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S. HRG. 119–260

CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

SEPTEMBER 17, 2025

Serial No. J–119–48

Printed for the use of the Committee on the Judiciary

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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

WEDNESDAY, SEPTEMBER 17, 2025

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice at 10:17 a.m., in Room G50, Dirksen Senate Office Building, Hon. Charles E. Grassley, Chairman of the Committee, presiding.

Present: Senators Grassley [presiding], Cruz, Hawley, Tillis, Kennedy, Schmitt, Britt, Moody, Durbin, Whitehouse, Blumenthal, Hirono, and Booker.

Also present: Senators Johnson and Budd.

OPENING STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Chairman GRASSLEY. Welcome everyone.

Senator KENNEDY. Mr. Chairman. May I be recognized?

Chairman GRASSLEY. It's very unsual but I wouldn't want to tell you no.

Senator KENNEDY. Mr. Chairman. The entire United States Senate would like to congratulate you on your birthday——

Chairman GRASSLEY. Well thank you.

[Applause.]

Senator KENNEDY [continuing.] Which is today.

[Applause].

Chairman GRASSLEY. Thank you. Forget about it. Forget about it.

[Standing Ovation.]

Senator KENNEDY. And folks you haven't lived until you see Senator Grassely's birthday cake with all the candles lit.

[Laughter.]

Senator KENNEDY. It looks like a praire fire.

Chairman GRASSLEY. Thank you.

Senator KENNEDY. So happy birthday Mr. Chairman.

Chairman GRASSLEY. Thank you Senator Kennedy. Now maybe we can get down to work. I'd like to welcome everybody to todays' hearing.

Our first panel features Rebecca Taibleson, nominated to the U.S. Court of Appeals Seventh Circuit. On panel 2, we'll hear from four district court nominees, Matthew Orso and Judge Susan Courtright Rodriguez, the Western District of North Carolina, and David Bragdon and Lindsey Ann Freeman, Middle District of North Carolina. The second panel will also include Sarah Carter, nominated for the Director of Office of National Drug Control Pol-

icy. Senator Johnson will introduce Ms. Taibleson in a moment, but I'd like to say a few words to lead us off.

Ms. Taibleson clerked for not one, but two sitting Supreme Court justices; Justice Scalia, and then-Judge Kavanaugh when he was on the D.C. Circuit. Ms. Taibleson is no stranger to this Committee. In 2018, she testified in defense of Justice Kavanaugh's nomination. Ms. Taibleson's firsthand experience working with Judge Kavanaugh was an important counterpoint to the embarrassing partisan spectacle that some people on this Committee orchestrated. I hope that my Democrat colleagues treat Ms. Taibleson with the fairness and decorum that they denied her mentor.

Indeed, Ms. Taibleson is extremely well-qualified to serve as circut judge. Her 15-year experience has spanned private practice and public service. She's been a Federal prosecutor and the appellate chief in the East District of Wisconsin for nearly a decade. Ms. Taibleson has prosecuted some of the most violent criminals and serious drug trafficking cartels. She's also a member of the Attorney General's Review Committee on capital cases.

During the first Trump Administration, she worked on detail as an assistant to the Solicitor General. In that capacity, Ms. Taibleson drafted numerous briefs before the Supreme Court. She participated in oral arguments before that court, not once, but twice.

Our district judge nominees in North Carolina are also highly qualified. Their experiences represent a broad array of legal experience. Mr. Bragdon and Ms. Freeman are Federal prosecutors who have helped uphold the rule of law. Mr. Orso is an accomplished attorney in private practice, and the Judge Courtright Rodriguez is a well-respected magistrate judge on the same court in which she has been nominated. We'll hear more about their background from our colleagues from North Carolina, and I look forward to hearing from each of them today.

Turning to Ms. Carter, she's been nominated to oversee the National Drug Control Policy. Addressing the scourge of drug abuse is an important issue for Members on both sides of this aisle, and we've taken steps to address it in this Congress. I co-lead the HALT Fentanyl Act, which was advanced through this Committee in a bipartisan vote earlier this year and signed into law by President Trump this summer. I appreciate our Committee's collaboration to get that bill across the finish line.

Ms. Carter is well positioned to lead the fight to save American lives through common sense drug control policy. As an investigative journalist, Ms. Carter developed a deep understanding of drug crisis facing our country. She's absorbed, has observed firsthand the unlawful trafficking of controlled substances over the Canadian and Mexican borders, and her efforts highlighted the importance of border security to the end the flow of drugs and illicit substances into the country. I look forward to hearing from Ms. Carter today as well.

Before I turn over to Senator Durbin for his statement, I'd like to mention that we have a very long hearing today. We have six nominees, two panels, and multiple introducers. I'll ask everyone to keep their questions limited to the 5-minutes allotted to keep the hearing on schedule. Senator Durbin.

OPENING STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DURBIN. Mr. Chairman, happy birthday.

Chairman GRASSLEY. Thank you.

Senator DURBIN. At the outset, I want to thank you and the Members on both sides of the aisle for defending this Committee's longstanding bipartisan tradition of requiring blue slips from Senators supporting district court nominees from their State.

As Chair of this Committee, I honored the practice despite pressure to do away with blue slips from the Democratic side. As a result, many Senate Republicans were able to negotiate with the Biden White House to fill vacancies in their States. Other Republicans use the blue slips to hold open seats in their States as Democrats have done, too. I didn't particularly like that approach, but I respect their decision.

As a result, several of the district court nominees before us today have been nominated to fill some of those vacancies in red States. Blue slips remain a critical part of this body's advice and consent responsibility, even when they frustrate the party in power.

Let me say a word about the nominees today. Two panels. First panel, a circuit court nominee, of course, by herself, and then a second panel, which consists of judicial nominees and others. President Trump has sent his nominees to us. Today, we'll hear from Sarah Carter Bailey. She's been nominated to be director of the Office of National Drug Control Policy, also known as the "drug czar".

I can't think of a single issue. I agree with the Chairman on this of more serious consequence than drug addiction in the United States and the heavy price we pay, not just individuals and families, but as a society. Doing something about drug drugs certainly is the highest priority that we face. The Office of National Drug Control Policy is supposed to lead that effort, particularly because of the liaison with law enforcement, to make sure that the $300 million in Federal grants that was available last year will be given for law enforcement effectively on a local State basis to reduce drug addiction.

This is an important position that requires a professional who is an expert in combating, for example, the opioid epidemic. Sadly, Ms. Carter is not that serious nominee. She has been a MAGA loyalist and podcaster whom President Trump has chosen for this critical role in government. Until she joined ONDCP 3 months ago, she had never worked in government. She has never served in law enforcement. She has no expertise in public health nor any drug policy. She's been a loyal MAGA podcaster.

Why is it important to bring this up at this point? Because of two things from the Trump Administration, which we ought to take to heart. The first was a statement made by the Trump White House earlier this year about the HIDTA program, HIDTA, H–I–D–T–A. A program that provides $300 million to law enforcement.

Here's what the Trump White House said about it. "Initially, for every dollar invested in the HIDTA program, the American people get $68 in benefits, making HIDTA an effective and efficient use of taxpayers money, and an important tool in the Nation's effort to stop drug traffickers and save American lives." That was the first statement by the White House.

The second statement was their budget request. Guess what they did to the HIDTA grants? They cut them by 34 percent from $300 million to $196 million. So, I'd have to say to Ms. Bailey, whose side are you on at this point? Law enforcement comes to us and begs for more money to fight drug problems in their communities, and I want to give it to them, but the White House wants to cut it by 34 percent.

What's your position going to be? We'll find out in the questioning. Thank you, Mr. Chairman.

Chairman GRASSLEY. At this point, I'd like to enter into the record 10 letters from law enforcement organizations across the Nation who are fighting each day to combat drug and human trafficking, and who enthusiastically support Ms. Carter's nomination. They stated, "Ms. Carter's commitment to the truth and firsthand experiences embedded with our Nation's military and law enforcement is proof that she has the determination to get the job done, as well as an understanding for what the men and women in uniform experience daily. This is precisely the bold and innovative leadership we need."

Without objection, those will be entered into the record.

Chairman GRASSLEY. Senator Johnson.

STATEMENT OF HON. RON JOHNSON,
A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator JOHNSON. Thank you, Mr. Chairman. Chairman Grassley, happy birthday. We all wish you many, many more.

Ranking Member Durbin and Members of the Committee. I'm pleased to introduce Rebecca Taibleson as the President's nominee to become the next judge on the U.S. Circuit Court of Appeals for the Seventh Circuit.

She's highly qualified for this judgeship having graduated magna laude from Yale College and then from Yale Law School in 2010. After graduation, she clerked for then-Judge Brett Kavanaugh on the U.S. Circuit Court of Repeals for the D.C. Circuit, and Justice Antonin Scalia on the U.S. Supreme Court. She then practiced civil litigation at Kirkland & Ellis until 2016.

In 2016, she joined the U.S. Attorney's Office for the Eastern District of Wisconsin, where she continues to serve as an assistant U.S. attorney and appellate chief. During the first Trump Administration. Rebecca also served while on detail from the U.S. Attorney's Office as an assistant to the Solicitor General in the solicit in the Solicitor General's office.

She argued two cases before the Supreme Court on criminal issues and briefed dozens more. She also defended the President's First Amendment right to control his social media accounts, specifically his Twitter account. As an assistant U.S. attorney and appellate chief, Rebecca briefed and argued criminal and civil appeals, and prosecuted broad range of crimes including murder, human and drug trafficking, sexual child, child sex abuse, bank fraud, and robbery and embezzlement of public funds.

When organizations were exploiting the COVID–19 pandemic to release prisoners, Rebecca fought successfully to keep them in prison. Praise for Rebecca's legal mind and commitment to the Constitution is numerous and glowing. But just as noteworthy is Re-

becca's qualifications and accomplishments are even more impressive that her top priority remains devotion to her family, her husband Benjamin, and her three children, and to her faith.

I'm proud to have recommended the President nominate Rebecca Taibleson to the Seventh Circuit, and to be introducing her to the Committee as the nominee. I strongly encourage everyone to vote in favor of her confirmation. Thank you.

Chairman GRASSLEY. Thank you, Senator Johnson. Now, Senator Budd.

STATEMENT OF HON. TED BUDD,
A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator BUDD. Thank you, Chairman Grassley, happy birthday.

Chairman GRASSLEY. Thank you.

Senator BUDD. Ranking Member Durbin, thank you as well, and thank you to Senator Tillis for his partnership on these judicial nominations before the Committee today.

It's my honor to introduce David Bragdon and Lindsey Freeman, who've been nominated by President Trump to serve on the U.S. District Court for the Middle District of North Carolina. And Matthew Orso and Susan Rodriguez have been nominated to serve on the U.S. District Court for the Western District of North Carolina.

I'm grateful to President Trump for nominating these exceptionally qualified individuals to serve as U.S. district judges for the great State of North Carolina. I have full confidence in each of these nominees, and trust that they will faithfully apply the words of our Constitution in the letter of the law without resorting to the wrongful practice of judicial activism.

I'm equally confident they will make the decisions in an impartial manner, exercising deep judicial humility and treating everyone in the courtroom equally with respect.

I'd like to now take a moment to briefly introduce these nominees to the Committee and present their qualifications to assume the bench. David Bragdon currently serves as the chief of the Appellate Division of the U.S. Attorney's Office for the Eastern District of North Carolina, and previously served as the assistant U.S. attorney in this office.

Mr. Bragdon also served as the resident legal advisor for the Philippines and the U.S. Department of Justice, where he helped to strengthen law enforcement tools. Notably, Mr. Bragdon was also a law clerk to Justice Clarence Thomas on the Supreme Court and to circuit judge, Stephen Williams, on the U.S. Court of Appeals for the District for the Columbia Circuit. Mr. Bragdon graduated from the University of Virginia School of Law summa cum laude. Campbell University where he served as student body president.

Lindsey Freeman currently serves as the assistant U.S. attorney in the U.S. Attorney's Office for the Middle District of North Carolina. She's previously served in senior roles at the Department of Justice, including as chief of staff in the Office of the Associate Attorney General and the Office of Legal Policy. Ms. Freeman was also of counsel at the law firm of O'Melveny & Myers, LLP in Los Angeles and in Washington, DC.

She began her legal career as a law clerk to Judge John M. Rogers on the U.S. Court of Appeals for the Sixth Circuit. Ms. Freeman graduated magna cum laude. Order of the Coif from the University of Pennsylvania Carey Law School magna cum laude from Harvard University.

Matthew Orso currently serves as partner of the law firm Troutman Pepper Locke in Charlotte, and was previously a partner at McGuire Woods in Charlotte.

Mr. Orso began his law career as the clerk for Judge Robert J. Conrad Jr. of the U.S. District Court of Western North Carolina. Mr. Orso graduated magna cum laude from St. Louis University School of Law, where he served as editor in chief of the Law Review, and from the University of Dayton where he was captain of the rugby team.

Last, but certainly not least, Susan Rodriguez, serves as the U.S. magistrate judge in the Western District of North Carolina. Judge Rodriguez was also previously a law partner at McGuire Woods in Charlotte. She served in policy roles at the White House Counsel's office and the U.S. Department of Homeland Security.

She began her legal career as law clerk to District Judge Frank Whitney of the U.S. District Court for the Western District of North Carolina. Judge Rodriguez graduated from George Mason University, Antonin Scalia Law School, and graduated magna cum laude from Center College.

Mr. Chairman, I have personally met with each of these nominees before the Senate Judiciary Committee today. I've heard directly from them about their passion for the rule of law and our Constitution. They're highly qualified to serve the people of North Carolina in our great Nation with distinction and with honor. After hearing their testimony and responses to questions today, I'm sure that the Committee will agree that they are well qualified and prepared for the responsibility of serving North Carolina.

I hope my colleagues on both sides of the aisle will find the same level of confidence in these four nominees before the Federal bench that I have, especially on this Constitution Day, as we reaffirm our duty to uphold the principles of justice enshrined as the supreme law of the land. Thank you.

Chairman GRASSLEY. Thank you, Senator Budd. You folks are excused if you want to go. Senator Tillis.

OPENING STATEMENT OF HON. THOM TILLIS,
A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator TILLIS. Thank you, Mr. Chairman, and congratulations, on the 42nd anniversary of your 50th birthday [laughter]. I also want to thank my colleague Ted Budd for being here. He is a great partner in the State of North Carolina. He makes us all proud.

Chair Grassley, also I'd like to take the opportunity to thank Senator Durbin, former Chair Durbin, who honored the blue slip policy in the last Congress, which is why two of the nominees are before us today. So, thank you, Senator Durbin.

It's an institution that's over 100 years old, and it's every bit as relevant today as it was 100 years ago when a Senator from Georgia sent a note on a blue slip of paper to a Chairman of the Committee saying that he disagreed with somebody in who was going

to be solely in his State. And that began the process of the blue slip that I hope lasts another 100 years.

Now, I want to congratulate the nominees and their families. And lots of kids here in the audience. Senator Kennedy is a very kind man and brought stationary to some of you, but there's more kids than we had stationary, so we'll make sure we get you some more before you leave today.

But I want to welcome Matt Orzo, Susan Rodriguez, David Bragdon, and Lindsey Freeman. All four of these nominees are imminently qualified, and will make the State and our country proud. I want to thank Senator Budd again today for his great introductions. I may duplicate, but will add some to what I think are the best credentials you could possibly imagine for a District Court judge.

There are currently only 10 active Federal judges in North Carolina, not counting those on senior statutes. So, filling these four vacancies is very important for our State. Senator Budd and I set out to find the best possible judges to fill these spots, and I could not be more pleased with the nominees that we have before us today. I'd also like to thank President Trump and the White House Counsel's office for their work with us on these nominations.

Turning now to our outstanding nominees. Matthew Orzo is a graduate of the University of Dayton and St. Louis School of Law. Following law school, he clerked for Judge Robert Conrad in the Western District of North Carolina. Mr. Orso is nominated to fill that seat today. I believe Judge Conrad is in attendance today, and I'd like to welcome him, and thank him for his service.

Following his clerkship, Mr. Orso went to private practice and is currently a partner at Troutman Pepper Locke. He has earned a reputation as one of the best lawyers in North Carolina, and will make an excellent addition to the bench. In addition to Judge Conrad, Mr. Orso is joined by his wife and five children. That's why I think he had a problem with the tablets. And I'd like to welcome them all.

Susan Rodriguez is a graduate from Center College and the Antonin Scalia School of Law at George Mason. Between law school and college, she served in the Bush administration at the White House Counsel's Office. Following law school, she clerked for Judge Frank Whitney, whose seat she is nominated to fill today. Judge Whitney is also here today as well, and I'd like to welcome him and recognize him for his distinguished service.

Judge Rodriguez was in private practice until she was appointed as a magistrate judge in the Western District of North Carolina, where she currently serves with distinction. In addition to Judge Whitney, Judge Rodriguez is joined by her husband, and children, and parents today. Welcome, to all of you.

David Bragden is a graduate of Campbell University and the University of the Virginia School of Law. Following law school, he clerked on the D.C. Circuit Court of Appeals, and then for Justice Clarence Thomas on the U.S. Supreme Court. He has been with the U.S. Attorney's Office since 2007, serving as appellate chief since 2021.

From 2017 to 2020, Mr. Bragdon served as the Department of Justice residential legal advisor to the Philippines. He has also

served as an adjunct faculty member at Campbell University School of Law. Mr. Bragdon is joined today by his wife, two sons, and his in-laws. I welcome them.

Finally, Lindsey Freeman is a graduate of Harvard University and the University of Pennsylvania School of Law. Following law school, she clerked for the Sixth Circuit Court of Appeals before joining private practice. During the first Trump Administration, Ms. Freeman served at the Department of Justice, including as chief of staff and senior counsel.

She currently serves as an assistant U.S. attorney in the Middle District for North Carolina. Ms. Freeman is joined by her husband, and I'd like to welcome them. It's an honor to introduce these four nominees with impeccable credentials, and I look forward to their testimony and their appointment to the bench. Thank you, Mr. Chair.

Chairman GRASSLEY. Senator Cruz was going to introduce Sarah Carter, but he's tied up in another Committee meeting, so I'd like to read his statement introducing Sarah Carter. So, I'm reading from Senator—what Senator Cruz would've said.

It is my privilege to introduce my dear friend Sarah Carter as President Trump's nominee to serve as director of Office of National Drug Control Policy. The position is the so-called "drug czar" of the United States, charged with assessing and countering an ongoing crisis in which murderous substances pedaled by murderous cartels have flooded our streets and our country. It is a responsibility she is eminently qualified to fulfill.

After graduating from California State Politic University with a BA in journalism and communications, Sarah began her distinguished career as a journalist. She currently serves as Fox News contributor, as well as senior investigative reporter and president of Dark Wire Incorporated, positions that she has held since 2017.

Her career spans more than two decades of journalism, including Circa.com, the Blaze, Washington Examiner, The Washington Times, and the Los Angeles News Group. Sarah is one of the most tenacious investigative journalists, tracking and reporting on issues at the core of the national security and law enforcement.

She has traveled, monitored, and reported on everything from Afghanistan to the U.S. Southern Border. She exposed the deadly impact of fentanyl and opioids, uncovered terrorists and cartel operations, and shed light on the devastating reality of human trafficking. She has brought to the Nation's attention the overlapping crisis of illict drugs cartels and human trafficking.

Her focus on the fentanyl crisis and border security revealed secret tunnel systems, narcotics, trafficking routes, and even the involvement of the Mexican Federal officials in the drug trade. I have been to the U.S. Mexico border with Sarah several times. She accompanied me and other Senators on multiple delegations. Sarah and her team were on the front lines conveying footage of the humanitarian and drug crisis.

