

## JUDGES WHO CONTRIBUTED TO KEY REPUBLICANS WHILE UNDER CONSIDERATION FOR A JUDGESHIP

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### **Adams, John R.**

U.S. District Court, Northern District of Ohio

**Nominated:** October 10, 2002 | **Confirmed:** February 10, 2003

**Summary:** On November 21, 2001, Sens. DeWine and Voinovich recommended Adams to President Bush for an open slot on the federal bench in Ohio. Two days earlier, Voinovich's campaign had registered a \$1,000 contribution from the state judge. After the senators made their recommendation to the White House, Adams gave \$1,500 to DeWine, a check that was later reimbursed. Brian Seitchik, a spokesperson for DeWine's campaign, confirmed that the donation was returned because it came from a judicial candidate, and returning it was "the prudent thing to do." Later, after his nomination, Adams gave \$250 to Voinovich. Adams had previously given DeWine \$250 in 1997. Adams also gave \$1,000 to Bush in 1999. At the time DeWine and Voinovich announced their recommendation, Adams told the Akron Beacon Journal: "I've been supportive of the Republican Party and President Bush. I'm sure that had some bearing on the selection."

#### **Chronology:**

- Nov. 19, 2001: Sen. Voinovich received \$1,000 from Adams.
- Nov. 21, 2001: Sens. Voinovich and DeWine recommend Adams to the President.
- Jan. 28, 2002: Sen. DeWine receives \$1,500 from Adams. (It is returned Feb. 17)
- Oct. 10, 2002: Bush nominates Adams.
- Nov. 2, 2002: Voinovich receives \$250 from Adams.
- Nov. 5, 2002: Republican Congressman Steven LaTourette receives \$250 from Adams.

### **Boyko, Christopher A.**

U.S. District Court, Northern District of Ohio

**Nominated:** July 22, 2004 | **Confirmed:** November 21, 2004

**Summary:** As a state judge in Ohio, Boyko contributed \$2,000 to a Voinovich campaign committee at a fundraiser attended by President Bush, less than a month after being nominated by President Bush. The contribution, which came three months after Voinovich and DeWine recommended Boyko to the White House, was "required to attend President Bush's visit to Kirtland, Ohio in conjunction with Senator Voinovich and Governor Taft," according to a letter from Judge Boyko. It was Boyko's first federal contribution on record since 1996, when he gave \$240 to Voinovich, who, as Ohio's Governor, had appointed Boyko to the common pleas court that year. The \$240 donation "was the result of a general request to everyone from the Voinovich campaign," according to Boyko. Voinovich had earlier appointed Boyko to the municipal bench in 1993. Boyko has given small state contributions, usually under \$100.

#### **Chronology:**

- May 6, 2004: Voinovich and Sen. DeWine announce they have recommended Boyko to the White House for the federal judgeship.
- July 22, 2004: President Bush nominates Boyko.
- August 10, 2004: Voinovich's Northern Ohio Victory Committee registers a \$2,000 contribution from Boyko.

**Judge's Comment (fax):** "I have always expressed thanks for Senator Voinovich's trust in me and have always publicly supported him. If I could ethically donate today, I would. And, because of a long standing mutual respect with Senator Voinovich, I saw no ethical improprieties donating after the recommendation. Absent that prior history, I would not have donated. Your focus on Senator Voinovich displays a naivete of the process. Senator Mike DeWine is the Senior Senator who sits on the Senate Judiciary Committee and who takes the lead in evaluating candidates for the federal bench...Sen. DeWine informed all applicants the following process would take place: (1) a screening committee appointed by both senators would interview a finite number of candidates based upon the strength of their applications; (2) if a candidate made it past the screening committee, Senator DeWine would personally interview the candidates and, at the end, meet with Senator Voinovich to decide whom to recommend to the President. Senator Voinovich did not conduct any interviews.

"If you believe for a minute that \$240, \$2,000 or \$25,000 'buys' a federal judgeship, as you clearly intimate, again, your naiveté astounds me. Any such insinuations are a blatant insult to both Senators, denigrating their integrity and

character. No one ‘buys’ either Senator DeWine or Senator Voinovich – period. I was recommended by the Senators and nominated by the President based upon my application, legal and personal background, ethics, temperament and reputation.

“The White House, Justice Department, the Senators and the American Bar Association did independent extensive background checks and interviewed, not only myself, but approximately 200 people in total, including neighbors, public officials, attorneys and anyone, except family, who could testify about my qualifications to sit as a federal judge.

“I entered this process when Senator DeWine announced the Senators would be accepting applications for a federal judgeship vacancy in the Northern District of Ohio. I believed I had the strongest qualifications and was worthy of both the Senator’s and President’s consideration. After their independent evaluations, they agreed and here I sit.”

[Click here](#) for the full response.

### **Browning, James O.**

U.S. District Court, District of New Mexico

**Nominated:** April 28, 2003 | **Confirmed:** July 31, 2003

**Summary:** Browning, a former Albuquerque attorney, made \$3,000 in campaign contributions during the period from when he expressed interest in a federal judgeship in January 2001 to when the White House decided in May to select another candidate. Of those contributions, \$750 went to Sen. Domenici, who recommended Browning for the position to the White House, and \$2,000 went to a state Republican campaign committee that supports Senate and House candidates. Then, during Domenici’s 2002 reelection bid, Browning served on the campaign’s executive finance committee and co-hosted a fundraiser for Domenici. He personally contributed another \$700 to the senator. Domenici again recommended Browning to the White House in February 2003 and he was nominated later that year. Overall, Browning has given \$7,200 in federal contributions to Republicans since 1997, including \$1,450 to Domenici and \$2,750 to Rep. Heather Wilson, a New Mexico Republican. Browning was also the co-chairman of New Mexico Lawyers for Bush-Cheney in 2000, gave money to state-level Republicans and hosted other campaign fundraisers in the past.

