S. HRG. 110–695

EXECUTIVE NOMINATIONS: J. PATRICK ROWAN, OF MARYLAND, NOMINEE TO BE AN ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION; JEFFREY LEIGH SEDGWICK, NOMINEE TO BE ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS; AND WILLIAM B. CARR, JR., NOMINEE TO BE MEMBER OF THE U.S. SENTENCING COMMISSION

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

JULY 23, 2008

Serial No. J–110–109

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

45–140 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00001 Fmt 5011 Sfmt 5011 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

COMMITTEE ON THE JUDICIARY

PATRICK J. LEAHY, Vermont, *Chairman*

EDWARD M. KENNEDY, Massachusetts
JOSEPH R. BIDEN, JR., Delaware
HERB KOHL, Wisconsin
DIANNE FEINSTEIN, California
RUSSELL D. FEINGOLD, Wisconsin
CHARLES E. SCHUMER, New York
RICHARD J. DURBIN, Illinois
BENJAMIN L. CARDIN, Maryland
SHELDON WHITEHOUSE, Rhode Island

ARLEN SPECTER, Pennsylvania
ORRIN G. HATCH, Utah
CHARLES E. GRASSLEY, Iowa
JON KYL, Arizona
JEFF SESSIONS, Alabama
LINDSEY GRAHAM, South Carolina
JOHN CORNYN, Texas
SAM BROWNBACK, Kansas
TOM COBURN, Oklahoma

BRUCE A. COHEN, *Chief Counsel and Staff Director*
STEPHANIE A. MIDDLETON, *Republican Staff Director*
NICHOLAS A. ROSSI, *Republican Chief Counsel*

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00002 Fmt 5904 Sfmt 5904 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Feingold, Hon. Russell D., a U.S. Senator from the State of Wisconsin	1
Leahy, Hon. Patrick J., a U.S. Senator from the State of Vermont, prepared statement	149
Specter, Hon. Arlen, a U.S. Senator from the State of Pennsylvania	36

STATEMENTS OF NOMINEES

Carr, William B., Jr., Nominee to be a Member of the U.S. Sentencing Commission	73
Questionnaire	74
Rowan, J. Patrick, of Maryland, Nominee to be an Assistant Attorney General, National Security Division, Washington, D.C.	2
Questionnaire	3
Sedgwick, Jeffrey Leigh, Nominee to be Assistant Attorney General, Office of Justice Programs, Washington, D.C.	37
Questionnaire	38

QUESTIONS AND ANSWERS

Responses of William B. Carr to questions submitted by Senators Feingold and Kennedy	118
Responses of J. Patrick Rowan to questions submitted by Senators Kennedy and Feingold	126
Responses of Jeffrey Leigh Sedgwick to questions submitted by Senators Kennedy, Feingold and Coburn	131

SUBMISSIONS FOR THE RECORD

Warner, Hon. John, a U.S. Senator from the State of Virginia presenting Jeffrey Leigh Sedgwick Nominee to be Assistant Attorney General, Office of Justice Programs, Washington, D.C., statement	154

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00003 Fmt 5904 Sfmt 5904 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

EXECUTIVE NOMINATIONS: J. PATRICK ROWAN, OF MARYLAND, NOMINEE TO BE AN ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION; JEFFREY LEIGH SEDGWICK, NOMINEE TO BE ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS; AND WILLIAM B. CARR, JR., NOMINEE TO BE MEMBER OF THE U.S. SENTENCING COMMISSION

WEDNESDAY, JULY 23, 2008

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, pursuant to notice, at 2 p.m., in room SD–226, Dirksen Senate Office Building, Hon. Russell D. Feingold presiding.

Present: Senators Specter and Brownback.

OPENING STATEMENT OF HON. RUSSELL D. FEINGOLD, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator FEINGOLD. I call the Committee to order. I want to welcome everybody to this hearing of the Judiciary Committee on executive nominations. We have three nominees to consider today, two nominated to serve as Assistant Attorney General in the Department of Justice, and one to serve as a Commissioner on the U.S. Sentencing Commission.

While we do not have a panel to introduce the nominees, the record will remain open for 1 week for any statements of introduction that Senators or members of the House wish to submit.

We do not have a member of the other party here at this time, but if one comes, of course, I will turn to the Ranking Member for any comments that he might like to make.

But at this time we will swear in the witnesses. Would you please stand to be sworn?

[Whereupon, the witnesses were duly sworn.]

Senator FEINGOLD. Thank you. You may be seated.

Our first nominee is John Patrick Rowan, who has been nominated for the position of Assistant Attorney General for the National Security Division of the Department of Justice. Mr. Rowan currently is serving as Acting Assistant Attorney General. He has worked in the Justice Department since 1991, first as an Assistant

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00005 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

U.S. Attorney, and then in a variety of capacities at the FBI and main Justice. He is a graduate of Dartmouth College and the University of Virginia Law School.

Mr. Rowan, congratulations on your nomination, and you may take this opportunity to introduce any family or friends that are here with you today, and then make any remarks you want to make.

STATEMENT OF J. PATRICK ROWAN, OF MARYLAND, NOMINEE TO BE AN ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION

Mr. ROWAN. Thank you, Senator. Thank you and the Committee for holding this hearing. It is an honor to be before you. I would also like to thank the President for nominating me, and the Attorney General for supporting that nomination.

I do have my family with me today and I'd like to introduce them now. Over here on the end is my wife, Patricia Heffernan, who is a long-time Department of Justice lawyer herself. She is an Assistant U.S. Attorney in D.C.

My two daughters, Evangelize and Vivian, who are both five and a half years old and very pleased to be at their first hearing

[Laughter.]

Senator FEINGOLD. I am sure.

Mr. ROWAN. My father, William J. Rowan, III, is a Circuit Court judge in Montgomery County, Maryland. Behind in the second row is my brother William Rowan; in the third row is my brother Michael Rowan, his spouse Jennifer, and their children, Molly and Mike. I also am joined here by some colleagues from the Department of Justice and the National Security Division, and I am also pleased to have their support here today.

Senator FEINGOLD. We welcome you all. Good to see all the friends and family.

Mr. Rowan, you may proceed.

Mr. ROWAN. Senator, I don't have anything further today except to express my appreciation for you all holding this hearing on relatively short notice.

[The biographical information of J. Patrick Rowan follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: Full name (include any former names used).

   John Patrick Rowan

2. **Position**: State the position for which you have been nominated.

   Assistant Attorney General for National Security

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

   United States Department of Justice
   Room 7332
   950 Pennsylvania Avenue, N.W.
   Washington, D.C. 20530

   Residence: Chevy Chase, Maryland

4. **Birthplace**: State date and place of birth.

   1964 – Bethesda, MD

5. **Marital Status**: (include name of spouse, and names of spouse pre-marriage, if different). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.

   Spouse: Patricia Heffernan (same name pre-marriage)
   Assistant United States Attorney
   US Attorney's Office for the District of Columbia
   555 Fourth Street, N.W.
   Washington, D.C. 20001

   We have two dependent children.

6. **Education**: List in reverse chronological order, listing most recent first, each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

45140.001

University of Virginia School of Law
1986-1989, J.D. awarded on May 21, 1989

Dartmouth College
1982-1986, B.A. awarded on June 8, 1986

7. **Employment Record**: List in reverse chronological order, listing most recent first, all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or 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.

Acting Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C 20530
April, 2008 to present

Principal Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
October, 2006 to present

Associate Deputy Attorney General
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
November, 2005 to October, 2006

Senior Counsel to the Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
October, 2003 to November, 2005

Special Counsel and Acting Deputy General Counsel
Federal Bureau of Investigation
Office of General Counsel
935 Pennsylvania Avenue, N.W.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00008 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.002

Washington, D.C. 20535
December, 2002 to October, 2003

Special Counsel to the Director
Executive Office for United States Attorneys
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
November, 2001 to June, 2002

Assistant United States Attorney
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20001
January, 1991 to December, 2002

Senior Litigation Counsel and Assistant United States Attorney
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20001
January, 2001 to November, 2001

Associate
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
September, 1989 to January, 1991

Summer Associate
Hughes, Hubbard
One Battery Park Plaza
New York, New York 10004
Summer, 1988

Summer Associate
Stein, Mitchell & Mezines
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036
Summer, 1987

Paralegal
Wilmer, Cutler, & Pickering (now Wilmer Hale)
1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Summer, 1986

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00009 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.003

8. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received.

   None.

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.

   Director's Award for Superior Performance as an Assistant United States Attorney by the Executive Office for United States Attorneys (2005)

   Numerous Department of Justice Special Achievement Awards

   Order of the Coif, University of Virginia School of Law (1989)

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.

    District of Columbia Bar Association (no office held)

11. **Bar and Court Admission**:

    a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

       Maryland, admitted 12-19-1989 (I am currently on inactive status. I voluntarily entered that status on July 1, 2000, because I was not practicing in Maryland and I was relying on my membership in the District of Columbia Bar in my practice as a Department of Justice lawyer.)

       District of Columbia, admitted 6-2-1990

    b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

       District of Columbia Courts, admitted 6-2-1990

       Maryland Courts, admitted 12-19-1989 (I am currently on inactive status. I voluntarily entered that status on July 1, 2000, because I was not practicing in Maryland and I was relying on my membership in the District of Columbia Bar in my practice as a Department of Justice lawyer.)

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00010 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.004

U.S. District Court for District of Maryland, admitted April 6, 1990 (lapsed because I had no occasion to practice in that court)

U.S. Court of Appeals for D.C., admitted 4-18-1991 (lapsed because I had no occasion to practice in that court)

U.S. District Court for District of Columbia, admitted 1995

12. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 10 or 11 to which you belong, or to which you have belonged, or in which you have significantly participated, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Family membership for Summer, 2008 (did not hold any office), at Wildwood Manor Pool, 10235 Hatherleigh Drive, Bethesda, MD 20814

Family membership for Summer, 2004 (did not hold any office), at Bannockburn Pool, 6513 Laverock Lane, Bethesda, MD 20817

b. Please indicate whether any of these organizations listed in response to 12(a) above currently discriminate or formerly discriminated 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.

No.

13. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Please supply four (4) copies of all published material to the Committee.

None.

b. Please supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, please give

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00011 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.005

the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Please supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Testimony regarding enforcement of federal espionage laws, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, U.S. House of Representatives (January 29, 2008) – copies of written testimony attached.

Testimony regarding the role of the Department of Justice in the FBI's confidential human source operations, before the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, Permanent Select Committee on Intelligence, U.S. House of Representatives (July 20, 2006) – copies of written testimony attached.

Testimony regarding the FBI's use of the Foreign Intelligence Surveillance Act, before the Permanent Select Committee on Intelligence, U.S. House of Representatives (July 23, 2003) – copies of written testimony attached.

d. Please supply four (4) copies, transcripts or tape recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Please include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or tape recording of your remarks, please give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, please furnish a copy of any outline or notes from which you spoke.

During 2004-2005, I participated in several panel discussions that were primarily focused on the U.S.A. PATRIOT Act, including ABA panels in Minneapolis and Washington, D.C. and a panel hosted by the Montgomery County (Maryland) Bar Association. I do not recall the dates of these discussions and I do not have notes of my remarks during those discussions. To the best of my recollection, they were generally focused on Sections 206, 213 and 215. In addition, from time to time, I have spoken briefly at national security training conferences held at the Department's National Advocacy Center, generally about the National Security Division. I do not have notes of my remarks during those conferences.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00012 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.006

Participant in panel discussion on the U.S.A. PATRIOT Act & E-Surveillance sponsored by the Advisory Committee to the Congressional Internet Caucus, June 30, 2005, U.S. Capitol Building (Room HC-5). I cannot locate any notes of my remarks, but I believe that I discussed PATRIOT Act provisions including Sections 206, 213 and 215.

Remarks before Pittsburgh chapter of American Inns of Court, January 25, 2007, at offices of Buchanan, Ingersoll, 301 Grant Street, Pittsburgh, PA 15219. The program was entitled "Military Commissions/War on Terror/Geneva Convention". I believe that my remarks concerned the National Security Division, Military Commissions and possibly other topics, but I did not speak from prepared text, and I cannot locate any notes of my remarks.

Participant in panel discussion on National Security Law Challenges for the New Administration, Georgetown Center on National Security and the Law, Georgetown University Law Center (April 10, 2008). I did not speak from prepared text, and I cannot locate my notes, but the panel was videotaped. Enclosed please find a dvd of the discussion.

Remarks to ICE Counter-Proliferation Investigations Unit, Undercover Training Conference, June 3, 2008, Crystal City, Virginia (Copies of the text of my remarks, including hand-written notes, are attached.)

On June 6, 2008, I spoke at an informal gathering, held at Ebeneezer's Coffee House, 201 F Street, N.E., Washington, D.C., concerning the media shield legislation currently before the Congress. The gathering, known as the Stanton meeting, was organized by Frank Gaffney of the Center for Security Policy. I did not speak from prepared text or notes. I did draw upon and refer to an op-ed in the Washington Post by Senator Arlen Specter, dated May 5, 2008, and a letter from the Attorney General and the Director of National Intelligence to Senator Reid and Senator McConnell, dated April 2, 2008.

e. Please list all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

January 2007 – I and other senior National Security Division officials were interviewed by Chitra Ragavan of U.S. News & World Report about the creation of the National Security Division. Resulting story is attached.

January 29, 2008 – I testified about espionage investigations and prosecutions before a House Judiciary subcommittee. My remarks were quoted by the Washington Times the following day. Washington Times article attached.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00013 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.007

January 31, 2008 – Ken Wainstein and I were interviewed by Wall Street Journal reporter Glenn Simpson on Islamic charities and terrorism. Resulting article, published on Feb. 23, 2008, is attached.

February 21, 2008 – Ken Wainstein and I were interviewed by USA Today reporter Donna Leinwand on the prosecution of Iraqi spies operating in the United States on behalf of the regime of Saddam Hussein. Two stories, published in USA Today on March 3, 2008, are attached.

March 31, 2008 – I was quoted in a Justice Department press release on guilty plea by Gregg Bergersen, a former Defense Department official charged in a Chinese espionage case. The resulting press articles are attached.
Press release: http://www.usdoj.gov/opa/pr/2008/March/08_nsd_252.html

April 15, 2008 – I was quoted in a Justice Department press release on guilty plea by Daniel Max Sherman, a physicist charged with violating the Arms Export Control Act. Press articles are attached.
Press release: http://www.usdoj.gov/opa/pr/2008/April/08_nsd_299.html

April 30, 2008 – I was cited in a Justice Department press release announcing the new Office of Intelligence at the National Security Division.
Press release: http://www.usdoj.gov/opa/pr/2008/April/08_nsd_360.html

May 13, 2008 – I was quoted in a Justice Department press release announcing guilty plea by Tai Shen Kuo, a New Orleans businessman charged in a Chinese espionage case. The resulting press articles are attached
Press release: http://www.usdoj.gov/opa/pr/2008/May/08_nsd_411.html

May 27, 2008 – I was interviewed by Randall Mikkelsen of Reuters on the Justice Department's support to the Defense Department in the Military Commission prosecutions of five accused 9/11 conspirators at Guantanamo Bay Naval Base. The resulting Reuters story, in which I was quoted, is attached.

May 28, 2008 – I was cited in a Justice Department press release announcing guilty plea by Yu Xin Kang, a New Orleans woman charged in a Chinese espionage case. The resulting press articles are attached.
Press release: http://www.usdoj.gov/opa/pr/2008/May/08-nsd-471.html

June 3, 2008 – I was quoted in a Justice Department press release announcing a guilty plea by Christopher Paul to conspiracy to bomb targets in Europe and the United States. The resulting press articles are attached.
Press release: http://www.usdoj.gov/opa/pr/2008/June/08-nsd-492.html

June 13, 2008 – I was quoted in a Justice Department press release announcing the conviction of three Ohio residents on charges of conspiring to commit terrorist

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00014 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.008

acts against Americans overseas, including U.S. military personnel in Iraq, and other terrorism-related violations. The resulting press articles are attached. Press release: http://www.usdoj.gov/opa/pr/2008/June/08-nsd-535.html

June 18, 2008 – I was quoted in a Justice Department press release announcing the sentencing of Xiaodong Sheldon Meng for violating the Economic Espionage Act. The resulting press articles are attached. Press release: http://www.usdoj.gov/opa/pr/2008/June/08-nsd-545.html

June 18, 2008 – I was interviewed by Ari Shapiro of National Public Radio on the increasing number of Foreign Intelligence Surveillance Act (FISA) orders approved by the FISA court and statistics on criminal terrorism prosecutions. The resulting article is attached.

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

a. List chronologically any public offices you have held, 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 unsuccessful nominations for appointed office.

Currently serving as Acting Assistant Attorney General for National Security, appointed by the Attorney General on March 31, 2008

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

My father, William J. Rowan, III, is a Circuit Court Judge in Montgomery County, Maryland. In Maryland, Circuit Court Judges are appointed by the Governor, but then must stand for election in contested, non-partisan elections. In 2002, my father and a number of other sitting judges ran in such an election, and I assisted by distributing informational fliers near polling places on the day of the primary and the general election. I had no title or formal responsibilities in the campaign, which was non-partisan.

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

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

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00015 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.009

i. 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;

I did not serve as a clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I did not practice alone. Upon graduation from law school in 1989, I joined the law firm of Covington & Burling, 1201 Pennsylvania Avenue, N.W., Washington, D.C. 20004, as an associate.

iii. 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.

Acting Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C 20530
April, 2008 to present

Principal Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
October, 2006 to present

Associate Deputy Attorney General
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
November, 2005 to October, 2006

Senior Counsel to the Assistant Attorney General, Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
October, 2003 to November, 2005
Special Counsel and Acting Deputy General Counsel
Federal Bureau of Investigation
Office of General Counsel
935 Pennsylvania Avenue, N.W.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00016 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.010

Washington, D.C. 20535
December, 2002 to October, 2003

Special Counsel to the Director
Executive Office for United States Attorneys
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
November, 2001 to June, 2002

Assistant United States Attorney
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20001
January, 1991 to December, 2002

Senior Litigation Counsel and Assistant United States Attorney
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20001
January, 2001 to November, 2001

Associate
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
September, 1989 to January, 1991

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

From September, 1989, to January, 1991, I was an attorney in private practice in a large corporate law firm, Covington & Burling. From 1991 to the present, I have served in the Department of Justice, primarily as a prosecutor or a supervisor of national security investigations and prosecutions.

ii. your typical clients and the areas, if any, in which you have specialized.

While at Covington & Burling, I practiced in the litigation group, primarily focusing on insurance coverage litigation. In that area, our typical clients were large corporations that had incurred substantial environmental liabilities and were seeking insurance coverage for those liabilities. I was usually one of several associates on large matters. In 1991, I joined the United States Attorney's Office in the District of Columbia and worked thereafter as a prosecutor. I served in the

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00017 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.011

Appellate Division, the Superior Court Division's Misdemeanor Section, Grand Jury Section, General Felony Section, and Homicide Section, as well as the Criminal Division's Narcotics Section and Fraud and Public Corruption Section. In November, 2001, I began a series of details to other components of the Department of Justice, including to the Executive Office for United States Attorneys, the FBI's Office of General Counsel, the Criminal Division, and the Office of the Deputy Attorney General. In each of those positions, I provided advice and assistance on national security issues, but I did not have direct responsibility for any litigation matters. I did assist in the supervision of prosecutions when I was in the Criminal Division and in the Office of the Deputy Attorney General. Since October, 2006, I have served as a Deputy Assistant Attorney General in the National Security Division, and, in that capacity, I have supervised prosecutions relating to international terrorism (through the Division's Counterterrorism Section) and to espionage (through the Division's Counterespionage Section). On March 31, 2008, I was appointed as Acting Attorney General for National Security. I continue to supervise all aspects of the Department's national security investigations.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

i. Indicate the percentage of your practice in:

1. federal courts;

1989-1990	100%
1991-2001	40-50%
2002-2008	100%

2. state courts of record;

1989-1990	0%
1991-2001	60-50%
2002-2008	0%

3. other courts.

None

ii. Indicate the percentage of your practice in:

1. civil proceedings;

1989-1990	100%
1991-2008	0%

2. criminal proceedings.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00018 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.012

1989-1990 0%
1991-2008 100%

From 1989 to 1991, while in private practice, virtually all of my work was civil litigation in federal courts, although I never actually appeared in court. My work generally involved drafting of pleadings. When I became an Assistant United States Attorney in 1991, all of my work was in criminal proceedings and I was in court several times a week (at least) for about ten years. About fifty to sixty percent of my practice at the U.S. Attorney's Office was in the District of Columbia Superior Court or Court of Appeals, while the remainder was in the United States District Court or the United States Court of Appeals for the D.C. Circuit. During most of 2002 and 2003, most of my work (at EOUSA and at the FBI) was unrelated to litigation and I had no occasion to appear in court. In October of 2003, I began working as a Senior Counsel to the Assistant Attorney General of the Criminal Divison. While I assisted in the supervision of federal criminal prosecutions and appeals related to national security issues, I did not appear in court. Likewise, as an Associate Deputy Attorney General and then as a Deputy Assistant Attorney General in the National Security Division, I have supervised federal criminal prosecutions, but I do not appear in court as a prosecutor. From time to time, I have signed significant pleadings or declarations in cases for which our Division has some responsibility.

d. 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.

i. What percentage of these trials were:
1. jury;

95%

2. non-jury.

5%

I have tried two or three non-jury misdemeanor trials to verdict. In each, to the best of my recollection, I was lead counsel and probably sole counsel. I have tried approximately sixty jury trials to verdict. I was the sole counsel in all but three or four of those cases – in those three or four cases, I worked with one other prosecutor.

e. Describe your practice, if any, before the Supreme Court of the United States. Please supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00019 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.013

I have not practiced before the Supreme Court of the United States.

16. **Litigation**: Describe the ten (10) 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.

(1) United States v. John Brugada Holmes, Stateson Francois, Dominique Germain, Dany Dorcely, U.S. District Court for D.C. Cr. No. 01-454 (Judge Reggie B. Walton), 508 F.3d 1091 (D.C. Cir. 2007). The defendants in this matter conspired to receive stolen government funds under the Department of Education's Impact Aid program, which is intended to provide aid to certain disadvantaged school districts. In March 2000, a total of nearly two million dollars were wired to accounts controlled by the co-conspirators, rather than the accounts belonging to the school districts. The co-conspirators then used false identification information to withdraw the funds and embarked on a spending spree that included the purchase of several luxury vehicles. I investigated the matter during 2001 and indicted four of the co-conspirators, John Brugada Holmes, Stateson Francois, Dominique Germain, and Daniel Dorcely. I was assisted by another prosecutor, Howard Sklamberg (currently employed by the U.S. Attorney's Office for D.C., 555 Fourth Street, N.W., Washington, D.C. 20001 (202-514-6961)). In August, 2002, I negotiated a plea agreement with defendant Germain in which he plead guilty to Obstruction and agreed to testify as a cooperating witness. Defendant Germain was represented by Joanne Hepworth, 305 H Street, N.W., Second Floor, Washington, D.C. 20001 (202-789-0037). After I left the case in the Fall of 2002 (to begin work at the FBI), defendants Stateson Francois, Daniel Dorcely and John Brugada Holmes were convicted. Defendant Francois was a fugitive during the time that I had the case. Defendant Dorcely, who was convicted of False Statements, was represented by Bravitt Manley, Jr., 1050 Connecticut Avenue, N.W., Tenth Floor, Washington, D.C. 20036 (202-973-1327). Defendant Holmes subsequently went to trial and was convicted in February 2004 of Conspiracy and Money Laundering. On August 16, 2004, Holmes was sentenced to fourteen years imprisonment by Judge Reggie B. Walton in the United States District Court for D.C. Defendant Holmes was represented (while I worked on the matter) by Michael S. Blumenthal, 8201 Corporate Drive, Suite 1120, Landover, Maryland 20785.

(2) United States v. Java Thompson, U.S. District Court for D.C. Cr. No. 01-189 (Judge Paul Friedman), United States v. Kenneth Moore, U.S. District Court for D.C. Cr.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00020 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.014

No. 01-192 (Judge Paul Friedman), United States v. Garry Sherrod, U.S. District Court for D.C. Cr. No. 01-193 (Judge Paul Friedman), United States v. Jonathan Mason, U.S. District Court for D.C. Cr. No. 01-191 (Judge Paul Friedman), and United States v. Donald Edwards, U.S. District Court for D.C. Cr. No. 01-190 (Judge Paul Friedman). These defendants were all D.C. correctional officers who worked at the Correctional Treatment Facility (CTF) in Southeast Washington, D.C. Each of them accepted bribes from an undercover FBI agent in exchange for smuggling contraband into the facility. The charges followed a lengthy FBI investigation of corruption at CTF. I indicted the cases and negotiated pleas with four of the five defendants listed above. The remaining defendant, Donald Edwards, was unwilling to plead guilty while I was assigned to the matter. His case was re-assigned to another prosecutor. On May 30, 2001, defendant Java Thompson plead guilty to one count of Bribery. On September 25, 2001, Thompson was sentenced to six months' incarceration by Judge Paul Friedman in the United States District Court for D.C. He was represented by Manuel Retureta, 601 Pennsylvania Avenue, N.W., Suite 900, Washington, D.C. 20004 (202-220-3073). On June 28, 2001, defendant Kenneth Moore plead guilty to one count of Bribery. On September 13, 2001, Moore was sentenced to home detention and probation by Judge Paul Friedman in the United States District Court for D.C. He was represented by Richard Stern, 419 Seventh Street, N.W., Suite 201, Washington, D.C. 20004 (202-393-2261). On July 3, 2001, defendant Garry Sherrod plead guilty to one count of Bribery. On September 20, 2001, Sherrod was sentenced to home detention and probation by Judge Paul Friedman in the United States District Court for D.C. He was represented by Thomas Abbenante, 1919 Pennsylvania Avenue, N.W., Suite 200, Washington, D.C. 20006 (202-223-6539). On June 28, 2001, defendant Jonathan Mason plead guilty to one count of Bribery. On September 13, 2001, Mason was sentenced to home detention and probation by Judge Paul Friedman in the United States District Court for D.C. He was represented by Edward Sussman, 601 Pennsylvania Avenue, N.W., Suite 900, Washington, D.C. 20004 (current phone number unknown).

(3) United States v. Greg Anderson, U.S. District Court for D.C. Crim. No. 01-351 (Judge Emmet Sullivan). This matter involved an investigation of fraud at the U.S. Department of Agriculture (USDA) relating to fraudulent dealings between USDA officials and Greg Anderson, the owner of an office furniture business. Among other things, the USDA officials wrote government checks to Anderson for services or furniture that were not provided, then received part of the proceeds from the checks. The criminal conspiracy resulted in a loss of several hundred thousand dollars to USDA. I supervised the investigation of this matter, including the execution of a series of about eight search warrants at the USDA and at the targets' homes and offices. I also obtained a plea to Conspiracy from the lead defendant, Anderson. The defendant plead guilty on November 16, 2001, before Judge Emmet Sullivan in the United States District Court for D.C. The investigation was then transferred to another prosecutor, because of my detail to EOUSA. Defendant Greg Anderson was represented by Steven A. Allen, 901 Dulaney Valley Road, Suite 400, Towson, Maryland 21204 (410-938-8800).

(4) United States v. Warren Pindell, U.S. District Court for D.C. Cr. No. 00-216 (Judge Henry Kennedy), 336 F.3d 1049 (D.C. Cir. 2003). The defendant was a

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00021 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.015

uniformed officer of the Metropolitan Police Department. During 1999, he repeatedly conducted traffic stops of men who had picked up known prostitutes in an area off Georgia Avenue, N.W. During each stop, the defendant demanded the wallet of the male and then emptied it of cash. In a number of the stops, the defendant pressed the muzzle of his gun against the temple of his victim. With one or two exceptions, the men were so grateful that they were not arrested that they did not report the loss of their funds. I lead a lengthy grand jury investigation that identified numerous victims, indicted the case and then tried it as the sole prosecutor. The defendant was convicted of 27 counts, including 13 counts of Deprivation of Rights Under Color of Law and thirteen counts of Armed Robbery, following a March, 2001 trial. On June 29, 2001, he was sentenced to twenty-one years imprisonment by Judge Henry Kennedy in the United States District Court for D.C. The defendant was represented by Steven McCool, Mallon & McCool, 1776 K Street, N.W., Suite 200, Washington, D.C. 20006 (202) 393-7088.

(5) United States v. Nelson Valdes, U.S. District Court for D.C. Crim. No. 01-154 (Judge Ricardo Urbina), 475 F.3d 1319 (D.C. Cir. 2007) (en banc). The defendant was a detective of the Metropolitan Police Department who moonlighted as a security officer at an upscale nightclub. The FBI conducted a sting against him in which a patron of the club (secretly working for the FBI) paid the defendant small amounts of money in return for the defendant providing information about individuals that the patron claimed to be interested in. The defendant obtained the information by accessing a law enforcement database known as the Washington Area Law Enforcement System. The defendant was charged with three counts of Bribery. I investigated this matter, indicted the case and then tried it as the sole prosecutor. The defendant was convicted of three counts of Receipt of Illegal Gratuities, following an October, 2002 trial. On May 29, 2003, he was sentenced to two years' probation by Judge Ricardo Urbina in the United States District Court for D.C. The defendant's convictions were overturned on appeal based on the Circuit Court's construction of the gratuity statute. (I did not handle the appeal.) The defendant was represented by Paul Zukerberg, 1790 Lanier Place, N.W., Washington, D.C. 20009-2118 (703-548-5000).