In 2019, Sarah received the HIDTA Award for her nonprofit documentary, Not in Vain, which examined the fentanyl crisis cartel activity and national security threats. In 2023 she was honored by CPAC for her reporting on human trafficking in the Western Hemisphere. As President Trump said when he nominated Ms. Carter,

"Sara will lead the charge to protect our Nation and save our children from the scourge of drugs." I strongly encourage my colleagues to support her nomination. Thank you. That's the end of Senator Cruz's statement in support of Sarah Carter.

Now, I'd like to have Ms. Taibleson come to the table, and I'd like to have you stand before you start out, because I'd like to issue this oath.

[Witness is sworn in.]

Chairman GRASSLEY. Thank you. Now, as you sit down, you can give your opening statement. You have the privilege of introducing anybody you want to introduce that's here or isn't here in support of your nomination.

STATEMENT OF REBECCA L. TAIBLESON, NOMINEE TO SERVE AS UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Ms. TAIBLESON. Thank you, Chairman Grassley, Ranking Member Durbin, and to the Committee, for considering my nomination. And thank you to President Trump for the great honor of that nomination. I'm also grateful to Senator Johnson for his generous introduction.

I'll introduce some family who are here, my wonderful husband and three children in from Wisconsin. I just have to say, go Brewers for my son. Even today, especially today, the most important job I ever expect to have is being their mom. My parents, Michael and Cynthia are here from Pickens County, South Carolina, a place very familiar to Senator Graham.

I lack the time or the eloquence to properly thank them today, both are lawyers. My father, a law professor, the apple did not fall far from the tree. We moved here from Canada when I was 4. We were not fleeing persecution or poverty. My parents simply wanted to raise their children in the greatest country that has ever existed. This one, and I am profoundly grateful.

My brother, Josh, a veteran, has come here all the way from Hawaii, a State he fell in love with when he was stationed there as a Marine. My 3-month-old nephew and his mom are watching from Maui. I also have my husband's wonderful family here, and great friends and colleagues. Thank you for coming.

Today, is Constitution Day, the 238th anniversary of its signing. That is the longest surviving written Constitution of any country in the world. And in my opinion, the Federal judiciary is one of our Constitution's finest creations. I know that firsthand from the judges who have been my bosses and mentors, especially Antonin Scalia, Brett Kavanaugh, and Diane Sykes, and from the work of appearing in the Federal courts day in and day out, representing this country and fighting crime in the Eastern District of Wisconsin.

I know the Seventh Circuit particularly well. It's a learned and collegial court, and if I have the honor of being confirmed, I will spend the rest of my life living up to those values, to the examples set by my judicial mentors, and to the faith put in me by the President and this body. Thank you, Senators.

Chairman GRASSLEY. Are you ready for questions now?

Ms. TAIBLESON. Yes sir.

Chairman GRASSLEY. Okay. Thank you very much. And compliments to your family for working with you for your public service. You had the rare opportunity clerk for not one, but two justices of the U.S. Supreme Court, Scalia, and then-Judge Kavanaugh when he was on the D.C. Circuit. What did those mentors teach you about the proper role of a judge and how did they inform your judicial philosophy

Ms. TAIBLESON. So much, Senator. From Justice Scalia, I learned, I think, what we all learned from Justice Scalia, which is how to interpret the text of our Constitution and laws. He was a profoundly influential justice, perhaps the most influential of the century in which he served.

And his influence on me was very pronounced. I wanted to clerk for him from the first Scalia opinion I read as a 1L in law school because no one more persuasively made the case for judicial restraint for textualism and originalism. And clerking for him was the best possible training in those values.

From Justice Kavanaugh, I also learned so much. I think the number one thing I learned, I'll describe it as energetic public service, which is to say we in public service are supposed to—we work just as hard as someone who is billing a private client and getting paid by the hour.

We take our obligation to the public profoundly seriously. And that means employing a very careful process to decide each case, no matter how long it takes. Reading each brief, carefully, deeply researching the law, and then writing in a manner that is so careful because your opinions need to withstand the tests of time and future testing in litigation.

Chairman GRASSLEY. The judiciary interprets laws to ensure the preservation of liberty guaranteed under the document. One of the most sacred is the right to free exercise of religion. Justice Kavanaugh recently said that the Supreme Court has, "made some good progress on recognizing the Constitutional protection of religious equality and religious liberty."

What are your views on religious liberty and the role of judges in protecting it?

Ms. TAIBLESON. Justice Kavanaugh is right, Senator. In about the last 12 or 13 years, the Supreme Court has issued opinion after opinion that has been strongly protective of religious liberty. And I would of course follow those faithfully as a lower court judge.

I actually had the privilege of working on several of those matters while I was at the Solicitor General's office. I worked on and helped draft the brief in a case involving *Thomas More Law Center* against *Becerra* challenging a California law. And there, the Supreme Court agreed with our religious protective views. I worked on *Espinoza* against *Montana* involving the Blaine Amendments and funding for religious schools.

I worked on *Fulton v. City of Philadelphia* involving Catholic social services work to place foster children. And in both of those cases as well, the Supreme Court holdings protected religious liberty, which was consistent with the arguments that we made.

In addition, Senator, I am a proud and practicing Jew, raising three Jewish children. And I think as a Jewish American you would have to be completely historically illiterate to be anything

but profoundly grateful for this country's tradition of religious liberty. And that tradition protects not just the religious among us, but also secular values.

I mean, if you think back to the sort of canonical phrasing in *West Virginia* against *Barnett*, the case involving the Pledge of Allegiance saying something like, you know, if there's any fixed star in our Constitutional constellation, it's that no official can tell citizens what is Orthodox in the areas of religion, politics, or morals.

And so, that's, I think, an example of how the Supreme Court's protection of our religious freedoms really inures to the benefit of all Americans.

Chairman GRASSLEY. You appeared before this Committee several years ago in defense that Judge Kavanaugh's nomination. His hearing was tainted with unfair political attacks on his character. But your testimony as a woman who worked closely with him, provided critical insight into Justice's competency and temperament. How did Justice Kavanaugh's commitment throughout the confirmation hearing and his jurisprudence influenced you?

Ms. TAIBLESON. The experience of watching and supporting Justice Kavanaugh's confirmation was a formative one. I remember thinking to myself many times that his commitment to public service, energetic public service, must be very strong to go through all of that.

I was very honored to appear before this Committee in 2018. I actually had with me the littlest one there. She was a newborn. And so, she came, and she sat right outside the door there with a babysitter while I testified. And Senator Kennedy, I'm sure you don't remember, but at the airport later that day, our flight was 7 hours delayed. And I was there with a very fussy baby, and Senator Kennedy ran into me and was extremely kind. So, I remember that very well.

And I'm very honored to be here before you, again, ideally in less contentious times and circumstances.

Chairman GRASSLEY. Thank you. Senator Durbin.

Senator DURBIN. Ms. Taibleson, you were doing just great until you mentioned the Brewers.

[Laughter.]

Ms. TAIBLESON. I'm sorry, hard disagree.

Senator DURBIN. Well, I won't hold that against you. Let me tell you, I'm wrapping up my Senate career with one more year. It's been my great honor to serve on this Committee, virtually, the whole time I've been in the Senate.

There have been some glorious great moments and some not so glorious. I can recall when we had the first Muslim American nominee for the Circuit Bench in the Third Circuit a few years ago under President Biden. And the questions that were asked of that nominee I thought were beneath the of Committee.

He was asked as a Muslim, if his family celebrated 9/11 in their home. He is from the New York area, and protested that he thought it was an outrage that anyone would suggest that because he had lost personal friends in 9/11. I thought that was a low point in the Committee.

But I'm sorry to say what's happened to you today may be a new low point. We've received letters from conservative conservative po-

litical organizations criticizing you, your husband, and your family. How do they criticize you on the basis of your religion and your religious practice? I've never seen anything like it.

American Family Association sends us a letter, let me tell you some of the things they criticize you for. You and your husband are affiliated with what they consider to be a politically liberal congregation. I can't pronounce it, but it's Emanuel Jerusalem in the Milwaukee area.

They go on to criticize. "It appears that the rabbi whom the Taibleson chose to perform their wedding currently serves a pro LGBTQ congregation." They then say that you and your family have donated to the Milwaukee Jewish Federation. I'm familiar with the Jewish Federation. It's a big deal in Chicago, as I'm sure it is in Milwaukee. They do remarkable great work. They then talked about other things such as your husband and you donating to candidates of both political parties.

It's is beyond me to believe that an organization with this membership would raise these issues. They're ignoring the very basics of our Constitution, as you noted, which says, of course, in the Bill of Rights, we have freedom of religious belief or no religious belief. That's up to us, and the Government is not going to choose a preferred religion.

But there's a third provision which says no religious test shall ever be required as a qualification to any office or public trust under the United States. So, whether it's the First Liberty Institute or the AFA action group, both of which sent letters opposing your candidacy, conservative groups making that position, they're ignoring the obvious letter and law of the Constitution. I'd like to give you an opportunity to comment or react.

Ms. TAIBLESON. Senator, I'm very proud of my Jewish faith. I was raised that way, my parents who are right there, raising our children Jewish. And, of course, Article VI of the Constitution says that there's no religious test for public office. And that's one of our Constitution's many protections for people of faith.

And regardless of those letters, I'm really honored by—you know, it was the President's choice to nominate me, and he did so, and I'm honored by that selection and grateful for it.

Senator DURBIN. And let me ask you so it's a matter of record. Your selection for this position involved the two U.S. Senators from Wisconsin, did it not?

Ms. TAIBLESON. Well, Senator, I don't want to mislead you. I don't think I have Senator Baldwin's support. What it did involve was its tradition in Wisconsin for any judicial nominee to proceed through this sort of nominating commission to which each of our Senators appoints three people. And I did go through that nominating commission, and they did send my name forward. But and I'm very privileged to have Senator Johnson's support. But I don't want to be misleading, to my knowledge, I do not have Senator Baldwin's support.

Senator DURBIN. Could I ask you to comment in the short time that's remaining. The Kavanaugh nomination was controversial at many different levels. One of the questions was what he would do as a member of the Supreme Court on the case of *Roe v. Wade*.

What was your understanding of his promise, and what actually occurred?

Ms. TAIBLESON. I don't recall him making any specific promise about a future case, like the one *Dobbs* that did come up. My memory is that like every nominee, he recited the sort of judicial canon that he can't make prejudgments or promises of cases in the future.

I recall that, I think, he described as has every nominee, *Roe v. Wade* as a precedent of the Supreme Court, which of course it was. And then, in the *Dobbs* decision, the Supreme Court applied the established stares decisis factors to determine what to do with that precedent of the Supreme Court.

Senator DURBIN. What was your reaction to his vote on the *Dobbs* decision

Ms. TAIBLESON. Senator, as a judicial nominee sitting before you, I can't give you a thumbs up or a thumbs down on Supreme Court precedents. *Dobbs* held that *Roe* was egregiously wrong on the day that it was decided, and had caused numerous problems in the law and in American society. And *Dobbs* determined that it was appropriate to overrule it.

Senator DURBIN. Thank you.

Chairman GRASSLEY [off mic].

Former DOJ employees, they describe Ms. Taibleson as, "An extraordinary lawyer, public servant, and colleague." And they praise, "her topnotch legal mind, her unwavering commitment to the rule of law and her deep and abiding love of this country during her nearly decade long service within the department."

Without objection, that will be included.

Chairman GRASSLEY. Senator Kennedy's the next. Senator Kennedy, you're the next.

Senator KENNEDY. Thank you, Mr. Chairman. Counselor, as you know, it's hard to pass a bill in the U.S. Senate. Our Founders intended that to be the case. And consequently, if a bill does pass, it's gone through a long, arduous process; a lot of reports issued a lot of debate, and all of it is written down.

Why has it become common practice, and do you support it, of ignoring that rich legislative history when you interpret a statute?

Ms. TAIBLESON. Well, Senator, I think the first rule of statutory interpretation is that the text is what's paramount. And that's because the text is what actually proceeded through bicameralism and presentment, which are really just the——

Senator KENNEDY. Of course, it's paramount, but why can't the text be supplemented by looking at the history?

Ms. TAIBLESON. I think the legislative history can sometimes provide a tool to help interpret the text, and it's often in parties' briefs, and I would of course consider it that way. But it's just important to keep in mind its subordinated role in that interpretation because the intention of any particular legislator does not have the force of law. Instead, the text does.

So, the legislative history and the intentions of specific legislators should never take primacy over the text or refute the text.

Senator KENNEDY. But it doesn't have to, does it, Counsel? It just gives you context.

Ms. TAIBLESON. I agree with that.

Senator KENNEDY. When you interpret a statute or write a brief and you think that the language is plain, aren't you tempted to go look at the history just to make sure that your interpretation is correct?

Ms. TAIBLESON. It depends, I suppose, on the particular statute, and the nature of the history at issue, and the question.

Senator KENNEDY. But don't you want to just go take a peek? You look at the language and you say, "Well, this is, this is as clear as thunder on a summer night, but maybe I'll just take a peek at the legislative history to make sure that I'm not out in left field." And the Supreme Court condemns that. Does it not?

Ms. TAIBLESON. The Supreme Court does not uniformly condemn that. And there are certainly cases where, you know, legislative history or statutory history have provided a tool——

Senator KENNEDY. But sure, they do. Sure, they do. I mean, originalism—and I'm not saying they're wrong. Please don't misunderstand me. I'm just trying to understand your perspective. Originalism and textualism is accepted even by the left of center justices, and I've read opinion after opinion, lower courts as well, where they say, "Well legislative history, we can't rely on it."

Ms. TAIBLESON. Legislative history cannot be relied upon to trump the language of a statute. And so, in the language of a statute, really, is that clear, Senator? There's not that much, and it bears directly on the question before the court.

Senator KENNEDY. Okay. Well, let me ask you something. Does the Supreme Court sanction looking to the Federalist Papers in interpreting the Constitution?

Ms. TAIBLESON. Yes.

Senator KENNEDY. Why isn't that legislative history?

Ms. TAIBLESON. The process for ratifying the Constitution is of course different than the bicameralism and presentment process that applies to statutory text. The Constitution was of course publicly ratified——

Senator KENNEDY. No, it's not. No, it's not.

Ms. TAIBLESON. Well.

Senator KENNEDY. You look at the plain language, don't you?

Ms. TAIBLESON. Yes, yes. But in looking at the plain language, the question we ask is what was the original public meaning of that language? And in the case of the Constitution, the original public meaning is elucidated by the debates surrounding its ratification. And those debates are really captured in the Federalist Papers, the Anti-Federalists Papers, ratification debates, the notes from the Constitutional Convention, documents like that.

So, those documents can bear directly on the Constitutional text in a way that is more legitimate necessarily than the statement of an individual legislature would be vis-a-vis statute.

Senator KENNEDY. Well, then when we interpret the United States Constitution—and I agree with you that's the case, I'm just asking you whether you think it ought to be the case—then when we interpret the United States Constitution, why do we let lawyers do it? Why don't we just hire history professors?

Ms. TAIBLESON. The history that judges are looking to in interpreting the Constitution and other statutes, is primarily legal history. It's not something like you know a biography of George Wash-

ington. It's instead things like statutes or debates about statutes, the Federalist Papers. And certainly, I think law schools could do a better job and should do a better job, teaching students how to read that legal history. But it is fundamentally legal history.

And then the task the judges have in reading that legal history is to draw analogies between that legal history and our modern times. And that analogical reasoning is, I think, a fundamentally lawyerly task the judges are particularly skilled at.

Senator KENNEDY. Thank you, Mr. Chairman.

Chairman GRASSLEY [off mic]. Senator Moody.

Senator MOODY. Thank you. Feel like I'm [off mic] over my colleague here, but I'll gladly do it. There.

Chairman GRASSLEY [off mic].

Senator MOODY. Thank you. You run a tight ship, and we appreciate you, Mr. Chairman. Thank you so much——

Senator KENNEDY. It's his birthday.

Senator MOODY. It's your birthday, and it's the Constitution's birthday.

Senator KENNEDY. He was there

[Laughter.]

Senator CRUZ. You should just ask him about the Federalist Papers and the debate.

[Laughter.]

Senator MOODY. Absolutely.

Senator KENNEDY. Just ask Grassley.

Senator MOODY. Thank you for being here, and congratulations on your nomination. Thank you to your family. These hearings, we know, can be difficult, sometimes the most difficult because of my colleague Kennedy here than anybody else. But certainly, I know that you appreciate their support and we recognize them for being here today.

I was particularly touched by your comments about Constitution Day, and that the Federal judiciary is one of our country's greatest creations. Indeed, the structure of our Government and the rights of its citizens that are set forth in the Constitution.

I believe right now, at this moment in time, every American should be reminded of the beauty of this country. And it's the documents that set forth how we will govern ourselves as a free people, and the true purpose of government to protect its people and their rights.

And I always love to hear from nominees their value in that, and especially right now we have this convergence of disorder and crime around some of our States and cities in which politicians are undermining the rule of law based on encouraging people in office to just obliterate the separation of powers. Meaning, someone in the executive branch that is asked for the responsibility to enforce the law, saying, "Well, I don't agree with those laws and therefore I will not do that." Or even judges in some respect.

And I say this with great sadness because I believe an independent judiciary is a cornerstone of securing the rights of a people and ensuring that grievances and conflicts have a place that people can take them, an independent arbiter. But I watch as district court judges around this country, not only rule based on what they

believe the law should be, but go on to write lengthy written opinions that personally attack a governor or someone in office.

And I don't say that that makes me angry or sad just because it may be a Republican, but because of what it does to the integrity of the institution, of the Federal judiciary, the undermining of the public's perception of its trustworthiness and independence. And I believe when you shake that too much you shake the foundation of this Nation and so on Constitution Day, I think it's important that we come back together and get back to basics on the true role of a judge.

And you know you're going to be asked to write written opinions, sometimes you may author them. I was hoping you could give us your opinion on how a judge might author opinions that would restore or reinforce the public's trust in the judiciary and its true role. And it's a judges understanding of it's limited scope and the enormous trust of responsibility that we give judges.

Ms. TAIBLESON. Thank you, Senator. The Federal judiciary plays, as you suggested, a vital role in preserving our separation of powers and done right. The Constitution assigns a very specific job to the Federal judiciary, which is to interpret and apply the law and not to make or change the law. And judges who carry out that obligation in good faith, I think, increase the public's faith in the institutions of our Government.

Now, a few more specific interpretive principles flow from that general rule. Things like textualism and originalism help judges ensure that they're applying the law as written and not importing their own moral or policy preferences into cases. The elected branches are the ones who are able to exercise, and should exercise their moral and policy preferences in representing the people, but judges are not elected to the contrary.

Senator MOODY. What about these swipes that they like to take at elected officials in really superfluous language that is not needed in a legal opinion.

Ms. TAIBLESON. I'm very lucky to be nominated to an extremely collegial court whose opinions are very disciplined, and I cannot think of such a swipe in a recent Seventh Circuit opinion. I would commit to following that tradition of collegiality and civility. There's really no need or place in for a judge to be taking personal swipes at anybody, whether it's from the bench or in your written work product.

Chairman GRASSLEY [off mic]. Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman. Congratulations on your nomination. Thank you for being here.

I want to go back to the question that Senator Durbin asked you about your support for Justice Kavanaugh. You were not only supportive, you were energetically and vehemently so appearing before this Committee as a witness and on cable television. I'm just curious if you knew then what he did in reversing *Roe v. Wade*, would you have supported him?