#### **Chronology:**

- January 15, 2001: The Albuquerque Tribune reports Browning has confirmed interest in being recommended by Sen. Domenici to a federal court position.
- February 7, 2001: Domenici receives \$250 from Browning.
- February 14, 2001: Rep. Wilson receives \$250 from Browning.
- February 20, 2001: Domenici receives \$250 from Browning.
- March 27, 2001: Republican Campaign Committee of New Mexico, which supported Senate and House candidates, receives \$2,000 from Browning.
- April 30, 2001: Domenici receives \$250 from Browning.
- May 9, 2001: Bush fills the judicial vacancy, declining to nominate Browning
- Aug. 20, 2001: Domenici receives \$450 from Browning.
- May 22, 2002: Domenici receives \$250 from Browning.
- July 1, 2002: Browning co-hosts fundraiser for Sen. Domenici.
- Feb. 10, 2003: Sen. Domenici announces that he has again recommended Browning to the White House for a judgeship.

### **Castel, P. Kevin**

U.S. District Court, Southern District of New York

**Nominated:** March 5, 2003 | **Confirmed:** September 17, 2003

**Summary:** On June 23, 2003, three and a half months after President Bush nominated Castel to the federal bench, Bush received a \$2,000 contribution from Castel. Castel, a former attorney in private practice, had previously given Bush \$1,000 in 1999. Before his nomination, between 2001-2002, Castel gave \$4,500 to Gov. Pataki, whose federal judicial screening committee interviewed him for the judgeship. Also in 2002, Castel gave \$3,000 to the Republican National Committee and \$1,000 to the New York Republican Federal Campaign Committee. Overall, Castel gave more than \$15,000 in federal contributions to Republicans since 1998. Besides donations to Pataki, his state contributions included \$250 to a Republican state senator in July 2003, after Castel’s nomination. Castel’s wife, Patricia, has given to Republicans and Democrats, including Sen. Schumer and former presidential candidate Al Gore.

**Chronology:**

- March 5, 2003: Castel is nominated by President Bush.
- June 23, 2003: Bush receives a \$2,000 contribution from Castel.

**Conrad, Robert James Jr.**

U.S. District Court, Western District of North Carolina

**Nominated:** April 28, 2003 | **Confirmed:** April 28, 2005

**Summary:** After Bush nominated him, Conrad contributed \$2,000 to the Senate campaign of Sen. Burr, whose election in 2004 was key to his confirmation. The donation appears to be Conrad's first federal campaign contribution since 1996, when he gave \$250 to former Republican Sen. Jesse Helms, according to the Center for Responsive Politics. Conrad's nomination had been stalled by former North Carolina Democratic Sen. John Edwards, whose Senate seat went to Burr in 2004. After being elected, Burr lobbied for Conrad, a former U.S. Attorney, to be confirmed. In 2004, after his original nomination, Conrad also gave \$1,000 to a Republican candidate for governor and \$1,000 to a Democratic candidate for state attorney general, according to state records.

**Chronology:**

- April 28, 2003: Bush nominates Conrad.
- October 21, 2004: Sen. Burr receives a \$2,000 contribution from Conrad.
- February 14, 2005: Conrad is re-nominated to the bench.

**Cook, Deborah L.**

U.S. Court of Appeals for the Sixth Circuit (OH)

**Nominated:** May 9, 2001 | **Confirmed:** May 5, 2003

**Summary:** After initially being nominated by President Bush in 2001, Cook and her husband, Robert Linton, continued to contribute regularly to Senators DeWine and Voinovich and other Republicans. After she was nominated, Cook – an Ohio Supreme Court Justice at the time - gave \$1,000 to Voinovich and \$1,500 to Ohio Gov. Bob Taft, both of whom had urged the President to nominate her. After she took a seat on the federal appeals court, Cook continued to make political contributions, an apparent violation of the Code of Conduct for U.S. Judges. On December 7, 2005, DeWine registered an \$800 contribution from Cook, who is identified on the campaign filing as a *district* court judge named Deborah Linton, her married name. DeWine reimbursed the contribution three weeks later. Brian Seitchik, a spokesperson for DeWine's campaign, confirmed that the donation was returned because it came from a sitting judge, and returning it was "the prudent thing to do." Overall, Cook made more than \$10,000 in federal campaign contributions to Republicans since 1992, including \$2,500 to DeWine and \$1,000 to Bush. Meanwhile, Linton gave Sen. DeWine \$4,000 while his wife's nomination was pending in the Senate. He gave Bush \$2,000 after she was confirmed, as well as \$25,000 to a fundraising committee operated by Sen. Voinovich. Separately, from 1997 to 2002, Cook and her husband combined to give \$12,000 in state contributions to Bob Taft, the governor who recommended her for the appeals court.