(6) United States v. Wallace Najiy, U.S. District Court for D.C. Crim. No. 99-020 (Judge Thomas Hogan), 12 Fed. Appx. 9, 2001 WL 674656 (D.C. Cir. 2001). The defendant was a vice officer with the Metropolitan Police Department. In the Fall of 1995, he engaged in a conspiracy to accept a bribe from a drug dealer in return for the improper release of the dealer's vehicle, which had been seized for civil forfeiture by the Metropolitan Police Department. His co-conspirator plead guilty to Bribery and testified for the government at trial. I assisted another prosecutor, John Moustakas (who can now be reached at Goodwin Procter, 901 New York Avenue, N.W., Washington, D.C. 20001 (202-346-4236)) in indicting the case and was co-counsel with Moustakas at trial. The defendant was convicted of five counts, including Wire Fraud, Obstruction of Justice and Forgery, following a 1999 trial. On November 17, 1999, the defendant was sentenced to three years' imprisonment by Judge Thomas F. Hogan in the United States District Court for D.C. (A number of the counts were reversed on appeal, which I did not handle.) The defendant was represented by Michelle Roberts, Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036 (202-887-4306).

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00022 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.016

(7) United States v. Marlon White, D.C. Superior Ct. Crim. No. F-10633-96 (Judge Frederick Weisberg). On the afternoon of October 15, 1996, the defendant, Marlon White used a semi-automatic rifle to shoot at a group of women and children who were chatting together on the sidewalk in the Barry Farms community of Southeast, D.C. He killed twenty-year-old Brandy Jackson and seriously wounded her seventeen-year-old friend. Nine others were nearly struck by bullets from the defendant's rifle. The defendant fired his gun at the group sniper-style from several hundred feet away because he was involved in a longstanding feud with other individuals from Barry Farms. I investigated this case, indicted it, and tried it. The defendant was convicted of First Degree Murder and ten counts of Assault with Intent to Kill following a trial in May-June, 1998. On July 24, 1998, he was sentenced to a prison term of fifty-three years to life by D.C. Superior Court Judge Frederick Weisberg. The defendant was represented by Claire Roth of the D.C. Public Defenders Service, 451 Indiana Avenue, N.W., Washington, D.C. 20001 (202-628-1200).

(8) United States v. Marquette Riley, D.C. Superior Ct. Crim. No. F-2594-97 (Judge Frederick Weisberg); United States v. Sayid Muhammad, D.C. Superior Ct. Crim. No. F-2595-97 (Judge Frederick Weisberg); United States v. Antonio Marks, D.C. Superior Ct. Crim. No. F-2596-97 (Judge Frederick Weisberg), 938 A.2d 868 (D.C. 2007). On the evening of August 20, 1996, nineteen-year-old Larnell Littles and his twelve-year-old brother, Larell Littles, were shot and killed in the front yard of their home on Pennsylvania Avenue, S.E. They were tossing a football when the defendants jumped from a car and fired on them. It was later established that the defendants were part of a crew from Prince Georges County, Maryland, and they were engaged in a violent rivalry with a crew in the neighborhood where the Littles brothers lived. The innocent victims were not affiliated with either group. I tried this case alone. The defendants were convicted of two counts of First Degree Murder following an April-May, 1998 trial. On July 1, 1998, defendant Muhammad was sentenced to life imprisonment without parole, and defendants Riley and Marks were sentenced to seventy years to life by D.C. Superior Court Judge Frederick Weisberg. Defendant Muhammad was represented by David Cumberbatch, 408 Cedar Street, N.W., Apt. D, Washington, D.C. 20012 (current phone number unknown); defendant Riley was represented by James E. Williams, 200 G Street, N.E., Washington, D.C. 20002 (current address and phone number unknown); and defendant Marks was represented by Daniel Harn, 1409 Newton Street, N.E., Washington, D.C. 20017 (202-832-7126).

(9) United States v. Denon Kitt, D.C. Superior Ct. Crim. No. F-2334-97 (Judge Linda Turner-Hamilton, 904 A.2d 348 (D.C. 2006), United States v. Steven R. Crockett, D.C. Superior Ct. Crim. No. F-4453-98 (Judge Franklin Burgess). On March 7, 1997, the victim, Jesse Baker, was abducted from the front steps of an apartment building by the defendants Kitt and Crockett. Baker was a fifty-five year-old-man (and retired employee of the CIA) who owned and managed several small apartment buildings in Southeast, D.C. The two defendants forced Baker into the backseat of his own car and drove away. When they discovered that Baker had no money, they forced him to remove his clothes

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00023 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.017

and demanded to know where he lived. Baker refused to disclose where he lived with his wife and family. Baker was then shot twice and killed. I conducted a lengthy grand jury investigation of this matter, then indicted the case against Denon Kitt and tried it by myself. Defendant Kitt was convicted of eight counts, including Kidnapping and First Degree Murder, following an April, 1998 trial. On June 2, 1998, defendant Kitt was sentenced to fifty years imprisonment by D.C. Superior Court Judge Linda Turner-Hamilton. The defendant was represented by Mark Rochon, Miller Chevalier, 655 Fifteenth Street, N.W., Suite 900, Washington, D.C. 20005 (202-626-5819). I also conducted a lengthy investigation to identify defendant Crockett, then supervised a year long fugitive hunt for Crockett. (He murdered another person while on the run from this prosecution.) When Crockett was finally arrested, I indicted the case and tried it (with assistance from another prosecutor, John Moustakas, who can now be reached at Goodwin Procter, 901 New York Avenue, N.W., Washington, D.C. 20001 (202-346-4236)). Defendant Crockett was convicted of nine counts, including Kidnapping and First Degree Murder, following an August, 1999 trial. On October 22, 1999, defendant Crockett was sentenced to life imprisonment without parole by D.C. Superior Court Judge Franklin Burgess. Defendant Crockett was represented by Billy L. Ponds, 1000 Potomac Street, N.W., Suite 302, Washington, D.C. 20007 (current address and phone number unknown).

(10) United States v. Riley Walls, D.C. Superior Ct. Crim. No. F-1788-94 (Judge Harold Cushenberry), 773 A.2d 424 (D.C. 2001). In the early morning hours of August 9, 1992, fourteen-year-old Jesse Moore was walking home with a friend when they encountered the defendant, Riley Walls. After a brief argument, defendant Walls pulled a MAC-11 machine gun and opened fire. Moore was struck in the back and killed and his friend was wounded. Moore's friend knew the killer's identity, but refused to speak to the police. The investigation went nowhere for fifteen months, until it was assigned to an FBI agent working on the Cold Case squad. The agent won the trust of Moore's friend, and he testified in the grand jury, although he subsequently turned uncooperative again. The case went to trial twice and two juries could not reach a verdict. At the third trial, in April 1997, the defendant was convicted of First Degree Murder and other charges. I was the sole prosecutor for the second and third trials. On October, 24, 1997, defendant Walls was sentenced to a prison term of forty-five years by D.C. Superior Court Judge Harold Cushenberry. The defendant was represented by Mark Rochon, Miller Chevalier, 655 Fifteenth Street, N.W., Suite 900, Washington, D.C. 20005 (202-626-5819).

17. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. Please list any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

From November, 2001 to June, 2002, I served (on detail) in the Executive Office for United States Attorneys (EOUSA). In that position, I managed national anti-terrorism

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00024 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.018

initiatives that were designed, implemented and/or coordinated through EOUSA for the Department of Justice. The work included identifying and providing guidance on legal issues that would likely arise in the implementation of the initiatives.

Starting in December, 2002, I worked on national security issues in the FBI's Office of General Counsel. I provided analysis and guidance to FBI personnel on the Foreign Intelligence Surveillance Act (FISA) and other investigative authorities, including Section 215 of the USA PATRIOT Act. In October, 2003, I joined the Criminal Division as a Senior Counsel to the Assistant Attorney General (AAG). My focus was counterterrorism matters. I assisted the AAG and a Deputy Assistant Attorney General in supervising investigations and prosecutions relating to international terrorism, but I did not have direct responsibility for any cases. I worked regularly with prosecutors from the Counterterrorism Section and Assistant United States Attorneys in the field on issues relating to their cases. I reviewed proposed charges, and plea agreements in terrorism prosecutions and made recommendations to the AAG as to whether the charges and agreements should be approved. From time to time, I briefed senior officials on pending investigations and prosecutions. I also reviewed proposed legislation concerning terrorism matters. My work also involved regular liaison with the Department of Defense, Department of State and other government agencies on a range of issues concerning law enforcement investigations, intelligence collection, and enemy combatants.

From November, 2005 to October, 2006, I served as an Associate Deputy Attorney General. In that position, I assisted the Deputy Attorney General in the management of the national security functions of the Department, including all espionage, counterterrorism, and counterintelligence investigations. On behalf of the Deputy Attorney General, I supervised the Office of Intelligence Policy and Review, the FBI's National Security Branch, and the stand-up of the new National Security Division (NSD). I also served as a Department liaison to the intelligence community. In that capacity, I worked on discovery issues arising from the Terrorist Surveillance Program.

Since October, 2006, I have served as a Deputy Assistant Attorney General in the NSD, and, in that capacity, I manage the Department's national security investigations and prosecutions. I supervise prosecutions relating to international terrorism (through the Division's Counterterrorism Section) and to espionage (through the Division's Counterespionage Section). I review and approve all charges and plea agreements proposed by Department components in national security prosecutions. I supervise the NSD's Export Enforcement Initiative and the NSD's support to the Office of Military Commissions. I have continued to work on discovery issues arising from the Terrorist Surveillance Program.

In April, 2008, I became Acting Assistant Attorney General for National Security. I continue to supervise prosecutions, but I now also supervise the NSD's practice before the Foreign Intelligence Surveillance Court, including our implementation of the Protect America Act, and our oversight of the FBI's national security investigations. I also

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00025 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.019

manage the Department's participation in the inter-agency Committee for Foreign Investment in the United States (CFIUS).

18. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, please provide four (4) copies to the committee.

    My only experience teaching was one semester as a trial advocacy instructor at Georgetown University Law Center. I acted as an instructor as a favor to a fellow prosecutor, who asked me to help out. I was not paid. I believe that this occurred in about 1998 or 1999, and I taught advocacy skills from materials supplied by the Law Center. To the best of my recollection, the class revolved around a mock criminal prosecution, and the students practiced openings, closings, direct, and cross-examinations of the witnesses. I do not have a copy of the syllabus or any other materials from the course.

19. **Deferred Income/ Future Benefits**: List the 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.

    I participate in the government's Thrift Saving Program.

20. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

    None.

21. **Sources of Income**: 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.)

    My financial disclosure form is attached.

22. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

    See attached net worth statement.

23. **Potential Conflicts of Interest**:

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00026 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.020

a. Identify any affiliations, pending litigation, financial arrangements, or other factors that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am not aware of any factors that are likely to present potential conflicts-of-interest. I will resolve any potential conflict of interest by consulting with a Department ethics officer.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will resolve any potential conflict of interest by consulting with a Department ethics officer.

24. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Prior to joining the Department of Justice, I assisted individuals on several occasions on a pro bono basis in connection with minor legal matters, including a social security claim and a dispute over ownership of property. Unfortunately, since I joined the Department of Justice, I have not had the opportunity to represent anyone other than the United States. While working at the United States Attorney's Office, I participated in a mentoring program that the Office had organized at Amidon Elementary School in Washington, D.C. During the school year, I visited the school and met with the boy to whom I was assigned, to discuss schoolwork and other issues in his life.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00027 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.021

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		10	000	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule		209	283	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		609	377
Real estate owned-add schedule	1	125	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		20	000				
Cash value-life insurance		20	000				
Other assets itemize:							
Vanguard Money Market		52	345				
Thrift Savings Plan		680	697				
				Total liabilities		609	377
				Net Worth	1	507	948
Total Assets	2	117	325	Total liabilities and net worth	2	117	325
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor		NO		Are any assets pledged? (Add schedule)	NO		
On leases or contracts		NO		Are you defendant in any suits or legal actions?	NO		
Legal Claims		NO		Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax		NO					
Other special debt		NO					

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
Mutual Funds:	
Fidelity Disciplined Equity	19,091.99
AIM Real Estate Class A	15,266.04
American Amcap Fund Class F	12,054.45
BBH Real Return Fund Cl N	13,081.28
Columbia Value and Restructuring Cl Z	15,987.66
American Europacific Growth Class F	22,538.89
Fairholme Fund	557.62
Fidelity Advisor Diversified Intl T	19,767.15
Heartland Value	43,657.20
Mainstay High Yield Corp Class A	8,517.59
Meridian Growth Fund	22,445.84
Weitz Short Intermed Income Fund	14,505.75
Money Market Account:	
Fidelity Municipal Money Market	1,811.56
Total Listed Securities	$ 209,283.02

Real Estate Owned	
Personal residence	$ 1,125,000
Real Estate Mortgages Payable	
Personal residence	$ 609,377

U.S. Department of Justice

Justice Management Division

Departmental Ethics Office

Washington, D.C. 20530

JUN 23 2008

Mr. Robert Cusick
Director
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, DC 20005-3919

Dear Mr. Cusick:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of John Patrick Rowan, who has been nominated by the President to serve as Assistant Attorney General for the National Security Division, Department of Justice. We have conducted a thorough review of the enclosed report.

The conflict of interest statute, 18 U.S.C. Section 208, requires that Mr. Rowan recuse himself from participating personally and substantially in a particular matter in which he, his spouse, or anyone whose interests are imputed to him under the statute, has a financial interest. Mr. Rowan has been counseled and has agreed to obtain advice about disqualification or to seek a waiver before participating in any particular matter that could affect his financial interests.

We have advised Mr. Rowan that because of the standard of conduct on impartiality at 5 CFR 2635.502, he should seek advice before participating in a particular matter involving specific parties which he knows is likely to have a direct and predictable effect on the financial interest of a member of his household, or in which he knows that a person with whom he has a covered relationship is or represents a party.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,

Michael H. Allen
Deputy Assistant Attorney General
Policy, Management, and Planning and
Alternate Designated Agency Ethics Official

Enclosure

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	**Reporting Status** (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☒	Termination Filer ☐ Termination Date *(If Applicable) (Month, Day, Year)*
Reporting Individual's Name	Last Name: Rowan			First Name and Middle Initial: John P	
Position for Which Filing	Title of Position: Assistant Attorney General for National Security			Department or Agency *(If Applicable)*: Department of Justice	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: U.S. Department of Justice, 950 Pennsylvania Ave, N.W., Washington, DC			Telephone No. *(Include Area Code)*: 202-514-1172	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: Principal Deputy Assistant Attorney General, National Security Division (8-19-07 to present) Deputy Assistant AG, NSD (10/06 to 8/07)				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Committee on Judiciary			Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No	
Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: John Potter Rowan			Date *(Month, Day, Year)*: June 2, 2008	
Other Review (If desired by agency)	Signature of Other Reviewer: Jane H. Rodgers			Date *(Month, Day, Year)*: June 20, 2008	
Agency Ethics Official's Opinion On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/Reviewing Official: Michael H. Allen			Date *(Month, Day, Year)*: June 23, 2008	
Office of Government Ethics Use Only	Signature			Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods
Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding **two** calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00032 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC
45140.026

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Rowan, John P

SCHEDULE A

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

Block A	Block B: None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Block C Type: Dividends	Rent and Royalties	Interest	Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples: Central Airlines Common				x												x						x										
Examples: Doe Jones & Smith, Hometown, State			x																												Law Partnership Income $130,000	
Examples: Kempstone Equity Fund					x								x										x									
Examples: IRA: Heartland 500 Index Fund							x						x											x								
1 Vanguard Prime Money Market Fund				X									X			X						X										
2 Justice Federal Credit Union			X															X		X												
3 Fidelity Disciplined Equity Fund			X										X			X					X											
4 AIM Real Estate Class A Fund			X										X			X					X											
5 American AmCap Fund Class F		X											X			X					X											
6 BBH Real Return Fund CL N		X											X			X					X											

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

OGE/Adobe Acrobat version 1.0.2 (11/01/2004)

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Rowan, John P

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	American Europacific Growth Class F			X										X			X					X											
2	Columbia Value and Restructuring Cl Z (formerly Excelsior Value and Restructuring)		X											X			X				X												
3	Fairholme Fund (FAIRX)	X												X							X												
4	Fidelity Advisor Diversified Intl T			X										X			X			X		X											
5	Heartland Value			X										X						X		X											
6	Mainstay High Yield Corp Class A		X											X			X					X											
7	Meridian Growth Fund			X										X						X		X											
8	Weitz Short Intermed Income Fund		X											X			X			X		X											
9	Fidelity Municipal Money Market		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00034 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.028

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Rowan, John P

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	AFIS Growth Fund (Class 2)		X											X							X												
2	AFIS Growth-Income (Class 2)		X											X							X												
3	Delaware VIP Real Estate Income Trust (REIT)		X											X							X												
4	DWS Sml Cp Indx VIP Fd CA		X											X							X												
5	Lincoln National Fixed Account		X											X							X												
6	AFIS International Fund (Class 2)		X											X							X												
7																																	
8																																	
9																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00035 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.029

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name: Rowan, John P

SCHEDULE B

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x): Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (x): $1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of divestiture
Example	Central Airlines Common	X			2/1/99			X									
1																	
2																	
3																	
4																	
5																	

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1			
2			
3			
4			
5			

Prior Editions Cannot Be Used.

OGE/Adobe Acrobat version 1.0.2 (11/01/2004)

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Rowan, John P

SCHEDULE C

Page Number 6 of 7

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☒

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			X								
	John Jones, 123 J St., Washington, DC	Promissory note	1999	10%	on demand					X						
1																
2																
3																
4																
5																

*This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None ☒

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1			
2			
3			
4			
5			
6			

Prior Editions Cannot Be Used.

OGE/Adobe Acrobat version 1.0.2 (11/01/2004)

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Rowan, John P

SCHEDULE D

Page Number 7 of 7

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☒

	Organization *(Name and Address)*	Type of Organization	Position Held	From *(Mo., Yr.)*	To *(Mo., Yr.)*
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1					
2					
3					
4					
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

None ☒

	Source *(Name and Address)*	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1		
2		
3		
4		
5		
6		

Prior Editions Cannot Be Used.

OGE/Adobe Acrobat version 1.0.2 (11/01/2004)

AFFIDAVIT

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

07/11/2008
(DATE)

John Patrick Rowan
(NAME)

Rhodora N. Woolner
(NOTARY)

Rhodora N. Woolner
Notary Public for the District of Columbia
My commission Expires: April 30, 2010

Senator FEINGOLD. Thank you, sir. With that, I'm going to turn to the Ranking Member of the Committee, Senator Specter, for any introductory remarks he wants to make.

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Well, thank you, Mr. Chairman. I am glad to see these confirmation hearings move forward. We have some very important positions at issue here, the Assistant Attorney General of the National Security Division. This is a very difficult time. There is no doubt we are still subject to attack from terrorism, and that position is one of enormous importance. Assistant Attorney General for the Office of Justice Programs, again, very, very significant.

The Sentencing Commission. I especially want to welcome Bill Carr here, a Pennsylvanian, and a very distinguished Pennsylvanian: he is married to my staff director, and that is a high accolade and a high honor, Stephanie Middleton, who has had a very distinguished practice in Pennsylvania and has given up a very lucrative position to come as a matter of public service.

I do want to say that you all should not be perplexed by the absence of Senators here. We have, at any moment, as Senator Feingold will confirm, committee hearings and subcommittee hearings and floor actions and a variety of duties which take us in many, many directions. So we do have staff and we will review the records.

Unless there is some very piercing cross examination by Senator Feingold, I think you are all in good shape. But you can never tell, because Senator Feingold is a piercing cross examiner.

[Laughter.]

I regret that I cannot stay, but I did want to come and thank you for your willingness to participate in public service. I am glad we have no lifetime appointments here, so I think the confirmation process will probably move forward.

Thank you very much, Mr. Chairman.

Senator FEINGOLD. Thank you, sir. I thank the Ranking Member very much.

We will now return to testimony. Thank you, Mr. Rowan, again.

Next, we have Jeffrey Leigh Sedgwick, who has been nominated to be Assistant Attorney General of the Office of Justice Programs. Mr. Sedgwick currently serves as the Acting Assistant Attorney General, and also is director of the Department's Bureau of Justice Statistics. He is a graduate of Kenyon College and has a Ph.D. from the University of Virginia. He has taught government and political science at the University of Virginia, the University of Massachusetts, and Smith College. I was also interested to note, Mr. Sedgwick has done a significant amount of work with the State Department in public diplomacy.

Mr. Sedgwick, welcome, and congratulations. You may now introduce your family and anyone else here to support you, and make any remarks you wish.

STATEMENT OF JEFFREY LEIGH SEDGWICK, NOMINEE TO BE ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS

Mr. SEDGWICK. Thank you, Mr. Chairman. Unfortunately, no member of my family is with me today because of work responsibilities, but I do want to thank a number of my colleagues from the Office of Justice Programs in the Bureau of Justice Statistics who are here, and also, I have a number of our interns in the Bureau of Justice Statistics that are working with us this summer.

Senator FEINGOLD. Very good. We welcome all of them.

Any other comments you'd like to make, sir?

Mr. SEDGWICK. Not at this time, thank you.

[The biographical information of Jeffrey Leigh Sedgwick follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: Full name (include any former names used).

   Jeffrey Leigh Sedgwick

2. **Position**: State the position for which you have been nominated.

   Assistant Attorney General (Office of Justice Programs)

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

   Office:
   810 7th Street NW
   Room 2413
   Washington, DC 20531

   Residence:
   Richmond, VA 23235

4. **Birthplace**: State date and place of birth.

   1951
   Columbus, Ohio

5. **Marital Status**: (include name of spouse, and names of spouse pre-marriage, if different). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.

   Patricia Young Sedgwick (nee Patricia Barbara Young)

   Retail Sales
   Appalachian Spring
   11800 West Broad Street
   Richmond, Virginia 23233

6. **Education**: List in reverse chronological order, listing most recent first, each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00042 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.034

Kenyon College (September 1969 – May 1973)	A.B. May 1973
University of Virginia (September 1973 – August 1978)	M.A.P.A May 1975 Ph.D. August 1978

7. **Employment Record**: List in reverse chronological order, listing most recent first, all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or 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.

United States Department of Justice, Office of Justice Programs	(Acting Assistant Attorney General) 1/2008 - present
United States Department of Justice, Bureau of Justice Statistics	(Director) 4/2006 - present
Association for the Study of Free Institutions and Free Societies	(Member) 2004 – 4/2006 (President) 2004 – 4/2006 (Director) 2004 – 4/2006
Member, Benjamin Franklin Tercentenary Commission. Appointed by President Bush,	11/2003 – 5/2007
Great Trails Council #243, Boy Scouts of America	(Member) 1985 – 4/2006 (President) 1999 – 2003 (Director) 1996 – present
Amherst Town Finance Committee	(Member appointed by Town Meeting Moderator) 1/1995 – 12/1995
Smith College	(Visiting Associate Professor of Government) spring 1994, spring 1988 and fall 1985
University of Massachusetts, Amherst	(Associate Professor) 1/1985 – present (on leave without pay, January 2005 – December 2008) (Assistant Professor) 9/1978 – 12/1983
Institute for Training and Development	(Consultant/Project Director) 1/1996 – 1/2004
United States Department of Justice, Bureau of Justice Statistics	(Deputy Director) 1/1984 – 12/1984
University of Virginia	(Visiting Assistant Professor) 9/1977 – 8/1978 (Instructor) 9/1975 – 12/1975 (Teaching Assistant) 9/1974 – 5/1975 (Research Assistant) 9/1973 – 5/1974

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00043 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.035

Sears Roebuck and Company	(Clerical) 1/1976 – 8/1977
Home Improvement Contractor	(Fence Installer) 6/1973 – 8/1973

8. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received.

   None

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.

   Alpha Lambda Delta National Academic Honor Society for Freshmen (honorary member), 29 February 2004
   Honored Foreign Member, International Center of Legal Problems of Intellectual Property, Kyiv, Ukraine, 10 December 2001
   Honored Professor of Uzhhorod State Institute of Information Science, Economics and Law, Uzhhorod, Ukraine, 28 November 2001
   Dean's Public Service Award, College of Social and Behavioral Sciences, University of Massachusetts-Amherst, 19 May 2000
   TEACHnology Fellow, Center for Teaching, University of Massachusetts-Amherst, 1997-1998
   Golden Key National Honor Society (honorary member), 1990
   Thomas Jefferson Fellowship, University of Virginia, 1973-1974, 1976-1977
   Phi Beta Kappa, Kenyon College (Beta of Ohio), 1973
   A.B. Magna cum Laude with Honors in Political Science, Kenyon College, 1973
   National Merit Scholarship, Kenyon College, 1969-1973

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.

    Organizer of panels sponsored by The Center for the Study of the Constitution at the 1983, 1984, 1985, 1986, 1987, 1988, 1989 and 1990 annual meetings of the American Political Science Association.

11. **Bar and Court Admission**:

    a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

       I am not an attorney and therefore not a member of any bar.

    b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00044 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.036

I am not an attorney and therefore not a member of any bar.

12. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 10 or 11 to which you belong, or to which you have belonged, or in which you have significantly participated, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Political Science Association (Member, 1978 – 2006)
Amherst Woods Homeowner's Association (1987 – 2007)
Association for the Study of Free Institutions and Free Societies (Member, 2004 – 2006; President, 2004 – 2006; Director, 2004 - 2006)
Great Trails Council #243, Boy Scouts of America (Member, 1985 – 2006; President, 1999 – 2003; Director, 1996 – 2006)
University Club, University of Massachusetts (1978 – present)

b. Please indicate whether any of these organizations listed in response to 12(a) above currently discriminate or formerly discriminated 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.

Great Trails Council #243, Boy Scouts of America; 88 Old Windsor Road; Dalton, MA 01226. Member, 1985 – 3006/President, 1999 – 2003/Director, 1997 – 2006. The BSA's traditional uniformed programs, Cub Scouting and Boy Scouting, are open to males aged seven to eighteen; both have parallel programs for females offered by the Girl Scouts of America.

13. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Please supply four (4) copies of all published material to the Committee.

Books:

Law Enforcement Planning: The Limits of an Economic Analysis. Westport: Greenwood Press, 1984.

Monographs:

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00045 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.037

The Legal Parameters of Term Limitations for United States Congressmen and Senators. Washington, DC: National Legal Center for the Public Interest, 1993. (Vol. 5, No. 3 in NCLPI White Paper Series, April 1993). 23 pp.

Deterring Criminals: Policymaking and the American Political Tradition. Washington, D.C.: American Enterprise Institute for Public Policy Research, 1980.

Book Chapters:

"Abraham Lincoln and the Character of Liberal Statesmanship," in *Legacy of Disunion: The Enduring Significance of the American Civil War*. Ed. Susan-Mary Grant and Peter J. Parrish. Baton Rouge, LA: Louisiana State University Press, 2003. (Pp. 100-115)

"Jeffersonianism in the Progressive Era," in *Reason and Republicanism: Thomas Jefferson's Legacy of Liberty*. Ed. Gary L. McDowell and Sharon L. Noble. Lanham, MD: Rowman and Littlefield publishers, Inc., 1997. (Pp. 189-204)

"The Massachusetts General Court and the Commonwealth's Political Crisis," in *The Reform of State Legislatures and the Changing Character of Representation*. Ed. Eugene W. Hickok. Lanham, MD: University Press of America, 1992. (Pp.)

"Tenure in Office and the President's Role as Chief Executive," in *Restoring the Presidency: Reconsidering the Twenty-Second Amendment*. Washington, DC: National Legal Center for the Public Interest, 1990. (Pp. 77-89)

"Reason, Anger and Retribution," in *Crime and Punishment: Issues in Criminal Justice*. Ed. Fred Baumann. Charlottesville: University of Virginia Press, 1989. (Pp. 41-61)

"Bureaucracy and Human Nature: The American Response," (with George T. Sulzner) in *Politics and Human Nature*. Ed. Ian Forbes and Steven Smith. London: Francis Pinter, 1983. (Pp. 145-164)

"Fiscal Policy in Massachusetts under Proposition 2½," (with Jerome M. Mileur), in *The Publius Annual Review of American Federalism: 1981*. Ed. Stephen Schecter. Lanham, MD: University Press of America, 1983. (Pp. 93-103)

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00046 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.038

"Deterrence Versus Retribution: A Debate on the Meaning of Punishment," in *Policy Implementation: Penalties or Incentives?* Ed. John Brigham and Don W. Brown, Beverly Hills: Sage Publications, 1980. (Pp. 89-102)

Articles:

"Martin Diamond's Interpretation of *Federalist* 10: A Response to Alan Gibson," *POLITY*, XXV (1993), 529-536.

"James Madison and the Problem of Executive Energy," *POLITY*, XXI (1988), 3-24.

"Evaluating Reagonomics: A Reply to Michael Comiskey," *POLITY*, XX (1987), 332-337.

"Of Centennials and Bicentennials: Reflections on the Foundations of American Public Administration," *Administration & Society*, XIX (1987), 285-308.

"Checks and Balances Encourage Responsibility," *POLITY*, XIX (1987), 667-672.

"Executive Leadership and Administration: Founding versus Progressive Views," *Administration & Society*, XVII (1986), 411-432.

"The Prospects of 'Restoring the Federal Balance'," POLITY, XVII (1984), 66-87.

Opinion/Editorial Essays:

"Rule by Referendum Weakens Political Parties" (with Jerome M. Mileur), *Boston Globe*, CCLIX (January 13, 2001), A15.