Ms. TAIBLESON. Yes, Senator. What I said then, and what I still think is true now, is that then-Judge Kavanaugh had amassed a considerable record of experience on the D.C. Circuit that demonstrated his qualifications to serve on the Supreme Court. And I think his service on the Supreme Court has borne that out.

Senator BLUMENTHAL. But he demonstrated in *Dobbs* a total disregard for precedent and the principle of stares decisis.

Ms. TAIBLESON. In *Dobbs*, the Supreme Court applied the established stares decisis factors to evaluate the ongoing precedential relevance of *Roe*. Those factors include the nature of the error in the precedent, how bad the error was or the quality of the reasoning, the reliance interests, the effect that the prior precedent has had on other areas of law, and its workability.

Senator BLUMENTHAL. So, you think *Dobbs* was correctly decided?

Ms. TAIBLESON. Senator, as a judicial nominee, the cannons of ethics preclude me from giving a thumbs up or thumbs down to Supreme Court precedent because it suggests that I would apply that precedent according to my own thumbs up or thumbs down. And I wouldn't. I would apply every precedent of the Supreme Court faithfully.

Senator BLUMENTHAL. Let me ask you as a matter of precedent. Do you think *Brown v. Board of Education* was correctly decided?

Ms. TAIBLESON. Yes, I do. As many judicial nominees, wiser than I, have gone before me to explain, *Brown* is a monumental and foundational decision of this country. And its core holding that's separate but equal is a violation of the Equal Protection Clause is correct.

Senator BLUMENTHAL. And how about *Loving v. Virginia*?

Ms. TAIBLESON. The same exception has been recognized for *Loving*. And so, yes, I agree that *Loving v. Virginia* is correct.

Senator BLUMENTHAL. And *Obergefell v. Hodges*.

Ms. TAIBLESON. In *Obergefell*, the Supreme Court held that the 14th Amendment requires States to recognize same sex marriages on the same terms as they recognize opposite sex marriages. And I would faithfully apply that precedent as a lower court judge.

Senator BLUMENTHAL. Well, let me make sure I understand. Are you answering the question, yes or no?

Ms. TAIBLESON. I'm answering the question, that I would faithfully apply *Obergefell* as a lower court judge. And you know along with my fellow former nominees, I can't give *Obergefell* a thumbs up or a thumbs down.

Senator BLUMENTHAL. You said *Loving* was correctly decided, *Brown* was correctly decided. *Obergefell*, you won't opine?

Ms. TAIBLESON. That's correct, Senator. Like previous judicial nominees who have sat before you, I'm bound by the canons of judicial ethics and I'm simply following the recognized examples of acknowledging the sort of monumental——

Senator BLUMENTHAL. The principle of *Obergefell* is less valid to you than the principles in those other cases?

Ms. TAIBLESON. That's not what I'm saying, Senator. I'm saying that *Brown* and *Loving* are monumental and solid decisions in sort of this Nation's history. The prior nominees have——

Senator BLUMENTHAL. Well, I think there are a lot of folks who would feel that *Obergefell* is a monumental decision, too.

Ms. TAIBLESON. Like basically every prior nominee before me, Senator, I'm not able to give a thumbs up or thumbs down there.

Senator BLUMENTHAL. Well, I think we expect more of an appellate court judge in your position than just to say like every other nominee before me, I'm going to evade an answer to that question.

Ms. TAIBLESON. I will faithfully follow *Obergefell* and every Supreme Court precedent.

Senator BLUMENTHAL. And *Griswold v. Connecticut*, correctly decided?

Ms. TAIBLESON. I will faithfully follow *Griswold*, along with *Obergefell*, and every binding Supreme Court precedent.

Senator BLUMENTHAL. Well, I'm disappointed in your answers, and my time has expired.

Chairman GRASSLEY [off mic]. Senator Britt.

Senator BRITT. Thank you, Mr. Chair, and happy birthday. Thank you for being here. I appreciate your willingness to answer the call to service. You have an incredibly impressive career. To your children that are sitting behind you guys, your mom is a boss. Pretty incredible.

And so, thank you so much for your willingness to do this at a time where I think our Nation is grappling with what it means to be in the public eye and stepping up to serve. In addition to that thank you for, for your willingness to do that at the highest level.

Looking at your background, obviously clerking for then-Judge Kavanaugh and Justice Scalia, immensely impressive. In addition to your courtroom experience, I'd like to know, through that courtroom experience that you've had, is there a particular case that you've worked on that you believe is the most formative in your career? And how is that going to help kind of inform your work on the bench?

Ms. TAIBLESON. I think the most formative case for me in terms of, especially, my Seventh Circuit practice was an in bank case called *United States* against *Paige*. And *Paige* concerned the standards for convicting people of conspiracies to traffic drugs. So, these are the more serious drug traffickers who we prosecute in the U.S. attorney's office.

And in *Paige*, what we urged the Seventh Circuit to do was actually to overturn decades of its own case law that had sort of bit-by-bit, case-by-case, gone awry and deviated from the Supreme Court's guidance about the meaning of conspiracy.

And we achieved that result successfully by doing essentially very deep research into the Seventh Circuit's case law, and then presenting our arguments forcefully, but respectfully, when you're asking court to overturn many of its cases.

And we succeeded, you know, I think beyond my wildest expectations, garnering in the vast majority of the court to, I think, you know adjust its case law in the manner that we asked it to do so.

Senator BRITT. When you're looking at the then-Judge Kavanaugh or Justice Scalia and that experience that you had, is there any particular case or moment that where you were in discussion dialog with them? Anything that you feel like will be formative to how you conduct yourself when you're on the bench?

Ms. TAIBLESON. As a law clerk?

Senator BRITT. Yes.

Ms. TAIBLESON. As a law clerk, I think the most formative case that I helped with was the *Affordable Care Act*, *Obamacare* case.

Obviously, the rules of confidentiality and clerkships preclude me from saying too much about that work, but it was a huge case and I was privileged to get to work for Justice Scalia on that.

Senator BRITT. Excellent. Look, I know that you're a member of the Attorney General's Review Committee on Capital Cases, and you've litigated cases involving issues related to the death penalty. I know that the death penalty is far more common at the State level than the Federal level.

But as President Trump has now issued the executive order allowing the use of the death penalty when in criminal cases in Federal, when authorized and appropriate under the law, can you explain how the use of capital punishment differs from Federal court as opposed to the State court system, and discuss your role on the Attorney General's Review Committee and what all that entails?

Ms. TAIBLESON. Yes. So, each State, of course, has the authority to decide for its own self, the penalties that are attached to its most serious crimes. So, some of our States have the death penalty and some do not. And you know in practice, as a result, there are far more executions in some States than in others.

The Federal Government, by contrast, of course, has a uniform rule across the United States, and there are a reasonably small number of Federal crimes that are eligible for the death penalty upon conviction. Within the Department of Justice the decision of whether to seek the death penalty in a particular case is an extraordinarily weighty one that goes all the way up to leadership.

And in its path up to leadership, there's something called the Review Committee for Capital Cases, which is a set of DOJ attorneys who review the cases that are eligible for the death penalty and make a recommendation that goes to department leadership about whether to seek or not.

And so, it's a careful process that's really case-specific and that you know always keeps in mind the extreme weightiness of that work. I have, as you mentioned, led the appellate litigation team for two Federal executions, and that is among the weightiest and most serious work I have ever done. And so, I take that extremely seriously.

Senator BRITT. Absolutely. Well, I just want to say thank you for your willingness. Are these your parents here as well?

Ms. TAIBLESON. Yes.

Senator BRITT. You've got to be so proud. I mean, her command of the issues, her knowledge, and the way she conducts herself with class, integrity, is amazing. You know, when you see somebody go toe to toe with our colleagues up here, it's amazing. And I also wanted to say thank you for your commitment to Senator Moody of conducting yourself with collegiality and civility, and the way that you approach things on the bench.

Ms. TAIBLESON. Thank you.

Chairman GRASSLEY [off mic]. Senator Whitehouse

Senator WHITEHOUSE. Thanks very much, Chairman. Ms. Taibleson, welcome. Tell me where the boundary is between First Amendment protected speech and unlawful prosecutable misconduct?

Ms. TAIBLESON. There are a few categories of you know speech that are exempted from First Amendment protection and they are

criminal. So, examples are threats or fraudulent speech. Things like libel and defamation can be subject to civil litigation. Fighting words, incitement. Those are the sort of standard categories of speech that are exempted from First Amendment protection, and instead, subject to civil or criminal liability.

Senator WHITEHOUSE. And that is pretty established set of boundaries. Right?

Ms. TAIBLESON. Yes, Senator. I should have been clear. I was answering with respect to Supreme Court precedent not—you know it's not written in the text of the Constitution itself.

Senator WHITEHOUSE. But those boundaries have been there for a long time and are quite clear to ordinary normal judges. Correct?

Ms. TAIBLESON. The categories are reasonably well established. There are sometimes questions about whether something fits into a particular category, whether it's conduct or speech. So, not every case is easy, but I think the categories I listed are pretty well established in Supreme Court precedent.

Senator WHITEHOUSE. And does that boundary shift in any respect depending on which side of a public argument you are on?

Ms. TAIBLESON. Under Supreme Court precedent, viewpoint discrimination under the First Amendment is strictly—is basically almost never. And so, to the extent you're talking about viewpoint-based discrimination, which say sort of treating different speech favorably or less favorably under the law based on its viewpoint, that is subject—is the strictest scrutiny under the Supreme Court's cases.

Senator WHITEHOUSE. The reason I ask is that I think we're seeing an administration that wants to attack and perhaps even try to criminalize, or at least burden with investigation and prosecution, protected speech that it just happens to disagree with because the protected speech is to disagree with and challenge the administration. And I think it's really important in that contest that courts hue to that well established line.

Do you agree that courts really need to stick to their guns on this question of the line between First Amendment protected speech and unlawful conduct?

Ms. TAIBLESON. Every case has to be taken case-by-case with respect to the very specific speech that's in front of you, and the facts, and the law. And of course, Senator, the ultimate obligation of every Federal judge is to follow the law.

Senator WHITEHOUSE. And there's no rule that gives the President a special privilege to move that boundary just because he's the, the senior executive official?

Ms. TAIBLESON. The President has the authority to set our enforcement priorities you know, as every President has done, including in criminal prosecutions. And then, within the scope of each criminal prosecution, the you know law will be applied to the facts of that particular case. And in that process, yes, it's the law that governs.

Senator WHITEHOUSE. And the boundary remains the boundary?

Ms. TAIBLESON. Yes, Senator.

Senator WHITEHOUSE. Yes. I wanted to just flag one additional thing. I mentioned this fairly often in these hearings because court

credibility often comes up as an issue, I think, in which we are all concerned.

And I just want to take this opportunity to point out with respect to court credibility, that if you look at the record of what is going on at the Supreme Court, and particularly, you look at amicus practice in front of the Supreme Court, what I see regularly is a flotilla of anonymously funded, dark money-funded right wing groups that file packets of amicus briefs, 10, 12 at a time in a really big case, as many as 50.

And the Court does not oblige them yet to disclose whether or not those amicus briefs are coordinated, scripted, commonly funded, multiple ways for the same actual voice to penetrate the Supreme Court case with seemingly independent, but actually like different piano keys on the same piano. And I think that's a failure of the court.

And I also think that it becomes telling at some point when whoever's behind those briefs always wins. They don't always show up. They only show up when it matters to the interests of who are behind those front groups. But my experience is—and we're trying to put some hard numbers to this—my experience is that when those right-wing dark money groups show up, they always win. And I think that does not help the credibility of the court.

And I thank the Chairman for allowing me to go 8 seconds over.

Chairman GRASSLEY [off mic]. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman. Ms. Taibleson, welcome. It's great to have you here. Congratulations on your nomination. Let me just pick up on a question that Senator Blumenthal was asking a moment ago about abortion and life issues. What standards should courts apply when reviewing State abortion laws?

Ms. TAIBLESON. What the court held in *Dobbs* was that the Constitution does not provide a right to abortion. And as a result, *Dobbs* returned the issue of abortion to the people and the representatives, State-by-State, and said essentially, this is not a question for Federal judges because it doesn't say it in the Constitution. It's a question for the people and the democratic process. And that is the effect of *Dobbs*. And as a result, you know the State democratic process is now the process that has control over that issue.

Senator HAWLEY. What about Federal legislation affecting abortion?

Ms. TAIBLESON. Federal legislation affecting abortion would be subject to the same you know scrutiny as other Federal other Federal legislation. It has to fall within Congress' enumerated powers first and foremost.

Senator HAWLEY. What's the precedent or lines of precedent that would govern any review of Federal legislation related to abortion?

Ms. TAIBLESON. Well, I mean, a few lines of precedent might potentially be relevant. You know, whether it's legitimate commerce clause or spending clause, legislation is probably the first question that comes to mind, depending on how the law is structured and if not, whether there is some other affirmative hook in the Constitution that provides Congress with the power to pass that law.

Senator HAWLEY. So, you recognize *Dobbs* then as the controlling precedent when it comes to life questions? Is that what I'm hearing you to say?

Ms. TAIBLESON. From the Supreme Court, yes, sir.

Senator HAWLEY. Well, and the Seventh Circuit or anywhere else for that matter. Correct?

Ms. TAIBLESON. Absolutely.

Senator HAWLEY. I mean, if there's any contrary Seventh Circuit precedent, *Dobbs* would supersede that.

Ms. TAIBLESON. Absolutely. I think—yes.

Senator HAWLEY. And you—I'm sorry, go ahead.

Ms. TAIBLESON. No, absolutely. And I would faithfully follow *Dobbs*, of course.

Senator HAWLEY. Good. And you regard it as controlling precedent and as settled law?

Ms. TAIBLESON. Yes.

Senator HAWLEY. Let me ask you this. How should courts weigh the rights of medical providers who object on unconscious grounds to participating in abortions?

Ms. TAIBLESON. The Supreme Court's decision in *Hobby Lobby* provided—you know, reflected the fact that employers have important religious rights to resist the Government's requirements that they provide certain forms of healthcare to which they object.

Senator HAWLEY. What about doctors?

Ms. TAIBLESON. I'm sorry, Senator, what about doctors?

Senator HAWLEY. Medical providers, I mean doctors who object to participating in abortion-related procedures? Well, how should the court weigh those claims?

Ms. TAIBLESON. I think I should be somewhat circumspect because there is litigation pending around the country. And so, the canons of ethics preclude me from prejudging these questions too much. But I think the basic method of analysis would follow the Supreme Court's approach in *Hobby Lobby*, but extending it to that context.

Senator HAWLEY. What about pro-life sidewalk counseling outside of clinics? Is that core First Amendment speech?

Ms. TAIBLESON. Sidewalks are recognized by the Supreme Court as core public forum where the rights to free speech are at their Zen or their strongest.

Senator HAWLEY. And there's no difference. It doesn't matter if it's an abortion clinic or something else you're saying. I mean, it regardless, the fact that the sidewalk is a traditional public forum should control the analysis and whatever the facts of the case may be.

Ms. TAIBLESON. Generally, Senator, under Supreme Court precedent, content, or viewpoint-based discrimination in the context of a traditional public forum is viewed with extreme skepticism.

Senator HAWLEY. Very good. Let me ask you about free exercise questions. Should the free exercise clause be given the same strength and weight of other fundamental rights like free speech?

Ms. TAIBLESON. Absolutely. The free exercise clause, I believe, the very first clause in our Bill of Rights, and for a reason.

Senator HAWLEY. So it is. How should courts evaluate claims of religious liberty when they conflict with generally applicable laws?

Ms. TAIBLESON. The Supreme Court has spoken to that recently in cases like *303 Creative* and some other—you know, *Espinoza*, *Fulton*. And what the Supreme Court has established is that even generally applicable laws don't carry with them an exception to the First Amendment's free exercise clause. And so, if the application of what looks like a generally applicable law, like, let's say, a funding restriction has the effect of discriminating against people for their religious practice, then that can violate the First Amendment.

Senator HAWLEY. Is this the *Trinity Lutheran* case of any bearing here, do you think?

Ms. TAIBLESON. Yes. Thank you, Senator. The *Trinity Lutheran* case concerned, if memory serves, funding for those playground grounds—we've all seen them with kids that are made of recycled tires.

Senator HAWLEY. Correct.

Ms. TAIBLESON. And there was a State program to fund playground grounds of recycled tires and a church playground applied for funding. And it was denied on the grounds that we don't provide funding to church organizations. And so, what the Supreme Court held in *Trinity Lutheran* was, no, you can't do that. If you have a general funding program, you can't discriminate against some of your recipients simply because of their religious faith.

Senator HAWLEY. And how does that interact with the *Smith* case?

Ms. TAIBLESON. The *Smith* case held that general laws of, I think, neutral applicability don't necessarily violate the free exercise clause. And *Smith* case remains a precedent of the Supreme Court that I would follow. But in the last 12-ish years, the Supreme Court has explained that *Smith* case doesn't mean a State can effectively exempt a religious entity from a State benefit, which is what was happening in cases like *Trinity Lutheran*.

Senator HAWLEY. Last question, Mr. Chairman. I think, think you're Mr. Chairman now, right? Very good. Just one further question on *Smith*. So, in the *Trinity Lutheran* case and the *Hosanna-Tabor* case, the Supreme Court said, well, *Smith* actually is about physical acts, it's not about other things. How do you understand that?

I'm not asking you to grade the Court. I'm not asking you to go beyond what the Court said. I'm just trying to figure out how you—you're a student of the law. You've worked at that court. You've litigated at that court. I'm just trying to figure out how would you, as a judge, you're going to have to read these intersecting lines of cases.

What does that mean to you? How do you interpret that distinguishing of *Smith*? What do you think that means? How does that cash out?

Ms. TAIBLESON. That's a tough question, Senator. I think the Supreme Court is struggling with *Smith* in many of these religion cases. I think the other thing that it said in *Fulton v. City of Philadelphia* was that *Smith* didn't apply there because although there was a general policy was one that the city was granting exemptions to sort of left and right. And so, there are certainly exceptions to *Smith* that the Court has recognized.

But happily, there are enough of these cases that I think as a lower court judge, you can generally find one that's roughly similar to the facts before you, and that's particularly true in the last 12 or 13 years, where these cases have been uniformly protective of religious liberty.

So, my essential method would be one of an analogy and to see which of these Supreme Court cases is most on all fours with the case before me.

Senator HAWLEY. Thank you very much. Thank you. I've enjoyed your answers, and I think, very, very cogent. Thank you very much. Thank you, Mr. Chairman.

Senator CRUZ [presiding.] Ms. Taibleson, let me first of all say, nice job dancing with both Senator Hawley and Senator Kennedy. They can be challenging questioners and you acquitted yourself ably——

Ms. TAIBLESON. Thank you.

Senator CRUZ [continuing]. For both of them.

Ms. TAIBLESON. Thank you.

Senator CRUZ. By the way, Kennedy did show some mercy not quizzing you on obscure Latin maxim. So, I'm disappointed, frankly, because that's one of the things I enjoy most about these hearings.

Senator KENNESY. Res Ipsa.

[Laughter.]

Ms. TAIBLESON. The thing speaks for itself.

[Laughter.]

Senator CRUZ. You began your career clerking for two Supreme Court justices, Brett Kavanaugh, when he was on the D.C. Circuit, and then-Justice Scalia. What did you learn about judging and approaching the law, from both justices?