**Chronology:**

- 1999: President Bush receives \$1,000 each from Cook and husband Bob Linton.
- 2000: Cook contributes \$1,000 to DeWine and \$2,700 to the Ohio Republican Party.
- February 6, 2001: Ohio Gov. Taft confirms that he has spoken with Cook about the court vacancy and that he supports her, according to the Dayton Daily News.
- February 14, 2001: Voinovich receives \$1,000 contributions from both Cook and her husband.
- **May 9, 2001: Cook is nominated.**
- June 17, 2001: Linton gives \$1,000 to Gov. Taft.
- **February 20, 2002: Voinovich receives \$1,000 from Cook.**
- February 25, 2002: DeWine receives \$2,000 from Linton.
- May 15, 2002: Taft receives \$1,000 from Linton.
- June 17, 2002: Taft receives \$1,500 from Linton.
- **August 31, 2002: Taft receives a \$1,500 contribution from Cook.**
- January 29, 2003: Confirmation hearing for Cook.
- January 31, 2003: Voinovich registers a \$1,000 contribution from Linton.
- February 19, 2003: DeWine receives \$2,000 from Linton.
- **May 5, 2003: Cook is confirmed.**
- June 26, 2003: President Bush's campaign receives \$2,000 from Linton.
- June 30, 2003: Voinovich registers a \$1,000 contribution from Linton.

- July 2004: Linton contributes \$25,000 to a Voinovich campaign committee.
- **January 6, 2004: Cook contributes \$500 to a Republican Ohio Supreme Court candidate.**
- December 7, 2005: DeWine registers an \$800 contribution from Cook, who is identified on the contribution as Deborah Linton, U.S. District Court Judge. **The check is refunded on Dec. 28.**

**Judge Comment (fax):** In response to repeated requests for comment, Judge Cook’s chambers faxed an unattributed, one-sentence, handwritten reply. It said, “Campaigns attributed contributions from Robert Linton to Deborah Cook.” Two written requests to Cook seeking further clarification were not answered.

[Click here](#) to see her fax response.

**Note:** For the [Feb. 20, 2002 donation](#) to Sen. Voinovich, federal records identify the donor as “The Honorable Deborah L Cook.” For the Aug. 31, 2002 donation to Gov. Taft, state records identify the donor as Deborah Cook, “Ohio Supreme Court Judge.” For the Jan. 6, 2004 contribution to a state candidate, records identify the donor as Deborah Cook, “6<sup>th</sup> Circuit Court of Appeals.” For the [Dec. 7, 2005 contribution](#) to Sen. DeWine, records identify the donor as “Deborah Linton,” employer “U.S. District Court,” occupation “Judge.” The federal campaign contribution records can be viewed [here](#). The state contribution records can be viewed [here](#).

### **Crotty, Paul Austin**

U.S. District Court, Southern District of New York

**Nominated:** September 7, 2004 | **Confirmed:** April 11, 2005

**Summary:** Crotty, a former telecommunications executive and registered lobbyist with the state of New York, has given \$20,000 in federal contributions since 1997 to Democrats and Republicans, including donations while he was under consideration for a judicial appointment and after his nomination. His contributions included \$1,000 to President Bush on June 23, 2003, the same month he met with administration officials about a potential judgeship. He also gave Sen. John Kerry’s presidential campaign \$500 in 2004. In addition, Crotty gave \$1,000 to Gov. Pataki shortly after he interviewed with Sen. Schumer’s selection committee. On July 22, 2003, not long after Crotty’s 2003 contributions to Bush and Pataki, Sen. Schumer announced a deal with the White House and Pataki that included Crotty receiving a federal judicial nomination. Overall, Crotty gave Pataki \$3,000 from 2002-2003, and \$1,000 to Pataki’s Democratic opponent. Crotty had also previously contributed to Schumer - \$1,000 in 1999 and \$500 in 2002. After Crotty’s nomination by Bush in September 2004, Crotty continued to contribute, giving \$2,500 to the political action committee of former NY Mayor Rudolph Giuliani, who had appointed him the city’s corporation counsel in the mid-1990s. Crotty also gave \$500 to Alaska GOP Sen. Ted Stevens, as well as a few state contributions, after his nomination. He has also given tens of thousands to his former company’s political fundraising committee. Crotty’s wife, Jane, has given to Republicans and Democrats, including Sen. Hillary Clinton.

#### **Chronology:**

- 2002: Crotty contributed \$2,000 to Gov. Pataki and \$500 to Sen. Schumer.
- Feb. 2003: Crotty is interviewed by Sen. Schumer’s judicial screening committee.
- April 11, 2003: Pataki receives \$1,000 from Crotty.
- June 2003: Crotty meets with Bush Administration officials.
- June 23, 2003: Bush receives \$1,000 from Crotty.
- July 22, 2003: Sen. Schumer announces a deal with the White House and Pataki that included nominating Crotty for a federal judgeship.
- Dec. 3, 2003: Former Sen. Tom Daschle, D-SD, receives \$500 from Crotty.
- May 2004: Crotty again meets with Bush Administration officials.
- June 2004: Crotty submits his credentials to Pataki’s judicial screening panel.
- June 22, 2004: Sen. John Kerry’s presidential campaign receives \$500 from Crotty.
- Sept. 7, 2004: Crotty is nominated by Bush.
- Sept. 23, 2004: Giuliani’s “Solutions America” political action committee receives \$1,000 from Crotty.
- Oct. 4, 2004: Sen. Ted Stevens, R-Alaska, receives \$500 from Crotty.
- Jan. 31, 2005: Giuliani’s PAC receives \$1,500 from Crotty.
- Feb. 14, 2005: Bush re-nominates Crotty.