"Commerce and the Constitution," released for syndicated publication November 1986 by Public Research, Syndicated of Montclair, California. Reprinted in *The New Federalist Papers*, ed. J. Jackson Barlow, Dennis J. Mahoney and John G. West, Jr. Lanham, MD: University Press of America, 1988. (Pp. 381-384) (I am unable to locate a copy of this text.)

"Can Demography Explain Falling Crime?" (with Steven R. Schlesinger), *Wall Street Journal*, CCIII (June 14, 1984), 30. (I am unable to locate a copy of this text.)

"Punishment to Fit," *Hartford Courant*, CXLIV (February 26, 1981), A-19. (I am unable to locate a copy of this text.)

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00047 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.039

b. Please supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, please give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I am not an attorney and therefore not a member of any bar..

c. Please supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Congressional Testimony

Rep. Alan B. Mollohan Holds A Hearing on the Office Of Justice Programs, Community Oriented Policing Services And The Office On Violence Against Women
House Subcommittee on Commerce, Justice, Science, And Related Agencies
March 11, 2008

Rep. Robert C. Scott Holds A Hearing On H.R. 2908, The Death In Custody Reporting Act Of 2007
House Judiciary Committee, Subcommittee On Crime, Terrorism And Homeland Security
July 24, 2007

The Cost and Impact of Crime
Senate Judiciary Committee
September 19, 2006

d. Please supply four (4) copies, transcripts or tape recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Please include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or tape recording of your remarks, please give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, please furnish a copy of any outline or notes from which you spoke.

Participation in Professional Association Meetings

Presented paper, "Nature, Convention and Deliberation," cosponsored by The Center for the Study of the Constitution and the Conference Group on

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00048 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.040

Law and Jurisprudence at the American Political Science Association annual meeting. Washington, DC - September 4, 1988

Presented paper, "Abraham Lincoln and the Character of Liberal Statesmanship," Southwest Social Science Association annual meeting. Houston, Texas - March 24, 1988. (Published as "Abraham Lincoln and the Character of Liberal Statesmanship," in *Legacy of Disunion: The Enduring Significance of the American Civil War*. Ed. Susan-Mary Grant and Peter J. Parrish. Baton Rouge, LA: Louisiana State University Press, 2003. (Pp. 100-115))

Presented paper, "Commerce and the Constitution: Founding Versus Progressive Views," sponsored by The Center for the Study of the Constitution at the American Political Science Association annual meeting. Chicago, Illinois - September 6, 1987.

Participant in the POLITY Forum panel discussion, "Should the Separation of Powers be Altered?" sponsored by *POLITY*, the journal of the Northeast Political Science Association, at the 1986 annual meeting of the Northeast Political Science Association. Boston, Massachusetts - November 14, 1986.

Presented paper, "James Madison and the Problem of Executive Energy," Southwestern Political Science Association annual meeting. San Antonio, Texas - March 21, 1986. (Published as "James Madison and the Problem of Executive Energy," *POLITY*, XXI (1988), 3-24.)

Presented paper, "Of Centennials and Bicentennials: Reflections on the Foundations of American Public Administration," American Political Science Association annual meeting. New Orleans, Louisiana - September 1, 1985. (Published as "Of Centennials and Bicentennials: Reflections on the Foundations of American Public Administration," *Administration & Society*, XIX (1987), 285-308.)

Presented paper, "Human Nature and Bureaucracy: Founding Versus Progressive Views," sponsored by The Center for the Study of the Constitution at the American Political Science Association annual meeting. Chicago, Illinois - September 2, 1983. (Published as "Bureaucracy and Human Nature: The American Response," (with George T. Sulzner) in *Politics and Human Nature*. Ed. Ian Forbes and Steven Smith. London: Francis Pinter, 1983. (Pp. 145-164))

Presented paper, "The Prospects for 'Restoring the Federal Balance,'" American Political Science Association annual meeting. Denver, Colorado - September 3, 1982. (Published as "The Prospects of 'Restoring the Federal Balance'," *POLITY*, XVII (1984), 66-87.)

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00049 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.041

Presented paper, "Lobbying for the States: Public Sector Politics and the New Federalism," Western Social Science Association annual meeting. Denver, Colorado - April 22, 1982. (Revised and published as "The Prospects of 'Restoring the Federal Balance'," *POLITY*, XVII (1984), 66-87.)

Speeches

Invited remarks at the *Amber Alert in Indian Country Tribal Cluster Conference*. Arlington, Virginia. May 20, 2008.

Invited remarks at the *2008 Concerns of Police Survivors National Conference*. Alexandria, Virginia. May 14, 2008.

Invited speaker on the topic, "International Challenges to Law Enforcement: Policing in the Global Age," at the conference, *Police Without Borders: The Fading Distinction Between Local and Global* sponsored by the International Police Executive Symposium. Cincinnati, Ohio. May 12, 2008.

Invited remarks at the *102nd Annual National Conference* of the Boys & Girls Clubs of America. San Francisco, California. May 8, 2008.

Invited remarks at the Police Executive Research Forum *Annual Meeting*. Miami, Florida. April 25, 2008.

Invited remarks at the Rape, Abuse & Incest National Network *Congressional Briefing*. Washington, D.C. April 17, 2008.

Invited remarks at the national Crime Victims' Rights Week *Award Ceremony*. Washington, D.C. April 11, 2008.

Invited remarks at the National Crime Victims' Rights Week *National Observance and Candlelight Ceremony*. Washington, D.C. April 10, 2008.

Invited speaker on the topic, "A New Crime Wave?" at the National League of Cities' *Congressional City Conference 2008*. Washington, D.C. March 10, 2008

Invited remarks at the *Reentry Roundtable* sponsored by John Jay College. New York, New York. April 1, 2008.

Invited remarks at National League of Cities' *Public Safety and Crime Prevention Policy and Advocacy Committee Meeting*. Washington, D.C.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00050 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.042

March 9, 2008.

Invited remarks at the *Tribal Justice and Safety Training and Technical Assistance Session*, sponsored by the United States Department of Justice Office of Justice Programs. Washington, D.C. March 7, 2008.

Invited speaker on the topic, "The Scope and Extent of Fraud in the United States: measurement, quantification, and reporting," at the *Sixth American Symposium on Victimology* sponsored by the American Symposium of Victimology. Fresno Pacific University; Fresno, California. March 6, 2008.

Invited remarks at the Community Capacity Development Office *Strategy Development Workshop*. Portland, Oregon. March 4, 2008.

Invited remarks at the *18th Annual Leadership Forum* of the Community Anti-Drug Coalitions of America. Washington, D.C. February 13, 2008.

Invited remarks at the *2008 Winter Membership Group Meeting* of SEARCH, The National Consortium for Justice Information and Statistics. San Francisco, California. January 23, 2008.

Invited speaker on the topic, "The Scope and Extent of Fraud in the United States: measurement, quantification, and reporting," at the conference, *The Evolving Challenge of Identity-Related Crime: Addressing Fraud and the Criminal Misuse and Falsification of Identity,"* sponsored by the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program. Courmayeur, Italy. November 20, 2007.

Invited speaker on the topics, "Human Trafficking and the Need for Sound Measures" and "The Structure and Funding of Human Trafficking Efforts" at the Northeast Regional Training on Human Trafficking. Boston, Massachusetts. November 9, 2007.

Invited speaker on the topic, "Violent Crime: From Knowledge to Practice," at the 2007 Annual Meeting of the International Association of Chiefs of Police. New Orleans, Louisiana. October 15, 2007.

Invited speaker on the topic, "Explaining Recent Crime Trends," at the 2007 Justice Research and Statistics Association Annual Meeting. Pittsburgh, Pennsylvania. October 11, 2007

Invited speaker on the topic, "The Project Safe Communities Initiative," at the 2007 annual meeting of the National Conference of State Legislatures. Boston, Massachusetts. August 5, 2007

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00051 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.043

Invited introductory speaker at the *2007 Tribal Crime Data and Information Sharing Training Conference* sponsored by the Department of Interior's Bureau of Indian Affairs, Office of Law Enforcement Services and the Department of Justice's Federal Bureau of Investigation, Executive Office for U.S. Attorneys, Office of Violence against Women, Office of Tribal Justice and Office of Justice Programs. Phoenix, Arizona. August 2, 2007.

Invited speaker on the topic, "Violent Victimization against College Students: 1995-2002," at the 2007 Annual Conference of the International Association of Campus Law Enforcement Administrators. Las Vegas, Nevada. June 28, 2007.

Invited speaker on the topic, "The Attorney General's *Safe Communities Initiative* and the Recent Violent Crime Increase in the United States," at the conference, *Urbanization and Security* sponsored by the International Police Executive Symposium. Dubai, United Arab Emirates. April 11, 2007.

Invited speaker on the topic, "BJS Funding History and Current Budget Requests," at the 2007 first quarter meeting of the Council of Professional Association on Federal Statistics. Washington, D.C. March 9, 2007.

Invited keynote speaker on the topic, "Justice Research and Statistics: Informing Effective Policy in Challenging Times," at the 2006 Bureau of Justice Statistics/Justice Research and Statistics Association Annual Meeting. Denver, Colorado. October 12, 2006

Invited speaker on the topic, "Human Trafficking: State Laws and Data," at the 2006 National Conference on Human Trafficking sponsored by the United States Department of Justice. New Orleans, Louisiana. October 3, 2006

Invited speaker on the topic, "The 2005 National Prosecutors' Survey: Meeting Today's Challenges with Limited Resources," at the 2006 National District Attorneys Association Summer Conference. Sante Fe, New Mexico. July 20 - August 2, 2006.

Invited participant on the "Federal Partners Panel: The Washington Scene," at the 2006 SEARCH Membership Meeting. St. Louis, Missouri. July 19, 2006.

Invited speaker on the topic, "Industrial Development, Immigration and Westward Expansion: Before and After Independence," at the *Conference on the Teaching of American History* sponsored by: The Ministry of

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00052 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.044

Education of Trinidad and Tobago; The History Teachers Association of Trinidad and Tobago; The History Department of the University of the West Indies; and with support from the Public Affairs Section, United States Embassy - Port of Spain. St. Agustine, Trinidad and Tobago - April 21 - 22, 2005.

Invited speaker on the topics, "U.S. Government: Overview," "Thomas Jefferson and His Philosophy," "The U.S. Economy: Overview," and "Abraham Lincoln and the Time of the Civil War" at the conference, *Continuity and Change in American Studies: 5th Annual American Studies Summer School*, sponsored by: Public Affairs Section, United States Embassy - Kiev and The Ukrainian Catholic University. Lviv, Ukraine - May 29 - June 5, 2004.

Invited speaker on the topics, "Perceptions of the U.S. in the 21st Century – Redefining the U.S. after September 11, 2001" and "The Relationship between the U.S. and the E.U." at the conference, *Redefining the United States in the 21st Century*, sponsored by: Public Affairs Section, United States Embassy – Belgium; the Katholieke Hogeschool Mechelen – campus Coloma; and the Commission for Educational Exchange between the United States, Belgium and Luxembourg. Mechelen, Belgium – May 8, 2002.

Invited speaker on the topic, "Ethics and Local Government: Inside Views from Russia (Tver) and Ukraine (Uzhgorod)," *Five College Slavic Seminar*. Northampton, MA - April 26, 2001. (I am unable to locate a copy of my comments.)

Invited speaker (with Lesya Andriivna Loyko) on the topic, "Public Administration Reform and the Rule of Law: The Dilemma of Democratization" at the conference, *Political Reform in Ukraine*. Kiev, Ukraine – November 25, 2001.

Invited speaker on the topic, "The Problems of Development and Management of Integration Processes on the International Market of Higher Education and Science: Some Preliminary Thoughts" at the conference, *The Problems of Development and Management of Integration Processes on the International Market of Higher Education and Science*, sponsored by the Uzhgorod State Institute of Information Sciences, Economics and Law. Snina, Slovakia – October 27, 2001.

Invited speaker on the topic, "Values, Democracy and Presidential Elections in the U.S.A.," sponsored by: Public Affairs Section, United States Embassy – Berlin; PLIB Struveshof/Außenstelle Prenzlau; and Langenscheidt/Longman Publishing House. Oranienburg, Germany – November 10, 2000.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00053 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.045

Invited speaker on the topic, "Capital Punishment: An Overview," at The Law Librarians of New England Fall Conference, *The Death Penalty Debate*. West Springfield, MA - October 20, 2000.

Invited speaker on the topic, "Abraham Lincoln and the Character of Liberal Statesmanship," at the Institute of United States Studies' conference, *The Enduring Significance of the Civil War*. University of London, July 13-14, 1997. (Published as "Abraham Lincoln and the Character of Liberal Statesmanship," in *Legacy of Disunion: The Enduring Significance of the American Civil War*. Ed. Susan-Mary Grant and Peter J. Parrish. Baton Rouge, LA: Louisiana State University Press, 2003. (Pp. 100-115))

Invited speaker on the topic, "Thomas Jefferson's Legacy to the Progressive Era," at the Institute of United States Studies' conference, *Thomas Jefferson's Legacy of Liberty*. University of London, November 22-23, 1993. (Published as "Jeffersonianism in the Progressive Era," in *Reason and Republicanism: Thomas Jefferson's Legacy of Liberty*. Ed. Gary L. McDowell and Sharon L. Noble. Lanham, MD: Rowman and Littlefield publishers, Inc., 1997. (Pp. 189-204))

Invited speaker on the topic, "Independent Regulatory Commissions and the Separation of Powers," at the American Bar Association's *Constitutional Institute for Teachers*. Washington, DC - June 21, 1989. (I am unable to locate a copy of my comments.)

Invited speaker on the topic, "Abraham Lincoln and the Character of the American Presidency," at the summer seminar, *Citizenship, The Constitution, and the Bill of Rights*, sponsored by St. Joseph's University and the Freedoms Foundation at Valley Forge. Valley Forge, Pennsylvania - August 9, 1988. (I am unable to locate a copy of my comments.)

Invited speaker on the topic, "The American Presidency from Lincoln to Wilson," at the summer seminar, *The American Presidency*, sponsored by Pennsylvania State University and the Freedoms Foundation at Valley Forge. Valley Forge, Pennsylvania - July 18, 1988. (I am unable to locate a copy of my comments.)

Invited speaker on the topic, "Abraham Lincoln's Constitutional Critique of Abolitionism," at the bicentennial conference, *Free Soil and the Constitution*, sponsored by Ripon College and the National Endowment for the Humanities. Ripon, Wisconsin - September 18-19, 1987. (I am unable to locate a copy of my comments.)

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00054 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.046

Invited participant in a debate on the Death Penalty, sponsored by the Northampton chapter of Amnesty International. Northampton, Massachusetts - December 6, 1986.

Invited participant in the Institute for American Values' symposium, *Capital Punishment Resurgent: Whose Moral Values Should Inform Democratic Judgment?* Dudley, Massachusetts - February 20, 1986. (I am unable to locate a copy of my comments.)

Invited participant in a debate on the Death Penalty, sponsored by the Williams College student chapter of Amnesty International. Williamstown, Massachusetts - September 30, 1985. (I am unable to locate a copy of my comments.)

Invited speaker on the topic "Commerce and the Federalist" in the Institute for American Values' symposium, The American Founding: Federalist, Anti-Federalist and Revisionist Perspectives. Dudley, Massachusetts - February 11-12, 1982. (Comments revised, extended and represented as "Commerce and the Constitution: Founding Versus Progressive Views," sponsored by The Center for the Study of the Constitution at the American Political Science Association annual meeting. Chicago, Illinois - September 6, 1987.)

e. Please list all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Newspapers and Other News Sources

OAAA Partners With NCMEC for Outdoor Advertising AMBER Alert Initiative
PR Newswire
June 3, 2008 Tuesday
"Today's announcement reflects the dynamic progress we continue to make in improving the AMBER Alert system. This exciting initiative shows that public-private partnerships are central to the protection of our children," said Jeff Sedgwick, the Acting Assistant Attorney General of the Office of Justice Programs and the National AMBER Alert Coordinator.

Ad Council Joins Wireless Foundation, National Center for Missing And Exploited Children And U.S. Department Of Justice To Educate Hispanics About Wireless Amber Alerts
States News Service
May 20, 2008 Tuesday
"This new campaign will help to extend AMBER Alert's reach and relevance to the growing population of Americans who may not speak English as their first

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00055 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.047

language," said Jeffrey L. Sedgwick, Acting Assistant Attorney General for the Office of Justice Programs and the National AMBER Alert Coordinator. "This is yet another example of the tireless work of our partners to maximize the utility of the AMBER Alert program."

For Officers' Survivors, A Long Wait for Benefits
By Bernie Becker
The New York Times
May 17, 2008 Saturday
Jeffrey L. Sedgwick, an acting assistant attorney general, wrote in response to the audit that decisions on claims are "driven by substantive legal considerations" and "are not made in an arbitrary and capricious fashion."

Department Of Justice Announces New Member On Prison Rape Review Panel
US Fed News
May 14, 2008
"I am pleased to announce Walter Ridley's appointment to the Review Panel on Prison Rape," said Jeffrey L. Sedgwick, Acting Assistant Attorney General for the Office of Justice Programs (OJP). "He has over 38 years of experience as a public service professional and is accomplished in the field of criminal justice. His experience will be an asset to the panel."

Department Of Justice Announces New Medal Of Valor Review Board Member
US Fed News
May 7, 2008
"Chief Whipple has devoted his entire career to the service and protection of Vermont citizens," said Jeffrey L. Sedgwick, Acting Assistant Attorney General for the Office of Justice Programs (OJP). "He is a committed professional who has served not only as a law enforcement officer, but also as an emergency responder. His valued experience will benefit the Board and we are pleased with his appointment."

Misguided and Phony Amber Alerts Put Children at Risk
US States News
April 18, 2008
"As of today, we have 393 reasons to be proud of how successful and effective the AMBER Alert System has been in assisting our communities in responding to missing and abducted children," says National AMBER Alert Coordinator Jeffrey L. Sedgwick. "Maintaining a solid reputation by guarding against the spread of misinformation is vital to our continued success."

Audit Says Oversight Lax At Some Forensic Labs
Richmond Times Dispatch
January 19, 2008
Acting Assistant Attorney General Jeffrey L. Sedgwick generally agreed with most of the recommendations to fix the gaps Fine's office identified. But in terms

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00056 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.048

of forcing labs to report charges of wrongdoing to independent investigators, the law "imposes no requirement for referrals," he said.
Sedgwick said Congress may need to rewrite the law.

New Scientific Progress Makes Identifying Remains Easier; 'There Have Been More Advances (In) 10 Years than in the Previous 100'
USA Today
June 25, 2007 Monday
In a new survey, the federal Bureau of Justice Statistics says U.S. coroners, medical examiners and morgues hold more than 14,000 sets of unidentified remains. Jeffrey Sedgwick, the agency's director, estimates the number could be much higher and grows by about 1,000 annually.

U.S. Authorities Have About 14,000 Sets of Human Remains Lacking Identification; John Doe Backlog Grows By Nearly 1,000 A Year
USA Today
June 25, 2007 Monday
Agency director Jeffrey Sedgwick said in an interview that a large number of the unidentified probably are murder victims. He said advances in DNA technology could make it possible for grieving families "to have some closure" and for "those responsible (to) meet justice."
"The missing link has been a good inventory of remains," Sedgwick said. The John Doe census is the first such survey undertaken by the federal government. The true number of remains probably is far higher than the 14,000 the agency located, Sedgwick said. In Louisiana alone, there are incomplete or missing records from every coroner or medical examiner, he said. Louisiana's coroners and medical examiners have been challenged since Hurricane Katrina in 2005.

US Dept of Justice: Justice Awards $11 Million to Enhance State Criminal Justice Records
M2 Presswire
September 28, 2006
"The states and territories have made tremendous progress in employing technology in this area, but data quality and completeness issues need continuing attention," said BJS Director Jeffrey Sedgwick. "Criminal history records frequently reflect information gaps because outcomes of criminal cases go unreported to state and national files, or can-not be linked to arrest fingerprint records. This grant program allows the jurisdictions to focus efforts on these problems," he said.

Violent Crime In Baltimore Dips, Defying National Trend; 2004-05 FBI Figures Show Biggest Increase Across Nation Since 1991
The Baltimore Sun
June 13, 2006
Jeffrey Sedgwick, director of the U.S. Justice Department's Bureau of Justice Statistics, cautioned that it is not yet clear whether the FBI numbers reflect a real

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00057 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.049

increase, or the ordinary year-to-year variations that statisticians call "static noise."
Sedgwick said it is possible that crime rates in the U.S. are approaching a floor below which it might be difficult or even impossible to go. "I'm not sure it's reasonable to expect you can always drive the crime rate down," he said.

U.S. Violent Crime Rises at Pace Unseen in 10 Years
All Things Considered 8:00 PM EST
June 12, 2006 Monday
Mr. Jeffrey Sedgwick (Bureau of Justice Statistics): There's a tendency to in some sense over-interpret these numbers or overreact to them.

Violent Crime Takes First Big Jump Since '91
CNN.com
June 12, 2006 Monday 10:24 PM EST
The director of the Justice Department Bureau of Justice Statistics, Jeff Sedgwick, said, "It's certainly a matter of concern. But the question is this -- 'Is this a real increase or is it ... statistical noise, which you see with year-to-year changes?' "

U. Massachusetts Professor Nominated as Justice Department Official
Massachusetts Daily Collegian
February 23, 2006
"I'm delighted by the opportunity to come back to the agency," Sedgwick said. "You really get an unparalleled vantage point. You get to see the intersection of policymaking and policy implementation. It's a fascinating interaction."
"There are still some staff there from '84. I had a good relationship with the career staff, and I'm looking forward to getting back to that."

Press Releases/Press Conferences

OAAA Partners with NCMEC for Outdoor Advertising AMBER Alert Initiative.
Outdoor Advertising Association of America
June 3, 2008

Ad Council Joins The Wireless Foundation, National Center for Missing & Exploited Children and U.S. Department of Justice to Educate Hispanics about Wireless AMBER Alerts.
The Ad Council
May 20, 2008

Department of Justice Announces New Member of Prison Rape Review Panel.
Department of Justice
Office of Justice Programs
May 14, 2008

Department of Justice Announces New Medal of Valor Review Board Member.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00058 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.050

Department of Justice
Office of Justice Programs
May 7, 2008

Department of Justice Announces $11.8 Million to Help States and Tribal Governments Comply With Adam Walsh Act.
Department of Justice
Office of Justice Programs
April 28, 2008

Press Conference on Indian Affairs Roll-Out.
National Press Club
Washington, D.C.
January 31, 2008

Justice Awards $11 Million to Enhance State Criminal Justice Records.
Department of Justice
Office of Justice Programs
September 27, 2006

Senior Justice Department Officials Hold a News Teleconference on the FBI's Preliminary Uniform Crime Report
CQ Transcriptions
June 12, 2006
Speakers include Richard A. Hertling, Deputy Assistant Attorney General, Office Of Legal Policy; Regina Schofield, Assistant Attorney General, Office Of Justice Programs; Dr. Jeffrey Sedgwick, Director, Bureau Of Justice Statistics; Brian Roehrkasse, Office Of Public Affairs. Transcript available.

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

a. List chronologically any public offices you have held, 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 unsuccessful nominations for appointed office.

Member, Benjamin Franklin Tercentenary Commission. Appointed by President Bush, November 7, 2003
Member, Amherst Town Finance Committee (appointed by Town Meeting Moderator) 1/1995 – 12/1995

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, please identify the

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00059 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.051

particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never been a member of or held office in a political party. In addition, I have never held a position in or played a role in a political campaign; my status as a public employee of the Commonwealth of Massachusetts forbids such activity.

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

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

i. 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;

I am not an attorney.

ii. whether you practiced alone, and if so, the addresses and dates;

I am not an attorney.

iii. 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.

United States Department of Justice, Office of Justice Programs	(Acting Assistant Attorney General) 1/2008 - present
United States Department of Justice, Bureau of Justice Statistics	(Director) 4/2006 - present
Association for the Study of Free Institutions and Free Societies	(Member) 2004 – 4/2006 (President) 2004 – 4/2006 (Director) 2004 – 4/2006
Member, Benjamin Franklin Tercentenary Commission. Appointed by	President Bush, 11/2003 – 5/2007
Great Trails Council #243, Boy Scouts of America	(Member) 1985 – 4/2006 (President) 1999 – 2003 (Director) 1996 – present
Amherst Town Finance Committee	(Member appointed by Town Meeting Moderator) 1/1995 – 12/1995
Smith College	(Visiting Associate Professor of Government) spring 1994,

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00060 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.052

	spring 1988 and fall 1985
University of Massachusetts, Amherst	(Associate Professor) 1/1985 – present (on leave without pay, January 2005 – December 2008); (Assistant Professor) 9/1978 – 12/1983
Institute for Training and Development	(Consultant/Project Director) 1/1996 – 1/2004
United States Department of Justice, Bureau of Justice Statistics	(Deputy Director) 1/1984 – 12/1984
University of Virginia	(Visiting Assistant Professor) 9/1977 – 8/1978 (Instructor) 9/1975 – 12/1975 (Teaching Assistant) 9/1974 – 5/1975 (Research Assistant) 9/1973 – 5/1974
Sears Roebuck and Company	(Clerical) 1/1976 – 8/1977
Home Improvement Contractor 8/1973	(Fence Installer) 6/1973 –

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

I am not an attorney.

ii. your typical clients and the areas, if any, in which you have specialized.

I am not an attorney.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I am not an attorney and therefore not a member of any bar.

i. Indicate the percentage of your practice in:

1. federal courts;

I am not an attorney.

2. state courts of record;

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00061 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.053

I am not an attorney.

3. other courts.

I am not an attorney.

ii. Indicate the percentage of your practice in:

1. civil proceedings;

I am not an attorney.

2. criminal proceedings.

I am not an attorney.

d. 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.

I am not an attorney and therefore not a member of any bar.

i. What percentage of these trials were:

1. jury;

I am not an attorney.

2. non-jury.

I am not an attorney.

e. Describe your practice, if any, before the Supreme Court of the United States. Please supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I am not an attorney.

16. **Litigation**: Describe the ten (10) 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;

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00062 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.054

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.

(in lieu of the above, I submit the following professional reputation list.)
Dr. Patrick F. Deneen, Markos & Eleni Tsakopoulos-Kounalakis Associate Professor of Government, Georgetown University (202) 687-5708
Dr. Michael T. Hannahan, Director, University of Massachusetts Civic Initiative (413) 545-4845
Professor Gary L. McDowell, Tyler Hanes Interdisciplinary Professor of Leadership Studies, University of Richmond (804) 287-6085
Professor Emeritus Jerome M. Mileur, Department of Political Science, University of Massachusetts, Amherst (413) 584-3416
Dr. James F. Pontuso, Elliott Professor of Political Science, Hampden-Sydney College, (434) 223-6246
Dean Janet Rifkin, College of Social and Behavioral Sciences, University of Massachusetts, Amherst (413) 545-4173
Howard Silver, Executive Director, Consortium of Social Science Associations, (202) 842-3525 x203
Edward J. Spar, Executive Director, Council of Professional Associations on Federal Statistics, (703) 836-0404
Katherine K. Wallman, Chief Statistician, Statistical Policy Office, Office of Management and Budget, (202) 395-3093
Joan C. Weiss, Executive Director, Justice Research and Statistics Association, (202) 842-9330

17. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. Please list any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

With the exception of the year that I spent as Deputy Director of the Bureau of Justice Statistics (1984), the two years that I have spent as Director of the Bureau of Justice Statistics (2006 – present), and at the Office of Justice Programs as Acting Assistant Attorney General (since January 2008), my entire professional career has been spent in academia as an Assistant or Associate Professor of Political Science specializing in American politics, public policy and public affairs, doing research and teaching undergraduates, Masters in Public Administration students and Doctoral candidates in political science.

In graduate school, sixty percent of my scholarly preparation was in government

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00063 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.055

(political theory, public administration/public policy, and American national institutions) while forty percent was in economics (public finance and history of economic thought). My dissertation research was on law enforcement planning, focusing on the application of various social science methodologies (especially sociological and economic) to the study of crime in the United States. This provided the basis for my book, as well as other publications, and led to my employment at the University of Massachusetts, Amherst, where I have taught the Political Economy of Public Policy, Policy Analysis, Policy Evaluation, and Criminal Justice Policy.

Building on this foundation, my research and teaching interests have broadened to include democratization, democratic leadership, and the American Presidency. This has led to a significant amount of State Department-funded work in recent years in public diplomacy abroad. While pursuing these interests, I have maintained a strong interest in the use of social science research both to maintain transparency and to inform citizens and policymakers so as to improve public policies and the capacity for democratic self-government. For example, during my five-year, State Department-funded project with the Uzhgorod State Institute of Information Sciences, Economics and Law (now the Transcarpathian State University), I directed a project meant to strengthen the preparation of future public servants in Ukraine, especially those interested in careers in law enforcement, in the areas of public service ethics, policy analysis, policy evaluation, and democratic leadership.

Given my academic preparation and background, my long interest in the use of social science research better to inform decision making, and my experience as Deputy Director for Data Analysis and now Director of the Bureau of Justice Statistics, I believe I am well-qualified for the position of Assistant Attorney General for the Office of Justice Programs.

18. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, please provide four (4) copies to the committee.

Over the course of my twenty-eight and one-half career in academia, I have taught a great variety of courses. My principal offerings are listed below. Syllabi for each are available online at http://people.umass.edu/sedgwick/Courses.htm

Political Science 101 - American Politics
- A lower division, undergraduate course with no prerequisites; this course carries an SB General Education designation.

Political Science 203 - American Political Thought
- A lower division, undergraduate course with no prerequisites; this course carries an HS General Education designation.

