

Responses of James K. Bredar
Nominee to be United States District Judge for the District of Maryland
to the Written Questions of Senator Jeff Sessions

1. In 1997, the *Maryland Church New Magazine* published an article entitled, “Why the Federal Public Defender Opposes an Impending Execution,” which discussed your concerns about the death penalty for one of your clients who had shot and killed a police officer. The article stated that “when it comes to capital punishment, to executing murderers, [you are] usually opposed for any number of reasons, all traceable, when you get right down to it, to his Christian faith.” According to the article, you questioned why we “perpetuate the culture of violence” by sentencing individuals to death and commented that “only the most primitive of societies, it seems to me, would validate the value of one life by taking another.”

a. Do you still hold these views?

Response: When I granted this interview, my client’s appeals had all been exhausted, execution was imminent, and as his court-appointed advocate I was discharging my professional responsibility by vigorously seeking clemency on his behalf. Part of that strategy included outreach to religious communities in Maryland that have traditionally opposed the death penalty. Nothing in my personal views and convictions would prevent me from faithfully following the law in a death penalty case, and I would impose the death penalty when required by the law.

b. Do you have a personal objection to the death penalty?

Response: A judge’s personal views are not relevant in deciding a case. Nothing in my personal views and convictions would prevent me from faithfully following the law in a death penalty case, and I would impose the death penalty when required by the law.

c. Do you believe that the death penalty is an acceptable form of punishment?

Response: The United States Supreme Court has ruled that the death penalty is constitutional and acceptable and, as a U.S. District Judge, I would faithfully follow that precedent.

d. Do you believe that the death penalty constitutes cruel and unusual punishment under the Constitution?

Response: The United States Supreme Court has ruled that the death penalty does not constitute cruel and unusual punishment. As a U.S. District Judge, I would follow that precedent.

- e. **If confirmed, you will have to preside over capital cases. Do you have any reservations about imposing the death penalty where appropriate?**

Response: No.

2. **In 2004, you rejected the determination of an Administrative Law Judge (ALJ) that a disabled student's individualized education program was acceptable under the Individuals with Disabilities Act (IDEA). The Fourth Circuit reversed your ruling, finding that you substituted your "own views on educational policy . . . for the determinations of the local education officials charged with formulating the [education plan]." The court noted that you "consistently reached diametrically opposing conclusions" from the ALJ and that you "repudiated the findings of the ALJ and discarded the expertise of the [education officials] without reason or explanation." The court concluded that you ignored congressional preference, substituted your own views on education and the IDEA for that of Congress, and failed to show appropriate deference to the ALJ.**

- a. **Do you think it is appropriate for a judge to decide cases based on his or her own personal beliefs?**

Response: No.

- b. **What in your view is the role of a trial court judge?**

Response: A trial court judge is obligated to research and determine the law applicable to the case before him, and then to faithfully apply that law to the facts.

- c. **If confirmed, can you assure the Committee that you will abide by binding precedent even when you disagree with the precedent?**

Response: Yes.

3. **Please describe with particularity the process by which these questions were answered.**

Response: I received a copy of these questions via e-mail from Department of Justice staff on May 20, 2010. I prepared a draft of the answers and discussed the draft with staff on May 21, 2010. I then provided a final version of my answers to Department of Justice staff for transmission to the Committee.

4. **Do these answers reflect your true and personal views?**

Response: Yes.