### **Engelhardt, Kurt D.**

U.S. District Court, Eastern District of Louisiana

**Nominated:** August 2, 2001 | **Confirmed:** December 11, 2001

**Summary:** Engelhardt, a former lawyer in private practice, has deep ties to Sen. Vitter and was his campaign treasurer when Vitter began pushing for him to receive a judgeship. Vitter was a member of the House of Representatives at the time, and both of the state's senators were Democrats. Engelhardt, who also represented Vitter in litigation and chaired his campaign for state representative in the 1990s, gave Vitter \$2,000 in 1999. He contributed another \$1,000 in 2001, after Vitter pushed forward his candidacy for a judgeship by coordinating meetings with members of the Louisiana congressional delegation. Engelhardt also gave \$2,000 to the Louisiana Republican Party in 2000. Engelhardt and his wife, Ann Engelhardt, each contributed \$1,000 to President Bush in 1999. His wife contributed an additional \$4,250 to Vitter between 1999-2005.

**Chronology:**

- January-February 2001: Engelhardt meets with Louisiana delegation about a potential nomination, discussions organized through Sen. Vitter, then a member of the House.
- March 26, 2001: Vitter receives \$1,000 each from Engelhardt and his wife.
- April 2001: With the Louisiana delegation's backing, Engelhardt was interviewed by the White House.

**Figa, Phillip S.**

U.S. District Court, District of Colorado

**Nominated:** June 9, 2003 | **Confirmed:** October 2, 2003

**Summary:** Figa, a former attorney in private practice, was originally recommended for a judgeship by Sen. Allard and then-Sen. Ben Nighthorse Campbell (R-CO) in May 2001. Then, between June 2001 and March 2002, Figa and his wife, Candace Figa, contributed \$6,000 to Allard, to whom they had never previously given. In fact, Figa – who has given to candidates of both parties over the years – contributed \$1,000 in 1996 to Allard's Democrat opponent, Tom Strickland. Figa was not nominated by Bush for the original court positions, but Allard and Campbell resubmitted his name on January 9, 2003, for another court vacancy. Later that month, on January 27, Figa's wife contributed \$1,000 to Campbell, who retired in 2004.

**Chronology:**

- May 8, 2001: Figa is recommended to the White House by Colorado's Senators, according to news accounts.
- June 2001: Figa interviews with White House.
- June 10, 2001: Allard receives \$2,000 from Figa's wife.
- August 31, 2001: Allard Victory Committee receives \$2,000 from Figa.
- March 29, 2002: Allard Leadership Committee receives \$2,000 from Figa.
- January 9, 2003: Allard and Campbell resubmit Figa's name to the White House.
- January 27, 2003: Campbell receives \$1,000 from Figa's wife.
- February 2003: Figa again interviews with the White House.

**Filip, Mark R.**

U.S. District Court, Northern District of Illinois

**Nominated:** April 28, 2003 | **Confirmed:** February 4, 2004

**Summary:** Filip, formerly a lawyer in private practice, contributed \$2,000 to President Bush in November 2003, months after being nominated to the bench and less than a month after his Senate confirmation hearing. Earlier, in 1999, he and his wife each contributed \$500 to Bush. Overall, Filip gave \$4,250 in federal contributions to Republicans from 1999 to 2003. Also, during the disputed 2000 presidential election, Filip volunteered as a Republican election monitor in Florida, participating in the recount effort.

**Chronology:**

- April 28, 2003: Bush nominates Filip.
- Oct. 28, 2003: Filip's Senate confirmation hearing.
- Nov. 5, 2003: Bush receives \$1,000 from Filip.
- Nov. 18, 2003: Bush receives \$1,000 from Filip.

**Haddon, Sam E.**

U.S. District Court, District of Montana

**Nominated:** May 17, 2001 | **Confirmed:** July 20, 2001

**Summary:** On February 12, 2001, a day before Montana's senators recommended Haddon to the White House for the federal bench, Sen. Burns registered \$1,000 contributions from both Haddon and his wife, Betty Haddon. Sam

Haddon, who was a member of the Bush for President Montana Steering Committee in 2000, submitted a request to be considered for the judgeship to Sen. Burns after Bush won the presidency. Burns, who had recently been reelected to a six-year term when he received the 2001 contributions, also received \$2,000 each from both Haddon and his wife during his 2000 campaign. Overall, Haddon gave Burns \$5,000 from 1989-2001, about half of the nearly \$10,000 he gave to Republicans during that period. Meanwhile, Betty Haddon has contributed \$6,000 to the Senator since 1998, half of which she gave after Judge Haddon was confirmed to the federal bench. Overall, Betty Haddon gave about \$23,000 to Republicans since 1997, including \$2,500 to President Bush.

**Chronology:**

- February 12, 2001: Sen. Burns registers \$1,000 each from Sam and Betty Haddon.
- February 13, 2001: Sens. Burns and Baucus submit their recommendation of Haddon to the White House.

**Hardiman, Thomas M.**

U.S. District Court, Western District of Pennsylvania

**Nominated:** April 9, 2003 | **Confirmed:** October 22, 2003

**Summary:** Hardiman, a former Pittsburg attorney, made over \$6,000 in federal campaign contributions after first interviewing with the Pennsylvania judicial selection commission, donating almost all of it after the commission recommended him for the judgeship. Among his contributions, Hardiman gave \$2,400 to Sen. Specter and \$2,000 to Sen. Santorum and his political action committee. He also gave \$9,000 in state contributions to Republicans after his original interview with the judicial selection commission. Overall, since 1998, Hardiman gave \$12,850 in federal contributions to Republicans. He and his wife, Lori Hardiman, each gave Bush \$1,000 in 1999. Thomas Hardiman was the treasurer of his county Republican committee until the time of his nomination. Now, Hardiman is a nominee to the Third U.S. Circuit Court of Appeals. Bush nominated him to the higher court Sept. 13, 2006.