Political Science 302 - The American Presidency

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00064 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.056

- An upper division, undergraduate course suitable for political science majors, minors and all students with some prior work in political science or American History.

Political Science 386 - Criminal Justice Policy
- An upper division, undergraduate course suitable for political science majors, minors and all students with some prior work in public policy or criminal justice.

Political Science 394H - Globalization: The Challenges of Freedom and Progress
- An upper division, undergraduate honors seminar suitable for political science majors, minors and all students with some prior work in political science and economics.

Political Science 397H - Freedom and the Rule of Law
- An upper division, undergraduate honors seminar suitable for political science majors, minors and all students with some prior work in political science, economics and law.

Political Science 702 - The American Presidency
- A graduate research seminar focusing on the institutional character, history and development of the Executive Branch.

Political Science 705 - The American Founding
- A graduate proseminar focusing on the development of American political thought from the Puritan settlement of New England to the crisis of the Civil War.

Political Science 706 - Making Modern America
- A graduate proseminar focusing on the development of the modern American state, beginning with Reconstruction and continuing until the present.

19. **Deferred Income/ Future Benefits**: List the 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.

As a twenty-eight year employee of the Commonwealth of Massachusetts, I am fully vested in the State's public employee defined benefit retirement system. The exact amount of my retirement benefit is calculated based on my age at the time of retirement, my number of years of service to the Commonwealth, and the average of my three highest consecutive years' salary at the time of retirement. I also currently participate in the Federal Employees' Thrift Savings Plan, a deferred income plan.

20. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00065 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.057

I have no such plans, commitments or agreements.

21. **Sources of Income**: 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.)

    See attached SF278.

22. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

    See attached Net Worth Statement

23. **Potential Conflicts of Interest**:

    a. Identify any affiliations, pending litigation, financial arrangements, or other factors that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

       I know of no factors that are likely to present potential conflicts-of-interest during my initial service in the position to which I have been nominated. I will seek and follow the advice of the Department of Justice Ethics Counsel in the event of a potential conflict of interest.

    b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

       I will seek and follow the advice of the Department of Justice Ethics Counsel in the event of a potential conflict of interest.

24. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

    I have devoted substantial time to civic activities and volunteer work in my community in Western Massachusetts. My most extensive commitments have been to Immanuel Lutheran Church (where I was a member from 1979 until 1997 and served three year terms as both President and Financial Secretary of the Congregation) and to the Boy Scouts of America (where I have been an adult member since 1985 and served as Den

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00066 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.058

Father, Assistant Cubmaster, Assistant Scoutmaster, Scoutmaster, District Program Chair, Council Commissioner, Council President, member of the Council Executive Board and Area Vice President). I have also served as a member of my town's Finance Board (by appointment of the Town Meeting Moderator).

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00067 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.059

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	1112.68			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	413276.92		
Real estate owned-add schedule	535000.00			Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property	11100.00			AAA Platinum Visa	2919.59		
Cash value-life insurance	3422.03			Bank of America Visa	12713.11		
Other assets itemize:							
Individual Retirement Accounts	46654.45						
Tax Sheltered Annuities	140281.60						
				Total liabilities	428909.62		
				Net Worth	308661.14		
Total Assets	737570.76			Total liabilities and net worth	737570.76		
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor	No			Are any assets pledged? (Add schedule)	Residence		
On leases or contracts	No			Are you defendant in any suits	No		

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00068 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.060

				or legal actions?			
Legal Claims	No			Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax	No						
Other special debt	No						

Real Estate Schedule (Residence):

Wells Fargo Home Mortgage
P.O. Box 10335
Des Moines, IA 50306

Asset Schedule:

Individual Retirement Account:

FBO Jeffrey L. Sedgwick IRA
MML Investors Services, Inc.
1414 Main Street
Springfield, Massachusetts 01144-1013

Tax Sheltered Annuities:

Axa Accumulator Elite
Axa Equitable
P.O. Box 1547
Secaucus, NJ 07096-1547

Thrift Savings Plan
P.O. Box 385021
Birmingham, AL 35238

MassMutual Artistry Annuity
MassMutual Financial Group
Annuity Service Center Hub
P.O. Box 9067
Springfield, MA 01102-9067

MassMutual Odyssey Annuity
MassMutual Financial Group
Annuity Service Center Hub
P.O. Box 9067
Springfield, MA 01102-9067

MassMutual Transitions Annuity
MassMutual Financial Group
Annuity Service Center Hub
P.O. Box 9067
Springfield, MA 01102-9067

NML Tax-Deferred Annuity
Northwestern Mutual Investment Services
P.O. Box 2099
Milwaukee, Wisconsin 53201-2099

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00069 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.061

U.S. Department of Justice

Justice Management Division

Departmental Ethics Office

Washington, D.C. 20530

APR 18 2008

Robert I. Cusick
Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

Dear Mr. Cusick:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of Jeffrey L. Sedgwick, who has been nominated by the President to serve as the Assistant Attorney General, Office of Justice Programs. We have conducted a thorough review of the enclosed report.

The conflict of interest statute, 18 U.S.C. § 208, requires that Mr. Sedgewick recuse himself from participating personally and substantially in a particular matter in which he, his spouse, or anyone whose interests are imputed to him under the statute has a financial interest. Mr. Sedgwick has been counseled and has agreed to obtain advice about disqualification or to seek a waiver before participating in any particular matter that would affect his financial interests or those interests that are imputed to him. Mr. Sedgwick is a tenured professor at the University of Massachusetts, which is part of the Commonwealth of Massachusetts's University System. During his appointment to the Department of Justice, Mr. Sedgwick will be on leave without pay or benefits from the University of Massachusetts. He will not participate personally and substantially in any particular matter that would have a direct and predictable effect on the financial interests of the University of Massachusetts unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for either the exemption at 5 C.F.R. § 2640.203(b) or another regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). In addition, Mr. Sedgwick has agreed that he will not teach or receive compensation as a professor with the University of Massachusetts while serving as Assistant Attorney General, Office of Justice Programs.

Mr. Sedgwick will continue to participate in the defined benefit retirement plan from the Commonwealth of Massachusetts. He will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of the Commonwealth of Massachusetts to provide this contractual benefit to him, unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2), such as 5 C.F.R. § 2540.201(c)(2).

We have advised Mr. Sedgwick that because of the standard of conduct on impartiality at 5 C.F.R. § 2635.502, he should seek advice before participating in a particular matter involving specific parties which he knows is likely to have a direct and predictable effect on the financial interests of a member of his household, or in which he knows that a person with whom he has a covered relationship is or represents a party.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,

Lee J. Lofthus
Assistant Attorney General
for Administration and
Designated Agency Ethics Official

Enclosure

45140.063

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	Reporting Status (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☒	Termination Filer ☐ Termination Date *(If Applicable) (Month, Day, Year)*
Reporting Individual's Name	Last Name: Sedgwick			First Name and Middle Initial: Jeffrey L.	
Position for Which Filing	Title of Position: Assistant Attorney General Office of Justice Programs			Department or Agency *(If Applicable)*: United States Department of Justice	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: 810 7th Street, NW Room 2413 Washington, DC 20531			Telephone No. *(Include Area Code)*: (202) 307-3813	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: Director; Bureau of Justice Statistics, U.S. Dept of Justice (4/2006 - present) Member; Benjamin Franklin Tercentenary Commission (11/2003 - 5/2007)				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Judiciary			Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: Jeffrey L. Sedgwick			Date *(Month, Day, Year)*: 17 April 2008	
Other Review (If desired by agency)	Signature of Other Reviewer: Dan M. Rodon			Date *(Month, Day, Year)*: 4/17/08	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/Reviewing Official: Jeff Koftinoff			Date *(Month, Day, Year)*: 4/18/08	
Office of Government Ethics Use Only	Signature			Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods
Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00072 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.064

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Jeffrey L. Sedgwick

SCHEDULE A

Page Number: 2

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				x												x						x										
	Doe Jones & Smith, Hometown, State			x																												Law Partnership Income $130,000	
	Kempstone Equity Fund					x								x										x									
	IRA: Heartland 500 Index Fund							x						x											x								
1	EQ/Alliance Small Cap Growth (Axa Equitable Accumulator Elite IRA)		X											X								X											
2	EQ/Capital Guardian Research (Axa Equitable Accumulator Elite IRA)		X											X							X												
3	EQ/FI Mid Cap (Axa Equitable Accumulator Elite IRA)		X											X							X												
4	EQ/Marsico Focus (Axa Equitable Elite IRA)		X											X								X											
5	American AmCap Class B (National Financial Services IRA)			X										X								X											
6	Columbia Large Cap Value Fund (National Financial Services IRA)		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Jeffrey L. Sedgwick

SCHEDULE A continued
(Use only if needed)

Page Number: 3

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Columbia Mid Cap Value Fund (National Financial Services IRA)		X											X								X											
2	Gabelli Value Fund (National Financial Services IRA)		X											X							X												
3	John Hancock Global Opportunities (National Financial Services IRA)		X											X							X												
4	John Hancock Greater China Opportunities (Natl Fin Serv IRA)		X											X							X												
5	American Century VP Income&Growth (MassMutual Artistry Annuity)		X											X							X												
6	MML Oppenheimer Small Cap Equity (MassMutual Artistry Annuity		X											X							X												
7	Oppenheimer Global Securities (MassMutual Artistry Annuity)		X											X								X											
8	Oppenheimer International Growth (MassMutual Artistry Annuity)		X											X								X											
9	T.Rowe Price Mid-Cap Growth (MassMutual Artistry Annuity)		X														X						X										

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Jeffrey L. Sedgwick

SCHEDULE A continued
(Use only if needed)

Page Number: 4

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Cash (MassMutual Odyssey Annuity)			X										X									X										
2	AIM V.I.Global Health Care Fund (MassMutual Transitions Annuity)		X											X								X											
3	AIM V.I.Technology Fund (MassMutual Transitions Annuity)		X											X							X												
4	MML Emerging Growth Fund (MassMutual Transitions Annuity)		X											X								X											
5	Russell Real Estate Securities (NML Tax-Deferred Annuity)			X										X							X												
6	Commonwealth of Massachusetts State Employees' Retirement																															Value unascer	See Sch C, Pt II
7	Appalachian Spring; Richmond, VA																															Spouse Income	
8	retail store Diversities; Alexandria, VA																															Spouse Income	
9	Defined Benefit Plan Hampshire County Retirement System																															Received $1000/month Spouse Retirem	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name: Jeffrey L. Sedgwick

SCHEDULE B

Page Number: of 5

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None ☐

	Identification of Assets	Transaction Type (x): Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (x): $1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of divestiture
Example	Central Airlines Common	x			2/1/99			x									
1																	
2																	
3																	
4																	
5																	

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source *(Name and Address)*	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1			
2			
3			
4			
5			

Prior Editions Cannot Be Used.

OGE/Adobe Acrobat version 1.0.1 (3/29/01)

Senator FEINGOLD. Thank you for coming.

At this point, I would like to ask unanimous consent that the statement of the Chairman of the Committee, Senator Leahy, be introduced in the record, and also the statement of Senator John Warner on the nomination of Jeffrey Sedgwick, be placed in the record at this time, without objection.

[No response.]

[The prepared statements of Chairman Leahy and Senator Warner appear as a submission for the record.]

Senator FEINGOLD. Our final nominee is William B. Carr, who has been named to the U.S. Sentencing Commission. Mr. Carr worked as a Federal prosecutor in the Eastern District of Virginia for over 20 years.

Mr. CARR. Pennsylvania, sir.

Senator FEINGOLD. I was going to say, he said you were Pennsylvania. I guess the first two had Virginia connections. I apologize for the error. He is a graduate of Swarthmore College and Cornell University Law School, and has taught at both Temple and Wagner Law Schools.

Mr. Carr is now a consultant to the Career Services Office of Drexel University College of Law in Philadelphia.

Mr. Carr, let me turn it over to you to introduce your family members, friends, and others, one family member who I understand is very familiar, as has already been alluded to here, on the Judiciary Committee.

STATEMENT OF WILLIAM B. CARR, JR., NOMINEE TO BE MEMBER OF THE U.S. SENTENCING COMMISSION

Mr. CARR. Thank you, Senator. And she just moved from a chair behind you, to a chair behind me, to following Senator Specter out that door.

[Laughter.]

We have a daughter who recently graduated from college and is in her second month of being gainfully employed in Manhattan, so I didn't ask her to come down. But a close friend of mine from the U.S. Attorney's Office for more than 24 years, Bucky Mansuy, who is seated behind me, has come down today.

Senator FEINGOLD. Welcome, sir.

Mr. CARR. And I would like to thank Senator Specter for his support, the President for the nomination, and the Committee for affording me this hearing.

[The biographical information of William B. Carr Jr., follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: Full name (include any former names used).

   William Bernard Carr, Jr.

2. **Position**: State the position for which you have been nominated.

   Commissioner, United States Sentencing Commission

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

   No business or office address. Residence: Rose Valley, Pennsylvania.

4. **Birthplace**: State date and place of birth.

   1952, Philadelphia, Pennsylvania

5. **Marital Status**: (include name of spouse, and names of spouse pre-marriage, if different). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.

   Spouse: Stephanie A. Middleton. Chief of Staff and Counsel, Senator Arlen Specter's Judiciary Committee Staff, United States Senate, 152 Dirksen Senate Building, Washington, D.C. 20510.

6. **Education**: List in reverse chronological order, listing most recent first, each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

   Cornell University Law School, August, 1973 to June 1977, J.D. degree received June, 1977.

   Swarthmore College, August, 1969 to June, 1973, B.A. degree received June, 1973.

7. **Employment Record**: List in reverse chronological order, listing most recent first, all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with

45140.089

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.

April, 1980 to present:
Overseer (board member)
William Penn Charter School
3000 W. School House Lane
Philadelphia, PA 19144
Clerk (board chair), July, 2003 to present

Since August, 2007:
Drexel University College of Law
3320 Market St.
Philadelphia, PA 19104
Consultant to Career Services Office

August, 2005 to December, 2007:
Widener University School of Law
4601 Concord Pike
Wilmington, DE 19803
Adjunct Professor, Fall Semester Sentencing Course

October, 2004 to February, 2005:
abat-Anderson, Inc.
8000 Westpark Dr., Suite 400
McLean, VA 22102
Investigator

January, 1981 to October, 2004:
U.S. Attorney's Office Eastern District of Pennsylvania
615 Chestnut St. – 12th Floor
Philadelphia, PA 19106
Assistant U.S. Attorney, Criminal Division
Dep't of Justice Contact Person for Sentencing Guidelines Training from their inception in 1987
District Election Law Officer, 1986 to 2002
Criminal Division Professional Responsibility Officer, 1994 to October, 2004

1981 to 2005:
Friends Hospital
4641 Roosevelt Blvd.
Philadelphia, PA 19124
Corporation member

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00079 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.070

Mid-1980's:
Temple University School of Law
1719 N. Broad St.
Philadelphia, PA 19122
Adjunct Instructor

September, 1977 to December 1980:
Morgan, Lewis & Bockius
123 S. Broad St.
Philadelphia, PA 19109
Associate, Litigation Section

January, 1977 to May, 1977:
Cornell University
Ithaca, NY 14853
Teaching Assistant

October, 1975 to July 1976:
Warner & Stackpole
28 State St.
Boston, MA 02109
Law Clerk

June, 1975 to September, 1975:
District Attorney's Office
Northampton, MA 01060
Summer Intern

June, 1974 to August, 1974:
General Electric Co.
Aircraft Engine Group Contract Administration
Lynn, MA 01910
Summer Clerk

8. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received.

   None.

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.

   1997 – Executive Office of United States Attorneys Director's Award
   (Awarded for a series of police corruption prosecutions)

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00080 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.071

1973 – Swarthmore College, John Lockwood Fellowship for post-graduate (law school) studies

1971-1973 Swarthmore College, Scott Foundation Award, scholarship for junior and senior year studies

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.

Member, Philadelphia Bar Association
Former member, American Bar Association, and
ABA Litigation Section Committee on Trial Evidence

11. **Bar and Court Admission**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Admitted to the Bar of the Supreme Court of Pennsylvania October 11, 1977, to the present; no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Admitted to practice before all Pennsylvania State Courts, October 11, 1977 to the present. Admitted to practice before the U.S. District Court for the Eastern District of Pennsylvania, October 20, 1977 to the present. Admitted to practice before the U.S. Court of Appeals for the Third Circuit September 7, 1978 to the present. No lapses in any memberships.

12. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 10 or 11 to which you belong, or to which you have belonged, or in which you have significantly participated, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Philadelphia Racquet Club, Philadelphia, PA; November,1977 to April, 1994.

Concord Country Club, Concordville, PA; February, 1996 to February, 1997.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00081 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.072

Merion Golf Club, Ardmore, PA; April, 1996 to present.

William Penn Charter School, Philadelphia, PA
Overseer (board member) May, 1980 to present;
Clerk (board chair), July, 2003 to present

Friends Hospital, Philadelphia, PA
Corporation member, 1981- 2005

b. Please indicate whether any of these organizations listed in response to 12(a) above currently discriminate or formerly discriminated 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.

When I joined the Racquet Club in November of 1977, the membership was restricted to men. On October 6, 1980, I wrote a letter to the club president urging that the policy be changed to include women; it was changed not long thereafter. Based on my knowledge and observations these organizations did not otherwise discriminate on the basis of race, sex or religion.

13. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Please supply four (4) copies of all published material to the Committee.

Attorney-Client Privilege & Work-Product Doctrine, a monograph published by the Trial Evidence Committee of the American Bar Association in 1980, co-authored with Edna Selan Epstein, C. Timothy Corcoran, III, Richard C. Spencer, and Frederic H. Krieger. I believe that Ms. Epstein has continued with subsequent editions through the 5th in 2007, but I have not assisted her. I do not have any copies of the 1980 monograph.

b. Please supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, please give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Please supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00082 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.073

interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

d. Please supply four (4) copies, transcripts or tape recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Please include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or tape recording of your remarks, please give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, please furnish a copy of any outline or notes from which you spoke.

Over the years, although not in recent years, I have appeared on a number of panels concerning the scope and application of the federal sentencing guidelines, primarily resulting from my designation as the sentencing guidelines contact person for the U.S. Attorney's Office for the Eastern District of Pennsylvania beginning in 1987. These were generally matters of introduction and education in nature, not involving debates or policy disputes. They included: an introduction for the local bar sponsored by the District Court as the guidelines were about to go into effect; an ALI-ABA seminar in Atlanta, GA; speaking by invitation to a retreat for District Court Judges, and a Villanova Law School symposium. I do not recall any press coverage or reports, nor did I retain copies or notes used for the panel discussions.

e. Please list all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

My only press interviews were in connection with cases I was prosecuting during my 24 years at the U.S. Attorney's Office, and strictly limited to the narrow range of facts the Justice Department and bar ethical rules permit, which are quite circumscribed. I have no list of dates, nor do I have copies of clips or transcripts.

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

a. List chronologically any public offices you have held, 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 unsuccessful nominations for appointed office.

None.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00083 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.074

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

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

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

i. 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;

I did not serve as clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not been a sole practitioner.

iii. 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.

Since August, 2007:
Drexel University College of Law
3320 Market St.
Philadelphia, PA 19104
Consultant to Career Services Office

August, 2005 to December, 2007:
Widener University School of Law
4601 Concord Pike
Wilmington, DE 19803
Adjunct Professor, Fall Semester Sentencing Course

October, 2004 to February, 2005:
Labat-Anderson, Inc.
8000 Westpark Dr.
Suite 400
McLean, VA 22102
Investigator

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00084 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.075

January, 1981 to October, 2004 :
U.S. Attorney's Office, Eastern District of Pennsylvania
615 Chestnut St. – 12th Floor
Philadelphia, PA 19106
Assistant U.S. Attorney, Criminal Division
Dep't of Justice Contact Person for Sentencing
Guidelines Training from their inception in 1987
District Election Law Officer, 1986 to 2002
Criminal Division Professional Responsibility Officer
1994 to retirement in October, 2004

Mid-1980's:
Temple University School of Law
1719 N. Broad St.
Philadelphia, PA 19122
Adjunct Instructor for federal criminal prosecution clinical program, taught in conjunction with Federal Defender's Office

September, 1977 to December 1980: Morgan, Lewis & Bockius
123 S. Broad St.
Philadelphia, PA 19109
Associate, Litigation Section

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

From September of !977 through December of 1980 I worked as an associate in the litigation section of the Philadelphia office of Morgan, Lewis & Bockius. I worked exclusively in civil litigation, both plaintiff and defense, in both state and federal courts. I worked on small matters on which I was sole counsel, as well as larger matters on which I worked with one partner, and yet others (principally one large antitrust case) on which I was one of many partners, associates and paralegals involved. In January of 1981 I joined the Criminal Division of the United States Attorney's Office, after which I worked exclusively as a federal prosecutor. Since retiring from the U.S. Attorney's Office I have not practiced law.

ii. your typical clients and the areas, if any, in which you have specialized.

I had no clients of my own while in private practice at Morgan, Lewis & Bockius. While I occasionally represented the firm's individual clients, most of my work was on behalf of the firm's corporate clients. To the extent that I specialized, the areas included antitrust and securities matters. During my career at the United States Attorney's Office my client was

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00085 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.076

always the United States Government. I spent the bulk of my career in the Corruption Unit, although in the Criminal Division of the Philadelphia U.S. Attorney's Office, Assistant U.S. Attorneys all worked on a variety of criminal matters. My unique area of specialization became the Sentencing Guidelines, as I was designated to be the Justice Department contact person for purposes of internal training and consulting with other Assistant U.S. Attorneys, and often the Probation Office, from the time Guidelines went into effect in 1987. My other assigned areas of expertise were election law violations and professional responsibility.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My entire career was spent in litigation. I appeared in court only occasionally while at Morgan, Lewis & Bockius (September, 1977 through December, 1980). I appeared in court frequently during my career at the U.S. Attorney's Office (January, 1981 to October, 2004).

i. Indicate the percentage of your practice in:
   1. federal courts;
   2. state courts of record;
   3. other courts.

   At Morgan, Lewis & Bockius my practice was approximately 50% in federal courts and 50% in state courts. At the U.S. Attorney's Office my practice was 100% in federal court.

ii. Indicate the percentage of your practice in:
   1. civil proceedings;
   2. criminal proceedings.

   At Morgan, Lewis & Bockius my practice was 100% in civil proceedings. At the U.S. Attorney's Office my practice was 100% in criminal proceedings.

d. 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.

Not counting numerous summary offenses, infractions or misdemeanors I tried to verdict in U.S. Magistrate Court, I have tried to verdict in U.S. District Court at least 14 jury trials in which I was sole counsel, at least eight jury trials which I tried with another Assistant U.S. Attorney, and at least six non-jury trials in which I was sole counsel.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00086 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.077

i. What percentage of these trials were:
   1. jury;
   2. non-jury.

Approximately 80% of my District Court trials were jury trials; approximately 20% were non-jury (not including the matters in U.S. Magistrate Court).

e. Describe your practice, if any, before the Supreme Court of the United States. Please supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

16. **Litigation**: Describe the ten (10) 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.

When I retired from the U.S. Attorney's Office on October 1, 2004, I did not retain copies of, nor do I have access to, files of the cases I prosecuted. In each case I represented the United States as prosecuting Assistant U.S. Attorney. Each District Court Judge identified was an Eastern District of Pennsylvania Judge.

1. *United States v. Gwindell Gaines*, Cr. No. 03-118. I was the sole prosecutor. Charges were filed on February 20, 2003, following a lengthy investigation with the U.S. Department of Agriculture. I assumed responsibility for the ongoing investigation pre-indictment; the matter was closed in April, 2004. Elaborate $2 million food stamp fraud scheme, involving two sham food stores. Gaines ultimately pleaded guilty and received a prison sentence and forfeiture. (Four others were convicted in connection with this investigation as well.) District Court Judge William Yohn. Gaines's attorney: George Henry Newman, 834 Chestnut St., Suite 206, Philadelphia, PA 19107. (215) 592-9400.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00087 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.078

2. *United States v. Elan Wingate*, Criminal No. 87-375. I was co-counsel on this case with Ronald Sarachan, now with Ballard, Spahr, Andrews & Ingersoll, 1735 Market St., Philadelphia, PA 19103. (215) 864-8333. I was assigned to the case in 1988; the matter was closed in 1989. Wingate, two other individuals and the company by which they were employed were indicted following a multi-year investigation into their fraudulent sale of non-nuclear quality steel parts for installation in nuclear power plants in the United States. These parts were ordered from Europe, Japan and Taiwan. The defendants attempted, sometimes successfully, to manipulate the foreign suppliers into falsely certifying that the parts had been manufactured to nuclear standards. The investigation required the assistance of the State Department and foreign law enforcement agencies. Eventually the defendants pleaded guilty. Wingate was represented by lead defense counsel Donald A. Goldberg, now also at the Ballard Spahr firm identified above. (215) 864-8345.

3. *United States v. Tillis Davis*, Criminal No. 00-714. I was the sole prosecutor. Charges were filed on December 5, 2000. Davis was the lead defendant in a series of prosecutions involving thefts of interstate trucking shipments, set up by prostitutes providing crack cocaine to truck drivers who would then agree to sell their cargo to those fronting the prostitutes. The truck drivers typically reported the shipment as having been hijacked. First use of statute providing enhanced penalties for drug distribution at an interstate truck stop. Ultimately more than 15 truck drivers, thieves and prostitutes pleaded guilty and were sentenced. The investigation and prosecutions spanned approximately 1999 through 2002. District Court Judge Berle Schiller. Davis's attorney: Delores Troiani, 38 N. Waterloo Rd., Devon, PA 19333. (610) 688-8400.

4. *United States v. Natawadee Steinhouse*, Criminal No. 98-441. Medical doctor illegally distributing Schedule II controlled substances and fraudulently billing insurance companies for physical therapy which was neither needed nor provided. I was the lead prosecutor; there was also an assigned Philadelphia Assistant District Attorney, David Augenbraun, Philadelphia District Attorney's Office, 3 S. Penn Square, Philadelphia, PA 19107. (215) 686-8734. The investigation started around 1995; the matter was closed in June, 1999. Guilty plea leading to prison term, substantial forfeiture, and ultimately deportation. District Court Judge John P. Fullam. Steinhouse's attorney: Thomas A. Bergstrom, 138 Davis Rd., Malvern, PA, 19355. (610)251-9260.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00088 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.079

5. *United States v. Leonard A. Pelullo*, 105 F. 3d. 117 (3d Cir. 1997)(Becker, Nygaard and Lewis); 173 F. 3d 131 (3d Cir. 1999)(Becker, Scirica and Rosenn). I briefed and argued these appeals following four trials on the same indictment handled by the Organized Crime Strike Force (in which I did not participate), which resulted in conviction/reversal, conviction/reversal, hung jury, conviction. Pelullo was convicted of racketeering and underlying predicate acts involving his thefts of millions of dollars borrowed from banks to renovate hotels and use of his public company's funds to re-pay money owed to a loanshark. After each conviction Pelullo was sentenced to 24 years in prison and a $2 million forfeiture. The issues on the final appeals involved the records of all four trials as well as an allegation of juror misconduct at the fourth trial. Ultimately the conviction and sentence were sustained. 1997 appellate counsel: W. Neil Eggleston, Debevoise & Plimpton LLP, 555 13th St., N.W., Washington, DC 2004. (202) 383-8140. 1999 appellate counsel: Richard A. Ripley, Bingham McCutchen, LLP, 2020 K St., N.W., Washington, DC 20006. (202) 373-6000.

6. *United States v. Baird*, 109 F. 3d 856 (3d Cir. 1997). Baird was the most culpable defendant in a Philadelphia Police corruption investigation on which I worked as co-counsel for three years. My fellow prosecutor was Joel Goldstein who is still at the U.S. Attorney's Office: (215) 861-8429. In this appeal, Baird successfully argued that he should not have received an upward departure (the government had moved for a downward departure). Baird and several other corrupt officers pleaded guilty to filing false search warrant and arrest affidavits, and stealing money from drug dealers, resulting in substantial prison sentences. District Court Judge Robert Gawthrop III (deceased). Baird's counsel: Elizabeth K. Ainslie, Schnader Harrison Segal & Lewis LLP, 1600 Market St., Suite 3600, Philadelphia, PA 19103. (215) 751-2359.

7. *United States v. Curran*, 20 F. 3d 560 (3d Cir. 1994)(Becker, Nygaard, Weis). I was sole counsel on this case, from 1992 until it's ultimate disposition in 1994. Curran, a former vice chair of the state bar ethics committee, was also president of the country's largest anthracite coal company. At trial he was convicted of false statements in connection with laundering federal campaign contributions through his employees. The conviction was reversed on appeal for faulty jury instructions, after which Curran pleaded guilty to a violation of the Federal Election Campaign Act. District Court (now Third Circuit) Judge Franklin S. VanAntwerpen. Trial counsel: Patrick J. O'Connor, Cozen &

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00089 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.080

O'Connor, 1900 Market St., Philadelphia, PA 19103. (610) 941-2375. Appellate counsel: Samuel Dash (deceased).

8. *United States v. Leland and Diane Beloff*, Criminal No. 86-454. I was the sole prosecutor on this case, in which City Councilman Beloff and his wife were charged with voter fraud in connection with the preparation and filing of absentee ballots from a nursing home within Councilman Beloff's district. The investigation started during the 1984 election and the prosecution concluded in 1987. Ultimately both pleaded guilty. District Court Judge Thomas O'Neill. Mr. Beloff was represented by Robert Simone (deceased). Mrs. Beloff was represented by Peter F. Vaira until she chose to represent herself. Vaira & Riley, 1600 Market St., Suite 2650, Philadelphia, PA. (215) 751-2700.

