you believe there is a direct link, please explain your views.

I have not studied the correlation between incarceration and crime rates, so I am not in a position to comment.

- b. Do you believe there is a direct link between decreases in a state's incarcerated population and decreased crime rates in that state? If you do not believe there is a direct link, please explain your views.

Please see my response to Question 3(a).

4. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? If not, please explain your views.

Yes.

5. Do you consider yourself an originalist? If so, what do you understand originalism to mean?

I do not categorize myself as either an originalist or a textualist. If confirmed I will follow circuit court and Supreme Court precedent and authority with regard to the proper framework for constitutional and statutory interpretation.

6. Do you consider yourself a textualist? If so, what do you understand textualism to mean?

Please see my response to Question 5.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. The basic idea is that by consulting these documents, a judge can get a clearer view about Congress's intent. Most federal judges are willing to consider legislative history in analyzing a statute, and the Supreme Court continues to cite legislative history.

- a. If you are confirmed to serve on the federal bench, would you be willing to consult and cite legislative history?

Yes. The Supreme Court has made clear that judges may consider legislative history when construing the language of a statute that is ambiguous. *See, e.g., Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 568 (2005). If confirmed I will follow circuit court and Supreme Court precedent and authority on the proper framework for statutory construction.

- b. If you are confirmed to serve on the federal bench, your opinions would be subject to review by the Supreme Court. Most Supreme Court Justices are willing to consider legislative history. Isn't it reasonable for you, as a lower-court judge, to evaluate any relevant arguments about legislative history in a case that comes before you?

⁸ Fact Sheet, *National Imprisonment and Crime Rates Continue To Fall*, PEW CHARITABLE TRUSTS (Dec. 29, 2016), <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2016/12/national-imprisonment-and-crime-rates-continue-to-fall>.

⁹ *Id.*

Please see my response to Question 7(a).

8. Would you honor the request of a plaintiff, defendant, or witness in your courtroom, who is transgender, to be referred in accordance with their gender identity?

Yes, consistent with applicable law and court rules.

9. Do you believe that *Brown v. Board of Education*¹⁰ was correctly decided? If you cannot give a direct answer, please explain why and provide at least one supportive citation.

Equality under the law is a guiding principle of who we are as a country, and *Brown v. Board of Education* is an embodiment of that principle. As a judicial nominee I am restrained from providing my personal view of any binding Supreme Court precedent, including *Brown*. See Code of Conduct for United States Judges, Canon 3. If confirmed I commit to fully, fairly and faithfully follow *Brown*.

10. Do you believe that *Plessy v. Ferguson*¹¹ was correctly decided? If you cannot give a direct answer, please explain why and provide at least one supportive citation.

See my response to Question 9. *Plessy v. Ferguson* was overruled by *Brown v. Board of Education* and it has no place in the laws of our country.

11. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

No. Lawyers from the United States Department of Justice, Office of Legal Policy, provided general guidance on questions that have been asked of prior judicial nominees, including Supreme Court nominees, and how the Code of Conduct for United States Judges have been interpreted. However, the answers I provided during my hearing before the Senate Judiciary Committee and herein are my own.

12. President Trump has stated on Twitter: “We cannot allow all of these people to invade our Country. When somebody comes in, we must immediately, with no Judges or Court Cases, bring them back from where they came.”¹² Do you believe that immigrants, regardless of status, are entitled to due process and fair adjudication of their claims?

Under binding Supreme Court precedent all persons within the United States, including immigrants, are entitled to due process. If confirmed I will follow circuit court and Supreme Court precedent fully, fairly and faithfully, and I will afford all persons a fair adjudication of their claims.

¹⁰ 347 U.S. 483 (1954).

¹¹ 163 U.S. 537 (1896).

¹² Donald J. Trump (@realDonaldTrump), TWITTER (June 24, 2018, 8:02 A.M.), <https://twitter.com/realDonaldTrump/status/1010900865602019329>.

**Questions for the Record from Senator Kamala D. Harris
Submitted May 7, 2019
For the Nomination of**

Steven D. Grimberg, to the U.S. District Court for the Northern District of Georgia

1. District court judges have great discretion when it comes to sentencing defendants. It is important that we understand your views on sentencing, with the appreciation that each case would be evaluated on its specific facts and circumstances.

- a. **What is the process you would follow before you sentenced a defendant?**

If confirmed I will follow circuit court and Supreme Court precedent and authority on the appropriate process to follow before sentencing a defendant. I will review the Pre-Sentence Report prepared by the U.S. Probation Office and consult personally with the assigned probation officer, if necessary. I will invite the parties to submit pre-sentence memoranda and review those memoranda, as well as letters of support submitted on behalf of the defendant and impact letters submitted by any victims. I will research and follow all applicable federal statutes (including but not limited to the sentencing factors set forth in Title 18, United States Code, Section 3553(a)), the Federal Rules of Criminal Procedure, the United States Sentencing Guidelines, binding circuit court and Supreme Court authority, and of course the United States Constitution. Finally, I will hold a sentencing hearing where I will consider the positions and arguments of both the government and the defendant, hear from any witnesses the parties wish to tender, listen to any victims who wish to be heard, and provide the defendant himself or herself with the opportunity to address the court before a sentence is rendered.