**Chronology:**

- March 29, 2001: Hardiman appears before the Pennsylvania judicial nominating commission.
- June 4, 2001: Sen. Specter receives \$500 from Hardiman.
- July 10, 2001: After receiving the judicial panel's recommendation, Hardiman is invited to a White House interview for district court position.
- July 30, 2001: The Republican Federal Committee of Pennsylvania registers a \$500 contribution from Hardiman.
- Feb. 1, 2002: The political action committee operated by Sen. Santorum, "America's Foundation," registers a \$1,000 contribution from Hardiman.
- March 15, 2002: Sen. Specter receives \$500 from Hardiman.
- May 8, 2002: Hardiman is again invited to the White House for an interview – this time for a position on the 3rd U.S. Circuit Court of Appeals.
- May 14, 2002: Santorum receives \$1,000 each from Hardiman and his wife.
- June 3, 2002: Specter receives \$900 from Hardiman.
- July 16, 2002: Tim Murphy, a Pennsylvania Republican running for Congress, receives \$500 from Hardiman.
- Aug. 8, 2002: Rep. Melissa Hart (R-Pa) receives \$200 from Hardiman.
- Sept. 27, 2002: Murphy receives \$500 more from Hardiman.
- Oct. 24, 2002: Hart receives \$250 more from Hardiman.
- November 2002: Hardiman receives forms to fill out from the Justice Department, which, along with the F.B.I., conducts a background check during December and January.
- Jan. 16, 2003: Hardiman appears before a second nominating commission, which also gives him its recommendation.
- Feb. 24, 2003: Specter registers a \$500 contribution from Hardiman.
- March 6, 2003: Allegheny County Republican Committee receives \$1,600 from Hardiman.
- April 9, 2003: Bush nominates Hardiman.

**Hartz, Harris L**

U.S. Court of Appeals for the Tenth Circuit (New Mexico)

**Nominated:** June 21, 2001 | **Confirmed:** December 6, 2001

**Summary:** After the Albuquerque Tribune reported that Hartz had confirmed his interest in a federal judgeship, Hartz gave \$200 to Sen. Domenici. Domenici recommended Hartz to Bush. Hartz was a lawyer in private practice at the time, and before that served as a state judge. Overall, between 1995-2001, Hartz gave \$1,000 to Bush, \$1,500 to the Republican Campaign Committee of New Mexico, \$950 to GOP Rep. Heather Wilson and \$400 to Domenici. His

wife, Deborah Hartz, gave \$500 to Bush in 1999, \$200 to the New Mexico Republican committee in 2003, and \$1,000 to Rep. Wilson in 2006.

**Chronology:**

- Jan. 15, 2001: Albuquerque Tribune reports that Hartz has confirmed his interest in a federal judgeship.
- Feb. 7, 2001: Domenici receives \$200 from Hartz.

**Holwell, Richard J.**

U.S. District Court, Southern District of New York

**Nominated:** August 1, 2002 | **Confirmed:** September 17, 2003

**Summary:** On April 30, 2001, nearly two months after learning he was being recommended by Gov. Pataki’s judicial selection committee to the White House for a federal judgeship, Holwell made a \$10,000 contribution to the governor, according to state records. Howell was a law school classmate of the governor and also has represented him in court. The last time Howell gave to Pataki was in 1998 when he contributed \$6,000, according to the Institute on Money in State Politics. As for federal contributions, Holwell gave Republican Senate candidate Rick Lazio \$1,000 in 2000. Previously, between 1995-1996, Howell made \$3,500 in federal contributions, including \$1,000 to former President Clinton and \$2,000 to Sen. Joseph R. Biden (D-DE).

**Chronology:**

- March 1, 2001: Holwell interviews with Gov. Pataki’s federal judicial selection committee.
- March 4, 2001: Holwell is informed that he is being recommended to the President.
- April 23, 2001: Holwell is interviewed by the Office of the White House Counsel.
- April 30, 2001: Pataki receives a \$10,000 contribution from Holwell, according to state records.

**Johnson, William Paul**

U. S. District Court, District of New Mexico

**Nominated:** Aug. 2, 2001 | **Confirmed:** December 13, 2001

**Summary:** A former state judge, Johnson formally applied for a position with Bush’s transition team “after January 1, 2001,” according to his Senate questionnaire. He also wrote to Sen. Domenici about a potential recommendation from the senator. Johnson contributed \$500 to Domenici in February 2001. In March he met with Domenici for an interview, and late in the month gave the state Republican Party \$600. By late April, the Senator recommended him to President Bush, who nominated Johnson in August. After the nomination and his confirmation hearing, Johnson gave Sen. Domenici \$500 in November 2001. Johnson also gave \$2,000 to Republicans from 1993 to 2000. Prior to becoming a state judge, Johnson served as chairman of his county Republican Party and First Vice-Chairman of the state Republican Party. He also ran an unsuccessful campaign for state senate as a Republican in 1992.

**Chronology:**

- “After January 1, 2001”: Johnson expresses interest in a federal judgeship by applying with the Bush transition team, then writing to Sen. Domenici.
- Feb. 14, 2001: Domenici registers a \$500 contribution from Johnson
- March 2001: Domenici interviews Johnson and other applicants.
- March 30, 2001: The Republican Campaign Committee of New Mexico receives \$600 from Johnson.
- April 28, 2001: The Albuquerque Journal reports Domenici has recommended Johnson to Bush.
- Aug. 2, 2001: President Bush nominates Johnson.
- Oct. 25, 2001: Johnson’s Senate confirmation hearing, where Domenici spoke on his behalf.
- Nov. 27, 2001: Domenici registers a \$500 contribution from Johnson.