9. *United States v. Steven Fox*, Criminal No. 86-431. I was the sole prosecutor on this case, in which Fox was convicted at trial of conspiring with Councilman Leland Beloff to commit Hobbs Act extortion of a movie theater owner in competition with Fox. Beloff had provided an employee (who ultimately cooperated with the government) to damage the competitor's theater. District Court Judge Edmund Ludwig. Fox's counsel: James Schwartzman, Stevens & Lee, 1818 Market St., Philadelphia, PA. (215) 751-2863.

10. *United States v. Sturm*, Criminal No. 80-350. In one of my earliest trials at the U.S. Attorney's Office, I second-chaired this arson prosecution of an attorney who hired someone to burn down an apartment building he owned, troubled by code violations, while dozens of tenants were inside. Sturm was convicted and received a 10-year sentence. Lead counsel was W. Cecil Jones, who long ago left the U.S. Attorney's Office to go into business. (I do not know his current address or phone number.) United States District Judge Donald VanArtsdalen. Defense counsel F. Emmett Fitzpatrick (retired). While out on bail, Sturm obtained a passport in a false name, to which he pleaded guilty and his bail was revoked. While in prison, Sturm filed five fraudulent tax returns seeking $250,000 in refunds. I subsequently indicted and tried him for that offense, leading to an additional jail sentence. United States District Court Judge Clifford Scott Green (deceased). Defense counsel Thomas McBride (retired).

17. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. Please list any client(s) or organization(s) for whom you performed lobbying activities

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00090 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.081

and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The most significant legal activities which I have pursued which did not progress to trial or involve litigation were criminal investigations, including undercover and wiretap matters, which did not result in the filing of charges. I have never performed any lobbying activities.

18. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, please provide four (4) copies to the committee.

    In the mid-1980's I served as an adjunct instructor for a Temple University Law School clinical course in federal criminal law. It was taught in conjunction with the Federal Defender's Office. Each week we would meet with our respective students who would then handle mock hearings against each other in courtrooms in the U.S. Courthouse. I did not retain any syllabus for that course, which mostly consisted of factual scenarios for the court exercises.

    For the past three years (fall semesters 2005 through 2007) I have taught a criminal sentencing course at the Widener School of Law in Wilmington, Delaware. The course included state criminal justice systems and the death penalty, but concentrated on the federal sentencing system, including: the statutory purposes of sentencing, the rationale for and adoption of the guidelines; the creation and role of the Sentencing Commission, factors considered in sentencing and sentencing procedures, and the impact of recent Supreme Court decisions. I am providing four copies of the 2007 course syllabus. (The syllabus changed very little from previous years; other than the use of a revised edition of the text book.)

19. **Deferred Income/ Future Benefits**: List the 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.

    I have a federal Thrift Savings Plan retirement account from my contributions as an Assistant U.S. Attorney. We will continue to receive rental income from our investment property in Sacramento, California. We may again receive rental income from our vacation home in Avalon, New Jersey. (It is not currently rented and we have no plans to rent it at this time.)

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00091 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.082

20. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

    No.

21. **Sources of Income**: 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 See accompanying copies of the financial disclosure report covering January 1, 2007 through May 31, 2008 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.)

    Please see attached Financial Disclosure Report.

22. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

    See attached Net Worth Statement.

23. **Potential Conflicts of Interest**:

    a. Identify any affiliations, pending litigation, financial arrangements, or other factors that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

       Due to the nature of both my previous employment and the position for which I am being nominated, I am unaware of any matters or factors that are likely to present potential conflicts of interest.

    b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

       In the event of a potential conflict of interest, I will consult with ethics counsel for the Sentencing Commission.

24. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00092 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.083

During my time as an associate at Morgan, Lewis and Bockius, I participated in the firm's pro bono program, primarily representing tenants in landlord/tenant disputes. I also sought and obtained federal criminal appointments representing indigent defendants facing probation revocation. These matters were all prior to 1981 and I do not have records of the time spent on them. Since joining the U.S. Attorney's Office in January of 1981 I have not performed formal pro bono work. Since retiring I have not practiced law, or had an office (or the insurance) to do so. The bulk of my volunteer activity since April of 1980 has been serving as an Overseer (board member) and Clerk (board chair) of the William Penn Charter School, an independent Quaker school in Philadelphia founded by William Penn in 1689. A major mission of the school is to attract and educate an economically and otherwise diverse student body.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00093 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.084

AO 10
Rev. 1/2007

FINANCIAL DISCLOSURE REPORT
NOMINATION FILING

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial)	2. Court or Organization	3. Date of Report
Carr, William B	Sentencing Commission	06/17/2008
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	**5a. Report Type (check appropriate type)**	**6. Reporting Period**
Commissioner - Nominee	[X] Nomination, Date 6/04/2008 [ ] Initial [ ] Annual [ ] Final 5b. [ ] Amended Report	1/1/2007 to 5/31/2008
7. Chambers or Office Address	**8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.**	
Rose Valley, PA	Reviewing Officer_____ Date_____	

IMPORTANT NOTES: *The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.*

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of instructions.)*

[ ] NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	Clerk of Overseers (board chair)	William Penn Charter School (Pre-K through 12, no compensation)
2.	Adjunct Professor	Widener University School of Law
3.	Consultant (career counseling office)	Drexel University School of Law (compensated less than $200)
4.		
5.		

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of instructions.)*

[X] NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.		
2.		
3.		

FINANCIAL DISCLOSURE REPORT Page 2 of 11	Name of Person Reporting Carr, William B	Date of Report 06/17/2008

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of instructions.)*

A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 2007	Widener University School of Law - Teaching	$ 3,200
2. 2008	Widener University School of Law - Teaching	$ 800
3.		
4.		
5.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

(Dollar amount not required except for honoraria.)

☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE
1. 2007	CIGNA corporation (deferred compensation following 8/25/2006 retirement)
2. 2007	Prudential Retirement (administers CIGNA pension plan)
3. 2008	CIGNA corporation (same as above)
4. 2008	Prudential Retirement (same as above)
5.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

☐ NONE *(No reportable reimbursements.)*

SOURCE	DESCRIPTION
1.	Exempt
2.	
3.	
4.	
5.	

FINANCIAL DISCLOSURE REPORT Page 3 of 11	Name of Person Reporting Carr, William B	Date of Report 06/17/2008

V. GIFTS. *(Includes those to spouse and dependent children. See pp. 28-31 of instructions.)*

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
1.		Exempt	
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children. See pp. 32-33 of instructions.)*

☐ NONE *(No reportable liabilities.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.	Family trust	Mortgage on Sacramento, CA Rental Property	N
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT
Page 4 of 11

Name of Person Reporting	Date of Report
Carr, William B	06/17/2008

VII. INVESTMENTS and TRUSTS – *income, value, transactions (Includes those of the spouse and dependent children. See pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Brokerage Account #1 (stock ticker symbols):					Exempt				
2. Schwab Money Market Fund	A	Interest	J	T					
3. C	A	Dividend	J	T					
4. DAI	A	Dividend	J	T					
5. F	A	Dividend	J	T					
6. IBM	A	Dividend	J	T					
7. MHS	A	Dividend	J	T					
8.									
9. Brokerage Account #2 (stock ticker symbols):									
10. USEMX	A	Dividend	K	T					
11. USIFX	A	Dividend	K	T					
12. USAAX	C	Dividend							
13. USCAX	A	Dividend	J	T					
14. USATX	A	Int./Div.	J	T					
15. USEXX	A	Dividend	J	T					
16. USAA Federal Savings Bank Account	A	Interest	K	T					
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

FINANCIAL DISCLOSURE REPORT
Page 5 of 11

Name of Person Reporting	Date of Report
Carr, William B	06/17/2008

VII. INVESTMENTS and TRUSTS -- *income, value, transactions (Includes those of the spouse and dependent children. See pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Brokeerage account #3 (Vanguard symbols):									
19. VIVAX	A	Dividend							
20. VIGRX	A	Dividend							
21. VEXPX	C	Dividend							
22. VAESX	A	Dividend							
23. VFICX	A	Dividend	J	T					
24. VGTSX	B	Dividend	L	T					
25. VSEQX	D	Dividend	J	T					
26. VTMSX	B	Dividend	M	T					
27. VTMGX	C	Dividend	M	T					
28. VHGEX	C	Dividend	K	T					
29. VBIAX	C	Dividend	M	T					
30. VFIRX	A	Dividend	M	T					
31. VFSUX	A	Dividend	M	T					
32. VGELX	D	Dividend	M	T					
33. VWNAX	D	Dividend	M	T					
34. VWILX	D	Dividend	M	T					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

FINANCIAL DISCLOSURE REPORT
Page 6 of 11

Name of Person Reporting	Date of Report
Carr, William B	06/17/2008

VII. INVESTMENTS and TRUSTS – *income, value, transactions (Includes those of the spouse and dependent children. See pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. VASVX	D	Dividend							
36. VHCAX	D	Dividend	L	T					
37. VGSLX	C	Dividend	K	T					
38. VEMAX	B	Dividend	M	T					
39. VTSAX	B	Dividend							
40. VWELX	B	Dividend	K	T					
41. VWEHX	A	Dividend	J	T					
42. VTRIX	C	Dividend	K	T					
43. VPAIX	A	Dividend							
44. VDMIX	B	Dividend	L	T					
45. VBIIX	A	Dividend	J	T					
46. VPALX	C	Dividend	M	T					
47.									
48. CIGNA 401(k) and Deferred Compensation Plans:									
49. Fixed Fund		None	N	T					
50. Dryden S&P 500 Index Fund		None	L	T					
51. Mid-Cap Growth/Artisan Partners		None	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less F =$50,001 - $100,000	B =$1,001 - $2,500 G =$100,001 - $1,000,000	C =$2,501 - $5,000 H1 =$1,000,001 - $5,000,000	D =$5,001 - $15,000 H2 =More than $5,000,000	E =$15,001 - $50,000
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less N =$250,001 - $500,000 P3 =$25,000,001 - $50,000,000	K =$15,001 - $50,000 O =$500,001 - $1,000,000 R =Cost (Real Estate Only)	L =$50,001 - $100,000 P1 =$1,000,001 - $5,000,000 P4 =More than $50,000,000	M =$100,001 - $250,000 P2 =$5,000,001 - $25,000,000 T =Cash Market	
3. Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	V =Other	S =Assessment W =Estimated		

FINANCIAL DISCLOSURE REPORT
Page 7 of 11

Name of Person Reporting	Date of Report
Carr, William B	06/17/2008

VII. INVESTMENTS and TRUSTS – *income, value, transactions (Includes those of the spouse and dependent children. See pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. Mid-Value (sub-adv Wellington Mgt)		None	M	T					
53. Small-Cap Value/MC Fund		None	J	T					
54. Small-Cap Growth/TimeSquare Fund		None	K	T					
55. Int'l Blend/Munder Capital		None	L	T					
56. Large Growth (sub-adv Wellington Mgt)		None	L	T					
57. Foreign Stock Index Fund		None	L	T					
58.									
59. Comm. of PA Deferred Compensation Program:									
60. Aggressive Portfolio Fund	A	Dividend	J	T					
61. Moderate Portfolio Fund	A	Dividend	J	T					
62. EAFE Equity Index Fund	A	Dividend	J	T					
63. Extended Market Fund	A	Dividend	J	T					
64. Stock Index Fund	A	Dividend	J	T					
65. 60/40 Balanced Fund	A	Dividend	J	T					
66.									
67. Other Mutual Funds:									
68. PRITX	C	Dividend	K	T					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000	P4 =More than $50,000,000			
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

FINANCIAL DISCLOSURE REPORT
Page 8 of 11

Name of Person Reporting	Date of Report
Carr, William B	06/17/2008

VII. INVESTMENTS and TRUSTS – *income, value, transactions (Includes those of the spouse and dependent children. See pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. SCINX	A	Dividend	K	T					
70. American Century Ultra (IRAs)	E	Dividend	M	T					
71. Vanguard Windsor II (IRA)	D	Dividend	L	T					
72.									
73. Dreyfus Funds (IRA):									
74. Small Cap Stock Index Fund	B	Dividend	K	T					
75. MidCap Index Fund	C	Dividend	K	T					
76. Disciplined Stock Fund	B	Dividend	K	T					
77.									
78. Vanguard Custodial Fund:									
79. VMMXX	B	Dividend	K	T					
80. VWNAX	B	Dividend	L	T					
81.									
82. Other Securities:									
83. WTR	B	Dividend	L	T					
84. DIS	A	Dividend	J	T					
85. New Plan Excel Realty (REIT)	B	Dividend							

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

FINANCIAL DISCLOSURE REPORT
Page 9 of 11

Name of Person Reporting	Date of Report
Carr, William B	06/17/2008

VII. INVESTMENTS and TRUSTS *-- income, value, transactions (Includes those of the spouse and dependent children. See pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g. div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
86. CIGNA Corp. Common Stock	A	Dividend							
87.									
88. Citizens Bank Accounts	D	Interest	M	T					
89.									
90. Vacation home/Rental Property Avalon, NJ Assmt: $753,000	D	Rent	O	S					
91. Rental Property Sacramento, CA May 2006 purchase: $842,000	E	Rent	O	R					
92.									
93. myLEADERBOARD, Inc. (See note Part VIII)		None	K	W					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

FINANCIAL DISCLOSURE REPORT Page 10 of 11	Name of Person Reporting Carr, William B	Date of Report 06/17/2008

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

Block 7 - Office address: I have no business or office address, only a home address.

III.A. - Additional non-investment income was received as compensation for employment with the United States Government.

Part VII, Row 98. This represents a purchase of 10,000 shares of stock in December of 2006, pursuant to a private placement memorandum, in myLEADERBOARD, Inc. for $35,000. The shares have a par value of $0.01 each. The company has developed a business involving the rental of hand-held devices to spectators at sporting events providing comprehensive information about the event, primarily professional golf tournaments. A description of the company and its business can be found at www.myleaderboard.com

FINANCIAL DISCLOSURE REPORT Page 11 of 11	Name of Person Reporting Carr, William B	Date of Report 06/17/2008

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature W M B Carr **Date** 6/17/08

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

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		180	000	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule		112	500	Notes payable to relatives			
Unlisted securities--add schedule		35	000	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		4	000
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule		682	000
Real estate owned-add schedule	2	235	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		50	000				
Cash value-life insurance							
Other assets itemize:							
See attached schedule	3	154	900				
				Total liabilities		686	000
				Net Worth	5	081	400
Total Assets	5	767	400	Total liabilities and net worth	5	767	400
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax		155	000				
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
Aqua America	$ 66,000
Citigroup, Inc	2,900
Daimler AG	9,600
Disney	3,200
Ford Motor Co.	2,500
IBM	13,100
Merck	15,200
Total Listed Securities	$ 112,500
Unlisted Securities	
MyLEADERBOARD, Inc.	$ 35,000
Real Estate Owned	
Personal residence	$ 700,000
Vacation home/rental property	753,000
Rental Property	782,000
Total Real Estate Owned	$ 2,235,000
Real Estate Mortgages Payable	
Personal residence	$ 182,000
Rental property	500,000
Total Real Estate Mortgages Payable	$ 682,000
Other Assets	
USAA Mutual Fund	$ 1,780,200
CIGNA Corp Mutual Fund (401(k) account)	794,400
Commonwealth of Pennsylvania deferred comp	31,300
American Century Mutual Fund (IRA)	112,000
Vanguard Windsor II Mutual Fund (IRA)	75,000
Drefus Fund Mutual Fund (IRA)	83,200
T. Rowe Price Mutual Fund	37,000
DWS/Scudder International Fund – Mutual Fund	46,800
Federal Thrift Savings Plans	195,000
Total Other Assets	$ 3,154,900

45140.096

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

CONFIDENTIAL

NAME: William Bernard Carr, Jr.

HOME ADDRESS: 115 Vernon Lane, Rose Valley, PA 19063.

TELEPHONE NUMBER (both home and office): Home: (610) 566-8455

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.

   I have never been discharged from employment for any reason, nor have I ever resigned after being informed that my employer intended to discharge me.

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."

      Yes, we have filed and paid all taxes; we file jointly.

   b. Have you ever made any back tax payments? If so, indicate if you have made any back tax payments, and provide full details.

      No.

   c. 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.

      My wife and I purchased our current residence on November 30, 1984. We purchased it from a couple who had owned it since the 1940s, had sold it in 1979 taking back the mortgage, and ultimately foreclosed on that mortgage in 1984, re-acquiring the property at a sheriff's sale. The delinquent school taxes were not satisfied during that process, which the title company did not notice when we purchased the property. We ended up being sued by the school district for the

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00106 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.097

unpaid 1984 taxes. The title company paid the overdue taxes and the suit was dismissed. The suit was in Delaware County Common Pleas Court in Pennsylvania. The plaintiff was the Walllingford/Swarthmore, PA School District.

d. 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.

No.

e. Have you or your spouse ever declared bankruptcy? If so, please provide full details.

No.

3. **Past Investigations and Complaints**:

a. State whether, to your knowledge, you or any organization of which you were or are an officer, director, or active participant at a relevant time has 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.

To my knowledge, neither I nor any organization of which I am or was an officer, director, or active participant at a relevant time has ever been under federal, state, or local investigation for a possible violation of any civil or criminal statute or administrative agency regulation.

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.

Other than the matter discussed below (Question 4) involving an unsuccessful suit against me and the government by the subject of a criminal investigation, I have never 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.

4. **Party to Civil Legal or Administrative Proceedings:** State whether you, or any business of which you are or were an officer at a relevant time, have ever been a party or otherwise involved as a party in any civil, legal or administrative proceedings. 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. If you are or were a party as part of a partnership, please include only if you were involved in a personal, managerial, or supervisory capacity.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00107 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.098

See 2.c. above with respect to the 1985 lawsuit for unpaid real estate taxes as a result of the title company's error in not discovering the prior owner's delinquency.

In the early 1980's I was sued in my official capacity as an Assistant U.S. Attorney by a criminal defendant (Mario Bernazzoli) whose attorney maintained that his work product privilege was violated when the government ordered a transcript of Bernazzoli's interview by Government Printing Office Investigators. Bernazzoli's attorney had arranged for the stenographer to be present, and the investigators had tape-recorded the interview. The suit, which was brought in the Eastern District of Pennsylvania, was dismissed. My recollection is that Bernazolli's attorney was charged costs when he sought re-consideration of the dismissal. Bernazzoli eventually pleaded guilty.

5. **Prior Arrests:** Have you ever been arrested for, charged with, or convicted of a crime, other than a minor traffic violation, that is reflected in a record available to the public? If so, provide the relevant dates of arrest, charge and disposition, and describe the particulars of the offense.

   I have never been arrested for, charged with, or convicted of a crime.

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

   I am in good health; my last physical examination was on September 11, 2007.

7. **Disclosure**: Please advise the Committee of any unfavorable information that may affect your nomination.

   I am unaware of any unfavorable information which may affect my nomination.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00108 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.099

AFFIDAVIT

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

7/10/08
(DATE)

WMBCarr
(NAME)

Marjorie E Anderson
(NOTARY)

Commonwealth of Pennsylvania
County of Delaware

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Marjorie E. Anderson, Notary Public
Ridley Twp., Delaware County
My Commission Expires April 7, 2012
Member, Pennsylvania Association of Notaries

Senator FEINGOLD. Thank you, Mr. Carr. Thank you all for being here.

We'll start with questions for Mr. Carr. Under the current sentencing system, judges may increase a defendant's sentence based on conduct for which the defendant was never charged, conduct for which all charges were dismissed, or even charges of which the defendant was acquitted.

Applying a preponderance of the evidence standard, the judge is allowed to increase the sentence by the same amount that the defendant would have served if convicted by a jury and proved beyond a reasonable doubt. In effect, the defendant is sentenced for a crime for which he was never convicted. Now, to me this policy appears to fly in the face of the principle that a person is innocent until proven guilty.

What are your thoughts on the practice of acquitted conduct sentencing, and would you take steps to end this practice, if confirmed?

Mr. CARR. First, Senator, if I can address how we get to the situation we're in where all of that conduct gets considered. When the Sentencing Commission first promulgated its initial guidelines back in 1987, what they tried to do was to sort of average out the sentences that were already being imposed based on the reasons that they were being imposed.

The Sentencing Commission concluded that, with respect to certain kinds of crimes, sentencing judges had historically taken into consideration things that had not necessarily been charged or not necessarily been proved.

Acquitted conduct was the one that, as I tend to say, sort of flunked the smell test, but passed the logic test, because since they set up a system where judges would do judicial fact-finding by a preponderance of the evidence, judges could find facts that had never been charged, or find by a preponderance of evidence facts of which a defendant had been convicted at trial.

I understand why it is controversial, I understand why many people—judges and practitioners alike—rail against it. One of the things about taking acquitted conduct off the table, it could have a curious effect on some charging and pleading decisions.

A prosecutor thinking about charging five different drug distributions where the evidence of the first one is simply an informant, the evidence of the second one is an informant and some surveillance, and the evidence of the last three is an undercover agent with tape recordings, might thing, well, I'm just going to charge to the last three because that way the defendant doesn't have an opportunity to get acquitted of the first two.

By the same token, if all five are charged, a defense attorney might say, well, we'd better go to trial on this one because we may roll the dice and get the first two thrown out. So it is not a simple situation, but there's a logic to it that goes along with the whole logic of preponderance of the evidence, and even considering other relevant conduct on top of what's charged.

Senator FEINGOLD. So you would not be inclined to try to change it. Is that what you're saying?

Mr. CARR. I know that there are various proposals out there. If confirmed—and I'm not trying to avoid the question, Senator. If

confirmed, I would participate, as I would hope to participate, with six other sentencing commissioners in deliberations on the issue, which I have not had the opportunity to do.

Senator FEINGOLD. Well, thank you. I hope you'll keep as open a mind as possible. I know you've thought about these kinds of issues. I think it raises some very serious concerns, as you acknowledge, so I appreciate your answer.

The U.S. Sentencing Commission has been an outspoken critic of the unjust and unwarranted disparity in sentences between crack and powder cocaine offenses. Last November, the commission adopted an amendment to the sentencing guidelines that helped mitigate this disparity by reducing the base offense levels for crack cocaine offenses. The Sentencing Commission then considered whether to apply this amendment retroactively.

In making this decision, the commission considered three factors: the purpose of the amendment, the significance of its impact, and the feasibility of retroactive application. Based on these factors, the commission unanimously determined that the amendment should be applied retroactively.

Do you agree with the commission's decision to apply the amendment retroactively, and do you think more should be done to reduce or eliminate the crack/powder disparity?

Mr. CARR. It would be difficult for me to sit here, as one who did not participate in that decision, and say that when seven commissioners agreed that it should be retroactive, including the one who voted against the amendment himself, that I would be likely not to have joined in that decision. There were several things that were compelling about the retroactivity decision.

As I understand the Sentencing Commission's projections, the average reduction in sentence for those who would be eligible for a reduction would be 27 months. That reduction would, on average, be from 152 months to 125 months, so you would still be talking about people who, on average, were doing more than 10 years in jail.

In addition to that, when we've gotten to the point from 1995 till now when the commission has, time after time, said we have to do something about this disparity, and that's through many commissioners over many different compositions of the commission, and as I understand it, their most recent proposal was suggesting that Congress enact something that would result in a disparity of not greater than 20:1. I believe there are at least three proposals out there ranging from 1:1 to 20:1. When there seems to be enough legislative support for that, it would have been surprising, I think, had they not made that retroactive.

Senator FEINGOLD. I thank you for your answers, and now I will go to Mr. Sedgwick. I'd like to ask you about J. Robert Flores, the administrator at the Office of Juvenile Justice and Delinquency Prevention, an office within OJP.

Mr. Flores' tenure has been controversial from the beginning. He is widely viewed by juvenile justice advocates as having weakened the agency through systematic neglect. Last month, we learned Mr. Flores bypassed the agency's peer review process and awarded more than $8 million in grants to low-scoring applicants that had ties to friends and family of President Bush.

We also learned the Office of Inspector General is investigating Mr. Flores for use of government funds for personal travel and for improper hiring practices. These matters have been turned over to Federal prosecutors, who have opened a criminal investigation.

Now, I understand that in criminal proceedings a person is presumed innocent until proven guilty beyond a reasonable doubt, but the bar for running an important Federal agency should probably be higher than just "not a proven criminal". In this case we are not just talking about allegations of professional misconduct.

The DOJ Inspector General has found enough evidence of criminal misconduct to refer the matter to prosecutors. The Office of Juvenile Justice is among the offices under your supervision. Have you taken any action on this matter since you have become Acting Assistant Attorney General, and is it your opinion that Mr. Flores should continue to be in charge of this office while the criminal investigation continues?

Mr. SEDGWICK. Thank you for that question, sir. The events that are—that you allude to that have been the subject of recent media reports, oversight hearings, and so on took place during the 2007 fiscal year when I was the director of the offices or the Bureau of Justice Statistics and not in the role of Acting Assistant Attorney General for the Office of Justice Programs.

Should I be fortunate enough to be confirmed, I can tell you that my highest priority will be that the process of awarding grants in the Office of Justice Programs will meet the highest standards of professionalism, integrity, and transparency.

Since assuming the position of Acting Assistant Attorney General in January, I have taken steps, up to and including personally reviewing and augmenting our peer review policy, to make sure that the process that we use meets with broad approval.

Senator FEINGOLD. Do you have authority under your current position to take action on this matter with regard to Mr. Flores?

Mr. SEDGWICK. That would be a personnel issue that I would not want to speculate on right now.

Senator FEINGOLD. Your authority is a personnel issue?

Mr. SEDGWICK. I—

Senator FEINGOLD. To act on this, in theory?

Mr. SEDGWICK.—The question of whether or not I have—I have not, as an Acting Assistant Attorney General, raised that question of what my authority is.

Senator FEINGOLD. OK.

Mr. SEDGWICK. Since it seemed to me presumptuous to do so as an Acting Assistant Attorney General, to raise the question of my personnel authority with regard to a Presidential appointee within the Office of Justice Programs.

Senator FEINGOLD. I'm not sure I agree with that, given the fact that you are the acting person in that authority, but I won't pursue it at this time.

For the first time in 2008, the Office of Justice Programs used a portion of the Crime Victims Fund for OJPs management and administrative costs, despite the fact that there is no express authority in either the authorizing or appropriations statutes for doing so. The Crime Victims Fund, as you all know, was created so that fines, forfeitures, and assessments paid by Federal criminal offend-

ers, not taxpayers, generate the revenue used for grants to State crime victim compensation programs, direct victim assistance services, and services to victims of Federal crimes.

Since you were acting director of OJP for at least a part of this time, can you explain the justification for using these funds for management and administrative costs?

Mr. SEDGWICK. Yes, I can. There are two legal sources from which—or two legal authorities under which we can raise the funds necessary for the administration of programs in the Office of Justice Programs. They may either be drawn from legislatively appropriated funds for the purposes of management and administration or they can be carved out of the program funds themselves and applied for the administration of those programs.

Historically, there has been but one legislative appropriation for management and administrative expenses in the Office of Justice Programs, and that has historically averaged right around $42 million. The situation we faced in fiscal year 2008 was that that appropriation amount was cut to $10 million, which is significantly less than the M&A amount necessary to keep even the Office of Victims of Crime open for the full fiscal year administering its programs.

Therefore, we made the decision, since we had but $10 million appropriated—in fact, the management and administration expenditures authorized by Congress were $127 million—we made the decision to treat all program funds essentially equally and to carve out of all program funds an amount, effectively 4.9 percent, for the administration of programs in OJP. So, all program dollars were treated equally.

As I said, this is really largely the result of, for the first time, having the legislatively appropriated amount of M&A reduced below a level that was necessary for the M&A assessment for OVC, let alone the other program offices in OJP.

Senator FEINGOLD. Thank you, Mr. Sedgwick. I will have some followup written questions for you on some of these matters, but thank you for your answers.

Mr. Rowan, let me turn to you. You have worked at the FBI or Main Justice since 2002. Were you read into the President's Terrorist Surveillance Program prior to when it became public in December of 2005?

Mr. ROWAN. Yes, I was, Senator.

Senator FEINGOLD. OK. Did you ever express concern about the legality or constitutionality of that program in any internal deliberations within the FBI or the Department of Justice?

Mr. ROWAN. Senator, I was not at any point asked to express an opinion about the sort of legal underpinnings. My focus, when I was read in, which is actually when I was in the Criminal Division of the Department of Justice and after—so this was after I'd been at FBI, my focus was trying to determine how to deal with the issue of our criminal discovery obligations in connection with prosecutions and the potential that there may be intelligence information out there.

That work began shortly before the program was made public in December, 2005, and continued in a much more visible way after December of 2005. So again, I was aware of the program because

we were trying to determine, how can we ensure that we are maintaining—that we're meeting any obligations we might have.

Senator FEINGOLD. I understand that you were not asked about your opinion on the legality or the constitutionality. I also understand you did not offer it. But do you recall having an opinion, yourself, about the legality or constitutionality of the TSP program?

Mr. ROWAN. Senator, as I sit here today, recall—I recall certainly forming a general conclusion that it was a highly complex area, that the analysis was complicated. I cannot recall forming a bottom-line conclusion about the legality or not of the program or the—sort of any element of the legal opinions underpinning it. I certainly was aware of some of the issues, but I was focused on trying to make sure that I met the responsibilities that I understood myself to have.

Senator FEINGOLD. Would it be fair—and you can just say no if you don't think it is—to say that you perhaps saw it as a close call?

