

Senator Charles Grassley
Follow-up Questions for the Record
Judge Sharon Gleason, U.S. District Judge for the District of Alaska

1. At your hearing, I asked you about a statement from your report which states: “The Constitution guarantee of equal rights and protections and the right to privacy present a strong argument in support of the decriminalization of prostitution.” I asked whether you support the decriminalization or legalization of prostitution today. You did not answer, but stated, “I really have not given any reflection on that. . . . It is essentially a legislative prerogative, as I would see it, and if there were a law one way or the other, it would be my obligation to enforce that law.”

In my written questions, I asked you to “please take whatever time necessary to reflect on the issue and answer the following question: Do you support the decriminalization or legalization of prostitution?” Again, you refused to take the opportunity to reflect on and answer the question, but instead stated: “I do not have an opinion as to whether or not prostitution should be legalized.”

Your unwillingness to provide a straightforward answer concerns me for a couple reasons. First and perhaps most importantly, the integrity of the confirmation process requires nominees to answer our questions. Second, your unwillingness to answer this question is particularly curious, given that when I asked whether you still believed veterans’ benefits work to the detriment of women as a class, you responded without hesitation, “No, I do not.”

With this in mind, please take whatever time necessary and answer the following two questions:

a. Do you support the decriminalization or legalization of prostitution?

Response: I acknowledge the Senate’s important constitutional role in the judicial confirmation process, and very much respect the integrity of that process. I regret that my earlier answer may seem to indicate otherwise. As a judicial officer, I have seldom expressed my personal opinions on policy issues that fall within the purview of the legislature. On this specific issue, I did not have an opinion. However, in light of the opinions that were expressed in the 1985 report and after receiving these follow-up questions, I have undertaken the research and reflection necessary to formulate my personal opinion. Based on that undertaking, I have concluded that I do not support the decriminalization or legalization of prostitution. Of course, if confirmed to the federal District Court, with respect to this issue, veterans’ benefits, and all other issues that might come before me, I would strive to always faithfully and impartially follow the precedents of the United States

Supreme Court and the Circuit in which I would sit, regardless of my personal views.

b. Do you stand by the report's recommendations regarding prostitution?

Response: No.