**Jones, John E. III**

U.S. District Court, Middle District of Pennsylvania

**Nominated:** February 28, 2002 | **Confirmed:** July 29, 2002

**Summary:** Jones, a former attorney in private practice, gave \$1,000 to the state GOP and \$1,000 to Sen. Santorum’s political action committee after having interviewed for the judgeship. He also gave more than \$1,000 to state and local Republicans after his August 2001 interview process, including \$380 to his county Republican committee. Overall, Jones gave about \$15,000 in federal contributions to Republicans from 1990 to 2001, including more than \$4,000 each to both Sens. Specter and Santorum. Jones had been involved in Republican politics, making an unsuccessful run for Congress in 1992, and serving on the finance committee of the Pennsylvania Republican State

Committee from 1999 till his nomination. He also has hosted fundraisers at his house for Sens. Specter and Santorum, as well as other Republicans. In 1999, Jones and his wife, Beth, each contributed \$1,000 to President Bush. After Jones was confirmed, his wife also gave \$250 to Specter in 2003 and \$250 to Santorum in 2004. Jones has given thousands of dollars in state contributions to Republicans over the years as well.

#### **Chronology:**

- May 21, 2001: Specter registers a \$500 contribution from Jones.
- August 2001: Jones is interviewed by the Pennsylvania judicial selection commission, which recommended him to Specter and Santorum.
- September 4, 2001: The Republican Federal Committee of Pennsylvania receives \$1,000 from Jones.
- November 16, 2001: Jones interviews with the White House for the judgeship.
- November 26, 2001: Santorum's political action committee receives \$1,000 from Jones.
- Feb. 14, 2002: A county Republican committee receives \$100 from Jones.
- Feb. 28, 2002: Bush nominates Jones.
- April 11, 2002: A Republican candidate for the state legislature receives \$250 from Jones.

#### **Judge's Comments (phone):**

*On political involvement:* "It was well known that I was politically active at the time that I was nominated. That was not a secret. It is what it is. You can infer what you want to about that but I feel no obligation to excuse or further explain that other than that I'll stand on my qualifications to be a district court judge."

*On campaign contributions:* "You could say that for appearance's sake I shouldn't give a contribution to anybody, but I certainly didn't give any federal contributions after I was nominated...I was recommended around August 2001 - is that the point that I should have stopped making contributions? Maybe I should have. But I didn't...Should there be a time that sort of is customary that you stop giving contributions? I grant you that's probably true...If you know you're being recommended by the screening panel, probably in retrospect it's better to say that's it, and not make any contributions after that. But that's the benefit of hindsight." On the influence of campaign contributions: "We can get noticed by making contributions. But it's a very difficult process to get nominated as a federal judge. All it does is it gets some people on the radar, although I would hope that given my accomplishments in state government that I was on the radar for different reasons. It never gets you a nomination. Because the screening process is so difficult."

*On judicial independence:* "If the implication is that I am at the service of the people who are my benefactors, I probably gave lie to that in my decision on intelligent design [ruling that Dover, Penn. public schools cannot teach intelligent design alongside evolution]. My guess is that was not a favorite decision of Sen. Santorum. That flew in the face of existing Republican dogma, including President Bush and Sen. Santorum, who had been on record as supporting intelligent design. Bill O'Reilly that night called me a fascist...I'm the guy who's pissed everyone off...I'm disappointed that it's come to the point where it's expected that if you're appointed by a Republican president that you take one for the home team. I'm disappointed and chagrined that people don't really understand how judges work. I've long left politics...In terms of being an independent judge, I would submit that I certainly have been that. In no way would you be able to examine my record in 4 years and claim that I was some lackey for the Republican Party or any party. I take my obligation as a judge very, very seriously. I'm an umpire and I call 'em as I see 'em. You've got to understand, the proof is in the pudding, as they say, and I think the pudding is what I've done in the last 4 years."

#### **Kelley, Walter DeKalb Jr.**

U.S. District Court, Eastern District of Virginia

**Nominated:** October 31, 2003 | **Confirmed:** June 23, 2004

**Summary:** Kelley, a former attorney in private practice, made more than \$9,000 in federal campaign contributions to Republicans from 1994-2003, including a donation to President Bush while he was seeking a judgeship. Kelley was recommended for the federal bench by the Virginia Bar Association in late May 2003. (Sens. Allen and Warner solicit the input of different bar associations as part of the selection process.) A month later, after he had garnered the endorsements of other bar associations as well, Kelley gave \$1,000 to President Bush, apparently his first ever contribution to Bush. Also, a month before the state bar association gave its recommendation, Kelley gave \$500 to Sen. Allen, who later recommended Kelley to the President. Kelley also gave thousands in state contributions to Republicans over the years, including donations while he was under consideration for a judgeship, according to the Institute on Money in State Politics. State records show Kelley gave \$500 to a candidate for lieutenant governor after he was nominated by the President. In the past, Kelley has volunteered for numerous campaigns, including those of Allen and Warner. Overall he has contributed \$2,000 to Allen and \$3,000 to Warner. His wife, Jennifer, also contributed \$1,000 to Allen in 2000.

**Chronology:**

- April 24, 2003: Sen. Allen receives a \$500 contribution from Kelley.
- May 29, 2003: The Virginia Bar Association recommends Kelley for the federal bench.
- June 3-11, 2003: Kelley receives several more endorsements of his candidacy from various bar associations.
- June 25, 2003: President Bush's reelection campaign registers a \$1,000 contribution from Kelley.
- July 30, 2003: Sens. Warner and Allen recommend Kelley to the President.
- Oct. 31, 2003: Bush nominates Kelley.
- April 5, 2004: A Republican candidate for lieutenant governor receives \$500 from Kelley.

