**Chairman Biden's Statements on Proper Scope of Questioning during Ginsburg Hearing**

Chairman Joseph R. Biden. Jr. made the following statements during 1993 concerning the proper scope of questioning.

- "*A Senator has not only the right, but the duty to weigh carefully a nominee's judicial philosophy and, even more importantly, the consequences of that philosophy for the country. And as I have stated in past confirmation hearings, my questions about a nominee's judicial philosophy are not aimed at getting answers about specific cases.*" (Ginsburg Transcript at 114)

- *"I have said many times and I want you to know that I believe my duty obliges me to learn how nominees will decide, not what they will decide, but how they will decide."* (Ginsburg Transcript at 114)

- *"In my view, the public is best served by questions that initiate a dialogue with the nominee, not about how she will decide any specific case that may come before her, but about the spirit and method she will bring to the task of judging. There is a real difference, between questions that focus on specific results or outcomes, the answers to which would risk compromising a nominee's independence and impartiality, and questions on judicial methods and philosophy. The former can undermine the dispassionate and unprejudiced judgment we expect the nominee to exercise as a Justice. But the latter are essential and contribute critically to our public dialogue." (Floor Debate, July 15, 1993).*

- *"Now, I would hope, as I said to you very briefly, that the way in which you outlined the circumstances under which you would reply and not reply, that you will not make a blanket refusal to comment on things because obviously everything we could ask you is bound to come before the Court. There is not a controversial issue in this country that does not have a prospect of coming before the Court someday.*" (Ginsburg Transcript at

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

114)

- *"If a nominee, although it is their right, does not answer questions that don't go to what they would decide, but how they would decide, I will vote against that nominee regardless of who it is. And you can thank Justice Scalia for that."* (Ginsburg Transcript at 114-115)

- *"I would also point out that my concerns about your not answering questions have been met. You have answered my questions the second day and third day. At least from my perspective, you have been as forthcoming as any recent witness we have had."* (Ginsburg Transcript at 367)