Ms. TAIBLESON. From Justice Scalia, I learned to be fearless in your intellectual commitments. You know, when you've thought about something deeply and have written about it, and you've made a sort of intellectual commitment to an area of law, you follow that commitment wherever it goes. But at the same time, to maintain deep civility and collegiality with your colleagues, even those with whom you disagree as Justice Scalia did.

I also learned from Justice Scalia that it's possible to balance a full life in the law with a very full life at home. He just. I mean, he had that huge family and really great friends, and he really lived life fully. And I hope to emulate that.

From Justice Kavanaugh, I learned that you can never be too careful. It's really always worth the time to go back and read one more case, to reread your opinion one more time, to make sure that you've picked every single one of your law clerk's brains, because the work is profoundly important. And we serve the public by writing opinions that have to last and that have to work in different factual scenarios.

And from both justices I learned, you know, they are both still learned in the law, but managed to maintain a persistent sort of intellectual curiosity about the law. You know, if there was a new law review article, they would read it. And they were always sort of interested in intellectual debates about corners of the law that they hadn't yet explored. And I think that curiosity and open-mind-

edness really serves a Federal judge well, because it keeps you open and also excited about your work.

Senator CRUZ. So, you have a very impressive legal career. You managed to overcome the enormous impediment of graduating from Yale. Not once, but twice. I will say though, your nomination has attracted quite a bit of interest. I have had people reach out to me on this nomination more than any other judicial nomination in the second Trump term both from critics and from multiple conservatives who I respect deeply and who know you well and have vouched for you energetically.

As Senator Durbin, noted 55 conservative groups signed a letter opposing your nomination, and they raised concerns that I think boiled down to a concern that you are secretly a closet liberal, and that you'd be an activist on the bench. I want to give you an opportunity to respond to those concerns however you would like.

Ms. TAIBLESON. Absolutely. Thank you, Senator. Let me say, I guess two things. First, I was raised by a very conservative law professor sitting right there. And you know, it has stuck. We were actually—you know, I went to a Jewish day school, and we were—I think it felt like we were the only conservatives at our Jewish day school in the 1990's.

Especially back then, if you were Jewish and conservative, you had to really mean it. And we did, and my parents raised us to be proud of those beliefs and to be proud of those differences.

I think my service in the U.S. Government has been fully consistent with those values. I have obviously been a prosecutor fighting violent crime. I have prosecuted human traffickers, meth traffickers, international opioid dealers, corrupt city employees, armed robbers, carjackers. I think that work is consistent with my values. We also turned our lives upside down to move to DC with two 3-year-olds and an infant so I could serve in the Solicitor General's Office in 2019. And in that job, I did work that I'm very proud of. And that was consistent with my conservative values.

The second thing, you know I guess, I'll address, Senator, is I know that a lot of the concerns are about my husband. And it is true that my husband and I don't agree about everything in politics or the law, but my husband and I do agree about what it turns out are more important things in day-to-day life. We are agree about devotion to our children, our religious faith, love of this country, devotion to public service, deep relationships in our local community. And that is the stuff of day-to-day life.

And I was raised in actually in the best tradition of Charlie Kirk to relish debate, you know, prove me wrong. And so, we do have law and policy debates, but it works for us because we have so much else in common. And although I'm quite certain my husband is wrong, on many matters of policy and law, I love him very deeply, and we have a wonderful family life.

Senator CRUZ. If you're anything like my wife, you're quite certain your husband is wrong on every issue that he disagrees with you on.

[Laughter.]

Ms. TAIBLESON. Depends if you take the trash out.

Senator CRUZ. And you're probably right. That was a very impressive answer. And I will say one thing that I find particularly

impressive is Justice Kavanaugh's nomination before this body was incredibly contentious, and I think you showed a lot of courage standing up and defending your former boss. And I think that speaks to character. And I don't know if you care to explain why you chose to come forward and put your own credibility on the line to defend Justice Kavanaugh.

Ms. TAIBLESON. Absolutely, Senator. You know what? It wasn't hard because everything that was being said about Justice Kavanaugh was fundamentally inconsistent with a man who I knew very well. I've known him very well for 15 years now. We worked very closely together, and I know that he's a good man. And those allegations were so fantastical to me that it was not hard to raise my hand and tell the truth about the man that I knew, and I would do that again, 100 times out of 100.

Senator CRUZ. Thank you.

Senator TILLIS [presiding]. Senator Schmitt.

Senator SCHMITT. Thank you, Mr. Chairman. Thank you for being here. Congratulations on the nomination, and you're here on Constitution Day.

Ms. TAIBLESON. Yes.

Senator SCHMITT. I mean, quite an honor. I do want to ask you in that vein the preamble of the Constitution states that, you know, says, "We the people." The Second Amendment grants the right to keep and bear arms to the people. The Tenth Amendment sets aside rights for the people. Section 2, Article I says, the people choose their Members of the House. Who are the people?

Ms. TAIBLESON. Well, Senator, this is obviously a subject of much litigation right now, particularly under the Second Amendment. And so, I need to proceed with a bit of caution given the judicial canons. But you know there are arguments out there that the meaning of the people was not necessarily exactly the same amendment by amendment and provision by provision, and that you know there might be some contextual analysis that needs to be done to define the precise scope of each of those constitutional rights.

Senator SCHMITT. Yes. It's been interpreted differently for public education versus maybe the Second Amendment. How do you wrestle with that as relates to sort of the privilege and immunities clause that guarantees rights to citizens? How do you—and what I'm getting at is are illegal aliens part of the people?

Ms. TAIBLESON. Well, you know the privileges and immunity clause of the Fourteenth Amendment, when you read it, it certainly sounds like it would do quite a lot. But since the Supreme Court's decision in the *Slaughterhouse* cases, it has not had a ton of weight to pull in constitutional litigation.

And instead, the Supreme Court has viewed the due process clause as the lens through which many substantive rights are incorporated against the States and apply to the people. You know in terms of the protections that illegal aliens have under different provisions of the Constitution. Again, it's an issue under active consideration in the courts, so the cannons prevent me from getting into it too much.

The general parameters of the analysis would be to look at the text of the constitutional provision in question, look at the history of its application. So, for example, the history of the application of

the Second Amendment might differ from the history of the application of the Fourth Amendment, and then understand the constitutional text in light of that history.

Senator SCHMITT. Yes. My guess is you might have some of these cases coming before you as they'll be litigated. In the time that I have remaining, I want to ask you about a couple of other things that you've done a very good job of addressing all the legal questions. What role in your view does common sense play in in your jurisprudence?

Ms. TAIBLESON. I'm from Wisconsin, and so I embrace common sense. For me, I think it's fair to say I am a textualist and an originalist, and but I do have some common-sense guardrails in me. By which I mean, when you get to the end of your work, it's important just to pick your head up and look around, and make sure that you haven't lost the forest for the trees, or been staring at the same five words of a statute for so long that you've, you know have forgotten what else is out there in the world, and talk it through with your colleagues and your law clerks in a sort of common-sense way.

Now, I don't think that means any judge's personal common sense should trump the law that this body has enacted. It definitely should not. But I do think that it's important for judges not to totally lose the forest for the trees.

Senator SCHMITT. During my time in the job I had before this as Missouri attorney general, I learned through some pretty contested litigation, I think, some of the important character traits that that public officials should have, or through this kind of forging process that you go through that matter.

As a Federal judge, you're going to be confronted with a lot of difficult cases that have a lot of implications and consequences, and the chattering classes will be talking a lot. And do you still have a life outside, I hope. Outside of your role on the bench? And I guess what I'm getting at, and I actually think this question is perhaps the most important question least that I can ask especially in the times in which we're living in of this really hyper politically charged environment threats of violence; what, aside from your very commendable support for now, Justice Kavanaugh and his confirmation hearings, can you give me an example of a time where you stood up for your beliefs and your convictions, and risked really professional and personal backlash in making the right decision, even though you knew there was going to be a lot of heat in the kitchen?

Ms. TAIBLESON. Yes, Senator. I mentioned before that I led the appellate litigation team for two Federal executions during the first Trump Administration. And one of those executions was on January 14, 2021. So, it was 6 days before the transition. And at that point, the issue of continuing lawful Federal executions became quite controversial in the department, and large parts of the department bowed out. But I did not.

And I raised my hand to handle that work. And I did the work of not only the SG's office in that, but also the other divisions that had declined to participate. I don't think I left the office for several days. And I did so because a jury decades earlier had lawfully returned a verdict of death, and the victims in that horrific case had

been waiting for decades for justice, but it was not easy, personally or professionally.

Senator SCHMITT. Okay. Thank you. Thank you for your time.

Senator TILLIS. Ms. Taibleson, thank you for being here today. I did want to compliment you. I think some of us noticed you did your opening statement, including the introduction of all your family members in 2 minutes and 44 seconds. For those about to do introductions, you may want to keep that in mind.

[Laughter.]

Senator TILLIS. I'm not going to ask questions. I'm quite satisfied with your background and the work you've done, and I remember you walking the halls when we were doing the Kavanaugh hearings. I also want to tell your son I'm a Braves fan, but I'm also a Brewers fan because I once coached when I lived in Northern Virginia, a team that was called the Brewers a bunch of eight-and 9-year-olds out on the baseball field. So, the Brewers have a place in my heart, even if they don't for Ranking Member Durbin.

But thank you for being here today, and you now may step aside, and we'll have the staff transition for the next panel——

Ms. TAIBLESON. Thank you very much.

Senator TILLIS [continuing]. I'd like to administer the oath. If you all please stand and raise your right hand.

[Witnesses are sworn in.]

Thank you. You may be seated. We will allow introductions at this point. It's our normal process if you'd like to introduce any of your family members, I know we got a lot here, please feel free to do so. Mr. Bragdon, we'll start with you.

STATEMENT OF DAVID A. BRAGDON, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Mr. BRAGDON [off mic].

Senator TILLIS. Make sure your mic is on red means go.

Mr. BRAGDON Thank you Senator Tillis. Thank you for your kind words. Thank you, Chairman Grassley, and Ranking Member Durbin, for holding this hearing. Thank you to President Trump for the honor of nominating me, and for the Committee Members for your work. Thank you, again, Senator Tillis and Senator Budd for your kind remarks, and for your support of my nomination. I am very grateful to all the friends and family who have supported me and prayed for me through this process.

In particular, I'd like to thank my wife, Ellen, for her steadfast faithfulness in 24 years of marriage, courage, and perseverance. Thank you to my sons Evan and Ben who are here today. And my son Seth who is studying abroad. I appreciate my family's willingness to serve God no matter what the circumstances. I have wonderful in-laws, Frank and Claudia Whitaker from Oak Ridge, North Carolina, who are here today, and have always supported me.

My mother and brother, Diana and Dan Bragdon are watching online, and my father passed away in June, but I have always appreciated how he and my mom have raised me and my brother, for his role in developing my character. I'm grateful to Justice Thomas,

for the chance to clerk with him and how influential that was in my life.

I'm grateful to my friend, Andrew McIndoe, who is here today also in support of me. And thank you for all the friends and family who have just supported me, and are too many to be named. Finally, I thank God for his grace and strength each day, and I look forward to the Committee's questions.

Senator TILLIS. Thank you, Mr. Bragdon. Ms. Freeman.

STATEMENT OF LINDSEY ANN FREEMAN, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Ms. FREEMAN. Thank you, Senator. Thank you, Chairman Grassley, Ranking Member Durbin, and distinguished Members of the Committee. It is an honor to appear before you. I would first like to thank President Trump for this nomination. I'm incredibly grateful and humbled by this opportunity. I'd also like to thank you, Senator Tillis, and Senator Budd, for your warm words and your support throughout this process.

I first would like to thank God for as many blessings, most importantly, the people he has given me in my life. I have to, of course, recognize my husband, Jordan, who drove up from Greensboro last night after putting our two little ones to bed so that he could be here by my side. He is the most amazing man, and he is an incredible role model to our two sons, who at 3 and 2, are not here today. But in case they watch this later. I want to say mommy loves you very much.

I would also like to thank my parents who have always shown me incredible support, and my sister, who is also my best friend. I'm fortunate to have several friends here today, and that means so much to me. And throughout my career, I've been fortunate to have many friends, mentors, and colleagues. Too many to name to any degree. But I will simply say that I'm humbled by their kindness, support, grace, and guidance that they have shown me throughout my career, and I simply know that I would not be here without them.

I would like to say a word about the judge that I clerked for, Judge John Rogers. His humble and faithful application of the law, and the respect and kindness he showed everyone in the courtroom inside and out continues to inspire me to this day. Again, thank you to the Committee, and I look forward to your questions.

Senator TILLIS. Thank you, Ms. Freeman. Mr. Orso.

STATEMENT OF MATTHEW E. ORSO, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Mr. ORSO. Thank you. Senator Tillis, Ranking Member Durbin, Members of the Committee, thank you for having me here today and for your dedication to fulfilling this important constitutional role of advice and consent. I'm grateful to be here and consider it a privilege.

First, I thank God without whom none with this would be possible. To President Trump, thank you for your support in nominating me. To Senator Tillis and Senator Budd, thank you for your

kind words today. Thank you for your support throughout this process, and for supporting my nomination.

I have a few very important people here today. First, my wife, Jenny, of 20 years. She's my best friend. She supported me and my career endeavors at every step of the way. She's a model of loving service and holiness to me and to our six children, and there's no way that I'd be here without her.

Our oldest son couldn't be here. He's in college and should be in class and studying, but he may be watching. And the remaining five are all sitting here behind me. My children are the joy of my life, and they're each an immense blessing to me.

My mother, Ann, is watching online. She's my biggest fan. I love her dearly. My brother, Joe, and his family, and my brother, Jim, are also probably watching. I'm dedicating this all to my father, whom we lost just a couple of years ago. I think he's probably here watching too, though. My wife's parents, Brian and Patty Blais, they welcomed me into their family from the start and have shown me nothing but love and support all of these years.

And here in the room today also is my good friend and longtime mentor, Judge Robert Conrad, who currently serves as the director of the Administrative Office of the U.S. Courts. He took a chance on me many years ago hiring me as his law clerk, and he hasn't stopped rooting for me after 16 years.

Judge Ken Bell is similar. He hired me in private practice and provided me every opportunity to succeed and to grow as a lawyer. And I look forward to joining Judge Bell on the bench, if I'm fortunate enough to be confirmed. Also, a good friend here, I think Jim Whitaker, today, and I value his friendship and support immensely. Thank you, Senators, and I look forward to your questions.

Senator TILLIS. Thank you, Mr. Orso. Ms. Rodriguez.

STATEMENT OF HON. SUSAN COURTWRIGHT RODRIGUEZ, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Judge RODRIGUEZ. Yes. Let me begin by thanking President Trump for this nomination and opportunity to serve the Western District of North Carolina. I also want to thank the home State Senators; Senator Tillis, Senator Budd, and to your staff for all of your support during this process.

I also want to thank Chairman Grassley, of course, I didn't get to wish him happy birthday in person, but I do wish him happy birthday. Ranking Member Durbin, thank you for scheduling this hearing, and thank you to the other Members of this Committee in the Senate for considering my nomination.

I want to introduce just a few people that are here with me today. My husband, Bert. He is a United States Naval Academy graduate, a talented runner, and of course, he honorably served our Country. Next year will be 20 years of marriage, and we together have four incredible children. Since it is Constitution Day. I'm very pleased to report to you that at least some of them through school and discussions can recite the preamble. And I told their teachers as an excuse for missing school today that this will be a great lesson in learning a little bit about our Government.

I'm honored to have my parents, Vicki and Barkley Courtwright, right here. They're from Kentucky. Some of you knew or may know that I grew up in rural Kentucky. Thanks to the encouragement of my parents, I was the first to go to college in my family, and what a tremendous example they've been for me. And that's where I learned a very strong work ethic.

My brother Mark and his wife Carolee are here. They also made the 11-hour trek to DC by car, and I'm very grateful that they're here today. My brother David and his wife, I think are watching. They're enjoying their new grand baby.

I also want to introduce my father-in-law, my mother-in-law, Bert and Lucy Rodriguez, my niece Avery, and her parents, Christina and Ryan, as well as our cousins who came from Miami Liztie and Manuel Del Canal.

I also want to recognize a few of the judges that are here with us today. Judge Frank Whitney, who Senator Tillis you mentioned earlier. I clerked for him, and you know what an incredible person he is. He's a wonderful judge, and I've just learned a lot from him.

Judge Robert Conrad, who's already been introduced by my colleague, Mr. Orso. He once gave me a book that changed my life, and I'm very grateful for him. Judge Ken Bell is not able to be here today, but he's the one that had the trust and confidence in me as a young attorney to give me very significant matters upon which I built my career.

There are many other judges watching from the Western District, and I know they're cheering us on today, and I'm very appreciative of all of them. I'll also want to mention U.S. Magistrate Judge Bob Numbers from the Eastern District of North Carolina is also here with us. And he's a good friend to not only me, but others on this panel.

I also want to recognize U.S. Deputy Marshall Tommy Weeks and his family. And Senator Tillis, I know you're aware of this, but Deputy Marshal Weeks gave his life in the line of duty, and that was about 18 months ago. He's part of the court family, and I definitely want to recognize him and his family.

I also want to recognize my law clerks who are not here today, but I know they're watching; David Greg, Mary Grove, and my former clerk Nicole Giffen. They are just incredible people with grit, and show me perseverance each and every day. I thank them.

I also want to thank the good Lord for being here and the talents he's given me. I hope to put them to good use. If confirmed, I will defend and support the Constitution of the United States, and work hard to exercise my duties fairly and impartially.

Now, there are many others that I could go on and on about, too many to recount today. But I do want to thank them. I know they're watching. And I look forward to answering the Committee's questions. Thank you.

Senator TILLIS. Thank you, Ms. Rodriguez. Ms. Carter.

STATEMENT OF SARA CARTER BAILEY, NOMINEE TO SERVE AS UNITED STATES DIRECTOR OF NATIONAL DRUG CONTROL POLICY

Ms. BAILEY. Thank you so much, Senator Tillis. First, I want to say thank you to you, to Ranking Member Durbin, and distin-

guished Members of the Committee. Thank you for this opportunity. I want to begin by remembering my dear friend, Charlie Kirk, whose life left a lasting mark on many. Charlie was deeply committed to inspiring younger generations to engage with the world around them. His tragic loss is a solemn reminder that we must work together to unite to save American lives.

I also want to acknowledge my husband, Marty, who is here with me today. He is a wounded warrior who knows the cost of fighting our Nation's enemies firsthand. I also want to thank our six children; Sophia, Analiese, Justin, Erica, I have the whole group, Alexander, behind me, and our six grandchildren who I love so much. Benjamin, Matthew, Charlotte, Gracie, Sage, and Baby Gabe. I love them dearly. They came from all across the country to be with me here today. Their love and their sacrifice make it possible for me to answer this call to serve.

I am also deeply grateful to the angel families here today. Despite enduring the greatest loss imaginable, you continue to fight. You are the moral conscience of this fight, and your courage is an inspiration. And to the law enforcement officials here, including HIDTA Director, Mike McDaniels, and Deputy Director Goss, and to the men and women in uniform you represent, you are the tip of the spear in this war.

Finally, I thank President Donald J. Trump. His leadership has been a fundamental declaration of our national will. By designating the worst cartels as foreign terrorist organizations, he has made it clear the era of tolerating this assault is over. America will no longer permit the infiltration of fentanyl and other illegal drugs designed to kill our citizens.

I come before you, not just as a nominee, but as a witness to the war that has been waged against our country for years. For two decades, my work on the front lines wasn't just about telling stories, it was about mapping the enemy. I traveled deep into cartel territory because you cannot defeat an enemy you do not understand. I tracked the supply lines from the opium fields of Afghanistan, where my husband was nearly killed by terrorists, funded by drug money, to the cocaine labs in Guatemala, and the cartel battlegrounds in Mexico. I have seen these predatory criminal empires operate with impunity in our hemisphere. That impunity ends now.