**Ludington, Thomas**

U.S. District Court, Eastern District of Michigan

**Nominated:** September 12, 2002 | **Confirmed:** June 8, 2006

**Summary:** Ludington, a former state judge, gave \$2,400 in federal campaign contributions after his nomination to the federal bench, including \$1,000 to President Bush, \$500 to Republican Congressman Dave Camp and \$900 to a county Republican committee that helps support Camp. Ludington also gave about \$500 to Republicans at the state level after his nomination. Ludington later thanked Rep. Camp, who he has known since childhood, for seeing his nomination "through to confirmation," according to the Associated Press. Ludington has given Camp \$3,350 since 1989. Overall, Ludington gave nearly \$6,000 in federal contributions to Republicans from 1997 to 2006. Ludington's wife, Katrina, also gave \$250 to Bush in 1999.

**Chronology:**

- Sept. 5, 2002: Rep. Camp receives \$250 from Ludington
- Sept. 12, 2002: Bush nominates Ludington.
- Jan. 07, 2003: Bush re-nominates Ludington.
- March 13, 2003: Midland County Republican Committee receives \$300 from Ludington.
- Nov. 28, 2003: Bush receives \$1,000 from Ludington
- Dec. 8, 2003: Camp receives \$500 from Ludington
- Feb. 14, 2005: Bush renominates Ludington again.
- March 9, 2005: Midland County Republican Committee receives \$300 from Ludington.
- March 23, 2006: Midland County Republican Committee receives \$300 from Ludington.
- June 8, 2006: Ludington confirmed by the Senate.

**Moore, Kimberly Ann**

U.S. Circuit Judge for the Federal Circuit (VA)

**Nominated:** May 18, 2006 | **Confirmed:** September 05, 2006

**Summary:** Moore, a former law school professor at George Mason University, contributed \$500 to Sen. George Allen (R-VA) in late March 2006, after she had discussions with Bush Administration officials about a potential appointment to the Federal Circuit. Later, in September, Sen. Allen spoke on the Senate floor urging his colleagues to confirm Moore. Moore also contributed \$2,000 to President Bush in 2004. The two donations were apparently Moore's only federal contributions since at least 1990.

**Chronology:**

- March 2006: Following discussions with the Office of the White House Counsel and the Department of Justice, Moore is informed that Bush intends to nominate her.
- March 31, 2006: Sen. George Allen (R-VA) receives a \$500 contribution from Moore.

**Pratter, Gene E.K.**

U. S. District Court, Eastern District of Pennsylvania

**Nominated:** November 3, 2003 | **Confirmed:** June 15, 2004

**Summary:** Pratter, a former attorney in private practice, made over \$16,000 in federal contributions to Republicans from 1997-2003. Pratter gave Sen. Specter a combined \$1,500 in February and March 2003, around the time she interviewed with a judicial selection committee set up by Specter and Santorum. Later, after her July 2003 interview with the White House, she gave \$500 to Santorum, and another \$500 to his political action committee two months after being nominated. Pratter was also interviewed by the White House Counsel in September 2003, the same month she and her husband each gave \$2,000 to Bush. Pratter had previously interviewed with the Pennsylvania selection

committee and the Bush Administration in 2001. Overall, Pratter has given \$4,000 to Santorum and his political action committee and \$3,500 to Specter. Her husband, Robert, has given over \$45,000 to Republicans since 1990, including a combined \$16,000 to Sens. Specter and Santorum, and Santorum's political action committee. Also among Mr. Pratter's contributions was \$10,000 given to the Republican Federal Committee of Pennsylvania in 2005. The Pratters have also given thousands of dollars in state contributions.

**Chronology:**

- Spring 2003: Pratter interviews with the Pennsylvania judicial nominating commission, which recommends her, according to her Senate questionnaire.
- February-March 2003: Specter receives \$1,500 from Pratter.
- July 2003: Pratter is interviewed by the White House Counsel.
- July 9, 2003: The Republican National Committee registers a \$355 contribution from Pratter.
- Aug. 5, 2003: Santorum receives a \$500 contribution from Pratter.
- September 2003: Pratter is again interviewed by the White House Counsel.
- Sept. 15, 2003: Bush receives \$2,000 each from Pratter and her husband, Robert.
- Nov. 3, 2003: Bush nominates Pratter.
- Jan. 5, 2004: Santorum's political action committee registers a \$500 contribution from Pratter.\*

\*The Jan. 5, 2004 donation was noted in contribution records with the name "Mr. Gene E.K. Pratter" and the name of Mrs. Gene Pratter's law firm.

**Rogers, John M.**

U.S. Court of Appeals for the Sixth Circuit (KY)

**Nominated:** December 19, 2001 | **Confirmed:** November 14, 2002

**Summary:** A former law school professor at the University of Kentucky, Rodgers first formally expressed interest in a judicial nomination to Sen. Mitch McConnell in November 2000. In February 2001, he met with McConnell and his staff about a position on the Sixth Circuit. That month, on February 20, McConnell received a \$250 contribution from Rogers. Sen. Bunning also received a \$250 contribution from Rogers in March 2001. Overall, since 1989, Rogers gave \$4,000 in federal campaign contributions, including \$500 to Bunning and \$1,000 each to McConnell, Bush and the Republican Party of Kentucky. Rogers' wife, Xiong Ying Juan, gave \$250 to McConnell in Aug. 2005.