Mr. ROWAN. It's—you know, when I—when I—when I sit here now, Senator, and think about the legal foundation for the program, I—I am primarily focused on what I have reviewed in the context of the white paper. I think that there are some complicated issues there. I do think that the idea that things like signals intelligence collection are an instrumental part of war efforts and that, therefore, the authorization for the use of military force was a piece of legislation that one could look to in determining whether or not the sort of means provisions had been met.

I recall, particularly, that area, finding that to be a rather solid analysis. But it's a complicated area of the law, I certainly concede that.

Senator FEINGOLD. Well, I am asking because the White House and I both agree it's not a close call; we just come to completely opposite conclusions. So I'm trying to find people who might have seen it as somewhere in between. But thank you for those answers.

You have a long history as a Federal prosecutor and have been involved in a number of successful terrorism prosecutions that have been brought by the Department of Justice. Do you believe that the criminal justice system can be an effective tool in the U.S. Government's fight against terrorists?

Mr. ROWAN. I do, Senator. I believe that there—there—it is certainly the case that one size may not fit all. I think that there are appropriate, different approaches given the circumstances, but I think one critical component is now, has been, and always will be the criminal justice system.

I'm very proud of the work that I've done to prosecute international terrorism cases, proud of the folks in my division in U.S. Attorney's Offices around the country that have actually been in court on those cases, and I think that they're an extremely important part of how we address the problem of international terrorism.

Senator FEINGOLD. As you know, there was a lot of controversy surrounding the PATRIOT Act when it passed in 2001, and in my view it flew through Congress too quickly and without time for calm consideration. Four years later when Congress took up the reauthorization of the PATRIOT Act, I was disappointed that the administration pursued a confrontational and highly political ap-

proach to that legislation, refusing to agree to some quite modest and reasonable changes proposed by both Republicans and Democrats.

In retrospect, do you think that the consideration of both the original PATRIOT Act and the reauthorization legislation was overly politicized, and do you think that additional reasonable checks and balances could have been built into that legislation to protect against abuse, while still ensuring that the government has the authorities it needs?

Mr. ROWAN. Senator, I appreciate that those are extremely significant pieces of legislation that were in the first PATRIOT Act, of course, moved through Congress quickly, and that there were issues that arose that may not have been anticipated until after the fact. But I—to the extent that you're asking if I believe that the PATRIOT Act reauthorization was overly politicized in a way that caused us as a country to end up with a statute that didn't strike the right balance, I would disagree with that.

I should note a point of personal bias, that the National Security Division was actually created by the PATRIOT Act reauthorization and my position that I'm up for confirmation on was actually created by that legislation, so I certainly can't be too against it.

Senator FEINGOLD. I confess to bias, as the only Senator to vote against the bill, so there we have it.

Anyway, let's turn to Senator Brownback.

Senator BROWNBACK. I've been in those categories, being the only one to vote that way.

Gentlemen, thank you for being here. I want to thank the Chairman for holding the hearing and moving forward, and hopefully these nominations will move forward quickly.

I don't know whose daughters those twins are back there, but they're beautiful. Bring them to every hearing you have, is my suggestion.

[Laughter.]

Mr. ROWAN. They'll be available for rent, Senator.

[Laughter.]

Senator BROWNBACK. OK. Are they twins?

Mr. ROWAN. They're mine, Senator. Vivian and Evangelize.

Senator BROWNBACK. Hi, girls.

I've looked through and I'm pleased to see you're up, pleased to see you moving forward. I want to draw one item to your attention, if I could, that's been a personal issue of mine, so this is a personal project that we've been pushing for. It's on the Second Chance Act. There is a bipartisan bill coming through here to try to reduce the recidivism rate of people going into prison. We got it passed, signed into law by the President, and it will be implemented by this administration.

I think actually some of the programs may come through the Office of Justice Programs, less impact on the U.S. Sentencing Commission. But it's my hope that this will be actively pursued by the administration as a way of being able to try to reduce these recidivism rates that we have across the country, because right now if you go under our present system, the numbers I've seen, two-thirds of the time you're going to go back once you get out.

So, something's not quite working right when they're in to try to help people either develop the life skills, or the abilities, or the mental fortitude of the soul to be able to stop this sort of criminal activity. This is an effort that we've got to, I think, really address and address in a very wholehearted fashion to say we're going to try to address this person's needs and try to structure and get an environment and an atmosphere that can stop this gate from going around and around.

As I look at the numbers, I think we've got about 600,000 people getting out of prison a year. If you've got two-thirds of them going back, it seems like a really effective way to deal with part of our crime problem would say, well, we're going to get that number down, we're going to cut that number in half. I hope you'll look aggressively at implementing that. I don't know about Mr. Sedgwick. I think this would be something—I don't know if you've had a chance to look at this or think about it any at all, or even you, Mr. Carr. But if you had any thoughts on it, I would appreciate it.

Mr. SEDGWICK. We have—actually have looked at this issue quite extensively and in the Bureau of Justice Statistics we have just created a new Reentry and Recidivism Unit within the Bureau of Justice Statistics to focus attention on precisely this question. But, clearly, I share your concern on this issue and look forward, if I'm fortunate enough to be concerned—to be confirmed, to working with you and others in the Senate that are concerned about this issue to see what we can do to put together a robust agenda of studies to determine what is the most effective way to reduce recidivism rates post-release and to enhance the successful reentry of persons that are being released from confinement into society and make sure that's a smooth and successful transition. I look forward to working with you on that.

Mr. CARR. Good afternoon, Senator. Actually, although I could not attend it—I was on Federal jury duty those 2 days last week—the Sentencing Commission actually had a comprehensive 2-day symposium on Alternatives to Incarceration and Reentry Programs. I think it's something that the Sentencing Commission is going to be getting more involved in going forward. They were addressing both Federal and State systems, and ways to evaluate their success.

In my own district, in the Eastern District of Pennsylvania, something that has not been funded, except I think there's one former U.S. Attorney who is paid under $75 an hour, the U.S. Attorney's Office went to the Probation Department and the District Court and, as you may know, there's an epidemic of violent crime in Philadelphia and they've got a new pilot program where there is a repeat offender index, which is something that the Probation Office figures out for everyone who's in jail.

For a certain score on that scoring system, there's a 58 percent rate of being revoked and sent back to jail for those who are released from Federal prison and are residents of Philadelphia. They started a program 10 months ago where people who have that score and are in that category are offered the opportunity to enter this program, and the court has supplied the work of two magistrates, the U.S. Attorney's Office has supplied the work of two Assistant U.S. Attorneys, and the Probation Department has—and the De-

fender's Office have each provided two, and these offenders—and I think there are three dozen of them now—meet every 2 weeks in a group with their families, with the magistrates, with the people from the U.S. Attorney's Office, Probation Department, and Defender's Office, and those people are all active in getting local agencies involved, getting funding for training.

They've got the Community College of Philadelphia admitting these people to classes and waiving admission fees. And while it's certainly a low number of people and a short period of time, in 10 months no one has faced a revocation hearing. I think there are experiments like that going on in State courts and Federal courts around the country, which, if I'm fortunate enough to be confirmed, I would love to work on with the Sentencing Commission to figure out how we can reduce recidivism, since, as you say, I think there are about 650,000 prisoners being released every year.

Senator BROWNBACK. I hope you can. One of the things that I did—have done a couple of times, is spend a night in prison, of my own volition. I've not been charged or convicted on anything, just to be clear for the record here. But it was really helpful. It's one thing to read about these things, it's another thing to sit there and smell it, and feel it, and be in the middle of it. I'd recommend, if you're approved—and I'm certain the Majority would appreciate your spending time in jail. I'm kidding here. That was unsolicited and unfair, so I'm kidding with that. But I think it would be real helpful, actually, to get kind of that feel for it and it may be useful.

One other thing I want to suggest to you. We're just looking at a way of doing this. I don't know how to do it, but just to try to start some sort of formalized offering of a reconciliation process between victims and perpetrators. You've seen this be quite successful in some of these Third World countries that have had just massive problems. I'm thinking particularly of South Africa, Rwanda. They're starting in some other places, where they have a Truth and Reconciliation Commission.

We have these horrific incidences that happened, but then you're trying to put a culture back together. I'm not suggesting that here and I'm not suggesting anything be required, but if there was a process where the victim and perpetrator could voluntarily access some sort of reconciliation process, I've been impressed at what I've seen other places do.

I was in Rwanda, along with Senator Durbin, a couple of years ago, now. It had been 11, 12 years ago, prior to when we were there, that they had gone through the genocide, 800,000 people killed in about a 6-week time period in a relatively small, intensely populated country. I was impressed that they were even functioning after that period of time. If you just think of the level of violence there, the level of retribution that people desired in that situation, and yet they had gone through this very aggressive process of trying to get the place to function again. And it's certainly not perfect, but I was impressed at how far they've come.

I thought, that's something—we should see if there's a way to allow it on a voluntary basis. Our office would be willing to work with either of you, if you're interested in it. It's something we're going to try to pursue and see if there are things that we can develop on that, because we need both people not going back to jails

often, and we need some form of a reconciliation so we can move forward as a society.

Mr. Chairman, thank you very much. That is all my questions.

Senator FEINGOLD. Thank you, Senator Brownback.

Back to Mr. Rowan. You were at the FBI General Counsel's Office for much of 2003. Were you surprised by the reports issued by the Department of Justice Inspector General documenting widespread problems with the use of national security letters from 2003 to 2006, after those authorities had been dramatically expanded in the PATRIOT Act?

Mr. ROWAN. I was, Senator. I certainly was aware, from my time at the FBI, that national security letters were a critical tool in widespread use. My limited sort of opportunity to see in a detailed way what sort of processes were followed, I was of the view that people were being very careful in the use of national security letters at the sort of headquarters level that I saw these things, and I was surprised at the issues that the IG uncovered.

As you know, we in the National Security Division have begun a set of national security reviews, where we go out to field offices around the country, working with FBI OGC, to review case files, look at the predication for NSLs, among other things, make sure that the law is being followed.

Senator FEINGOLD. This relates to our discussion of the PATRIOT Act, because I actually received a call from the Director of the FBI apologizing that this report was coming out. This was after having had a former Attorney General refer to those of us who had questions about the way the PATRIOT Act was drafted as having seen the "phantoms of lost liberty", when in fact it was the statute itself that was insufficient in some cases.

It was not just that there was misconduct or inappropriate use. We could have drafted the language about the NSLs more tightly to give more clear guidance. I think that is an important part of the story in terms of our role here, as well as your role in the Executive Branch.

Mr. Rowan, I understand the National Security Division is providing support to the Office of Military Commissions, which is the Pentagon office with primary responsibility for prosecuting the detainees at Guantánamo Bay who have been charged with war crimes. What role are Justice Department officials playing in those prosecutions?

Mr. ROWAN. The department is supporting the prosecutions through providing prosecutors—and they have a few paralegals as well, I think—to work on commissions' cases. Obviously the FBI is also providing assistance by way of making agents available who are potential witnesses and things like that, helping put cases together the way we would put a case together in a Federal prosecutor's office.

So the National Security Division is sort of the headquarters component within the Department of Justice that has gone out and tried to recruit Federal prosecutors who are willing to work on commissions' matters, give up their work in their home district and come work on detail.

So we have approximately 12 or 14 prosecutors working on those matters, sort of teaming up with DoD personnel on the cases. Obvi-

ously the responsibility, the ultimate authority for charging decisions and strategic decisions all that, lies with the Office of Military Commissions and the Office of the Chief Prosecutor there.

Senator FEINGOLD. Do you believe that evidence obtained through coercive interrogation techniques should be offered in these trials?

Mr. ROWAN. I think that we obviously have to be very careful, very judicious in the decisions we make about what evidence we offer for admission, statements taken from detainess. The Military Commissions Act obviously lays out a standard and we need to, needless to say, comply with that standard.

We need to develop—because the military commissions are not a set of proceedings with a long history, we need to sort of continue to develop our credibility going in front of the military judges on those issues, so we have to be careful not only to be asking for the admission of statements in a way that's consistent with the law, but we need to do—to make very careful decisions to ensure that everybody understands that we are being very reasonable and very judicious in what we offer.

Senator FEINGOLD. But does it trouble you at all that coercive interrogation techniques could be used to obtain evidence and that that information would be used at trial?

Mr. ROWAN. I think it—it really depends on the degree of coercion. I think that there's a lot of activity that, you know—the end of the spectrum is, anybody who's in detention might assert that there's an element of coercion about the very fact that they're in detention, whether it's the police department, station house down the street or in a camp in Afghanistan to the other end of the spectrum.

And—and I think—so I—I think we just—we need to be very careful because we obviously have not only a statutory standard to meet, but we have a lot of people in this country and around the world who are watching closely to make sure that we are behaving in a responsible way and we need to make all the decisions we make about the evidence in light of that concern.

Senator FEINGOLD. If confirmed, you'll be responsible for overseeing implementation of the new FISA Amendments Act. As you know, I, and many others in Congress, have grave concerns about that legislation. It is critically important that this committee and the Intelligence Committee be kept up to date on what steps the executive branch is taking to implement this new law. What is your view of congressional oversight in making sure a statute like FISA works as is intended?

Mr. ROWAN. Senator, I think that congressional oversight is—is going to be an extremely important part of the way we implement this statute. Obviously there are built into the statute a number of means by which we can alert the Congress how it's being implemented. We in the National Security Division are going to be at the center of the effort, not only to draft the appropriate targeting and minimization procedures, but also to do the assessments.

There's like 6-month assessments required under the statute, and those assessments are to determine whether or not the targeting and minimization procedures are being followed. Those assessments will, of course, be made available to the Judiciary and

Intelligence Committees, and that's sort of one piece, the most obvious piece, that's right there in Section 702.

I would also note that with respect to the Protect America Act, the National Security Division of the Department of Justice did a great deal of work by way of trying to inform the Congress about what was going on with the way that was implemented. I think there was a total of sort of 37 assessments done by the National Security Division, working with the DNI and the NSA, to ensure that that was being implemented properly, and the results of those assessments were briefed up here on the Hill.

We are very aware of the congressional concern over the statute, the new procedures that we'll all be working under for the first time, not to mention the fact that there is, of course, a sunset which, while it seems like a long way away right now, will be on us before we know it. So we are fully aware and—and understand that the Congress expects to hear how this is working in great detail, and we are looking forward to making those reports.

Senator FEINGOLD. What in your background can you point to that will give us confidence that you will treat these committees as a partner in your work rather than an annoyance, that you will answer our questions, consult with us, and keep us informed of the things we need to know?

Mr. ROWAN. Senator, you know, I was a prosecutor doing ordinary criminal cases—murder cases, drug cases, the whole gamut—for a long time. In that, you learn very quickly that your credibility is extremely important. You don't go into court and—in front of a judge or a jury and promise things that you aren't going to comply with. You don't get it wrong. You ensure that every time you do something, you're building your credibility because you're going to make—you're going to ask that jury or that judge to make important and significant decisions at the end of the proceeding.

That's, I think, the way we need to approach our work here. I'm used to that. It's a little bit different because we're now not marching off to court to convince a judge or a jury. Here we're coming up to the Congress to convince the Congress that the authorities that we've been provided are being used responsibly. But that's the first thing I sort of think about when I think about the importance of—of oversight and of maintaining a close communication with the Congress.

Senator FEINGOLD. Senator Brownback will probably consider this a partisan remark, but I wish more people who had come before us in the last few years had taken that attitude about working with this committee. I look forward to your taking that approach.

Senator Brownback?

Senator BROWNBACK. I have no additional questions.

Senator FEINGOLD. Well, I want to thank all the nominees for their time today. Written questions for the nominees should be submitted by the close of business 1 week from today.

Let me close by addressing a few comments specifically to Mr. Rowan. You have an important responsibility as only the second person to be nominated to the position of Acting Assistant Attorney General for the 2-year-old National Security Division. The new division has an important goal, to bring the disparate parts of the department that deal with intelligence and national security to-

gether under a single chain of command, thereby minimizing turf battles and allowing the department to more efficiently carry out its work to fight and prevent terrorism and espionage.

But another important responsibility of the position to which you have been nominated is to be responsive to Congress, regardless of the fact that there is not much time remaining in this administration. During Mr. Gonzales' time as Attorney General, a serious rift developed between the department and Congress. Even with his departure, we frequently still do not get the answers we need in a timely manner. So, I hope you'll take that role seriously as well. Protecting Americans from terrorism is our number-one priority in Congress, as it is in the department, and this committee wants to be helpful to you in your work.

The hearing is adjourned.

[Whereupon, at 2:46 p.m. the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

QUESTIONS AND ANSWERS

William B. Carr, Jr.
115 Vernon Lane
Rose Valley, PA 19063

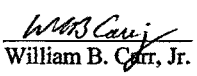
August 13, 2008

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

Dear Mr. Chairman:

Attached are my responses to written questions from Senator Kennedy and from Senator Feingold.

Sincerely,



William B. Carr, Jr.

cc:
The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

45140.101

Responses of William B. Carr, Jr.
Nominee to be a Member of the United States Sentencing Commission
to the Written Questions of Senator Russell D. Feingold

1) When Congress passed the Sentencing Reform Act, it directed the Sentencing Commission to ensure that the sentencing guidelines would "reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense." Notwithstanding that provision, the rate of incarceration has increased to the point that there are now more than 200,000 federal prisoners, and the percentage of federal offenders receiving simple probation has been cut in half.

For certain offenders, such as low-level, non-violent drug offenders, alternatives such as drug courts and rehabilitation programs can be less costly and more effective than incarceration. Do you think our criminal justice system should be making greater use of alternatives to incarceration for low-level, non-violent offenders? If so, what steps would you take as Commissioner to accomplish this?

I do think that the criminal justice system could be making greater use of alternatives to incarceration for low-level, non-violent offenders. I am aware that the Sentencing Commission sponsored a comprehensive two-day Symposium on Alternatives to Incarceration in July 2008 addressing, among other topics: drug courts and treatment options for certain offenders; alternative sentencing options in the federal and state systems; restorative justice-based programs; prison programs resulting in reduced sentences; and the Second Chance Act and re-entry issues. The Commission's statutory purposes include, in addition to promulgating sentencing guidelines, advising and assisting Congress and the executive branch in developing effective and efficient crime policy. I think it is within that mission, and a good use of the Commission's resources, to explore and evaluate alternatives to incarceration in appropriate cases, as well as re-entry programs. It would appear that the Commission has already initiated such an effort. If confirmed I would look forward to continuing that work to further the statutory purposes of the Commission and the goals of sentencing.

45140.102

Responses of William B. Carr, Jr.
Nominee to be a Member of the United States Sentencing Commission
to the Written Questions of Senator Edward M. Kennedy

Questions on Recent Sentencing Commission Action

In April 2007 the U.S. Sentencing Commission amended the crack-cocaine sentencing guidelines, lowering the base offense level in crack cases and thereby lowering the guideline sentencing ranges. On November 1, 2007, the amendment took effect and on December 11, the Commission voted unanimously to give retroactive effect to the crack cocaine amendment. A Sentencing Commission press release about the amendment stated, "The amendment was intended as a step toward reducing some of the unwarranted disparity currently existing between Federal crack cocaine and powder cocaine sentences." The changes are expected to impact approximately 78% of defendants convicted of crack cocaine offenses, producing average sentence reductions of 16 months.

According to a July 18, 2008 article in the Boston Globe ("Inequity's End Means New Start for 31"), 79 Massachusetts inmates convicted of crack cocaine offenses have had their sentences reduced since the amendment took effect. The article states that Chief US District Judge Mark Wolf noted that judges consulted with prosecutors, defense attorneys, parole officers, and others to ensure that eligible inmates did not pose a danger to the public, and U.S. Attorney Michael J. Sullivan indicated that if defendants meet eligibility requirements and are not a danger to the community, prosecutors should not object.

1. **Do you support the Commission's recent action on crack cocaine sentences? If you disagree with the Commission's action, please describe the basis for your position in detail.**

   Yes, I support the Commission's recent actions on crack cocaine sentences.

2. **Do you support the retroactive application of the changes in the crack cocaine guidelines to defendants sentenced prior to the amendment? Please explain.**

   I recognize that there was a great deal of concern, as expressed by representatives from the Department of Justice and others, with respect to the retroactive application of the crack cocaine amendment. In particular there was a concern about the potential sudden release of serious, and perhaps violent, drug dealers into communities which could ill afford the additional risk that posed. I am also aware that the Commission did not follow its usual rule of making the retroactivity decision at the same meeting at which the proposed amendment was voted upon. As a consequence, the retroactivity determination was not made until several months later. The Commissioners' vote on retroactive application was unanimous, including the only Commissioner who voted against adoption of the underlying amendment itself. The Commission projected that prisoners whose sentences could be adjusted would still receive average sentences, after reduction, of approximately 125 months.

45140.103

The Commission made clear in announcing its retroactivity decision that judges ruling on motions for reduction of sentence were directed to consider many factors, including whether lowering the defendant's sentence would pose a danger to public safety, and that the overall impact should occur incrementally over 30 years. It also delayed the effective date of the amendment to give the courts sufficient time to address the motions for reduction of sentence. The Commission made its retroactivity determination after months of deliberations and years of consideration of powder and crack cocaine sentencing issues. Given the limited extent of the available reduction under this amendment, the Commission's adoption of new limitations on this and all other retroactive amendments, and in particular the directive to consider public safety in each case, I support the Commission's retroactive application of the amendment.

In May 2007, the Sentencing Commission published a report entitled "Cocaine and Federal Sentencing Policy". The report reiterates the Commission's longstanding belief that the 100-to-1 drug quantity ratio (crack v. powder cocaine) significantly undermines the various congressional objectives set forth in the Sentencing Reform Act and, therefore, the disparity should be addressed by changing the law. Specifically, the report states that, "(1) The current quantity-based penalties overstate the relative harmfulness of crack cocaine compared to powder cocaine; (2) The current quantity-based penalties sweep too broadly and apply most often to lower level offenders; (3) The current quantity-based penalties overstate the seriousness of most crack cocaine offenses and fail to provide adequate proportionality.; and (4) The current severity of crack cocaine penalties mostly impacts minorities." As you may know, changes in crack-cocaine sentencing are supported by a broad coalition that includes judges, defense attorneys, prosecutors, scientists, doctors, law enforcement officers, academics, not-for-profit organizations, and community members.

1. **Do you support continued efforts to lessen the disparity between sentences for crack cocaine and powder cocaine offenses? Please explain the basis for your position.**

   Yes, I support continued efforts to lessen the disparity between sentences for crack cocaine and powder cocaine offenses. The 100-to-1 disparity originated in the Anti-Drug Abuse Act of 1986. As set forth in a series of Commission reports and summarized by the Supreme Court this past December in Kimbrough v. United States, Congress attempted in the 1986 Act to establish 10-year mandatory minimum terms for "major drug dealers" and five-year terms for "serious traffickers." Some heightened assumptions concerning the dangers of crack cocaine and its relatively recent introduction to the illicit drug trade proved to be in error. In addition, it appeared that the quantities of crack cocaine which triggered mandatory minimum sentences ended up applying to lower level dealers than the 1986 Act contemplated. The Commission has recognized that the special dangers of crack cocaine do merit some disparity compared to powder cocaine. In 2002 the Commission recommended that the disparity be reduced by Congress to no more than 20-to-1.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00125 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.104

2. **If you do support continued efforts to lessen the disparity, how should these efforts be carried out? Do you believe action needs to be taken beyond amending the sentencing guidelines? Please explain the basis for your position.**

At this point I believe that only legislative action can address the disparity. As I understand it, the Sentencing Commission went as far as it could go in the 2007 amendment reducing the crack cocaine guidelines. When the Commission promulgated the first set of guidelines in 1987, the 100-to-1 disparity triggering the mandatory minimums was already in place. The quantity of crack cocaine which triggered the five-year (60 month) mandatory minimum – five grams - was assigned the guideline range beginning just above the minimum: 63 to 78 months. The 2007 amendment lowered the applicable range to 51 to 63 months. In effect, absent relief from the mandatory sentence (cooperation or "safety valve"), the defendant's range was reduced from 63 to 78 months, to 60 to 63 months.

Similarly, the quantity of crack cocaine triggering the ten-year (120 month) mandatory minimum – 50 grams – was originally assigned the guideline range beginning just above the minimum: 121 to 151 months. Last year's amendment lowered the applicable range to 97 to 121 months. Absent relief from the mandatory sentence, the defendant's range was reduced from 121 to 151 months, to 120 to 121 months. Corresponding reductions were made for all threshold quantities of crack cocaine affecting guideline calculations, both above and below those triggering mandatory sentences. Further reductions would require Congressional action with respect to the quantities triggering the mandatory minimum sentences.

Questions on Mandatory Minimum Sentences

Mandatory minimum sentences require a "one size fits all" sentence for a given crime, regardless of the defendant's background or the specific circumstances and nature of the offense. Judges, experts, and many criminal justice system professionals oppose such sentences, because they undermine the goals of the Sentencing Reform Act by imposing the same punishment on defendants with differing levels of culpability. According to the Sentencing Project, drug arrests have tripled over the last 25 years to a record 1.89 million in 2006, and the number of drug offenders in prisons and jails has increased by twelve-fold since 1980.

In a November 2004 report entitled "Fifteen Years of Guidelines Sentencing," the Sentencing Commission found that "the rate of imprisonment for longer lengths of time climbed dramatically" in the last two decades and that "there has been a dramatic increase in time served by federal drug offenders." A major factor in the growing number of incarcerated individuals in federal prisons is mandatory sentences, especially for low-level drug offenders.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00126 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.105

Almost half a million people are incarcerated in state or federal prisons or local jails for drug offenses, and mandatory sentences are a significant factor in this enormous increase in the prison population.

1. **What are your personal views on mandatory minimum sentences?**

   My personal views on mandatory minimum sentences would not dictate my practices as a Member of the Sentencing Commission, if confirmed. The purposes of the Commission are to (1) to establish sentencing policies and practices for the federal courts, including guidelines to be consulted regarding the appropriate form and severity of punishment for offenders convicted of federal crimes; (2) to advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and (3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues, serving as an information resource for Congress, the executive branch, the courts, criminal justice practitioners, the academic community, and the public. In performing these functions as a Commissioner, if confirmed, I will consider the statutes and direction provided by Congress, the testimony obtained from public hearings, and other appropriate input properly provided to the Commission.

   As a general matter, I recognize the tension between an inflexible, mandatory sentencing scheme, contrasted with the structure and purpose of a guideline system (which I endorse) which is designed to preserve consideration of individual circumstances and mitigating factors. That tension invites an ongoing scrutiny of the propriety and effectiveness of existing mandatory sentencing provisions, to determine whether they fairly and efficiently serve the sentencing goals of punishment, incapacitation, deterrence and rehabilitation.

2. **Have these views affected your practice as an Assistant United States Attorney, and, if so, how?**

   My entire career as a prosecutor was in the United States Attorney's Office for the Eastern District of Pennsylvania. We operated under directives from the Department of Justice regarding charging decisions with respect to both (1) guidelines consequences, and (2) the applicability of statutory mandatory penalties. With respect to the former, we were obligated to charge the most serious readily provable offenses, "seriousness" determined by the impact of the guidelines. With respect to offenses carrying statutory mandatory penalties, we were also to charge those offenses if they were readily provable. In terms of plea negotiations, we required guilty pleas to the most serious offenses, including those carrying statutory mandatory penalties. This practice applied to plea agreements which were entered into both pre-indictment and post-indictment, and regardless of whether the defendant was providing cooperation.

   The reason for these practices was to prevent sentencing discretion being transferred from the court to the government, and to further Congress's intent to reduce

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00127 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.106

unwarranted sentencing disparity. In my experience, our U.S. Attorney's Office was faithful to these directives, and I operated under them. My personal views on mandatory minimum sentences therefore did not dictate my practices as an Assistant U.S. Attorney.

3. **As an Assistant United States Attorney did you choose to charge offenses because they carried mandatory minimums? If so, how frequently and why?**

   We operated under directives from the Department of Justice regarding charging decisions with respect to the applicability of statutory mandatory penalties. We charged those offenses if they were readily provable. In terms of plea negotiations, we required guilty pleas to the most serious offenses, including those carrying statutory mandatory penalties. This practice applied to plea agreements which were entered into both pre-indictment and post-indictment, and regardless of whether the defendant was providing cooperation.

4. **As a supervisor in the United States Attorney's office, did you advise, encourage or require other Assistant United States Attorneys to charge offenses because they carried mandatory minimums? If so, why?**

   While I did not have supervisory authority over charging decisions with respect to mandatory minimum sentences, we operated under directives from the Department of Justice regarding charging decisions with respect to the applicability of statutory mandatory penalties. We charged those offenses if they were readily provable. In terms of plea negotiations, we required guilty pleas to the most serious offenses, including those carrying statutory mandatory penalties. This practice applied to plea agreements which were entered into both pre-indictment and post-indictment, and regardless of whether the defendant was providing cooperation.

5. **In cases you handled as the lead prosecutor as an Assistant United States Attorney, how frequently, in a general sense, would you say mandatory minimum sentences were imposed?**

   My cases did not frequently involve the applicability of mandatory minimum sentences. The U.S. Attorney's Office in Philadelphia does generate a large number of drug and firearms prosecutions. Assistant U.S. Attorneys in the office handle a variety of cases, however I was never assigned to the drug or firearms sections, and those cases (the overwhelming source of mandatory sentencing) were not usually assigned to me. Some of my more serious drug investigations were "diversion" cases, involving the unlawful distribution and sale of prescription drugs. While the penalties, and guidelines, were severe, those controlled substances did not trigger statutory mandatory sentences.

6. **Aside from the "cooperation" and "safety valve" provisions that allow a sentence to go below mandatory minimums, what other forms of relief could be put into the sentencing guidelines so that judges can take individual**

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00128 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.107

circumstances into consideration in charges that require mandatory minimum sentences?