Let's be perfectly clear about the nature of this fight. This is not just a public health crisis. It is a chemical war being waged against the American people. Our greatest resource, our citizens, are being targeted and killed. They are not statistics. They are our children, our neighbors, our loved ones.

This fight is personal to me. My mother was an immigrant who fled communist Cuba for the promise of a free and safe America. My father was a proud Marine who fought in two wars to defend that promise. Their fight for freedom and safety is the same fight we face today, and I carry their spirit with me in this mission.

As director of the Office of National Drug Control Policy, my mission will be one of relentless offense. We will protect American lives by taking the fight to the enemy. We will hunt them in their safe havens. We will dismantle their labs, seize their finances and assets, and sever their supply lines. We will use every instrument of American power to break the backs of these organizations.

But a true victory requires us to fight this war on two equally important fronts; relentlessly attacking the supply of these poisons, while systematically reducing the demand from them here at home through robust prevention, treatment, and recovery support. That means mobilizing every asset, enlisting educators, faith leaders, community leaders, and law enforcement, in a national effort to prevent drug use before it starts.

We will work to create a culture of resilience where staying drug free is the norm. We must teach our children that these substances are not recreation, they are poisoned, deployed by an enemy. We will defend the next generation from this chemical assault.

This mission is urgent. We are losing over 300 Americans every single day. To put this into perspective, we have lost more Americans to elicit fentanyl in the past 5 years than all U.S. troops killed in combat since World War II. We, as a Nation, would never tolerate foreign actions that kill our people on this scale. We are under attack, and we will respond accordingly.

My life's journey has prepared me to lead this fight. I am committed to working with this Committee, with law enforcement, with the families who know this pain firsthand.

Let me end with this. The chemical poison being pushed into our country does not care if you are Republican or a Democrat. The terrorists profiting from this death do not care about our politics. This cannot be a partisan issue. It must be an American mission, one that requires all of us united to defend our children and the future of this Nation. Our objective is not mitigation, it is victory, Senators.

Thank you, and I look forward to your questions.

Senator TILLIS. Thank you, Ms. Carter. I had the opportunity to meet with a number of the nominees in my office beforehand, and I told them all to go and watch the game tape of Senator Kennedy. I also went to Senator Kennedy and told him he gets to open up in my place. I'll be speaking last. So, Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman. Mr.—I'm sorry, I can't see that far.

Senator TILLIS. Bragdon?

Senator KENNEDY. Who wants to volunteer?

[Laughter.]

Senator KENNEDY. Let's just start in the middle and we'll work to the end. Mr. Orso?

Mr. ORSO. Orso.

Senator KENNEDY. Yes, thank you. I'm sorry. I really can't—I guess I need to get new glasses. Mr. Orso, let's suppose, imagine this situation; small printing company and manufacturer of envelopes, stationary like that, that sort of thing. Twenty employees, small operation. They take customer orders, go in the back, print the stuff. They wear uniforms because the owner wants to promote his company logo. Employee shows up one day in uniform, but she's wearing a burka. And the owner says, "You can't wear a burka here." And the employee says, "Yes, I can." And the owner says, "You're fired."

Tell me how you'd analyze that case. What questions you need to know. Who would win? Who would lose according to Supreme Court precedent?

Mr. ORSO. Sure. I would likely look first to Title VII of the Civil Rights Act in 1964, since——

Senator KENNEDY. That's correct.

Mr. ORSO [continuing]. It's an employment case.

Senator KENNEDY. And what does Title VII say?

Mr. ORSO. It says that a person cannot be discriminated against in employment on the basis of race, color, national origin, religion, right, gender. And then, I would apply the facts of that case pursuant to any——

Senator KENNEDY. What facts would you have to know?

Mr. ORSO. I'd have to know if the wearing of that burka was indicative of any potential religious closely, sincerely held religious belief. And then, if so, would analyze it from there.

Senator KENNEDY. What if the employer said my customers won't like it. Is that a justification?

Mr. ORSO. I don't believe that would be sufficient justification to discriminate against someone based on religious belief. I think you'd have to take into account whether the employee's employer is providing any type of accommodation that that allows for that person to——

Senator KENNEDY. What if this small business owner said it's dangerous. The employee might get the burka caught in the manufacturing apparatus.

Mr. ORSO. I think I would have to look at the case law if there's anything similar in that. But my instinct is that in terms of protecting the safety of employees, is a valid concern of an employer.

Senator KENNEDY. Okay. Fair enough. David—I'm really—can't see. I need to do something.

Mr. BRAGDON. It's Mr. Bragdon. David Bragdon.

Senator KENNEDY. Thank you. Mr. Bragdon, tell me about supplemental jurisdiction.

Mr. BRAGDON. Supplemental jurisdiction, I am having trouble remembering that term because it, it does not come up in criminal practice very much, but I believe it——

Senator KENNEDY. It'll come up in Federal district court——

Mr. BRAGDON. Absolutely.

Senator KENNEDY [continuing]. Every other Thursday.

Mr. BRAGDON. And I'll certainly carefully research any issue that were to come before me, if I'm——

Senator KENNEDY. It used to be called pendant jurisdiction, does that help?

Mr. BRAGDON. But I think it's jurisdiction that builds on jurisdiction. I'm thinking it builds on jurisdiction of another party who's already properly before the court. But I don't specifically remember, Senator Kennedy.

Senator KENNEDY. Okay. Do you know?

Ms. FREEMAN. Senator, I would say that that is my understanding as well, and I don't have too much to add. In my years as an AUSA, I haven't been working on that recently.

Senator KENNEDY. Who knows the answer?

Judge RODRIGUEZ. This is Judge Rodriguez, and so I'm a sitting U.S. magistrate judge right now, so I think that I'll step in for the panel. There was a recent Supreme Court case on this. So, supplemental jurisdiction is when the court would have original jurisdic-

tion over some sort of Federal question, but then there is a State question, and so that's where the court can exercise its discretion over supplemental jurisdiction.

A lot of times where that comes up is if something gets kicked and there's only State law claims. Does the court exercise jurisdiction otherwise over those State law claims? And there was a recent Supreme Court decision on this that basically said that the court could get divested of its jurisdiction if a plaintiff dismissed everything, all of the Federal claims. And so, it goes back to a jurisdiction issue. And that's what you would be normally looking at.

Senator KENNEDY. Okay. Let me go back to Mr. Orso. So, how do you amend the Constitution?

Mr. ORSO. Senator, I think you'd look to Article V of the Constitution and follow the instructions for two-thirds of the legislature, or two thirds of the States.

Senator KENNEDY. Okay. Fair enough. Let me move to the gentleman to your right. What's the difference between a preliminary and a permanent injunction, and how you decide them, Counselor?

Mr. BRAGDON. A preliminary injunction—well, let me start with a permanent injunction. Would be a final judgment in the case that occurs after the completion of all the litigation.

Senator KENNEDY. What do you have to—let's start with the preliminary. What do you have to prove to a judge?

Mr. BRAGDON. For preliminary injunction, there's several standards the court looks at. You're looking at irreparable harm. You're looking at the likelihood of success in the merits and the ultimate case as it goes through court. You're looking at balancing the equities of the parties. So, those are some of the factors the court considers and whether to grant that. And it's essentially, the idea is can you keep things in place while that litigation is pending?

Senator KENNEDY. What factors do you look at for permanent injunction?

Mr. BRAGDON. Well, the permanent injunction would depend on the relevant law or action that's being considered.

Senator KENNEDY. But what factors do you look at for a permanent injunction?

Mr. BRAGDON. So you, for a permanent injunction——

Senator KENNEDY. You look at the same factors, don't you?

Mr. BRAGDON. I think that in my mind, a permanent injunction depends on the underlying statute or relief that you're taking. And it can vary based on the kind of case.

Senator KENNEDY. Well, on a preliminary injunction, you're asking is the plaintiff or the move likely to succeed on the merits. And so, and a permanent injunction, you're asking has the party succeeded on the merits. Right?

Mr. BRAGDON. Correct. My only point is what the merits are is going to vary based on the kind of case.

Senator KENNEDY. Fair enough. Counsel, tell me about class actions. What are they, and what are the elements of you have to prove?

Ms. FREEMAN. Senator, I believe you're referring to Rule 23. So, in order to have a class action, you're allowing one plaintiff or just a few plaintiffs to stand in for a class of a larger number of individuals to bring that class action. You have to meet the factors that

are set out, the elements that are set out in Rule 23. So, we're looking at numerosity, typicality, representation, commonality, I believe. But those are some of the factors.

Senator KENNEDY. I didn't realize I'd gone this far over. I'm sorry.

Senator TILLIS. This concludes the entrance exam.

[Laughter.]

Senator KENNEDY. I really apologize. I didn't mean to go this far.

Senator TILLIS. Thank you, Senator Kennedy. I appreciate you asking the questions. Senator Durbin.

Senator DURBIN. Thank you, Mr. Chairman. Ms. Carter, I hope we can agree that the HIDTA grants are valuable to fighting the drug crisis in America? Do we? Turn your mic on.

Ms. BAILEY. Absolutely, Senator Durbin. HIDTA is a very important part of fighting.

Senator DURBIN. So, last year, the 33 HIDTAs, which are high intensity drug trafficking areas, the 33 areas identified by that program seized 4.1 million pounds of fentanyl and other drugs, and denied drug traffickers $17.7 billion in illicit profits. Proof positive of what we both agree on. HIDTA grant's work, right?

Ms. BAILEY. Absolutely.

Senator DURBIN. So, let me ask you to please explain why the HIDTA program is subject to a 34 percent cut by the Trump budget from $300 million to $200 million. Have we won this war on narcotics and don't need this anymore?

Ms. BAILEY. First, let me begin by stating that I absolutely support the President's budget. Secondly, I do and absolutely support our high intensity drug trafficking. HIDTA aide groups. I was actually just recently in Alaska. I made a trip to the furthermost part of the United States in an effort to meet with the HIDTA director there and an effort to see the fight that we are continuing to fight against the drug cartels. I figured it's already—we've seen the supply pouring across the southern border. We've come across——

Senator DURBIN. I'm going to have to slow you down a little bit. We have a limited amount of time if we follow the rules of the Committee, and I would like you to answer my question. How would you justify a 34 percent cut in HIDTA grants if we haven't won the war on drugs?

Ms. BAILEY. The Big Beautiful Bill also supplements that funding. We continue to access this administration continues to assess those grants, and HIDTA is absolutely supported by the Office of National Drug Control Policy, which it falls under.

Senator DURBIN. 34 percent cut is not support.

Ms. BAILEY. Right behind me, I have HIDTA Director Michael McDaniels and Deputy Director Rick Goss.

Senator DURBIN. That's good. I'm glad they're here. But that doesn't help to cut the program by 34 percent. Let me go into the Mexican drug cartels because you said you have some personal knowledge of those. Are you aware that these drug cartels are heavily armed?

Ms. BAILEY. Absolutely.

Senator DURBIN. Do you know their weapon of choice?

Ms. BAILEY. Yes. I mean, they use assault rifles, they use grenades. They use quite an array of weapons. Sometimes, they out resource even our own law enforcement.

Senator DURBIN. And the Mexican police and military forces as well, correct?

Ms. BAILEY. That is correct.

Senator DURBIN. And one of the most common weapons they use is a 50-caliber rifle?

Ms. BAILEY. That is correct.

Senator DURBIN. I'm not an expert on firearms by any means, but I understand that that is a military-style weapon that is so powerful that it can penetrate a vehicle.

Ms. BAILEY. These are lethal weapons. Yes, that is correct.

Senator DURBIN. You also know that the Mexican government has done an analysis of where these crime guns come from for the drug cartels and find that 70 percent come from the United States. Are you aware that?

Ms. BAILEY. Yes, of course, Senator. We are assessing both sides of this horrific situation that our country is facing.

Senator DURBIN. So, if you're dealing with a drug crisis that you'd characterize as a chemical war being waged against the American people, and 70 percent of the weapons are coming from the United States to these terrorist cartels, do you believe we have any obligation to try to stop that flow of weapons?

Ms. BAILEY. We're assessing both sides of this issue. Absolutely. We're working with our partners both in Mexico, and here in the United States, as well as law enforcement to assess this and mitigate those threats?

Senator DURBIN. What do you suggest we do?

Ms. BAILEY. We're continuing to work with both sides——

Senator DURBIN. You've got to get beyond assessment. You got to do something to stop the flow of deadly weapons to the cartels.

Ms. BAILEY. Well Senator, I believe shutting down the border has effectively stopped the flow, both going south and coming north.

Senator DURBIN. We stopped the flow of weapons from the United States and Mexico. Is that what you're testifying?

Ms. BAILEY. I believe by shutting down the border and working with our partners in Mexico, who are as responsible for the crisis that we are facing, we have significantly reduced the flow going south as well as coming north.

Senator DURBIN. I want to see that in writing. Can you produce it?

Ms. BAILEY. I will absolutely work with you on this, Senator.

Senator DURBIN. Well, I think it's very important that you do that.

Ms. BAILEY. Absolutely.

Senator DURBIN. The drug crisis is serious. You want to take on drug crisis for America. You don't have a background in this other than an interest in the subject. And I would just say that they trust you with that responsibility when we're cutting the budget of this agency by 34 percent the HIDTA grants by 34 percent really gives a lot of us pause. I'm not sure why you were chosen, you're articulate, but that doesn't mean you're expert enough to manage this job. So, let's see what you produce for me.

Ms. BAILEY. Absolutely, Senator. Thank you so much.

Senator DURBIN. Thank you, Mr. Chairman.

Senator TILLIS. Thank you, Senator Durbin. I'd like to enter into the record three letters from Families Against Fentanyl, Parent Collective, and Lost Voices of Fentanyl. These nonprofits represent thousands of families deeply impacted by the drug crisis in our Nation.

These organizations strongly support Ms. Carter's nomination and believe that she is the, "hands-on, data-driven leader who will work to end the fentanyl poisoning crisis."

Without objection, I'd like to have these entered into the record.

Senator TILLIS. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman. I always ask these initial questions of all nominees before any of the Committees on which I sit to ascertain fitness to serve. So, I'll ask the questions, and we'll start with Ms. Freeman and go right down the line.

Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal, or physical harassment, or assault of a sexual nature? Ms. Freeman, then we'll go down the line.

Ms. FREEMAN. No, Senator.

Mr. BRANDON. No, Senator.

Mr. ORSO. No, Senator.

Judge RODRIGUEZ. No, Senator.

Ms. CARTER. No, Senator.

Senator HIRONO. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

Ms. FREEMAN. I have not.

Mr. BRANDON. I have not.

Mr. ORSO. No, Senator.

Judge RODRIGUEZ. No, Senator.

Ms. CARTER. No. Senator.

Senator HIRONO. Thank you. One of my concerns with many of President Trump's nominees is their lack of qualifications and relevant experience for the positions to which they have been nominated. And I want to note for the record that Ms. Carter Bailey, who has been nominated to be director of the Office of National Drug Control Policy up until 3 months ago had never worked in this environment or in this space. And so, before 3 months ago, she had never even worked in government. She has no background in drug policy, no experience in public health. So, I have concerns as to the lack of relevant qualifications, experience of this nominee.

I have a question for Mr. Orso. Mr. Orso, what does the Supreme Court case *Griswold v. Connecticut* stand for?

Mr. ORSO. Senator, the Supreme Court in *Griswold* held that there was a constitutional right to contraception I believe.

Senator HIRONO. So, Mr. Orso as a district court judge, you'll follow that precedent and the cases that that relate to contraception, use of contraception?

Mr. ORSO. Yes, Senator Hirono, I would to follow all Supreme Court precedent, if fortunate enough to be confirmed as a district court judge.

Senator HIRONO. And basically, you would follow Supreme Court precedent in all cases——

Mr. ORSO. Absolutely.

Senator HIRONO [continuing]. Until the Supreme Court decides otherwise? Which by the way, this Supreme Court, as you well know, has been overturning decades of precedent in many, many areas, and this is possibly one of them going forward.

So, I did want to also note Judge Courtwright Rodriguez, that since becoming a magistrate judge, you've presided over at least two naturalization ceremoneys. Can you share with the Committee what those experiences meant to you?

Judge RODRIGUEZ. Yes. Those are very near and dear to my heart. You may have read my comments that I typically make at the naturalization ceremoneys. I have my father-in-law and my mother-in-law who both immigrated from Cuba. Castro, came to power and literally took everything from my mother-in-law's family. And she came here to the United States, and they're very grateful. So, because they naturalized, I am lucky enough to be married to my husband here. So, those are near and dear to my heart.

Senator HIRONO. Thank you. And I want to note for the record that you commented that the United States has been referred to as a great melting pot where everyone brings their culture and history, and we are all the more enriched because of that. I completely agree with you as a naturalized citizen myself, and as we have a regime that is very much against diversity, equity, and inclusion, which is really reflective of the diversity of our country.

I am very glad to know that you considered the naturalization ceremoneys where we are welcoming people from all over the world to be part of our great basically the mix of culture and the history in our country that en enables our country to be strong and great. I commend you for that attitude, because it's one that I share. Thank you, Mr. Chairman.

Senator TILLIS. Thank you, Senator Hirono. Senator Kenny. Do you have any intention of asking any other questions?

Senator KENNEDY. No, sir. I'm happy a happy camper.

[Laughter.]

Senator TILLIS. Ms. Carter, I think we have Senator Moody coming. I have a couple of questions for you.

Ms. CARTER. Yes.

Senator TILLIS. I've been down to the border multiple times, and I am thrilled with the results of this administration in shutting down the border. I think it's a great disservice to people who immigrate legally. And it also has made our country less safe. In the time that I've been down there, I've had numerous briefings with Customs and Border Patrol, and I don't know if the statistic is right anymore.

You made a comment about effectively shutting down the border. I agree that we've done a good job with that, but these cartels do an amazing job of getting around. I've been on the Rio Grande at midnight or 1 o'clock, and I've heard the coyotes, the human traffickers, the drug traffickers, literally across the Rio Grande shouting to us, "We are coming."

And they always would set a pick. What they would do is take about 40 or 50 persons trying to come into the country illegally, attract the border patrol there so that they could send their poison

or human trafficking to another area where the Border Patrol is just too involved. They can't get to them. I think a lot of that play has been pretty much shut down because the President's done an extraordinary job of enforcing policies that the Biden administration didn't.

But the concern that I have is you still have what they call the Sinaloa Cartel. So, they're flying ultra lights over and dropping off drugs. They're very difficult to detect because we don't have the situational awareness that we should at the border. And we also see a lot of the poison. And in my last briefing about a year ago, according to Border Patrol, that still the majority of the illegal drugs that come through this country come through a legal entry point, hidden in trucks, hidden in bodies.

I mean what are we going to do to really combat that, and get this Congress to understand that people, technology, and infrastructure at the legal ports of entry so that we can increase commerce and legal entry and exit? What's going to be the priority there?

How do we get that done balance between maximizing the flow between two nations that have very important economic and other ties, but do it in a way that's really plusing-up the resources that Border Patrol needs to get the job done and keep our country safer.

Ms. BAILEY. Well, thank you so much for that question, Senator Tillis. I think that's a vitally important question because it's such a complex question. We have nearly 2,000 miles of border with Mexico. You're absolutely correct, our law enforcement assesses that the majority of the narcotics continue to pour through our border, and the cartels are very savvy. For decades, they have been working to figure out ways to work around us, to find those loopholes, to bring that poison into our Nation.