- b. **As a new judge, how do you plan to determine what constitutes a fair and proportional sentence?**

I believe the process outlined in my response to Question 1(a) above will help achieve fair and proportional sentences. If confirmed I will take my responsibility to render sentences on criminal defendants very seriously, and I will seek to achieve the purposes of sentencing as set forth in Title 18, United States Code, Section 3553(a), to the best of my ability.

- c. **When is it appropriate to depart from the Sentencing Guidelines?**

The Sentencing Guidelines are not mandatory, and a departure from those Guidelines may be appropriate after considering all relevant factors, including those set forth in Title 18, United States Code, Section 3553(a). If confirmed I will follow the process outlined in my response to Question 1(a) in determining whether a departure from the advisory Sentencing Guidelines range is fair, proportional and just under the specific circumstances of the case and the defendant before me.

- d. Judge Danny Reeves of the Eastern District of Kentucky—who also serves on the U.S. Sentencing Commission—has stated that he believes mandatory minimum sentences are more likely to deter certain types of crime than discretionary or indeterminate sentencing.¹

i. **Do you agree with Judge Reeves?**

As a judicial nominee, it would not be appropriate for me to comment or provide my personal views concerning mandatory minimum sentences. If confirmed I will follow and abide by statutes imposing mandatory minimum sentences.

ii. **Do you believe that mandatory minimum sentences have provided for a more equitable criminal justice system?**

Please see my response to Question 1(d)(i).

iii. **Please identify instances where you thought a mandatory minimum sentence was unjustly applied to a defendant.**

Please see my response to Question 1(d)(i).

iv. Former-Judge John Gleeson has criticized mandatory minimums in various opinions he has authored, and has taken proactive efforts to remedy unjust sentences that result from mandatory minimums.² **If confirmed, and you are required to impose an unjust and disproportionate sentence, would you commit to taking proactive efforts to address the injustice, including:**

1. **Describing the injustice in your opinions?**

If confirmed, all of my pronouncements of sentence will include a recitation of the specific facts and circumstances of the case, as well as the factors considered in reaching a decision. This will include, but not be limited to, any applicable mandatory minimums imposed by law.

2. **Reaching out to the U.S. Attorney and other federal prosecutors to discuss their charging policies?**

¹ <https://www.judiciary.senate.gov/imo/media/doc/Reeves%20Responses%20to%20QFRs1.pdf>

² *See, e.g.*, “Citing Fairness, U.S. Judge Acts to Undo a Sentence He Was Forced to Impose,” NY Times, July 28, 2014, <https://www.nytimes.com/2014/07/29/nyregion/brooklyn-judge-acts-to-undo-long-sentence-for-francois-holloway-he-had-to-impose.html>

The charging policies of the United States government are within the exclusive domain of the Executive Branch in our constitutional framework, and if confirmed I will respect that framework.

3. Reaching out to the U.S. Attorney and other federal prosecutors to discuss considerations of clemency?

The clemency power of the United States government is within the exclusive domain of the Executive Branch in our constitutional framework, and if confirmed I will respect that framework.

- e. 28 U.S.C. Section 994(j) directs that alternatives to incarceration are “generally appropriate for first offenders not convicted of a violent or otherwise serious offense.” **If confirmed as a judge, would you commit to taking into account alternatives to incarceration?**

Yes.

- 2. Judges are one of the cornerstones of our justice system. If confirmed, you will be in a position to decide whether individuals receive fairness, justice, and due process.

- a. **Does a judge have a role in ensuring that our justice system is a fair and equitable one?**

Yes. I believe that a judge should try to utilize every interaction he or she has with lawyers, parties, witnesses, jurors and the general public as an opportunity to demonstrate that our justice system is fair and equitable.

- b. **Do you believe there are racial disparities in our criminal justice system? If so, please provide specific examples. If not, please explain why not.**

Yes. Although I do not have any specific examples to provide based on my personal experience, there is no question that racial disparities continue to plague many aspects of our society, including the criminal justice system. If confirmed I commit to administering justice to the best of my ability without bias or prejudice.

- 3. If confirmed as a federal judge, you will be in a position to hire staff and law clerks.

- a. **Do you believe it is important to have a diverse staff and law clerks?**

Yes.

- b. **Would you commit to executing a plan to ensure that qualified minorities and women are given serious consideration for positions of power and/or supervisory positions?**

Yes. When I have previously been in the position to make hiring decisions, I have always made efforts to recruit and seriously consider qualified minorities and women for those positions, including positions of power and supervisory positions. I will continue to do so.