Relief would have to be achieved through Congressional legislation, as opposed to Commission amendments to the sentencing guidelines. In addition to the issues concerning the current 100-to-1 powder cocaine/crack cocaine ratio, I believe this is the only drug for which a statutory mandatory minimum applies for a first-time simple possession offense. The law could be amended to eliminate simple possession from triggering a mandatory minimum sentence.

7. **If confirmed as a member of the Sentencing Commission, would you support adding these other forms of relief to the sentencing guidelines?**

I would support eliminating simple drug possession from the offenses subject to a mandatory minimum sentence.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00129 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.108

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 18, 2008

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

Dear Mr. Chairman:

Enclosed are the responses of J. Patrick Rowan, nominee to be the Assistant Attorney General for the National Security Division, to the written questions received from Senators Kennedy and Feingold following the confirmation hearing for Mr. Rowan on July 23, 2008.

Sincerely,

Keith B. Nelson
Principal Deputy Assistant Attorney General

Enclosures

cc: The Honorable Arlen Specter
Ranking Minority Member

Responses to Written Follow-up Questions by Senator Edward M. Kennedy To J. Patrick Rowan, Acting Assistant Attorney General, National Security Division

1. In your time at the FBI Office of General Counsel, did you provide or contribute to any legal opinion on the legality of detainee interrogation techniques?

   Response:

   I do not recall providing or contributing in any fashion to any legal opinion on the legality of detainee interrogation techniques during my time at the FBI.

2. Were you in the FBI Office of General Counsel when FBI agents in Guantanamo Bay were ordered to return home rather than participate in the interrogation methods used by the CIA? Were you involved in making that decision?

   Response:

   I do not know when FBI agents in Guantanamo Bay were ordered to return home rather than participate in CIA interrogations, so I do not know if I was in the FBI Office of General Counsel at the time. In any event, I was not involved in making any decisions to issue such an order or any other order concerning FBI's participation in CIA's interrogations.

3. The Survival, Evasion, Resistance and Escape program was developed by the Air Force after the Korean War to train US servicemen at high risk of enemy capture on how to resist coercive interrogation and extreme forms of abuse. During the Vietnam War, the program was expanded to the Army and Navy. The SERE program resistance training has more recently been reverse-engineered and used in an attempt to break down detainees and get them to talk. SERE techniques were not designed for that purpose, and we have no evidence that these techniques provide reliable or truthful information. On June 10, 2008, former FBI agent Jack Cloonan testified before the Senate Judiciary Committee that rapport-building methods have proven more effective in producing reliable information than coercive techniques. Do you agree that the FBI's rapport-building approach is more effective at producing reliable intelligence than coercive techniques?

   Response:

   Over the course of many years as a prosecutor in the United States Attorney's Office, I learned first-hand how effective FBI agents are in eliciting admissions using a rapport-based approach to interviews. These admissions appeared voluntary, reliable and elicited under circumstances that complied with the Fifth Amendment and the requirements of *Miranda v. Arizona*. As a result, these admissions were ordinarily admissible at trial in our courts and were very useful evidence against criminal defendants in my cases. I have also seen the value of the FBI's approach in my work at the FBI and at Main Justice.

45140.110

The circumstances of an intelligence interview may vary greatly, based on factors such as the urgency of the need for information, the amount of corroborating information available, the potential incentives that may be made available to the interviewee, the profile of the interviewee, and the degree of coercion that may be required. For all these reasons, I do not think I can reach a conclusion that the rapport-building approach is always more effective at producing reliable intelligence than coercive techniques. I do believe that assessing the reliability of information obtained from an interviewee is ordinarily a more challenging task when the information has been obtained through coercive techniques, rather than a rapport-based approach.

4. While in the Criminal Division of the Department of Justice, did you advise on issues related to detainee treatment? Please describe those activities.

   Response:

   During my tenure as a Senior Counsel to the Assistant Attorney General of the Criminal Division, I assisted the Assistant Attorney General in the supervision of prosecutions related to counterterrorism matters. In that capacity, I recall reviewing the evidence and proposed charges that were eventually pursued against David Passaro, a CIA contractor who was indicted in June, 2004 for assaulting an Afghan detainee of the U.S. Army at a base in Afghanistan. (Defendant Passaro was eventually convicted of several counts of assault in the Eastern District of North Carolina.) I provided advice and recommendations to the Assistant Attorney General concerning the matter, but I did not have a direct role in the prosecution.

   In 2004, after I learned of the mistreatment of detainees at Abu Ghraib through media reporting, I worked with others in the Criminal Division to determine what role the Criminal Division should take in investigating allegations of mistreatment at the facility. Later in 2004, however, the Attorney General created a Detainee Abuse Task Force in the United States Attorney's Office for the Eastern District of Virginia. As a result, detainee abuse investigations were then transferred out of the Criminal Division to the United States Attorney's Office. Thereafter, I had no substantive role in any detainee abuse investigations.

   Also, from time to time in the course of reviewing the evidence in potential prosecutions, issues relating to the treatment of a detainee would arise, particularly when we were assessing the likely admissibility of inculpatory statements made by a detainee in Government custody in the face of possible allegations of mistreatment by the detainee. In these instances, as with the Passaro case, I provided advice and recommendations to the Assistant Attorney General, but I did not have a direct role in the prosecutions.

5. Were you involved in any detainee litigation? In what role?

45140.111

Response:

Litigation against the United States by detainees held as enemy combatants in the ongoing armed conflict with Al Qaeda and the Taliban, in a habeas proceeding or otherwise, is ordinarily handled by the Department's Civil Division. At times in the past, the Department's Office of Solicitor General (OSG) has also had responsibility for some of the detainee litigation. I have not served in the Civil Division or OSG and I have never had any responsibility for these matters. On occasion, I have been consulted by the Civil Division or OSG in the course of their litigation, usually because the detainee against whom they were litigating was also a potential or actual defendant in a criminal prosecution and/or the Civil Division was interested in my views concerning the disclosure of national security information in civil discovery.

6. Are you familiar with OLC's 2005 torture memos that authorized a combination of interrogation techniques, including head-slapping, frigid temperatures and simulated drowning? Were you in any way involved in the preparation of those memos?

Response:

On December 30, 2004, the Department's Office of Legal Counsel issued an opinion entitled *Legal Standards Applicable Under 18 U.S.C. §§ 2340-2340A*, which discussed the federal criminal prohibition against torture. As noted in the opinion, which was publicly released, the Criminal Division reviewed it and concurred in its analysis. As a Senior Counsel to the Assistant Attorney General of the Criminal Division at the time, I assisted the Assistant Attorney General in the Division's review of the opinion.

I am aware that the Office of Legal Counsel issued classified memos in 2005 concerning interrogation techniques. During this time, I remained a Senior Counsel to the Assistant Attorney General for the Criminal Division. To the extent that the Criminal Division had occasion to express its view on any aspect of the analysis in the 2005 memos, that view would be reflected in those opinions.

45140.112

Response to Question from Senator Feingold for John Patrick Rowan

1) At the hearing, you stated that you believe the argument that the Authorization for Use of Military Force (AUMF) authorized the President's warrantless wiretapping program was "a rather solid analysis." Not many members of Congress who voted for the AUMF would agree. To take just a few examples, in October 2007, Senators Feinstein, Snowe and Hagel stated the following in their "Additional Views" to the Senate Select Committee on Intelligence Report on the FISA Amendments Act of 2007: "We have seen no evidence that Congress intended the AUMF to authorize a widespread effort to collect the content of Americans' phone and email communications, nor does the AUMF refer to the subject." Similarly, Senator Graham said in February 2006: "When I voted for it [the AUMF], I never envisioned that I was giving to this president or any other president the ability to go around FISA carte blanche." Do you truly believe that the AUMF argument was a solid legal basis for the NSA wiretapping program?

Response:

At the hearing, in referencing aspects of the Department's "White Paper" entitled *Legal Authorities Supporting the Activities of the National Security Agency Described by the President*, I sought to convey my view that the White Paper demonstrates that interception of communications has long been accepted as a fundamental incident of the use of military force. The historical discussion on this point in the White Paper is persuasive. In *Hamdi v. Rumsfeld*, 542 U.S. 507, 519 (2004), a plurality of the Supreme Court concluded that the Authorization for Use of Military Force (AUMF) authorizes the President to take actions against al Qaeda and related organizations that amount to "fundamental incident[s] of waging war." The historical record regarding the interception of communications, combined with *Hamdi*'s interpretation of the AUMF, provide a solid basis for the argument that the AUMF can be read as an authorization to intercept communications in addition to the Foreign Intelligence Surveillance Act (FISA). I recognize that others, including members of Congress who voted for the AUMF, disagree with this analysis. I am hopeful that Congress's provision of new authorities in the FISA Amendments Act of 2008, as well as the Act's exclusive means provision, will eliminate the possibility that this disagreement will reoccur.

45140.113

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

August 18, 2008

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

Dear Mr. Chairman:

Enclosed are the responses of Jeffrey Sedgwick, nominee to be the Assistant Attorney General for the Office of Justice Programs, to the written questions received from Senators Kennedy, Feingold, and Coburn following the confirmation hearing for Mr. Sedgwick on July 23, 2008.

Sincerely,

Keith B. Nelson
Principal Deputy Assistant Attorney General

Enclosures

cc: The Honorable Arlen Specter
Ranking Minority Member

Responses to Written Follow-up Questions of Senator Edward M. Kennedy To Jeffrey Leigh Sedgwick, Acting Assistant Attorney General, Office of Justice Programs

The Mentally Ill Offender Treatment and Crime Reduction Act, passed unanimously by Congress in 2004, authorizes grants to state and local governments to plan or implement initiatives to assist people with mental illness in the criminal justice system. Congress appropriated $5 million to fund this program in FY 2007. Under the Act, jurisdictions that apply for funds but do not receive them ("non-grantees") are still guaranteed some form of support. The Council of State Governments Justice Center provides that support in the form of training for state and county governments to improve the response to people with mental illness in the criminal justice system.

In 2007, at the invitation of the Bureau of Justice Assistance, the Justice Center submitted two applications to continue this programming. OJP has not yet acted on the application numbered 2007-F7599-KY-DD, jeopardizing the continuation of the much-needed and statutorily mandated support and training that the Justice Center provides to non-grantees.

1. **What is the status of the outstanding Justice Center application?**

   The grant was awarded to the Justice Center on August 8, 2008.

2. **Please describe what steps you will take to see that this application is processed and the Justice Center program funded.**

   The grant was awarded on August 8, 2008. OJP will work with the Council of State Governments to ensure that post-award processing is completed promptly and allow the Center to access its grant funds as soon as possible.

3. **What steps will you take to ensure that future applications to the Bureau are processed in a timely fashion?**

   I will continue to ensure that OJP makes every effort to process applications promptly. In Fiscal Year 2007, OJP processed approximately 4,400 grant applications totaling nearly $3 billion dollars. Every grant application received by OJP passes through a multi-stage process that includes administrative, programmatic, legal, and financial reviews to ensure that all applicable legal and administrative requirements are satisfied. In addition, most applications for funding from OJP's discretionary grant programs are subject to a peer review process which provides OJP leadership with an objective analysis of each application's merits and recommends the most promising applications for funding. In the event that an application is delayed due to administrative difficulties with the grant process, OJP staff work closely with applicants, peer review teams, and OJP leadership to address the cause of the delay.

45140.115

On June 12, 2008, the Washington Post published an article entitled "New Criminal Record: 7.2 million," discussing the cost of incarceration in the United States. As reported in the article, "According to a recently released report released by the Bureau of Justice Statistics, more than 2 million offenders were either in jail or prison in 2006, the most recent year studied in an annual survey. Another 4.2 million were on probation, and nearly 800,000 were on parole. The cost to taxpayers, about $45 billion, is causing states such as California to reconsider harsh criminal penalties." Some states are considering early release for inmates considered non-violent or non-threatening.

You wrote a response to the article stating that in the long-term, early release of prisoners would lead to increased costs from new crimes and costs of victimization. You stated, "Let there be no mistake -- releasing criminals early may help save money in the short term, but not in the long term."

The United States has the highest incarceration rate in the world, with 1 in 100 adults in jail or prison. In minority communities, this ratio is even more staggering: 1 in 15 Black men and 1 in 35 Hispanics are imprisoned – and a significant number are imprisoned for non-violent low-level drug offenses.

1. Do you believe that because statistics show that crime goes down when incarceration goes up, an unlimited increase in rates of incarceration would be positive? The US already has the highest incarceration rate in the world—do you believe there should be any limit on this trend?

The relationship between incarceration rates and crime rates is a hotly debated topic in criminal justice. For example, there is widespread agreement that incarceration contributed to reduced crime rates in the 1990s, but there is disagreement about how much it contributed and to what extent other factors were responsible for the "great American crime decline." I do not believe that ever-increasing incarceration rates are the most important source of a reduction in crime. However, I do believe there is a need for more research to address this issue.

2. Although crime generally goes down when incarceration goes up, most economists who study crime agree that the crime reduction from each new person put into prison declines as the prison population goes up. Since we're at record-breaking rates of incarceration, how much crime reduction can we realistically expect to get with each new incarceration?

The expected reduction in crime rate for each additional criminal incarcerated is an interesting and important research question for criminal justice scholars. I am not in a position to comment on this subject other than what current research indicates.

3. Do you agree that there are important social costs in keeping 1% or more of the United States population imprisoned, including the public health costs that

45140.116

result from overcrowding, the economy's loss of millions of workers and consumers, and the costs to children raised without mothers and fathers?

I agree there is a social cost to incarceration. My intention in the letter I wrote to the Washington Post was to draw out the complexity of the issue by highlighting that, while there is a social cost to incarceration, there is also a social cost to non-incarceration. For example, the National Crime Victimization Survey estimated that crime cost victims at least $15.85 billion in 2004, and that does not even take into account fear, pain, suffering, and lost quality of life, which cannot be quantified.

4. As Director of OJP, would you support funding initiatives that attempt to reduce crime through prevention, rather than incarceration? Would you support funding programs that divert offenders from incarceration into other types of programs? Do you feel that incarceration is the most cost-effective option available for lowering crime?

I fully support sound initiatives that attempt to reduce crime through prevention rather than incarceration. In fact, this is a key part of our work at the Office of Justice Programs. OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs. In Fiscal Year 2007, OJJDP awarded over $9.5 million to support prevention and intervention programs.

In addition, OJP's Bureau of Justice Assistance supports many crime prevention efforts. Under Project ChildSafe, a component of Project Safe Neighborhoods, BJA works with the National Shooting Sports Foundation to provide free gunlocks and gun safety information to state and local law enforcement agencies nationwide. BJA also coordinates the National Citizens' Crime Prevention Campaign with the National Crime Prevention Council, the Crime Prevention Coalition of America, and the Ad Council, Inc. The campaign encourages citizens to participate in crime prevention through a public service advertising campaign, provides technical assistance and training to citizen and law enforcement organizations throughout the nation, organizes demonstration programs, and produces prevention-related publications and materials.

Through the Gang Resistance Education and Training G.R.E.A.T. Program, BJA supports school-based, law enforcement officer-instructed classroom efforts to prevent delinquency, youth violence, and gang membership. G.R.E.A.T. lessons focus on providing life skills to students to help them avoid delinquent behavior and violence to solve problems.

Both BJA and OJJDP administer part of the Drug Court Discretionary Grant Program. Drug courts integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance-abusing offenders.

45140.117

From a personal perspective, my support also aligns with my own experience as the President of the Western Massachusetts Boy Scout Council. In my career with the Boy Scouts, I saw first-hand how youth from all walks of life benefitted from positive interventions in their lives. I also support sound programs that divert offenders into non-incarceration programs, provided that the public's safety is in no way jeopardized.

A 2004 report by the National Institute of Corrections found that the number of state and federal prisoners ages 50 and older rose 172% between 1992 and 2001. Some estimates suggest that the elderly inmate population has grown by as much as 750% over the last two decades. Even conservative estimates suggest that the population of elderly inmates will represent 33% of the total prison population by 2010. The average cost of housing this increasing number of elderly inmates is reported to be between $67,000 and $69,000, over three times the average cost of housing younger inmates. As the age of the inmate population grows over the next decade, the total money spent on corrections in the United States will increase dramatically.

Yet, these high costs result from housing a group that, according to a U.S. Department of Justice report, has a recidivism rate of only 1.4%, much lower than the recidivism rate for younger inmates. Current policy fails to address the humanitarian and financial concerns involved in housing non-violent elderly offenders, whose unique needs require treatment for chronic and fatal diseases, protection from younger prisoners, and prison alterations to accommodate the need for walkers, canes, and geriatric chairs.

1. **What is your view on the costs of housing elderly prisoners over the next decade? Is it your view that these prisoners should not be eligible for early release programs – such as the pilot program in the recently enacted Second Chance Act – even if these programs would result in significant cost savings to the federal government and would not affect public safety in any way?**

   There is little research on this subject, although I am aware that a National Institute of Corrections report states that it costs almost three times as much to house an elderly inmate as it does for other inmates. I would be glad to work with the Committee to explore how reentry efforts could be applied to elderly prisoners. It is my view that early release options are viable so long as they do not endanger public safety.

In his September 2006 testimony before the Senate Judiciary Committee, Economic and Public Policy Professor Jens Ludwig of the University of Chicago reported that, "...a growing body of research in economics and criminology suggests that increased expenditures on law enforcement personnel, such as through the federal government's COPS program, can reduce crime and generate benefits to society that exceed the cost of expanding the police budget." In a Brookings Institution policy brief, Professor Ludwig indicates that $1 invested in policing seems to

45140.118

generate $4 to $6 worth of social benefits. A decrease in the prison population could free up funds that could then be spent on COPS and similar crime prevention and enforcement programs.

1. **What is your response to Professor Ludwig's analysis?**

   I am not intimately familiar with the data and assumptions underlying Mr. Ludwig's particular article; therefore, I cannot comment on the validity of his specific conclusion that each dollar invested in law enforcement returns $4 to $6 worth of social benefits. However, irrespective of the accuracy of his estimate of magnitude, his general conclusion is familiar among economic studies of crime and justice and not controversial. It does not follow, necessarily however, that inmate populations should be decreased and the savings invested in law enforcement. Whether or not such a reallocation of resources would minimize total social costs depends on the recidivism profile of those released, precisely the piece of knowledge that we do not currently possess.

2. **Do you agree that expenditures on law enforcement prevention programs could have a significant an impact on the costs of crime?**

   I support comprehensive, coordinated, and balanced efforts to combat crime and violence. Prevention programs are an important part of this comprehensive approach, along with improved law enforcement, effective prosecution, and a strong correctional system.

45140.119

Responses to Questions for Jeffrey Sedgwick from Senator Russ Feingold

1) At the hearing, I brought up the matter of J. Robert Flores, the Administrator the Office of Juvenile Justice and Delinquency Prevention (OJJDP), an office within OJP. As I noted, Mr. Flores' tenure has been controversial from the beginning, and the DOJ Inspector General has found enough evidence of criminal misconduct on Mr. Flores' part to refer the matter to federal prosecutors. I asked you whether you had taken any action on this matter while serving as Acting Assistant Attorney General and whether you believed Mr. Flores should continue to be in charge of OJJDP. You responded that "it seemed to me presumptuous . . . as an Acting Attorney General, to raise the question of my personnel authority with regard to a presidential appointee within the Office of Justice Programs."

Had I asked whether you had tried to fire Mr. Flores on your own authority, your response may have been appropriate, insofar as the President himself has ultimate authority for removing his appointees. However, the Assistant Attorney General can and should recommend the removal of political appointees under his supervision in cases where he or she believes removal to be appropriate. Such recommendations should not depend on whether the Assistant Attorney General is serving in an "acting" capacity.

a) While serving as Acting Assistant Attorney General, have you expressed any concerns to the Attorney General or to the President regarding Mr. Flores' continued tenure?

No, I have not. The Fiscal Year 2007 grant awards were made prior to my tenure as the Acting Assistant Attorney General (AAG). However, like many, I am concerned about the transparency and fairness of the process OJJDP, and all of OJP, uses to make grant awards.

b) If confirmed, would you recommend that Mr. Flores be removed from his position?

If confirmed, I will commit to taking appropriate corrective management or personnel actions, when necessary, and will not hesitate to comply with my regulatory responsibilities to refer to the appropriate investigators any non-frivolous allegations of waste, fraud, abuse or professional misconduct. I am committed to ensuring that the officers and personnel of OJP comport themselves with the highest standard of ethics and that grants are awarded in accordance with the law and Department guidelines to address the best needs of the criminal justice community.

2) What role do you believe the federal government, and OJP in particular, have in facilitating evidence-based research, including the use of randomized trials, into crime prevention and intervention strategies? How will you ensure that OJP is helping to facilitate this type of sophisticated, and often more expensive, research?

45140.120

OJP's National Institute of Justice (NIJ) has historically promoted and continues to facilitate evidence-based research, including the use of randomized trials to develop valid and reliable violent crime prevention and intervention strategies. NIJ subscribes to a comprehensive research, development, and evaluation model that includes funding basic and descriptive research as well as more sophisticated evaluations, including longitudinal and randomized research designs. NIJ remains committed to implementing this type of research by funding proposals to develop and evaluate valid and reliable approaches to crime prevention and intervention.

Almost forty years ago, NIJ funded some of the first randomized trials in policing strategies and domestic violence intervention. Today, evidence-based concepts like "hot spots" policing and pro-arrest policies in domestic violence are common practice. NIJ provided funding to the University of Maryland to conduct the study that resulted in the published report, *Preventing Crime: What Works, What Doesn't, and What's Promising.* This was the first comprehensive study to compile evidence on a wide range of crime prevention programs and continues to influence the adoption of evidence-based policies and programs. NIJ will continue to fund efforts such as the Campbell Collaboration to produce and disseminate systematic reviews of evidence-based and effective policies, programs, and technologies related to crime control and prevention.

Further, NIJ is currently funding over 100 evaluations (including 25 randomized experiments) in family and community settings, including general anti-violence and anti-gang strategies, in our continuing effort to bring evidenced-based programming to criminal justice.

NIJ also is funding three randomized evaluations of violence prevention programs in New York State, Chicago, and the Seattle area. The New York study will provide follow-up to a randomized statewide implementation of nurse visitation programs to prevent and reduce violent behavior. The Chicago SAFE Children experiment is assessing the effectiveness of parent support and tutoring in preventing and reducing aggressive behavior among kindergarten children. The Seattle study is evaluating the efficacy of cooperative teaching methods in preventing disruptive and aggressive behavior in elementary grades. NIJ is currently funding further evaluation of the Gang Resistance Education and Training Program (GREAT), which includes randomized trials.

As further evidence of the commitment to this approach, all of NIJ's Fiscal Year 2008 social science research solicitations include language to emphasize sophisticated research designs and assert that funding priority will be given to this type of research. In addition, funding for NIJ's Fiscal Year 2008 solicitation on Crime and Justice Research was increased this year ($ 4 million total) to enable us to better respond to proposals for larger and more sophisticated research.

3) The Byrne Justice Assistance Grant program has wide support from state and local law enforcement officials, yet the current administration has repeatedly proposed to slash funding for the program. I have heard from countless law

45140.121

enforcement officials in Wisconsin about the importance of these grants, and the dire circumstances they face as this funding stream continues to be reduced. Do you think that the Byrne JAG program has been helpful to state and local law enforcement, and do you support increasing funding for Byrne JAG grants?

We have seen measureable results from various local JAG funded initiatives, where the project was supported by specific crime issues. The Fiscal Year 2009 President's Budget requested a new Byrne Public Safety Initiative that is focused on the best results that we have seen with Byrne JAG through locally driven initiatives supported by valid crime statistics.

The overall Byrne Public Safety and Protection program set forth in the President's Fiscal Year 2009 Budget consolidates OJP's most successful state and local law enforcement assistance programs into a single, flexible, competitive grant program that would help state, local, and tribal governments, and non-profit entities, develop programs appropriate to the particular needs of their jurisdictions. Through a competitive grant process, OJP would assist state, local, tribal, and community efforts to address concerns in a number of high-priority areas, such as: (1) law enforcement programs; (2) prosecution and court programs; (3) education and training programs; (4) corrections and community corrections programs; (5) drug treatment, monitoring, interdiction, and eradication programs; (6) planning, evaluation, and technology improvement programs; and (7) reducing violent crime at the local level through the Project Safe Neighborhoods initiative.

Our information indicates that crime trends are scattered and isolated. Much of the crime increases are centered in certain "hot spots." The Department of Justice's proposal would give states and local communities the flexibility to target resources to the areas where they are the most needed. It is an appropriate strategy that would complement the Department's "18 Cities" program.

OJP is also working with state, local and tribal partners to identify problems and develop meaningful strategies to reduce and deter crime. Through the Violent Crime Reduction Partnership Initiative, OJP is helping communities address high rates of violent crime by forming and developing effective multi-jurisdictional law enforcement partnerships and task forces between local, state, tribal, and federal law enforcement agencies. Through a competitive grant process, the Department's Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) provided $75 million to start the program and provide technical assistance to communities seeking to establish partnerships or task forces to investigate and reduce violent crime—including efforts to address drug trafficking and criminal gang activity, which contribute to many violent offenses.

45140.122

Responses to Follow-up Questions of Senator Tom Coburn, M.D.
Hearing: "*Executive Nominations*"
United States Senate Committee on the Judiciary
July 23, 2008

Questions for Mr. Sedgwick

1. **Although there are not many months left in the current administration, if you are confirmed, will you commit to being responsive to requests from Congressional offices for information on various programs administered by the Office of Justice Programs (OJP)?**

   I have always been committed to being responsive to requests from congressional offices on OJP matters and will continue to do so.

2. **What will you do to ensure more transparency and oversight is conducted within OJP divisions and their corresponding grant programs?**

   Transparency and oversight are my highest priorities.

   In Fiscal Year 2007, OJP established the Office of Audit, Assessment and Management (OAAM) to ensure effective financial grant compliance and auditing of OJP's internal controls to prevent waste, fraud, and abuse and to conduct programmatic assessments of grant programs.

   Since its creation, OAAM has evaluated OJP's monitoring efforts to determine where improvements were needed. The Office assisted in the revision of OJP grant monitoring policies and procedures to provide for more effective monitoring. It also developed a new standard grant monitoring tool for all OJP staff. OAAM developed new training for OJP grant managers on effective monitoring practices. More than 400 OJP grant managers have received this training.

   In addition, OAAM has instituted a program assessment function whereby grant and, grant programs are selected for targeted review to determine compliance and programmatic performance, outlining program strengths as well as opportunities for improvement.

   OJP has also been improving its Grant Management System (GMS) including adding modules to automatically hold grant funds if there are delinquent progress and financial reports; as well as to automatically move grants into the closeout phase 91 days after the end date (if it has not been closed already). GMS has also been enhanced to make it easier for grantees to report budget information. Finally, we have developed and posted computer-based training for grantees on how to use GMS, which has greatly enhanced grantee accountability.

   In addition, OJP initiated a Business Process Improvement initiative to standardize performance measurement of OJP grants.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00144 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.123

If confirmed as Assistant Attorney General, I will ensure transparency and oversight of the grant process and OAAM's continuing oversight.

3. **If you are confirmed, do you have any plans for significant restructuring and/or changes to the current organization of divisions within OJP? If so, how will that increase the efficiency of the grant-making process within those divisions?**

   If confirmed, I will continue to work closely with the Office of Audit, Assessment and Management to continue to improve the way grants are awarded and administered. I do not have any plans for any major restructuring at this time.

Questions on the grant management process at OJP:

1. **DOJ's grant management process has been consistently ranked by the Inspector General as one of the Top 10 management challenges for the department since 2000. What will you do to improve grant management so that it is no longer a challenge for OJP?**

   The Office of Audit, Assessment and Management has made great progress in improving OJP grant management. As noted in response to an earlier question, OAAM developed a new standard grant monitoring tool for all OJP staff. OAAM developed new training for OJP grant managers on effective monitoring practices. More than 400 OJP grant managers have received this training. In addition, OJP has also been improving its Grant Management System (GMS) including adding modules to automatically hold grant funds if there are delinquent progress and financial reports

   If confirmed, I will continue to work with the Office to address grant management issues.

2. **The IG conducted a comprehensive study of all expired grants from October 1997 – December, 2005. On average, COPS grants were expired without close-out for 3.5 years, Office of Justice Programs (OJP) grants for 2.5 years and Office of Violence Against Women (OVW) for more than 1.5 years. During those periods, grant funds could continue to be drawn down without any accountability for how those funds were used. Funds that could have gone to higher priorities or to reduce the deficit were sitting idle improperly or being drawn down illegally to expired activities. Although the Code of Federal Regulations requires funds to be liquidated 90 days after a grant's end date (as part of the close-out process), the Inspector General found that it was a common practice of COPS, OJP and OVW to contact grantees and instruct them to draw down any remaining funds even though the 90-day liquidation period had passed. What will you do, if confirmed to this position, to ensure that the grant close-out process occurs efficiently and effectively with proper accountability for any funds remaining after a grant's end date?**

   The OJP grant closeout process is designed to closeout grants timely and effectively. While timely closeout of expired grants has been a long-standing problem within DOJ, the grant making agencies have made tremendous progress in recent years. In Fiscal Year 2007 alone, OJP closed over 7,000 grants.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00145 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.124

In addition to these efforts to streamline and standardize the closeout process, OJP converted the closeout process from a paper process to an electronic process. OJP deployed a closeout module in its Grants Management System (GMS) in April 2007. Since its deployment, the closeout module has allowed greater transparency into the closeout process. Through weekly and monthly reports, OJP management can easily identify where the bottle necks are in the process and immediately take action to solve any problem. In addition, email reminders are sent to grantees before and after the end date of the grant outlining the conditions that need to be met to submit a standard grant closeout package. When necessary, as detailed in the OJP Grant Manager's Manual, no-cost extensions must be submitted no later than 30 days prior to the end date of the grant. If the Program Office agrees to extend the grant after the end of the grant, the Bureau or Program Office Director must approve the extension.