Not only are we dealing with the cartels, but we are dealing with adversaries who are taking advantage of those loopholes as well. President Trump did a phenomenal job coming in and shutting down that border. The cartels were operating with impunity, and we saw that under the last administration, the flow of human trafficking, the horrors of human trafficking. I saw it with my own eyes.

I was at the border almost 24/7, monitoring the situation. I, too, would see, and I can attest to what you saw, sir, across the Rio Grande. Even late at night, looking through my nods, which were my night vision camera, you could see the cartels moving across with 75, sometimes 100 people every hour on the hour.

Senator TILLIS. Yes. I want to be respectful of Senator Moody's time, but I think one thing I look forward to speaking with you after confirmation, to really listen to the voices of Border Patrol who say we do need walls in some places. But what we need is a law enforcement-driven strategy for securing the border, not only from human crossings, but all of this poison that's coming across the border. And that means that we have to get the mix right between people, technology, and infrastructure.

I don't want to spend a dime more on a wall if it's not what's going to make this country safer. And, you know, the problem with a 30-foot wall is a 40-foot ladder. And if we do not have situational awareness, operational awareness on the ground, then all these

good works are going to be for naught when a future administration comes. That, I think, de-emphasizes one of the most important things that we need to do for Homeland Security. So, I appreciate you being here today. I'm going to turn to Senator Moody.

Ms. BAILEY. Thank you, Senator.

Senator MOODY. Thank you, Senator Tillis. And thank you for all of our nominees for giving up so much of your time and your families for being here today. Thank you for supporting them. Life of public service is not easy, especially these days. And oftentimes, I find that it is harder on our families than it's sometimes on us. So, thank you to the families that are here with you.

You know, as Florida's attorney general, I fought very hard against the opioid and then synthetic opioid epidemic. It is something our country has never seen. We are losing more Americans working and fighting age Americans to the drug epidemic than any other cause of death. It's frightening when you put into perspective how it compares to when we thought we were dealing with this crisis in the 1980's, when Nancy Reagan first said, "Just say no." We were losing about 3,000 Americans a year. We now lose over 100,000 Americans a year to drug overdose.

And so, from holding pharmaceutical companies, distributors, manufacturers accountable in court, or working with law enforcement to step up interdiction efforts, or making sure that we were getting that message to our children, or equipping our first responders with naloxone, I was very focused on this as attorney general.

And one of the things I found was that the message wasn't getting to the kids. And we were losing unsuspecting kids that did have no reason to believe that they were about to ingest a fatal dose of fentanyl. They were dying. The fastest growing age category for overdose on fentanyl is under 14.

And so, I have been very vocal commending this administration for thinking outside the box on how we tackle our greatest challenges. And that goes from where we're putting our current resources. Shifting not only monetary resources, but human resources to different agencies or responsibilities, and then the people he's appointing.

As it pertains to the Nation's "drug czar," that has looked very differently for many different administrations. I believe under Biden, he had a physician. Some people have former Governors, some people have law enforcement. I think it is very unique that we have a mom of six.

Ms. BAILEY. I've got six beautiful children. I think I left one of them out. Luke, I am so sorry. I was thinking about that the whole time.

Senator MOODY. Ah, I set you up for that.

Ms. BAILEY. I've got Luke, Sophia, Analiese, there's Parker, her husband, there's Benjamin, my grandson. So, we've got six children, six grandchildren, all together. And nothing is more formidable, you are right, Senator, than a mama bear.

Senator MOODY. So, we were together recently speaking on the efforts of this administration to not only interdict, shut down the border, which they've done with no new laws. They've shut down the border, interdict this flooding into our country killing Ameri-

cans, but also how do we get through to parents in terms of warning kids and kids that anywhere from 5–to–7 out of 10 pills contain a lethal dose of fentanyl, the counterfeit pills.

And I was with the nominee and the sheriff in Miami-Dade County who is also a mom and dealing with these every struggles, coming up with ideas of how as "drug czar" you can get that word out. I was just hoping, because, you know, and I want to make sure everybody knows.

To fulfill the responsibilities of this job, it has looked different depending on the administration and what they're trying to accomplish. But certainly, I think you bring a very unique on-the-ground perspective. Not just personally—although man, you should be given a trophy for six kids and having such an accomplished career, but professionally.

And what do you think is unique about your background and your current, and your current work that that sets you apart from prior nominees, and you bring a fresh perspective and zeal about the responsibilities of this position?

Ms. BAILEY. Well, I think you already mentioned one of them, Senator Moody, and it's my family. But you're right, I'm not a doctor. I'm not a general, I'm not a lawyer. What I am was a more than two-decade investigative journalist who was on the ground, in the field witnessing firsthand what these cartels and what these terrorist organizations have not only done to our Nation and to the rest of the world, but to our children.

And you mentioned something very important. You talked about the 1980's when we were losing 3,000. I think the number I got was at one point, it was 6,300 when we thought it was really in 1980, when we really thought that was a terrible sign of where our Nation was heading, you know, for drug overdose. And now we're looking at over 100,000.

I have angel families sitting behind me who will never, never see their children again, because poison came across our border, and their children unknowingly took either a pill—even I say now, as Mike Gland who is sitting behind me has said. You know, he lost his son, Preston, but he said, "One try, you die." Not one pill can kill anymore. It's one try, you die.

You think about this, one of my son-in-law's closest friends from high school lost his life in Miami at a party, you know doing drugs, not expecting that to contain fentanyl, and immediately, immediately lost his life. I don't want to see that happen ever again. I am committed with all of my heart and all of my soul to working for every single American, every single family.

As I said in my own statement, these drugs, these cartels are adversaries. They don't care if we're Republican or Democrat. They don't care if we're a member of the Green Party, or if we're of no party at all. They are making hundreds of billions of dollars off of the death of Americans, and off of the deaths of people all over the world.

I have someone here as well, Rosie, who works with the Kaleido Foundation. And I can't tell you how many times Rosie and I have been in Mexico together. Human trafficking victims that I have interviewed, that I have spoken with. These cartels are taking lives

with impunity. They were operating with impunity, now they know that we mean business.

Their designation by the President as foreign terrorist organizations; Sinaloa Cartel, Nueva Generación, El Mencho, the ghost who tries to hide from all of us, will no longer be sleeping restfully anymore. All of these cartel leaders, all of these terrorist organizations, and even our adversaries are on call right now, and especially the cartel leaders.

Senator TILLIS. Senator Booker.

Senator MOODY. Thank you.

Senator BOOKER. Chairman, Thank you very much. I had a great exchange with the Chairman earlier, and we talked about the State of North Carolina. I've done years in service with this man, and he made it very clear to me, lay off my judges, Booker.

So, let me just say simply this to all those who are nominated for positions in North Carolina, I'm a Jersey boy through and through, but I'm the son of a North Carolinian. And my dad grew up in Hendersonville, up in the mountains. And North Carolina was his pathway to progress. He went to North Carolina Central University. I know my dad is now in heaven. He died 6 days before I was elected to this office. But he was a North Carolinian through and through.

So, congratulations on your nomination. You're representing a great State, and I know especially seeing a lot of the faces of your family behind you, that you take this nomination seriously. And I wish you Godspeed.

I really thank you, Ms. Carter, for the passion. And I just would love to explore an area in which there's been tremendous bipartisan work, not just here in the Congress but all over America right now. We're seeing such wisdom from red States and blue States learning from the mistakes in the 1990's with that led to an explosion of incarceration, but no reduction in drug use. And it's something that I've leaned on. Everybody from Right On Crime to the Manhattan Institute have been invaluable in my journey in helping me shape policy, especially in my days as a mayor.

I am this strange guy. I used to get joked by with by Mitt Romney. I'm not Mormon, but I've never drank. I've never smoked. I am a pretty boring guy as my fiancé tells me. But I do have some frustrations with marijuana policy based on science, and I'd like to focus there first.

On your podcast in 2023, Ms. Carter, you talked about cannabis and you said, "I don't have any problem if it's legalized and monitored." You supported the use of cannabis for medical purposes, and we had bipartisan hearings here with military personnel talking about the transformative impact it's had on their PTSD.

I just believe that we have a moment now where 40 States have made cannabis legal for medical purposes. Unfortunately, Federal law is lagging behind State law and behind popular opinion on all across the political spectrum. In fact, under Federal law, cannabis is still a Schedule 1 drug, the category that's really reserved for some of the most dangerous drugs, some of which I think I came in on a conversation that you were talking about.

They say that cannabis has no medical value. That's what Schedule 1 says. In essence, cannabis is considered just as dangerous as

heroin in the Federal system. In 2022, President Biden directed the Secretary of Health and Human Services to just review how cannabis is scheduled on their Federal law. And after its scientific review, Health and Human Services recommended rescheduling cannabis at Schedule 3.

I think that's a step in the right direction, and that would finally, at least, recognize that we would not only have medical benefits, but it would allow scientists to study the short-and long-term health impacts. It would open up the door to more scientific study.

And so, I'm wondering if you were confirmed, how would you advise the American President about the ongoing rescheduling process?

Ms. BAILEY. First, thank you so much, Senator, for your comments. You're right, I am very passionate. I could see that you are very passionate as well. This is a bipartisan issue, and I look forward to working with you as well as all the Republicans here on the Committee and other Democrats.

So, first, thank you very much, and I extend an invitation to speak with you at any time of your choosing. If confirmed, as director, I will comply with all Federal laws and fulfill all statutory responsibilities of the ONDCP. However, we will continue to work extensively with research and data. We will continue to do that and explore all options.

I've already met with Secretary Collins with the Veterans Administration. All of us are discussing, you know, these continued research and data that we will be delivering, and based on that research and data we can continue to assess. I think that is vitally important.

Senator BOOKER. So, I know the Federal law prohibits the Office of National Drug Control Policy from funding any study or contract relating to legalization, including for medical use. It's unfortunate, but that makes the study of Schedule 1 drugs, including cannabis, really difficult. And so, I'm hoping as we work together across the aisle on legislation that would simply allow the ONDCP to study the impacts that this might be something that you would support.

Ms. BAILEY. Absolutely. We'll continue to study the impacts of that.

Senator BOOKER. Thank you. I'm going to give some other questions for the record, but I just want to—one quick last question. We're seeing this overdose crisis, and we're seeing communities I think we're talking about tragically affected by fentanyl.

I believe we need to make sure that people who use drugs or are in recovery have access to naloxone, which is proven to reduce overdose deaths. I'm going to put some questions in the record on that.

But I am very concerned, and I've seen such bipartisan work in this area. I have a bipartisan bill on this that the ONDCP issued its drug control strategy of 2026, the top priority to reduce the number of fatal overdose. This is scientists saying the top priority, and this is what it reads, I'm going to quote it here, "We will encourage State and local jurisdictions to increase the availability of drug test strips and naloxone to mitigate the impact of deadly drugs on communities across the country."

I have seen study after study that show that test strips can save lives, that even addicts when they have access to test strips will test the drugs they're using before they're taking them. And so, I just will hope, and I'll put these questions in the record, that if confirmed, you'll ensure that ONDCP increases the availability of fentanyl test strips and naloxone.

That we can work together as we have bipartisan legislation here with you to get it passed and done right. And that the tragedy that we have right now for test strips causing people who are trying to save lives, put them in criminal jurisdiction, criminal jeopardy is really bad.

So, I know we don't have any time left. I look forward to those questions on the record. I just want to say one more time, these are wrote hearings, and often they're the Senators on both sides of the aisle are so busy, we're running to different hearings.

I just want the people who are up for nomination to know, and the families especially that we take this very seriously. That there's a nobility. Everybody sitting at that panel who wants to serve their country in the best way possible. Most of you are giving up more lucrative positions to do what you're doing, and you're not doing it alone. It's also a family sacrifice.

There's a lot of talk about our divides here in Congress, but I can say this for every, every Senator, thank you for stepping forward to serve your Nation, and thank you to every family person that's represented here as well. Thank you, Mr. Chairman.

Senator TILLIS. Thank you, Senator Booker. And Senator Booker, your points on cannabis, I think are very well taken in many respects. I think Congress is not doing its job by recognizing that that bell has been rung. And unless we get serious about regulatory regimens and other—Matt, we've talked about the fentanyl crisis.

Now, we all know that at some point in the race for potency, that these subproducts that are being purchased, technically illegally in 40 different States, either for medical purposes or several dozen for recreational purposes, Congress needs to step up and try to figure out how we can manage this, exploit its efficacy in areas that are helpful, particularly for the treatment of persons with PTSD, a number of other studies out there, pain. But we've got to step up. And I appreciate you making those comments. And in my remaining time here, hopefully we can get something done.

Well, this is going to conclude our hearing today. I had the privilege of being able to vet the district nominee, so I didn't feel like I had to ask you other questions after we put you through hours of discussion between my office and Senator Budd's. And Ms. Carter.

Also want to congratulate you-all on your nominations. This is a unique opportunity here with four judges and a couple of dozen kids. So, I'm going to ask the North Carolina delegation to maybe stay behind so we can get a quick picture, and I can figure out how I can get some of these other kids some tablets that they may not have otherwise gotten.

And I do want to especially recognize Judge Conrad, Judge Whitney, and Judge Numbers in the audience. They are people that I know and I admire, and I appreciate you being here. I'm going to

adjourn the meeting shortly, but written questions for the record may be submitted no later than September the 24 at 5 p.m.

Senator TILLIS. Thanks again to all the nominees, and congratulations to you and your families.

This Committee hearing is adjourned.

[Whereupon, at 12:46 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** Sara Anne Bailey, Sara Anne Carter, Sara Anne Rodgers

2. **Position:** Director, Office of National Drug Control Policy

3. **Address:**

   Office of National Drug Control Policy
   1800 G Street NW
   Washington DC, 20530

   Residence: Washington, DC

4. **Birthplace:** Pomona, CA

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

   California State Polytechnic University Pomona, 2000-2003
   Bachelor of Science (Degree was conferred in 2013 after completion of final general requirement)

   UCLA – 1990-1992
   International Relations / Middle Eastern Foreign Policy No degree awarded due to an illness in the family

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

   June 2025 - Present

Executive Office of the President
Office of National Drug Control Policy
1800 G Street NW
Washington DC
Special Advisor

November 2017 – June 2025
Fox News
Darkwire, Inc., doing business as Sara A. Carter
Self-Employed / Media
Fox News Contributor/ Investigative Columnist/ Sean Hannity/
The Big Weekend [Home Address: please see confidential SJCQ]
Show Host

March 2016 – November 2017
Sinclair News Group/ Circa News
10706 Beaver Dam Road
Cockeysville, MD 21030
Senior Investigative Journalist / Foreign Correspondent

May 2015 – April 2016
American Media Institute
109 N Henry Street
Alexandria, VA 22314
Senior International Correspondent

June 2013 – May 2015
The Blaze Network
Washington DC Field Office
400 North Capitol Street NW
Washington, DC 20001
Senior Correspondent/ Anchor "*For the Record*" television show

March 2010 – June 2013
The Washington Examiner
1152 15th Street NW
Suite 200
Washington, DC 20005
National Security Columnist

April 2007 – March 2010
The Washington Times
3600 New York Avenue NE
Washington, DC 20002
Pentagon and Foreign Correspondent

June 2003 – April 2007
The Los Angeles News Group/ The Inland Valley Daily Bulletin
3200 Guasti Road
Suite 100
Ontario, CA 91761
Immigration Correspondent

7. **Military Service and Draft Status:**

I have not served in the U.S. military.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Honored by CPAC, Kailado Foundation for reporting on Human Trafficking in the Western Hemisphere, 2023

HIDTA Award for Non-Profit Documentary "Not In Vein" exposing the deadly Fentanyl poisoning, cartels and the national security implications for America, 2019

Cal Poly Cum Laude, 2013

Sigma Delta Chi award from the Society of Professional Journalists, "An Opium Epidemic in Afghanistan," 2009

Associated Press Award "An Opium Epidemic in Afghanistan," 2009

Sigma Delta Chi award from the Society of Professional Journalists, Nuevo Laredo, Mexico "Here we are Prisoners," 2008

Associate Press DC award for reporting in Afghanistan, 2008

California Newspaper Publisher's Award, Millions Misspent, 2006

Center for Immigration Studies Award, Immigration Reporting, 2006

Beyond Borders Investigative Series/ National Headliner Award, 2005

National Headliner Award, Jamie's Story (The Inland Valley Daily Bulletin), 2004

Society of Professional Journalists Award Sigma Delta chi Award, Jamie's Story, 2004

California State Assembly Outstanding Journalism Student, 2003

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

   None.

10. **Bar and Court Admission:**

    a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

       None.

    b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

       None.

11. **Memberships:**

    a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

       International CPAC panels on Immigration, Narcotics trafficking & Border Security
       2017- Present

       Conservative Political Action Committee
       Member, 2016 – Present

       Latino Coalition for Israel
       2024 -2025 (traveled to Israel to meet with official heads of state and victims after the October 7 attacks)

Border 911 Foundation
2024

Independent Women's Forum
Visiting Fellow 2018 to 2019

Kailado Foundation, Fighting Human Trafficking – Speaker and Panel expert

The Dark Wire Investigation Foundation:
Founder 2018 to 2024, it's been suspended. Produced Documentary on Fentanyl, Opioid epidemic "Not in Vein." (Video link supplied in Question 12(e) attachments.) Also, I created an internship study program during COVID lockdowns for university students interested in investigative research and connecting with experts in the field through informal Zoom lectures and lessons.

b. Indicate whether any of these organizations listed in response to 11 (a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published materials, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. Please see the attached Appendix with links to materials responsive to Question 12(a). Hardcopy materials of

electronically unavailable materials were also compiled and physically submitted to the Committee. A Table of Contents of those materials is also attached.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify all items called for in this request, including through reviews of my personal files and searches of publicly available electronic databases. I have not been able to locate any responsive materials.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify all items called for in this request, including through reviews of my personal files and searches of publicly available electronic databases. Please see the attached Appendix with links to materials responsive to Question 12(c). New materials highlighted.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. Please see the

attached Appendix with responsive materials to Question 12(d). New and updated materials highlighted.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews to newspapers, magazines or other publications, or radio or television stations. Please see the attached Appendix with responsive materials to Question 12(e).

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

None.

13. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any roles in political parties or election committees.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not clerked for a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

I have not been affiliated with any law firms or offices.

iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not been a mediator or arbitrator.

v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not held any role in a judicial office.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

I have not practiced law.

ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I have not practiced law.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The following questions do not apply, as I am not an attorney, and I have not practiced law.

i. Indicate the percentage of your practice in: N/A
   1. federal courts:
   2. state courts of record:
   3. other courts:
   4. administrative agencies:

ii. Indicate the percentage of your practice in:

   1. civil proceedings: 0
   2. criminal proceedings: 0

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel. *N/A*

i. What percentage of these trials were:
   1. jury: 0%
   2. non-jury: 0%

e. Describe your practice, if any, before the Supreme Court of the United States.

Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not appeared before the Supreme Court of the United States.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the

litigation and the final disposition of the case. Also state as to each case:

The following questions do not apply, as I am not an attorney, and I have not practiced law.

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

16. **Legal Activities:** Describe the most significant legal activities you have pursued including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I am not an attorney, and I have not practiced law.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught courses at any academic institution; however, I hosted informal lectures with interns and I have included a general outline of those materials.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

    None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more.