**Chronology:**

- November 2000: Rogers writes to Sen. McConnell expressing interest in a judicial appointment, or a position with the State or Justice departments.
- February 2001: McConnell and his staff meet with Rodgers about a potential judicial appointment.
- Feb. 20, 2001: McConnell receives a \$250 contribution from Rogers.
- March 9, 2001: Bunning registers a \$250 contribution from Rogers.

**Smith, Lavenski R.**

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

**Nominated:** May 22, 2001 | **Confirmed:** July 15, 2002

**Summary:** After Smith publicly acknowledged he was undergoing an FBI background check for a potential judicial nomination, he gave \$1,000 to then-Sen. Tim Hutchinson (R-AR), who had recommended him to the President for a judgeship. The donation, apparently Smith's first federal contribution since at least 1990, came three weeks before Bush announced his nomination. After the nomination, Smith gave \$250 to Republican Gov. Mike Huckabee, according to state records. Huckabee had recommended Smith to Hutchinson, according to the Arkansas Democrat-Gazette. Before Smith reached the federal bench, Huckabee had appointed him to the Arkansas Supreme Court and the state Public Service Commission. Smith also gave \$2,750 to the Arkansas Republican Party in March 2000, according to the Institute on Money in State Politics. A June 2, 2002 story in the Democrat-Gazette reported that many of the people Hutchinson recommended for presidential appointments, including Smith, had contributed to Hutchinson's campaign. Hutchinson said in the article that he doesn't keep track of who, among those he recommended, gave him money, and that the donations are so small they couldn't influence a senator.

**Chronology:**

- April 12, 2001: The Arkansas Democrat-Gazette reports that the FBI is conducting a background check on Smith in preparation for a potential judicial appointment. (Sen. Hutchinson had recommended Smith to the President.)
- May 3, 2001: Hutchinson receives \$1,000 from Smith.

- May 22, 2001: Bush announces his nomination of Smith.
- Dec. 1, 2001: GOP Gov. Mike Huckabee, who recommended Smith to Hutchinson, receives \$250 from Smith.

**Judge Comment (email):** “Your facts are mostly accurate. However, as I recall, the \$2,750.00 was a filing fee to run for the state appellate judgeship I campaigned for in 2000. Neither Senator Hutchinson nor Governor Huckabee ever intimidated directly or indirectly that some kind of contribution was expected from me in order to be nominated. In each case, I gave to support the re-election of people I trusted to be good public servants. The proximity of the timing between my donations and my nomination was largely coincidental. The selection process began months earlier than May and only the White House knew or controlled when or even if a nomination would be made. Until nominated, potential nominees should retain their full first amendment rights to participate politically as ordinary citizens.”

### **Tymkovich, Timothy M.**

U.S. Court of Appeals for the Tenth Circuit (CO)

**Nominated:** May 25, 2001 | **Confirmed:** April 1, 2003

**Summary:** Tymkovich expressed interest in a judicial nomination to the White House in January 2000, while working as a Denver attorney in private practice. A year later, in January 2001, he contributed \$250 to Sen. Wayne Allard (R-CO). After Tymkovich was nominated by Bush in May 2001, he gave an additional \$750 to Allard in June. Those donations appear to be his only federal contributions since at least 1990. Tymkovich also gave \$225 to state-level Republicans, including Gov. Bill Owens, after his nomination. Prior to working in private practice, Tymkovich was Colorado’s solicitor general under then-attorney general Gale Ann Norton. When Norton became Pres. Bush’s Interior Secretary, Tymkovich turned down an offer for a top spot in the department, according to news accounts. He also served as general counsel to the Colorado Republican Party from 1998 till January 2001.

#### **Chronology:**

- January 2000: Tymkovich expressed his interest in the judgeship to the White House Counsel.
- Jan. 8, 2001: Sen. Allard receives \$250 from Tymkovich.
- May 25, 2001: Bush nominates Tymkovich.
- May 31, 2001: Republican Gov. Bill Owens receives \$125 from Tymkovich.
- June 16, 2001: Allard receives \$250 from Tymkovich.
- June 30, 2001: Allard receives \$500 from Tymkovich.
- Sept. 30, 2002: A Republican state legislator running for re-election receives \$100 from Tymkovich.

### **Zainey, Jay C.**

U.S. District Court, Eastern District of Louisiana

**Nominated:** October 10, 2001 | **Confirmed:** February 11, 2002

**Summary:** Just after his nomination, Zainey gave \$1,000 to Republican Billy Tauzin, who was then a member of the Louisiana congressional delegation that backed his nomination. At Zainey’s confirmation hearing, Tauzin strongly recommended him, calling Zainey “a long-time friend of mine.” Overall, Zainey, a former lawyer in private practice, provided \$10,500 in federal contributions from 1999-2001, including \$1,000 to President Bush, \$2,000 to the Louisiana Republican Party, \$3,000 to then-Representative Vitter and \$2,000 to Tauzin. In the past, Zainey helped manage the campaign of a Democrat Senate candidate and also the 1999 congressional campaign of a former Republican governor. Meanwhile, Zainey’s wife, Joy Zainey, contributed an additional \$3,000 to Republican candidates from 1999-2000, including \$1,000 to Bush and \$1,000 to Tauzin.

#### **Chronology:**

- Dec. 17, 2000: The New Orleans Times-Picayune reports that Zainey is among “names circulating for federal judgeships.”
- May 3, 2001: GOP Rep. David Vitter receives \$1,000 from Zainey.
- Aug. 29, 2001: Democrat Rep. William Jefferson receives \$500 from Zainey.
- Oct. 10, 2001: With the backing of Louisiana’s congressional delegation, Bush nominates Zainey.
- Oct. 22, 2001: GOP Rep. Billy Tauzin receives \$1,000 from Zainey.