

**Written Questions for Select Nominees from June 25, 2003 Confirmation Hearing
Sen. Richard J. Durbin
July 2, 2003**

Responses of Earl Leroy Yeakel III (Nominee to be U.S. District Court Judge in Texas)

1. According to your Senate questionnaire, you are a member of the Federalist Society. Do you agree with the following passage from the Federalist Society's statement of purpose? If you do agree with this statement, please explain the basis for your belief. If you do not, please explain why you are a member of the organization.

"Law schools and the legal profession are currently strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society. While some members of the academic community have dissented from these views, by and large they are taught simultaneously with (and indeed as if they were) the law."

I am a member of the Austin Lawyers Chapter of the Federalist Society. The chapter conducts luncheon meetings on a sporadic basis, presenting speakers of interest to those who practice at least some federal law. The chapter has presented as speakers federal and state judges, the chief judge of the United States Court of Federal Claims, a debate between the chief justice of the Texas Supreme Court and a practicing attorney on the topic of elected versus appointed judges, and law professors, both liberal and conservative, for example. I find this exchange of ideas both interesting and stimulating. The chapter does not and has not endorsed political candidates or taken any role in any political campaign. It might best be termed "a debating society." With regard to the specific statement, I can only draw upon my experiences with the law schools at the Universities of Texas and Virginia, with which I have maintained a relationship, and our local attorneys, and therefore disagree with the overall breadth of the statement.

2. According to its mission statement, one of the goals of the Federalist Society is "*reordering priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.*"

A. Do you believe that certain priorities need to be reordered? If so, which ones?

I do not know to what priorities the statement is referring. It is not and has not been a goal of the Austin Lawyers Chapter to attempt reordering of any priorities. I am comfortable with the legal system's existing priorities.

- B. On which traditional values should there be a premium, and why?

All societal values should be equally respected in the eyes of the law.

- C. Do you believe that the Supreme Court's recent decision in *Lawrence v. Texas*, striking down the sodomy law in your home state, is consistent with the pursuit of "traditional values" as you define them?

If confirmed, I will adhere at all times to the precedents of the Supreme Court and the Fifth Circuit Court of Appeals. This includes cases in which a statute of my home state has been found lacking. A respect for the rule of law is the most traditional of values.

3. Please indicate how long you have been a member of the Federalist Society and whether you have given any speeches to Federalist Society audiences. If you have given such speeches, please describe in general terms the themes of your remarks.

I have been a member of the Austin Chapter of the Federalist Society for approximately four and one-half years. During that period I have given one luncheon talk to the chapter. The topic concerned the current state of the law of sovereign immunity in Texas with regard to the law of contracts. It was a greatly distilled version of the thesis I had written on the subject while pursuing a masters of law degree at the University of Virginia Law School, a copy of which has been provided.