    Please see my OGE-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

    See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

    a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

       None.

    b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

       If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Office of National Drug Control Policy's (ONDCP) designated agency ethics officials. If confirmed, I will continue to continue to consult with the ONDCP's ethics office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls

for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. **If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.**

After my husband was wounded in Afghanistan, my stepdaughter and her family started a nonprofit foundation called Warrior Rizen in Utah, helping military, law enforcement, Gold Star families and first responders. The foundation offers a holistic approach to families of the fallen and wounded. We actively volunteer our time and work with the families of servicemembers when needed. More information about the foundation can be found here: https://warriorrizenfoundation.org/

FINANCIAL STATEMENT: NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.) – financial Statement

ASSETS		LIABILITIES	
Cash on hand and in banks	$25,000	Notes payable to banks-secured	M & T Bank: $910,000 (Texas Home Loan) Truck: $55,000/ $1,211 monthly
U.S. Government securities-add schedule	Invesco Mutual Funds Core Bond R: $1.19 million TSP G Fund: $430,000 (Financials attached)	Notes payable to banks-unsecured	USAA: $22,000 owed (Bank) / payment $660 monthly payment

Listed securities-add schedule*	Charles Schwab: $95,000 Roth Contributory IRA $16,500	Notes payable to relatives	0
Unlisted securities--add schedule	0	Notes payable to others	0

Accounts and notes receivable:	Military Retirement (after taxes): $2,700 month VA Disability: $4,500 month Social Security: $4,900 month EOP: $10,000 (after taxes) month Invesco retirement: $5,500 month TSP: 2,000 month	Accounts and bills due	Crystal Clear Water: $350 (average) per month NBU Utilities: $400 (average) per month D.C. Apartment: $3,100 per month Internet: $170/month Trash: $98.99 Mobile Phones: $300/ per month/ USAA Car Insurance: $380/per month

Due from relatives and friends	0	Unpaid income tax	0
Due from others	0	Other unpaid income and interest	0
Doubtful	0	Real estate mortgages payable-add schedule	Texas home $5,178 monthly mortgage
Real estate owned-add schedule**	Texas Home: $1.6 million	Chattel mortgages and other liens payable	0

Real estate mortgages receivable	0	Other debts-itemize:	Target: $5,000 Hilton/Amex: $300 Delta Amex: $15,000 Apple: $13,000 USAA CC: $15,633
Autos and other personal property	BMW X5 2018/ Paid off: worth $20,000		
Cash value-life insurance	0		
Other assets itemize:	Jewelry (insured) $40,000		
		Total liabilities	
		Net Worth	
Total Assets	$3,416,501.00 (roughly) Monthly income: $27,000	Total liabilities and net worth	1,022,933 (roughly) Monthly bills: $12,500 (roughly)

CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	0	Are any assets pledged? (Add schedule)	No
On leases or contracts	0	Are you defendant in any suits or legal actions?	No
Legal Claims	0	Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	0		
Other special debt	0		

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Sara Bailey
Nominee to be Director of National Drug Control Policy
September 24, 2025

1. Past Directors of ONDCP have had backgrounds in public health, medicine, and law enforcement.

    a. Are you a medical professional?
    ANSWER: No.

    b. Have you ever served as a prosecutor or law-enforcement official?
    ANSWER: No.

    c. Have you ever worked for a federal or state government public health agency?
    ANSWER: No.

2. At your hearing, you said that shutting down the border has stopped weapons from being trafficked south across the border during the Trump Administration. What evidence do you have to back up this statement?
    ANSWER: In calendar year 2024 under the Biden Administration, CBP seized 811 weapons at the southwest board being transported from the United States to Mexico. Contrast that with since February 2025, CBP has seized 298 weapons being transported from the United States to Mexico.

3. Your website, SaraACarter.com, is no longer accessible to the public. Online records appear to show that sometime between June 21 and July 19 of this year, the site stopped allowing viewers to see articles you authored.

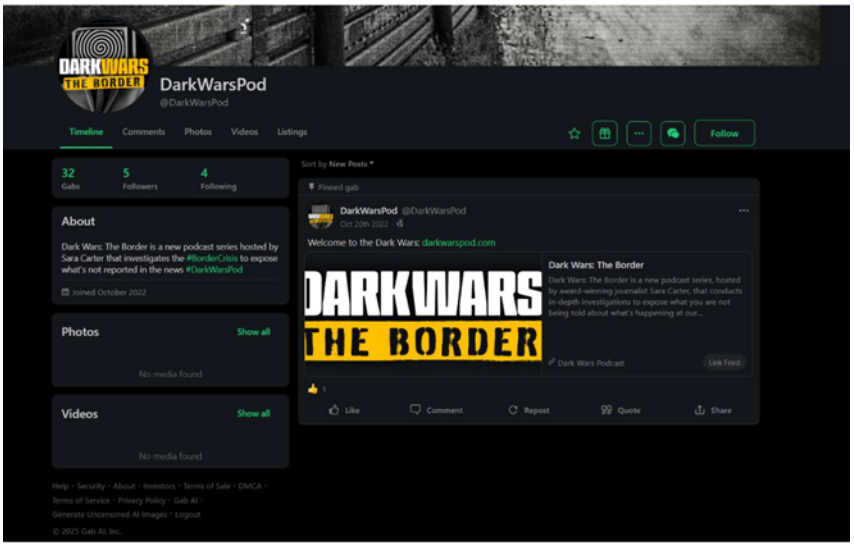
    a. Did you or your staff take your website offline or limit viewing to the public? If so, why?
    ANSWER: Given the nomination, I had to divest from my company DarkWire, Inc, doing business as SAC, which included SaraACarter.com.

    b. Will you commit to making the website public so that members of this Committee can ensure a full and comprehensive review of your record and verify whether any disclosures were omitted?
    ANSWER: The website is still accessible but no longer active given that I had to divest from my company to comply with the ethical requirements of the nomination.

4. Gab is social media platform which *The New York Times* described as a "a haven for white nationalists, neo-Nazis and other extremists." Gab's verified X account has stated that it aims to eliminate our current "Judeo-Bolshevik" society. Gab's CEO, Andrew

Torba, is an outspoken antisemite who has argued that "Zionists" are responsible for the "subversion of American Christianity."

Your podcast, "Dark Wars: The Border," has a Gab page with 32 posts.



a. Does the Gab account depicted in the above photo belong to you?
ANSWER: I was unaware that a Gab account had been created to promote my podcast prior to now. In trying to respond to this question I learned that the Gab account was created by a former associate who was responsible for marketing.

b. Has this account been run by you or any of your current or former associates or business partners?
ANSWER: Please see my response to question 4a.

c. Did you personally create this account or instruct anyone to create it?
ANSWER: Please see my response to question 4a.

d. Have you ever posted on this account?
ANSWER: Please see my response to question 4a.

e. Do you have a personal Gab account?
ANSWER: No.

A 2018 article in *The Wall Street Journal* labels the social media website Gab "a home to anti-Semitic and other extremist speech." The Anti-Defamation League called Gab a

"haven for hate and disinformation." Gab CEO Andrew Torba said in 2022, "The Jews in positions of power do not care that you have the freedom of speech in this country, they care that people like [Kan]Ye have the freedom to reach a lot of people and criticize their power and oversized influence in our culture, government, and society."

f. Do you dispute that Gab serves as a haven for white nationalists and antisemites? If so, why?
ANSWER: I do not have any information on Gab other than what you provided here. Therefore, I cannot confirm or dispute that Gab serves as a haven for white nationalist or anti-Semites.

g. Do you condemn Andrew Torba's comments that are quoted above? Are these comments antisemitic?
ANSWER: I condemn all forms of anti-Semitism.

h. Do you currently follow any Gab accounts that have promoted Holocaust denialism?
ANSWER: No.

i. Why would you or your current or former associates choose to publicize your podcast on a platform that serves as a "haven" for white nationalists and neo-Nazis?
ANSWER: Please see my response to question 4a.

5. Since taking office, President Trump has undertaken massive funding and personnel cuts to public health agencies, hurting Americans dealing with drugs, addiction, and mental health issues.

a. If confirmed, do you plan to continue ONDCP's partnership with the Substance Abuse and Mental Health Administration (SAMHSA)? Please explain the importance of that partnership in combatting drug abuse.
ANSWER: ONDCP maintains strong partnership with SAMHSA and other HHS and federal agencies. The funding cuts have not affected this partnership.

b. Please explain the importance of providing mental health resources to those struggling with addiction.
ANSWER: According to the most recent National Survey of Drug Use and Health, last year, 20.4 million adults in the United States had both some form of mental illness and a substance use disorder, with the highest percentage being young adults aged 18-25. Moreover, it is estimated that approximately 50% of people with a substance use disorder have a co-occurring mental health disorder. Addressing this overlap requires caring for the entire person, and not just treating an individual disease.

c. The Trump Administration has fired thousands of staffers from the Department of Health and Human Services, including many from SAMHSA. Do you believe

reducing the staffing at SAMHSA has helped the U.S. fight the substance abuse crisis?
ANSWER: President Trump is focused on making the government more efficient and reducing waste, fraud, abuse and excess bear acracy. I believe a more efficient government will help the U.S. fight substance abuse.

d. The Trump Administration's terminations have also targeted suicide and mental health crisis hotlines. Will you fight to restore full funding and staffing to these critical programs?
ANSWER: I support the President's budgetary decisions while recognizing the importance of suicide prevention and mental health resources.

e. Please describe the importance of strong data collection efforts to fully understanding the scope and severity of the country's drug abuse problems.
ANSWER: Data is critical to directing smart and effective drug policies and ensuring resources are applied to where they will do the most good. Innovating in data and research is a key part of the President's drug control policy priorities.

f. Do you support the Trump Administration's firing of every single staffer responsible for organizing the National Survey on Drug Use and Health?
ANSWER: I am not aware of the circumstances surrounding the specific personnel decision mentioned in the question and defer to the Department of Health and Human Services.

6. On an episode of your podcast, "The Sara Carter Show," you stated that you supported the legalization of medical marijuana. Specifically, you said, "cannabis for medicinal purposes and medical reasons is a fantastic way" of managing cancer, other illnesses, and related side effects.

   a. If confirmed as ONDCP Director, will you work to legalize medical marijuana on the federal level?
   ANSWER: If confirmed as Director, I will comply with all federal laws and fulfil all statutory responsibilities of the ONDCP. I will also work with the interagency to ensure an examination of all facts and evidence as part of any scheduling or policy actions.

   b. You previously highlighted a quote by then-Rep. Matt Gaetz that "we have seen a generation, particularly of Black and Brown youth, locked up for offenses that should've not resulted in any incarceration whatsoever." Do you agree that people of color have been disproportionately harmed by drug prosecutions?
   ANSWER: I believe that all communities have suffered as a result of illicit narcotics with data showing that certain drugs are more prevalent in some communities.

   c. What actions do you believe our government should take to address the past wrongs Rep. Gaetz highlighted?

ANSWER: If confirmed, I will commit to ensuring effective, timely, evidence-based treatment is available to all Americans. At the same time, through collaboration with the Department of Justice, I will support U.S. Attorneys to hold all drug traffickers accountable.

7. On numerous occasions, you have praised the self-described dictator of El Salvador, Nayib Bukele. President Bukele runs CECOT, a maximum-security prison in El Salvador notorious for human rights abuses.

    a. You previously stated that Senator Tim Kaine and then-Senator Ben Cardin "can only dream of having the same type of popular support President Bukele has among his people." Do you stand by this statement?
    ANSWER: I believe polling data shows that President Bukele is more popular among his people than some U.S. politicians.

Prisoners sent from the United States to CECOT in El Salvador were found to have little to no meaningful contact with legal counsel or family members. According to human rights groups, prisoners at CECOT suffered "systematic physical beatings, torture, intentional denial of access to food, water, clothing, health care," and more injustices.

    b. Do you support prisoners having access to legal counsel?
    ANSWER: I support the Constitution of the United States and the rights afforded by it to its citizens which include the right to legal counsel.

    c. Do you support congressional oversight of prisoners in federal custody?
    ANSWER: I support the Constitution of the United State and the U.S. Congress' oversight role.

You previously tweeted that "El Salvador under @NayibBukele is a reflection of what can be for all of us if we fight against corruption and evil." In 2022, President Bukele declared a state of emergency that suspended freedom of assembly, the right to privacy in one's communications, and the right for individuals to be told they are being arrested.

    d. Do you regret your support for a leader who has routinely violated the civil rights and liberties of his own people?
    ANSWER**:** My tweet was referring to the fight against corruption, gangs, and drug cartels. Several years ago, El Salvador was listed as one of the most dangerous and corrupt countries in the world. This was directly impacting America as many of El Salvador's gang and drug problems were spilling over to the U.S. My focus is on the safety and well being of America.

    e. President Bukele has also reportedly jailed thousands of innocent people. Is this an approach to fighting "corruption and evil" that you endorse?

    ANSWER: I have never expressed support for jailing innocent people.

8. In February of 2025, you posted a picture with Hungarian Prime Minister Viktor Orban, praising him for "keep[ing] the EU in check" and stating that there is a "bright future ahead" for him.

    a. What did you mean when praised Prime Minister Orban for keeping the European Union in check?
    ANSWER: I was referencing PM Orban's commitment to put his country ahead of the EU's interest.

    b. Prime Minister Orban has referred to the country under his leadership as an "illiberal democracy" with weaker checks and balances and has targeted the free press and weakened the independence of the judiciary. Do you support these actions?
    ANSWER: I believe in the free press and support the Constitution of the United States.

9. Have you ever promoted claims questioning how Joe Biden won the 2020 election and implying that he engaged in fraud to do so?
ANSWER: Like many Americans, I had concerns about certain irregularities with the 2020 election.

10. Have you ever suggested that Democrats "need [censorship] to even have a chance" to win in the 2022 election?
ANSWER: I have no recollection of the statement, but like most Americans, I was generally concerned with the amount of censorship that conservatives were experiencing during that time period.

11. You reposted Trump advisor Stephen Miller's claims that, "The Democrat Party at every level — judges, politicians, academics, nonprofits — is organized around the defense and protection of the criminal, the monstrous and the depraved. The more vile the threat, the more vociferously the Democrat Party works to protect and enable it." You claimed these were "facts."
Do you stand by this assessment?
ANSWER: Mr. Miller's tweet was in reference to the murder of a young Ukrainian refugee on a train in North Carolina at the hands of a violent repeat offender with over 14 prior arrests. The shocking video of this violent attack was widely distributed and Americans rightly questioned why this violent offender was released.

12. Do you support the rescheduling of marijuana?
ANSWER: If confirmed as Director, I will comply with all federal laws and fulfil all statutory responsibilities of the ONDCP. I will also work with the interagency to ensure an examination of all facts and evidence as part of any scheduling or policy actions.

13. Please see below for a post from your "Dark Wars" podcast's account.

a. Do you run this account, and are you the author of the tweet in question?
ANSWER: This account is run by my prior business. I have access to it but I am not the only person with access. I do not recall if I authored this tweet.

b. If not you, who authored this tweet?
ANSWER: Please see my response to question 13a.

c. Do you stand behind the message of this tweet?
ANSWER: Regardless of authorship, I view this tweet as an attempt to highlight how inappropriate it was for Members of Congress to be holding up paddles during the President's address.

14. In a conversation hosted by the Federalist Society, you called for the Republican members of the House Judiciary Committee to impeach "radical leftist judges."

a. Can a judge be impeached simply for ruling against the president?
ANSWER: I am not an attorney, however, it is my understanding that judges can be impeached for high crimes and misdemeanors.

b. According to a study by Stanford University Professor Adam Bonica, President Trump has lost in 72 percent of cases before Republican-appointed judges. Should these judges be impeached?
ANSWER: Please see my response to question 14a.

15. During his 2025 State of the Union address, President Trump claimed that his administration had canceled funding for research to make mice transgender. You tweeted your confusion and outrage about that funding, posting "$8 million for making mice transgender ? WTF." Reporting has now confirmed that the funding in question served to evaluate the impacts of hormones on breast cancer risks, asthma, and vaccines.

    a. If confirmed as Director of National Drug Control Policy, your office's decision making would benefit from scientific studies. How will you ensure that you base your decisions on facts and data, rather than sensationalist headlines?
    ANSWER: If confirmed, I plan to consult with a wide array of experts in the field and review all applicable data to ensure that my decisions and recommendations are supported by facts.

    b. Do you regret spreading misinformation and mischaracterizing serious public health research?
    ANSWER: I reject the premise of your question. President Trump has put a stop to wasteful spending and ended funding for studies that had little to no scientific value. He has saved the American taxpayer billions of dollars.

16. You expressed outrage following President Biden's grant of clemency to a drug trafficker who later ended up reoffending and going back to jail.

    a. Do you denounce all pardons of individuals who re-offend?
    ANSWER: I was denouncing the pardon of a repeat offender whose prior criminal history and the type of crime committed showed a high likelihood of reoffending.

    b. Several individuals pardoned by President Trump have committed serious crimes after their pardons. Do you denounce President Trump's pardon of Jonathan Braun, who was pardoned for drug trafficking but now faces another five years in prison because he violated the terms of his release?
    ANSWER: The Constitution vests the pardon authority solely on the President of the United States. As a current government employee, it would be inappropriate for me to comment on the President's pardon decisions.

    c. President Trump pardoned Ross Ulbricht, founder of the anonymous online drug marketplace Silk Road. Ross, who was convicted of distributing narcotics and related money laundering, ran a website that helped facilitate hundreds of millions of dollars of illicit drug transactions. Did this pardon make the country safer?
    ANSWER: Please see my response to question 16b.

    d. The Trump Justice Department has argued that a pardon of a January 6 defendant extends to evidence of his drug trafficking. Do you agree with this argument?
    ANSWER: Please see my response to question 16b.

17. You previously attacked then-Senate Leader McConnell, arguing that "Mitch McConnell and the gang are just going to sit back and do mothering as our nation faces one of the most significant crisis [sic] in modern Political history…It's shameful our leadership is out to lunch. Or maybe their inaction is exposing exactly how they feel about President Trump."
Do you stand by your criticism of Senator McConnell?
ANSWER: I do not recall when this statement was made or the context behind it. Like most Americans I sometimes express frustration with the pace of Congress.

18. In 2023, you claimed that "Republican lawmakers appear to care more about themselves and fighting over power than the American people."
Do you stand by this statement?
ANSWER: Please see my response to question 17.

19. Have you ever attacked Republican members of Congress as "sell-outs" who deserve a primary challenge?
ANSWER: Please see my response to question 17.

20. According to a bipartisan report from the House Ethics Committee, there was "substantial evidence" that former Rep. Matt Gatez had broken both internal rules and laws along with "other standards of conduct prohibiting prostitution, statutory rape, illicit drug use, acceptance of impermissible gifts, the provision of special favors and privileges, and obstruction of Congress." In 2020, you hosted him on an episode of "The Sara Carter Show."

    a. Why did you claim that the investigations of former Rep. Matt Gaetz were politically motivated, and that people were going after him because he was "over the target"?
    ANSWER: Like many Americans, I was concerned with the weaponization of law enforcement agencies during the Biden Administration. The House Ethics Committee report you reference was released earlier this year while the podcast in question took place in 2020.

    b. Do you accept the findings of the House Ethics Committee report?
    ANSWER: I have not read the Committee's report.

21. According to reports, you were generally prohibited from appearing on news shows on *Fox News* and instead were limited to the entertainment and opinion side of the network.

    a. Did anyone at *Fox News* ever communicate this to you directly? If so, what did they say?
    ANSWER: This is false as evidenced by my continued contract renewals.

    b. Please estimate what percentage of your appearances on *Fox News* were on news shows, rather than opinion or entertainment shows.
    ANSWER: The majority of my time on Fox News was spent reporting news.

