

Judges' Comments on Campaign Contributions by Judicial Candidates

Batten, Timothy C. Sr.

U. S. District Court, Northern District of Georgia

“My thoughts are that it would probably be inappropriate for a lawyer who is a candidate for a federal judgeship to make a significant campaign contribution to a person having influence over the selection process, especially if the candidate had no prior history of making such contributions. On the other hand, a candidate who has a history of regularly contributing to a politician or party should not be prohibited from continuing to do so during his or her candidacy for the judgeship. Of course, that candidate should realize that public disclosure of the contributions might subject him or her to scrutiny or at least raise unpleasant questions as to the purpose of the contributions.”

Boyko, Christopher A.

U. S. District Court, Northern District of Ohio

“If you believe for a minute that \$240, \$2,000 or \$25,000 ‘buys’ a federal judgeship, as you clearly intimate, again, your naiveté astounds me. Any such insinuations are a blatant insult to both Senators, denigrating their integrity and character. No one ‘buys’ either Senator DeWine or Senator Voinovich – period.”

Drell, Dee D.

U.S. District Court, Western District of Louisiana

“No one ever even suggested that, in such an early stage of the nomination process, it would be inappropriate to give small campaign contributions. Your letter was the first I had ever heard of this notion. Now also, I don't want to be glib in any way, but do you suppose a \$300 contribution would REALLY result in swaying a candidate to support a nomination, even if one could argue that the contribution was inappropriate? The stuff that you and I see in the press on influence buying is usually thousands of dollars or more.”

Gritzner, James E.

U.S. District Court, Southern District of Iowa

“From a technical perspective, a rational, and legal, argument can be made that until a judge is actually sitting the judge is under no obligation to cease political activity. Thus, one could argue that prior to confirmation, or perhaps even prior to the President's signing of the Commission, political activity would not be prohibited. From a more practical perspective, however, I would think it unwise to be involved politically certainly after nomination by the President, and perhaps even after the selection process commences. Our courts gain most of their power from the public perception of their integrity. Therefore, I think it is always wise to avoid activities that contribute to undermining that perception. This concern is likely even more of an issue with campaign contributions made after a person is being considered for judicial appointment. Again, I would offer that it would be more a matter of personal judgment than legal requirement.”

Guilford, Andrew J.

U.S. District Court, Central District of California

“It’s a tough issue. The cynical assumption is that people are giving for political favors. If you really believe in a cause, though, do you lose your right to participate in a cause? On the other hand, I do believe the appearance of impropriety is very, very important and the integrity of the courts is very, very important, and I think in most situations that would be the principal factor. The principal factor in evaluating whether a contribution should be made is the impact it would have on the integrity of our third branch of government.”

Holmes, James Leon

U.S. District Court, Eastern District of Arkansas

“I didn’t make any more contributions after I became a candidate. I think that after you’ve been nominated it’s clearly inappropriate, and before that I’m not sure.”

Jones, John E. III

U.S. District Court, Middle District of Pennsylvania

“I was recommended around August 2001 - is that the point that I should have stopped making contributions? Maybe I should have...Should there be a time that sort of is customary that you stop giving contributions? I grant you that’s probably true...If you know you’re being recommended by the screening panel, probably in retrospect it’s better to say that’s it, and not make any contributions after that. But that’s the benefit of hindsight.”

Junell, Robert A.

U.S. District Court, Western District of Texas

“Whatever the rules are, I’ll follow the rules...If they want to make the rules that [judicial candidates] can’t give contributions, that’s fine.”

Schiltz, Patrick Joseph

U.S. District Court, District of Minnesota

“I do not know whether it is ‘ethical or appropriate’ to make campaign contributions while one is under consideration for a judgeship. I can only tell you that I was uncomfortable with the idea. I knew that federal judges were forbidden from making political contributions, and I thought that, as someone recommended or nominated for a federal judgeship, I should follow the same practice.”

Selna, James V.

U.S. District Court, Central District of California

“I don’t know of anything illegal about that. If someone made a contribution after a senator sent their name to the White House, there might be an appearance issue, but certainly not a substantive issue. Assuming there isn’t a quid pro quo that is a bribe. The contributions would be legal and an exercise of your First Amendment rights to participate in politics. But if [you contribute] after somebody sent your name up, especially the way it used to work where it was the Senator’s prerogative [to make recommendations to the President], people might ask questions, there might be an appearance issue.”

Sheridan, Peter G.

U.S. District Court, District of New Jersey

“The material presented is not newsworthy. It is widely known that I have participated in republican politics for at least 20 years prior to my appointment. It is my view that most citizens (except for certain public officials) should participate in the political process; because such participation strengthens our democracy and secures our liberties.”

Smith, Lavenski R.

U.S. Court of Appeals for the Eighth Circuit (AR)

“Until nominated, potential nominees should retain their full first amendment rights to participate politically as ordinary citizens.”

Starrett, Keith

U.S. District Court, Southern District of Mississippi

“Political contributions by a judge, irrespective of status, are improper. Prior to my nomination I had been a state court judge for twelve years and during that time I tried to abide by my belief that it is improper for judges to be involved in politics. The Canons of Judicial Ethics, both state and federal, are specific on that point...I have discussed contributions with [my wife] since my confirmation and requested that she not participate in any way in politics. She has agreed and, as far as I know, has made no additional contributions. Judicial ethics are very important to me and avoiding even the appearance of impropriety is crucial to the public perception that our system of justice is fair. The most important pillar of any democracy is its system of justice and, while mistakes may be made along the way, I will continue to endeavor to honor each word of my oath of office.”

Titus, Roger W.

U.S. District Court, District of Maryland

“From a personal standpoint, I do not believe that political contributions should be made to an appointing authority while under active consideration, and I have made no such contributions.”