In February 2008, OJP modified the grant closeout module in GMS to automatically freeze any remaining funds on hand on the 91st day after the end date of a grant. Therefore, grantees are no longer able to drawdown funds after the 90 day liquidation period unless the request is approved by the Office of the Chief Financial Officer during the closeout process.

The cumulative effect of these improvements has resulted in closeout of over 18,000 grants by the end of June 2008. Today, OJP currently has fewer than 300 grants that are not closed out.

Questions on the Byrne Discretionary Grant Program

On June 19, 2008, the Project on Government Oversight (POGO) released a report on the Byrne Discretionary Grant Program administered by the Office of Justice Program's (OJP) Bureau of Justice Assistance (BJA), which awards grants to crime-fighting organizations. BJA claims the grant process is competitive, but POGO found that "in FY2007, at least 13 Byrne grant applicants were given special treatment: they did not go through a peer review process, but were awarded grants anyway."

1. **In your capacity as Assistant Attorney General for OJP, what will you do to ensure OJP/BJA's problems are resolved – or at least improved – during your tenure at DOJ?**

   As the Acting Assistant Attorney General, I have strengthened the grant making process to continue to ensure that all decisions are properly documented and justified. Each fiscal year we will continue to review our grant making procedures and update them as necessary.

2. **Prior to Fiscal Year 2007, Byrne Grants had been increasingly allocated through congressional earmarks. With the continuing resolution in FY2007, OJP/BJA had an opportunity to show it could award grants based on merit. Given the claims of the POGO report, do you believe that OJP/BJA is capable of establishing a legitimate, unbiased, competitive process for awarding Byrne grants? Why or why not?**

   I am personally committed to OJP issuing grant awards in an unbiased, transparent and competitive manner. Every grant awarded, whether competed and peer reviewed or recommended by subject matter expert staff, will demonstrably provide clear benefit to public safety and the criminal justice community throughout the country. OJP will maintain

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00146 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.125

this high level of commitment and will review grant processes each year to ensure that this standard is consistently met.

3. **What was the process used to evaluate applicants in Fiscal Year 2007? Who made up the team of OJP/BJA employees reviewing the applications? How was that structure determined? Is this methodology made public to applicants?**

The Fiscal Year 2007 grant awards were made prior to my tenure as the Acting Assistant Attorney General (AAG). However, if confirmed, I will continue to tighten managerial control and ensure greater transparency within the Office of Justice Programs (OJP). It is my understanding that the review process consisted of both BJA subject matter expert policy advisors as well as external peer review panels. The programs determined to be of national significance were identified by BJA subject matter expert staff and reviewed. The remaining grants were reviewed by outside expert peer review panels.

The structure of the review process was determined by the director of the Bureau of Justice Assistance in consultation with the then-Assistant Attorney General for the Office of Justice Programs.

BJA makes public to applicants the review process for grant making decisions as well as essential elements of grantsmanship in their grant writing workshops sponsored throughout the nation.

4. **Do oversight mechanisms currently exist within OJP and/or BJA that evaluate the grant awarding process? If so, what are those standards? If so, how did they fail to catch the grants identified in the POGO report?**

Oversight mechanisms currently exist within OJP to evaluate the grant awarding process. Grant applications for programs are reviewed, scored and evaluated for funding based upon a variety of factors including funding availability, geographical distribution, grantee history and audit issues, and departmental priorities. Recommendations are made by subject matter expert staff through the Director of the bureau/office to the Assistant Attorney General of OJP. The grants were made in full accordance with the procedures outlined in the OJP Grant Managers Manual.

5. **Does the public have access to information detailing the recipients who receive Byrne grants and/or the value of the grant awarded each year?**

The public has access to information detailing the recipients who received Byrne grant awards and the value of the grant initiatives. The Office of Management and Budget (OMB) posts all of OJP's grant awards on its transparency website www.usaspending.gov. Additionally, OJP's Bureau of Justice Assistance publishes grant awards on its web site www.ojp.gov/BJA.

Questions on the Juvenile Justice and Delinquency Prevention Act (JJDPA) reauthorization

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00147 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.126

1. ***"Administering justice to juvenile offenders has largely been the domain of the states....there is no federal juvenile justice system."*[1] In fact, the first major federal legislation for juveniles in 1938 left the state "juvenile justice systems as the preferred method for juveniles arrested for violating federal laws."[2] Many state budgets maintain surplus balances. According to the National Association of State Budget Officers, between 2003 and 2006, total state surpluses have increased by over $40 billion to a total of $54.8 billion in 2006. Given these facts, do you believe it is necessary to reauthorize the JJDPA? If so, why? Is it constitutional to have any federal involvement in state juvenile justice systems?**

   The Department of Justice (DOJ) has been working with the Committee on the reauthorization of the JJDPA. The provisions of the JJDPA that involve state juvenile justice system requirements are constitutional in our view (and certainly have not been deemed otherwise by the courts). It is well settled that the federal government may properly condition the use of its grant funds to ensure that states receiving federal funds for juvenile justice purposes meet certain core requirements that improve state juvenile justice systems.

2. **Mr. Sedgwick, the Office of Justice Programs oversees a broad range of programs that assist state and local law enforcement, including the Drug Court programs, which are designed to break the cycle of substance abuse and crime for non-violent offenders and the Juvenile Accountability Block Grant Program, which addresses juvenile delinquency by building new juvenile detention facilities, hiring additional judges and prosecutors, and training law enforcement personnel.**

   As Assistant Attorney General for OJP, how do you think these programs benefit the public and what will you do ensure these programs continue to be effective?

   The Drug Court grant program benefits the public by effectively addressing substance abusing offenders, making them more productive members of society, and keeping them from repeatedly entering the criminal and juvenile justice systems. The grant program has been in place since 1995 and has supported the implementation of hundreds of drug courts throughout the country, as well as promoting best practices in drug courts through comprehensive training and technical assistance.

   There is now a body of research indicating that adult drug courts are effective in reducing substance abuse and recidivism and promising results from juvenile and family drug courts, which are later adaptations of the original adult model. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports initiatives in cooperation with the Center for Substance Abuse Treatment to improve the implementation of juvenile drug courts and the effective treatment of substance abusing juveniles. OJJDP also supports evaluation research that examines whether juvenile drug courts are working.

   The Juvenile Accountability Block Grant (JABG) program benefits the public by supporting improvements to the juvenile justice system and implementing accountability-based programs to reduce juvenile offending. The grant program has been in place since 1998 to

[1] Nunez-Neto, Blas, Congressional Research Service, "Juvenile Justice: Legislative History and Current Legislative Issues," December 18, 2007, p. 1.
[2] *Id.* at 5.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00148 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.127

provide funding to states and sub-grantees for programs in 17 distinct purpose areas, including drug courts. The purpose areas fall under four broad types of activities: hiring staff, training staff, building infrastructure, and implementing programs. This grant program also has a Tribal component, so the funds are awarded competitively to Tribes for the same purposes. JABG funding is being used to hire and train new staff, to build infrastructure, to implement direct accountability-based service programs, to improve client processing, and to build system capacity.

If confirmed as Assistant Attorney General, I will ensure that both of these programs continue to be effective by analyzing performance measure results that are required from all OJP grant recipients and by making program adjustments in response to what is learned from performance measure reports. I will continue to require that our grant monitoring protocols are adhered to and will examine the reports that are produced through our grant monitoring tools to ensure that all grant programs are being effectively monitored.

Questions on Weed and Seed

1. **Weed and Seed is an initiative of the Community Capacity and Development Office at OJP. Even though the program was not authorized until 2005, Weed and Seed has received appropriations since 1993. In addition, this program duplicates other similar programs within the DOJ. In your capacity as Assistant Attorney General of OJP, will you commit to investigating the Weed and Seed program to determine how it can be altered to avoid duplication of other DOJ programs?**

   The Weed and Seed Program (WS), administered by the Community Capacity Development Office (CCDO), is distinctive from other DOJ/OJP programs in its innovative strategy that merges law enforcement suppression efforts to reduce high levels of crime, community policing to establish mutual trust between residents/community and local law enforcement, community-based prevention, intervention, and treatment services, and neighborhood restoration initiatives within a small geographic area. No other program requires these concurrent elements within an overarching five-year strategic plan for improving public safety.

   The CCDO Framework: Weed and Seed Strategy requires that communities identify and implement initiatives in three distinct areas: Weed (crime suppression and community policing), Seed (prevention, intervention, and treatment; and neighborhood restoration) and Sustainability (developing collaborative strategies that can be maintained beyond federal funding). Improved coordination under the WS strategy enhances the efficiency and effectiveness of local initiatives already in progress by requiring the following elements:

   1. Crime reduction strategies and tactics must be comprehensive
   2. The strategy strives to improve coordination within and beyond local government
   3. Federal funding should be used as a catalyst, not a substitute, for community efforts
   4. Federal funding should be flexible and allow for local decision-making
   5. Targeting small high-crime geographic areas is a good way to start
   6. Weed and Seed coalitions provide a platform from which to implement best practices
   7. Sustainability is an integral element for long-term public safety/neighborhood initiatives

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00149 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.128

Through its comprehensive "umbrella" structure, WS promotes community based and community driven problem solving. This means that, rather than duplicate other DOJ programs, WS has often been the platform on which more recent, and narrowly focused, initiatives (i.e. Project Safe Neighborhoods, DOJ's Anti-Gang Initiative, Gang Free School and Communities Program, and even initiatives of other agencies such as HHS's Drug-free Communities) have been built.

Additionally, WS sites must reapply each year as Continuation Sites are measured annually against their Strategic Plan originally approved by CCDO in their first year of funding. Upon completion of the five-year plan, sites can apply for Graduated Status to be eligible for technical assistance from CCDO providers. No other program requires this type of ongoing review of strategic initiatives for continued funding eligibility and graduated status.

The ultimate mission of CCDO is to "promote comprehensive strategies to reduce crime and revitalize communities" to the extent that local communities become self-sustaining and not solely reliant upon a one-time, one-year grant. Through Weed and Seed, the Community Capacity Development Office and the Office of Justice Programs are meeting this challenge. As stated in the 1999 National Evaluation of Weed and Seed, the program has "had a great stimulant effect on local organization and local acceptance of responsibility for community revitalization."

If confirmed as Assistant Attorney General, I will evaluate Weed and Seed, as well as other OJP initiatives, to avoid program overlap/duplication and to target gaps in existing programming.

2. **Have any national evaluations been performed to assess the impact of the Weed and Seed program, or its component strategies, at sites across the nation? If not, why not? Is the Weed and Seed program evaluated by DOJ in any way to ensure it is operating effectively?**

A national evaluation of the Weed and Seed initiative was first conducted in 1999. The evaluation found that crime was reduced in the sample sites selected for intensive study. There were also recommendations made that the reviewers believed would enhance the effectiveness of Weed and Seed. These included extending the Weed and Seed designation period from three (3) years to five (5) years and encouraging early "seeding" efforts rather than "weeding" then "seeding." These recommendations have been implemented.

Weed and Seed has also undergone a General Accountability Office program audit first in 1999 with follow-up completed in 2004. At this point most of the issues raised, such as concerns about program recordkeeping and lack of a specific sustainability component to the initiative, have been addressed. All Weed and Seed grant files are now kept in OJP's electronic Grants Management System (GMS) so records are more complete, accurate and readily available. Long-term sustainability has specifically been built into the initiative on the front end when all applicants for new sites must submit and are scored on a sustainability plan and on the back end when sites ending their fifth year of funding eligibility are encouraged to continue Weed and Seed participation as an unfunded "Graduated Site."

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00150 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.129

Weed and Seed was also reviewed by OMB in 2004 using the Performance Assessment Rating Tool (PART). The initial rating score was 42 yielding a finding of "results not demonstrated." However, less than two (2) years later when Weed and Seed was reassessed during the 2006 budget process by OMB using the PART, the assessment demonstrated that substantial progress has been made in program management and strategic planning. With refinements to both long-term and annual performance goals, the Weed and Seed program improved its rating by 20 points to 62 resulting in an "Adequate" rating. Weed and Seed is slated to be assessed under PART again in Fiscal Year 2009.

Additionally, a rigorous, comprehensive national evaluation of the program is currently underway. This evaluation, which is being independently conducted by RTI International, will involve survey analysis of all active Weed and Seed sites. Additionally, a more intensive study of randomly selected sites will also occur. Preliminary results are expected by next summer.

Finally, and to specifically address the last part of your question, the Department of Justice tracks and evaluates the effectiveness of Weed and Seed on an annual basis by compiling and analyzing Government Performance and Results Act (GPRA) data. This information is collected from all Weed and Seed sites and provides information of the type and success of strategies implemented as well as crime trends in the specific neighborhoods targeted by Weed and Seed. This data has consistently shown the effectiveness of the Weed and Seed strategy.

Questions on OJP's Technical Assistance and Training Program

1. **DOJ's many technical assistance and training grants are administered through various OJP bureaus and program offices and are not consolidated within one program. They, therefore, have multiple funding sources and are designed in accordance with the specific mandates associated with various OJP bureaus or program offices. Although many OJP bureaus and program offices were awarded TA&T grants, in the past, the OJJDP and the BJA received the vast majority of total TA&T grant dollars. The Inspector General issued a report in 2004 that studied TA&T grants between 1995 and 2002. The IG found that two OJP organizations that awarded the majority of technical assistance grants did not consistently conduct program and financial monitoring. In addition, it found little coordination between the program offices and OJP's Office of the Comptroller. With respect to OJP, it found that grant managers did not ensure that all required Financial Status Reports and Progress Reports were submitted timely and accurately. Have the concerns noted in the IG's report been addressed by OJP? What specifically has been done to ensure that TA&T grants are reviewed for proper financial reporting? Will you ensure that TA&T grants receive proper oversight going forward?**

   OJP remains committed to ensuring the highest grant management and grant oversight standards for all of its grants, including training and technical assistance grants and cooperative agreements. OJP is pleased to report that all of the Inspector General's recommendations issued in the referenced report have been closed since 2006, and OJP has continued to enhance its oversight capacity in fiscal years 2006, 2007 and 2008, by

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00151 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.130

introducing additional policies, procedures, and internal control mechanisms to enhance its oversight capabilities.

In an effort to encourage grantees to report programmatic and financial progress in a timely fashion, the Office of Audit, Assessment, and Management (OAAM) has implemented "funding freeze" functionality within the Grant Management System (GMS). When grantees fail to submit progress reports or financial status reports by established due dates, their grant funds are immediately frozen. After the award recipient submits the late report and the report is approved by the program manager, the grantee's funds are once again made available for drawdown and expenditure. This enhanced functionality has led to increased grantee accountability and compliance with programmatic and financial reporting requirements.

Beginning in Fiscal Year 2007, OAAM has also required program offices to develop an annual grant monitoring plan. OAAM conducts a quarterly review of this monitoring plan to ensure that monitoring visits have been completed and that the proper documentation is posted in GMS. OAAM can verify that BJA and OJJDP have monitored 86 cooperative agreements for a total of $244 million in award funds since January 2007 - the vast majority of these reviews were of training and technical assistance providers.

In addition to better tracking and documenting monitoring activity, all OJP bureaus and program offices have been required by OAAM to assess their open grants on an annual basis to identify those grantees in need of more intensive grant oversight. Through this assessment process, program managers are asked to review grantees against several criteria, including grantee reporting history. Grantees that demonstrate a pattern of late reports or show evidence of incomplete or inconsistent reporting data are scored as more likely to need enhanced oversight, which may result in an on site monitoring visit. In addition to this assessment, program managers must, beginning in Fiscal Year 2008, conduct on-site monitoring visits using a standard grant monitoring tool, which requires a full analysis of reporting history and verification of grantee program data against progress reports.

OAAM has also conducted several training sessions across the United States to ensure that grant managers are familiar with the OJP Financial Guide and Grant Manager's Manual. Furthermore, the Office of the Chief Financial Officer (OCFO) sponsored 12 Financial Seminars for 759 participants in Fiscal Year 2008. In addition, OAAM, in coordination with OCIO, developed the GMS on-line computer based training tool. Deployed in May 2007, the tool provides OJP grantees with a comprehensive curriculum to assist in managing their awards through GMS. The training provides step-by-step instructions on how to complete various tasks such as modifying the scope of their awards and submitting progress and financial reports. At the end of Fiscal Year 2007, the GMS on-line training tool had over 63,000 hits.

Finally, to better assist BJA's training and technical assistance (T&TA) grantees in meeting performance goals, BJA created a new process for reporting activities, including a database that tracks T&TA activities on a quarterly basis.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00152 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.131

SUBMISSIONS FOR THE RECORD

STATEMENT OF SENATOR PATRICK LEAHY
CHAIRMAN, SENATE JUDICIARY COMMITTEE
ON EXECUTIVE NOMINATIONS
JULY 23, 2008

Today, we will hear from three people nominated by President Bush to high level positions in the executive branch, J. Patrick Rowan to be Assistant Attorney General in charge of the National Security Division at the Department of Justice, Jeffrey Leigh Sedgwick, nominated to run the Department's Office of Justice Programs, and William B. Carr, Jr., nominated to be a member of the United States Sentencing Commission

When the President and Senate Republicans play to partisan, narrow, special interests with constant complaints about the pace of judicial nominations, they ignore not only the tremendous progress in reducing judicial vacancies but also the extensive efforts we have made to restore the leadership ranks at the Department of Justice. The Department was decimated by the scandals of the Gonzales era. Today's confirmation hearing is our eighth on executive nominations since the resignation of Attorney General Gonzales last August. We have already confirmed 35 executive nominations so far this Congress, including the confirmations of 12 U.S. Attorneys, seven U.S. Marshals, a new Attorney General, new Deputy Attorney General, and new Associate Attorney General.

I thank Senator Feingold for chairing the hearing today on these nominations so that we can continue to make progress. We continue our efforts to make progress even as we head into the August recess of a presidential election year and the last days of this administration. We did not receive Mr. Rowan's nomination until June 19 this year, nearly a month later in the year than the latest of President Clinton's Justice Department nominees to be confirmed.

Of course, the election-year grumblings on judicial nominations from the other side of the aisle ignore that we have already confirmed as many of President Bush's judicial nominees during the slightly more than three years I have served as the Chairman of the Judiciary Committee than during the almost four and one-half years of Republican majority control, 158. I have always said that we would treat this President's nominees more fairly than Republicans treated President Clinton's. And we have. Indeed, we have matched the confirmation record that Republicans achieved for a President from their own party. We have not pocket filibustered more than 60 of this President's nominees. We are not going to return 17 circuit court nominees without action to this President as the Republican-led Senate did to President Clinton. We have not doubled the judicial vacancies and forced them above 100 nationwide, nor have we doubled the number of circuit court vacancies. To the contrary, we have cut judicial vacancies by more than half, and reduced circuit court vacancies by more than two-thirds from a high point of 32, to a low of just nine throughout all 13 Federal circuits.

The 100 nominations we confirmed in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reduced the vacancies by 45 percent by the end of 2002. With 40 additional confirmations last year, and another 18 this year, the Senate under Democratic leadership has now confirmed 158 lifetime appointments to the Federal bench

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00153 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.132

nominated by President Bush. Nearly half of the judicial nominees the Senate has confirmed while I have served as the Chairman of the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. Eighteen of the 27 circuit court nominees confirmed while I have chaired the Committee filled judicial emergency vacancies, including nine of the 10 circuit court nominees confirmed this Congress. This is another aspect of the problem created by Republicans that we have worked hard to improve. When President Bush took office there were 28 judicial emergency vacancies. Those have been reduced by more than half.

In the two full years that preceded my returning as Chairman of the Judiciary Committee in 2007, with a Republican chairman and a Republican Senate majority working to confirm the judicial nominees of a Republican President, 54 nominations were confirmed. After two more confirmations yesterday, we have exceeding their two-year total and confirmed 58 judicial confirmations during this Congress. Truth be told, President Bush's judicial nominees have been confirmed faster by the Democratic majority than by the previous Republican majority of the Senate.

It is ironic that the Senate's Republican minority is so focused on the number of judges, because the reduction in judicial vacancies is the one number that has improved during the Bush administration in an era of skyrocketing gas prices, unemployment, health care costs and deficits and plummeting consumer confidence and home values. In contrast to these numbers that have moved in the wrong direction, judicial vacancies have been reduced from 10 percent as we made the transition to the Bush administration to 4.5 percent today.

In fact, as the presidential elections in 2000 drew closer, and when the judicial vacancy rate stood at 7.2 percent, then-Judiciary Committee Chairman Orrin Hatch declared that "there is and has been no judicial vacancy crisis," and that 7.2 percent was a "rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies." As a result of Republican inaction, the vacancy rate continued to rise, reaching 10 percent when the Democrats took over the Senate majority in 2001.

Democrats have reversed course. We have cut circuit court vacancies by more than two-thirds, from a high of 32. With the confirmation of two more judicial nominees yesterday, the judicial vacancy rate now is less than half of where it was when we started and stands at 4.5 percent.

The Judiciary Committee and the Senate have continued to make progress filling judicial vacancies even while having to devote extensive time and attention to rebuilding the Department of Justice. At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the next nine months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as I led a bipartisan group of concerned Senators to consider the United States Attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00154 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.133

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

Last month's troubling report from the Department's Inspector General confirmed what our oversight efforts in this Congress have uncovered about the politicization of hiring practices at the Department. It confirmed our findings and our fears that the same senior Department officials involved with the firing of United States Attorneys were injecting improper political motives into the process of hiring young attorneys. We still await further reports from the Inspector General that will continue to shed light on the extent to which the Bush administration has allowed politics to affect – and infect – the Department's priorities, from law enforcement to the operation of the crucial Civil Rights Division to the Department's hiring practices. By beginning the first real oversight efforts of this administration, we have uncovered troubling truths about this administration's efforts to infuse partisan politics into our nation's top law enforcement agency.

But the oversight efforts did not complete our work. We continue in the waning days of the Bush Administration to try to ensure that the rule of law is restored as the guiding light for the work of the Department. Mr. Rowan, who currently serves as acting head of the National Security Division, has an opportunity if confirmed to play a significant role in that restoration.

In the wake of the tragic attacks on September 11, 2001, and toward the end of President Bush's first year in office, this country had an opportunity to show that we could fight terrorism, secure our nation, and bring the perpetrators of those heinous acts to justice, all in a way that was consistent with our history and our most deeply valued principles. A number of us reached out to the White House in an effort to craft a thoughtful, effective bipartisan way forward. The White House, supported by the Republican leadership in Congress, chose another path. They diverted our focus from al Qaeda and capturing Osama bin Laden to war and occupation in Iraq. They chose to enhance the power of the President and to turn the Office of Legal Counsel at the Department of Justice into an apologist for White House orders—from the warrantless wiretapping of Americans to torture. Much of this downward spiral is now documented in Jane Mayer's newly published book The Dark Side. In my view, their approach has made our country less safe.

We are all too familiar now with the litany of disastrous actions by this administration: rejecting the Geneva Conventions – which the President's counsel referred to as "quaint" – against the advice of the Secretary of State; establishing a system of detention at Guantanamo Bay in an effort to circumvent the law and accountability; attempting to eliminate the Great Writ of habeas corpus for any non-citizen designated by the President as an enemy combatant; setting up a flawed military commission process that, after six years, has only this week begun its first trial; and permitting cruel interrogation practices that in the worst cases amount to officially sanctioned torture.

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00155 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.134

The Supreme Court's 5-4 decision in *Boumediene v. Bush* last month reaffirmed our core American values by concluding that detainees at Guantanamo have the right to bring habeas corpus claims in federal court. I applauded that decision because I have maintained from the beginning that the provisions of the Military Commission Act that purported to strip away those rights were unconstitutional and un-American.

The Judiciary Committee has held a wide range of hearings on issues of detainee rights and procedures. Earlier this week, Attorney General Mukasey called for Congress to create new rules for the habeas proceedings restored by the Supreme Court. His public announcement was the first I had heard from the Administration on this issue. Given the Judiciary Committee's long interest in this subject, it is regrettable that the Attorney General neither consulted with nor informed the Committee about this request before his speech. Perhaps we will learn more about the Attorney General's proposals today from Mr. Rowan.

The courts have a long history of considering habeas petitions and of handling national security matters, including classified information. I have great confidence in our system of justice and its ability to handle these issues. The Bush-Cheneyadministration made this mess by seeking to avoid judicial review at all costs, causing years of delay and profound uncertainty. It has been rebuked four times by the Supreme Court. Habeas corpus is the ultimate guarantee of fairness and a check on executive excess.

The Congress must not rush to pass yet another piece of ill-conceived legislation. The Judiciary Committee will continue to consider issues related to detainees and will review and consider any proposal from the administration on these matters. With so little time left in this legislative session and the complexity of these issues, it may be an issue more responsibly addressed in the next Congress with a new President.

Mr. Sedgwick will also have an important role to play in the few months remaining in this administration. The Office of Justice Programs, which he has been nominated to lead, plays a vital role in developing the nation's capacity to prevent and control crime, largely by administering grant programs in such areas as drug control, juvenile justice, victims' compensation, and victims' assistance. For the first time in years, crime-- including violent crime—has been on the rise, particularly in rural areas and smaller cities. Many of us think it is in part the consequence of this administration's failure to provide financial assistance to our state and local law enforcement partners. Despite our repeated warnings, the Bush administration has systematically tried to dismantle federal support for local and state law enforcement through our successful Community-Oriented Policing Services (COPS) program, Byrne grants and others programs. Indeed, during the Bush Presidency, billions have been cut from our State and local law enforcement efforts while we continue writing blank checks for law enforcement efforts in Iraq. I look forward to hearing from Mr. Sedgwick what he will do to reverse this trend and what he proposes for preventing crime in the rural areas and smaller cities where it has risen the most.

The nonpartisan nature of the Sentencing Commission is preserved by making sure its membership is balanced and includes experienced commissioners who stick to the merits and

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00156 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.135

command the respect of both Congress and the Judiciary. I am glad that we finally have the President's nomination of Mr. Carr, the recommendation of the Ranking Republican Member of the Judiciary Committee. I look forward to working with him on the Sentencing Commission in the years to come.

It is vital that we ensure that we have a functioning, independent Justice Department, and that this sad era in the history of the Department is not repeated. We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives. It is a disaster for the American people. Both the President and the nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations — not one that develops legalistic loopholes and ideological litmus tests to serve the ends of a particular administration.

#####

VerDate Nov 24 2008 15:02 Mar 17, 2009 Jkt 045140 PO 00000 Frm 00157 Fmt 6633 Sfmt 6633 S:\GPO\HEARINGS\45140.TXT SJUD1 PsN: CMORC

45140.136

JOHN WARNER
VIRGINIA

COMMITTEES:
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
SELECT COMMITTEE ON INTELLIGENCE
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

United States Senate

225 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-4601
(202) 224-2023
http://warner.senate.gov

CONSTITUENT SERVICE OFFICES:

4900 WORLD TRADE CENTER
101 WEST MAIN STREET
NORFOLK, VA 23510-1690
(757) 441-3079

5309 COMMONWEALTH CENTRE
PARKWAY
RICHMOND, VA 23112
(804) 782-0247

235 FEDERAL BUILDING
P.O. BOX 867
ABINGDON, VA 24212-0867
(276) 628-8158

1063 FIRST UNION BANK BUILDING
213 SOUTH JEFFERSON STREET
ROANOKE, VA 24011-1714
(540) 857-2676

John Warner

SENATOR JOHN WARNER STATEMENT
TO THE SENATE JUDICIARY COMMITTEE
ON THE NOMINATION OF JEFFREY SEDGWICK
TO BE ASSISTANT ATTORNEY GENERAL
FOR THE OFFICE OF JUSTICE PROGRAMS
July 23, 2008

Chairman Leahy, Senator Specter, and my distinguished colleagues on the Judiciary Committee, I am pleased to introduce to the Committee, Mr. Jeffrey Sedgwick, a Virginian, who has been nominated to serve as the Assistant Attorney General for the Office of Justice Programs.

As you know, the Office of Justice Programs, or OJP, serves to provide and coordinate information, research and development, statistics, training, and other support to the national justice community to facilitate the improvement of public safety in states and localities throughout the United States.

Mr. Sedgwick has served as the Acting Assistant Attorney General for OJP since January 3, 2008, and on April 23, 2008, he was nominated to serve as the Assistant Attorney General. Mr. Sedgwick also presently serves as the director of the Bureau of Justice Statistics, a position to which he was confirmed by the Senate for in March 2006.

Prior to his service in the U.S. Department of Justice, Mr. Sedgwick taught political science at the University of Massachusetts-Amherst for twenty-eight years. Throughout his academic career, he has taught and written extensively on areas of American political science relevant to the work of OJP, including public finance, policy analysis, criminal justice policy, and executive leadership. Of particular note, Mr. Sedgwick is the author of *Law Enforcement Planning: The Limits of an Economic Approach* and *Deterring Criminals: Policymaking and the American Political Tradition.*

Mr. Sedgwick received his A. B. from Kenyon College in 1973, and he earned a Master's degree and his Ph.D. from the University of Virginia in 1975 and 1978, respectively.

I thank the Committee for scheduling this confirmation hearing, and for considering this nominee.

PRINTED ON RECYCLED PAPER