Sean Hannity was reportedly told not to refer to you as an "investigative journalist" because your reporting was not vetted or verified to be meet the network's editorial standards.

c. Was this communicated to you by Mr. Hannity or anyone else at *Fox News*?
ANSWER: This is false and Sean Hannity was never told to do that - this false story came out when I was aggressively covering the Russia hoax as an attempt to discredit my investigations. As we have seen, my reporting on the Russia hoax was proven correct.

A *Fox News* staffer stated that, "on the news side, we don't take really anything Carter 'reports' seriously."

d. Were you aware of the concerns that some at *Fox News* held over the reliability and independence of your reporting?
ANSWER: No.

22. Have you ever published someone else's reporting or writing without attribution on your website?
ANSWER: Not to my knowledge and I have never been sued for plagiarism.

23. Have you ever published someone else's reporting or writing without attribution on the websites of any of your employers, including *Fox News* and *The Washington Examiner*?
ANSWER: Please see my response to question 22.

24. Have you ever been asked to give a public or private apology for errors in your reporting?
ANSWER: No.

25. Please describe the role that cryptocurrency plays in allowing drug traffickers and cartels to sell their illicit narcotics and launder the proceeds and provide your thoughts on how to crack down on this practice.
ANSWER: Cryptocurrency is being used by TCOs to move money quickly and secretly, especially on the DarkWeb which deals primarily in cryptocurrency. Cartels use cryptocurrency to hide the money's trail and avoid traditional banking.
If confirmed, I will work with the interagency to target and dismantle the financial networks that support drug traffickers. Our strategy will recognize that every drug interdiction has a corresponding financial transaction and require that seizures be exploited to generate financial intelligence. We will also continue to levy and enforce sanctions against these criminal networks – up and down the drug supply chain.

26. You previously stated that the "FBI's surveillance tool [was] misused on Jan. 6 suspects."

a. What did you mean by this?
ANSWER: Like many Americans, I was concerned that the FBI and Justice Department's resources were being diverted to arrest non-violent individuals who were then being excessively charged and sentenced to long prison sentences for non-violent crimes.

b. Do you stand by your previous calls to "defund the bureau"?
ANSWER: No, under Director Patel and Attorney General Bondi's leadership the FBI is returning to its core mission of going after criminals.

27. On January 5, 2021, you stated that "the pressure is now on @VP Mike Pence."

a. What did you mean by this?
ANSWER: Like many Americans, I had concerns about certain irregularities with the 2020 election.

28. You tweeted after the 2020 election: "Trump's attorneys battle for 'legitimate votes' as concern mounts over Dominion Voting Systems & Smartmatic…Based on the affidavits given to [Trump election lawyer Sidney] Powell and concern over the election system's integrity there needs [sic] to be investigations."

a. Your former employer *Fox News* was sued by Dominion Voting Systems and paid a $787 million settlement over defamation regarding their election machines. Do you still have concerns about Dominion and Smartmatic's voting machines?
ANSWER: Like many Americans, I had concerns about certain irregularities with the 2020 election.

b. Do you still believe that the election was not decided by legitimate votes?
ANSWER: Please see my response to question 28a.

29. You are a featured curator for the Madison Media Fund, a financial supporter and promoter of "freedom focused filmmakers." Films supported by the fund include *The Eastman Dilemma: Lawfare of Justice* (which premiered on January 6, 2025, at Mar-a-Lago), and fellow curators include Candace Owens, Tucker Carlson, and *In Defense of Internment* author Michelle Malkin.

a. Please describe how you were selected as a curator and your responsibilities in the role.
ANSWER: I was unaware that I had been selected as a curator. According to their own website, they state, "We included Sara Carter as a Madison Media Fund curator because of her established presence…" I was not involved or aware of that decision and I had no role or responsibilities with this organization.

b. Do you currently receive or have you in the past received any compensation from the Fund?
ANSWER: No.

30. In 2024, you sat on the board of directors of Border911, an anti-immigration nonprofit. The founder of the group is Tom Homan, who now serves as President Trump's "border czar."

a. Describe your role and responsibilities during your time with Border911.

ANSWER: I was not on the board of director I was a speaker for Border911

b. Were you involved in the group's fundraiser at Mar-a-Lago, which featured Donald Trump?
ANSWER: Yes.

c. Legal experts argued that the organization was breaking the law by explicitly supporting a political figure, Donald Trump, despite nonprofits being prohibited from doing so. Were you aware that the organization may have been violating federal law?
ANSWER: No federal laws were violated.

31. Please see your prior post below:

a. What did you understand it to mean that your article "got Q'd"?
ANSWER: I do not know what it means to be "Q'd".

b. Why did you retweet this post?
ANSWER: I retweeted a reply to my tweet because it said "great job".

The slogan WWG1WGA, which stands for "where we go one, we go all" is used by the QAnon conspiracy theory community. This community believes that the government is controlled by a cabal of Jewish, Satan-worshipping pedophiles and cannibals who are working to undermine President Trump.

c. Have you ever considered yourself to be a part of the QAnon community?
ANSWER: No.

d. Do you denounce the QAnon conspiracy theory?
   i. If yes, then why did you retweet a QAnon hashtag?
   ANSWER: Please see my response to question 31b.
   ii. If not, why not?
   ANSWER: Please see my response to question 31b.

32. Is there currently a presidentially appointed Deputy Director for the Office of National Drug Control Policy?
ANSWER: **No.**

a. If not: Given your lack of law enforcement, public health, or medical experience, will you commit, if confirmed, to ensuring the appointment of someone with experience in those fields?
ANSWER: It would be inappropriate for me to comment on specific hiring decisions. However, I am committed to hiring the qualified individuals.

33. On an episode of your podcast featuring Rudy Giuliani, you stated that you were in Washington, D.C. on January 6, 2021.

a. Did you attend President Trump's speech on the Ellipse?
ANSWER: No.

b. Were you on Capitol grounds that day?
ANSWER: No.

c. Were you the Capitol or any buildings in the Capitol complex that day?
ANSWER: No.

Question for the Record from Senator Tills to Sara Carter, Nominee for Director of the National Office of Drug Control Policy

1. In recent years, telemedicine prescribing flexibilities have been implemented and extended to increase access to care for patients. Telehealth is now a critical point for care, including for patients who may be prescribed controlled substances as part of their care plan. If confirmed as Director of the ONDCP, how would you look to balance the need for patient access to treatment via telehealth while also leveraging existing infrastructure and technology to help ensure that controlled substances prescribed via telehealth are not misused or diverted, for example, through the use of interstate prescription drug monitoring queries?

   ANSWER: The telehealth flexibilities that began under President Trump's first Administration extended lifesaving treatment to many Americans who could not otherwise access it. Americans in rural areas continue to face those same difficulties in accessing treatment, and I will work to expand responsible telehealth practices that include safe prescribing practices such as prescription drug monitoring systems utilization, and safe prescribing and dispensing practices.

Senate Judiciary Committee Hearing
"Nominations"
Wednesday, September 17, 2025
Questions for the Record for Sara Bailey

QUESTIONS FROM SENATOR BLACKBURN

1. ONDCP is responsible for anti-doping efforts in sport and has specific jurisdiction over the payment of United States dues to the World Anti-Doping Agency (WADA). Over a year ago, WADA betrayed its mission by allowing twenty-three Chinese swimmers to unfairly beat American swimmers event though it knew that they were doping. When the United States opened an investigation into this incident, WADA did not cooperate. Instead, it stonewalled and attempted to intimidate and strongarm the United States. The United States rightfully withheld its 2024 dues to WADA because WADA failed to protect American athletes and have never implemented meaningful governance reforms.

   a. As ONDCP Director, will you take a strong stance against WADA and any other organization that attempts to intimidate the United States and fail to protect Americans?

      ANSWER: Yes, if confirmed, I will be a strong advocate for fair competition and clean sports on behalf of American athletes, especially against the failed practices of WADA.

   b. Will you commit to withholding U.S. dues to WADA if they continue to cover up credible doping allegations and fail to implement meaningful governance reforms?

      ANSWER: Yes, if confirmed, I commit to leveraging any tools available to hold WADA accountable to our athletes.

2. In recent years, telemedicine has expanded, increasing access to care and prescriptions for patients. Telehealth is now a critical point for care, including for patients who may be prescribed controlled substances as part of their care plan. If confirmed as ONDCP Director, how would you balance the need for patient access to telehealth and the need to ensure that patients do not misuse or divert controlled substances prescribed via telehealth, for example, using interstate prescription drug monitoring queries?

   ANSWER: The telehealth flexibilities that began under President Trump's first Administration extended lifesaving treatment to many Americans who could not otherwise access it. Americans in rural areas continue to face those same difficulties in accessing treatment, and I will work to expand responsible telehealth practices that include safe prescribing practices such as prescription drug monitoring systems utilization, and safe prescribing and dispensing practices.

Nomination of Sara Carter Bailey
To be Director of the Office of National Drug Control Policy
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. Bipartisan members of Congress, including Senator Cornyn and me, have been working to reauthorize and improve ONDCP and the HIDTA program.

    a. If confirmed, will you work with us to quickly reauthorize ONDCP?

    ANSWER:. I will always work with Congress on initiatives to improve the health and lives of the American public.

    b. Do you support keeping HIDTA within ONDCP?

    ANSWER: As I stated at my hearing, I support the President's budget and I am dedicated to ensuring the success of HIDTA regardless of where the program ultimately ends up.

    c. If you are confirmed, will ONDCP continue to prioritize expanding access to and use of medication-assisted treatment?

    ANSWER: Yes.

2. Certified Community Behavioral Health Clinics (CCBHCs) are a federal model for offering comprehensive and accessible substance use disorder and mental health services, including outpatient treatment, crisis care, and peer support.

    a. If confirmed, how will you work with CCBHCs in states like Rhode Island to improve recovery outcomes and reduce the rate of overdoses for youths and adults?

    ANSWER: CCBHCs have served over 2 million people and have resulted in decreases in emergency department visits and hospitalizations. The success of the program in connecting people in crisis to the care they need has created an appropriate increase in demand for them around the country. As Director, I would welcome the opportunity to work with CCBHCs in Rhode Island, and elsewhere around the country, to ensure they have the resources they need to better serve the needs of their communities.

    A few days after the January 6 attack on the Capitol, you recorded a podcast episode with Rudy Giuliani. You said during that podcast that you were in Washington, D.C., on January 6, 2021.

    b. Is that correct?

ANSWER: Yes.

c. Why were you in Washington, D.C., on January 6, 2021?

ANSWER: I lived in the area during that time.

d. Did you ever enter Capitol grounds on January 6, 2021? If so, for how long and for what purpose?

ANSWER: No.

e. Did you ever enter the Capitol building or a congressional office building on January 6, 2021? If so, for how long and for what purpose?

ANSWER: No.

f. Was the Capitol attacked by a violent mob on January 6, 2021?

ANSWER: The events of January 6, 2021, are well documented. Many individuals were arrested and charged with attacking Capitol Police officers.

Senate Judiciary Committee
Nomination Hearing
September 17, 2025
Questions for the Record
Senator Amy Klobuchar

For Sara Carter, to be Director of the Office of National Drug Control Policy

1. One of my top priorities is ONDCP's High Intensity Drug Trafficking (HIDTA) Program. The resources and support that HIDTA provides its partners in law enforcement have proven invaluable. For example, the North Central HIDTA program—which includes Minnesota and Wisconsin—was responsible for seizing over 2.2 million fentanyl pills; 1,700 kilograms of meth; nearly 475 kilograms of cocaine; and more than 1,500 crime guns.

   That's why I am concerned when the Administration proposed cutting $102 million — or more than one-third of the HIDTA budget. The bills that have been reported out of the Appropriations Committee did not adopt the administration's request to slash HIDTA funding.

   - If confirmed as ONDCP Director, do we have your commitment that ONDCP will utilize all of the funds Congress appropriates to support law enforcement?
     ANSWER: Yes.

2. I have heard from numerous law enforcement officials, both in Minnesota and nationally, who are concerned about reports that the Administration is considering moving HIDTA out of ONDCP and into the Justice Department.

   - Congress specifically placed HIDTA within ONDCP by statute. Do you agree that absent direct authorization from Congress, it cannot be moved to the Justice Department?
     ANSWER: That is my understanding, however, I am not an attorney and cannot give a definitive legal answer.

3. I am very concerned about the prevalence of illegal drugs in our communities—especially when it comes to fentanyl, which is having particularly deadly consequences. The latest data from the Minnesota Department of Health indicates that synthetic opioids like fentanyl were involved in 70 percent of all overdose deaths in my state.

   - What do you see as the ONDCP's role in addressing the opioid epidemic, particularly as it relates to synthetic opioids?
     ANSWER: If confirmed as Director, I will use ONDCP's statutory authorities to develop policies and budgetary guidance and coordinate across Federal and state government to take the decisive action needed to stop the flow of dangerous drugs into our communities and reducing drug use in the country.

Nomination of Sara Carter Bailey to be Director of the
Office of National Drug Control Policy
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR COONS

1. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.
   ANSWER: I cannot answer a hypothetical. In the time of I've known President Trump, I have never seen him instruct myself or others to do anything illegal or unethical.

   a. If you would not resign, what would you do?
      ANSWER: Please see my response to question 1.

2. As the Director of the Office of National Drug Control Policy (ONDCP), when is it appropriate to refuse to follow a directive from the President?
   ANSWER: Please see my response to question 1.

3. How would you respond if your role at the ONDCP required you to follow a policy directive that you thought was unconstitutional?
   ANSWER: Please see my response to question 1. If confirmed, I will follow all applicable laws.

4. You said at your confirmation hearing, at the conclusion of your opening statement, that "our objective is not mitigation; it is victory."

   a. In your view, what constitutes "victory" at the ONDCP?
      ANSWER: Preventing Americans from losing their lives to dangerous drugs is ONDCP's first and most fundamental responsibility, and will be my top priority as Director.
   b. What concrete steps will you take as Director to achieve your idea of "victory"?
      ANSWER: As stated at the hearing, my strategy is to eliminate the poison sold by criminals and champion for prevention and treatment efforts. One of the most important things we can do to save lives is to get fentanyl off our streets. A secure border, aggressive domestic enforcement, and accountability for source countries, are the most effective strategies for protecting American lives. At the same time, we must also prevent illicit opioid use before it starts. That begins with raising awareness about overdose prevention through reimagined and reinvigorated public health and educational campaigns and expansion of evidence-based treatment.

5. Deaths caused by opioid overdoses have reached epidemic levels in the United States, including in Delaware, with devastating consequences for communities and families.

   a. What actions do you believe are most effective to combat the opioid epidemic?

ANSWER: As stated at the hearing, my strategy is to eliminate the poison sold by criminals and be a champion for prevention and treatment efforts. One of the most important things we can do to save lives is to get fentanyl off our streets. A secure border, aggressive domestic enforcement, and accountability for source countries, are the most effective strategies for protecting American lives. At the same, we must also prevent illicit opioid use before it starts. That begins with raising awareness about overdose prevention through reimagined and reinvigorated public health and educational campaigns and expansion of evidence-based treatment.

b. How do you think the ONDCP can help break the cycle of addiction?
ANSWER: We must ensure that all individuals struggling with addiction and substance use disorder can find treatment and eventual recovery to lead productive, healthy lives. Central to this is ensuring effective, timely, and evidence-based treatment is available to all Americans who need it.

6. You have been a Special Advisor at the ONDCP since June 2025.

   a. What were your responsibilities in that role?
   ANSWER: As a Special Advisor, my role at ONDCP was to advise the Acting Director who up until September was a career official.

   b. What have you accomplished since assuming that role?
   ANSWER: I have familiarized myself with the structure, programs, and mission of the organization while providing advice on the overall guidance of the Trump Administration, including connecting with other political staff at the White House.

   c. Describe the selection process that resulted in you being named a Special Advisor.
   ANSWER: I was appointed to the position.

   d. Who made the decision to hire you as a Special Advisor?
   ANSWER: The President's Personnel Office.

7. Please explain why you are qualified for the position to which you have been nominated.
ANSWER: As I stated at my hearing, I have over 20 years of experience covering issues related to drug smuggling, human trafficking, and illicit narcotics. I spent years covering the southern border and broke news stories that Congress later held hearings about. I have also worked closely for years with law enforcement and the medical community to better understand the complexities of America's fight against illicit drugs. I also helped bring national attention to challenges faced by law enforcement and victims of illicit drugs.

   a. Do you have a medical degree? If so, please provide the date you earned the degree and the name of the institution from which you earned it.
   ANSWER: No.

b. Do you have a degree in public health? If so, please provide the date you earned the degree and the name of the institution from which you earned it.
ANSWER: No.

c. Aside from your tenure as a Special Advisor at ONDCP, have you ever held a position in a local, state, or federal public health agency? If so, please list the title(s) you held and the dates you held the position.
ANSWER: No.

d. Have you ever held a position in local, state, or federal law enforcement? If so, please list the title(s) you held and the dates you held the position.
ANSWER: No.

8. One of the ONDCP's primary responsibilities is crafting the National Drug Control Strategy every two years.

   a. What sources will you consult and resources will you employ to ensure that the 2026 Strategy contains the best evidence-backed proposals possible?
   ANSWER: I will examine prior ONDCP strategies, review healthcare provider, law enforcement, and other stakeholder input solicited by ONDCP, and leverage the experts and personnel at ONDCP and the 19 drug control program agencies.

9. You said in your Senate Judiciary Committee confirmation hearing that you support President Trump's budget request for FY 2026. ONDCP's 2026 Budget Request proposes to transfer the High Intensity Drug Trafficking Areas (HIDTA) program to the Department of Justice. It also proposes to transfer the Drug-Free Communities Support program, the Anti-Doping Activities program, and the World Anti-Doping Agency membership dues to the Department of Health and Human Services.

   a. If enacted, how will moving the HIDTA program from ONDCP to DOJ affect the program?
   ANSWER: I cannot speculate on potential hypothetical situation. However, I can reaffirm my commitment to ensuring the success of the HIDTA program.

   b. Are you supportive of the proposal to move the HIDTA program from ONDCP to DOJ? Why or why not?
   ANSWER: As I stated at my hearing, I support the President's budget and I am dedicated to ensuring the success of HIDTA regardless of where the program ultimately ends up.

   c. If enacted, how will moving the Drug-Free Communities Support program, the Anti-Doping Activities program, and the World Anti-Doping Agency membership dues from ONDCP to the Department of Health and Human Services (DHHS) affect those programs?
   ANSWER: I cannot speculate on potential hypothetical situation. However, I can reaffirm my commitment to ensuring the success of these programs.

d. Are you supportive of the proposal to move these programs to DHHS? Why or why not?
ANSWER: As I stated at my hearing, I support the President's budget and I am dedicated to ensuring the success of these programs regardless of where the programs ultimately end up.

10. President Trump's FY 2026 budget for ONDCP zeroes out the following programs: Drug Court Training and Technical Assistance, Model Acts Program, and Section 103 of Public Law 114-198 (that is, grants created by the *Comprehensive Addiction and Recovery Act of 2016*).

    a. Do you support these cuts?
    ANSWER: I support the President's budget.

    b. Do you support the use of specialized courts, such as drug courts and Veterans Treatment Courts?
    ANSWER: Specialized treatment courts are a proven, cost-effective approach for reducing crime and recidivism, and preventing overdose deaths by helping to get individuals with substance use disorders the help they need. The President's Statement of Drug Policy Priorities states, "We will encourage state and local efforts facilitating law-enforcement-assisted diversion to connect people who use drugs with supportive services that divert them from incarceration and reduce recidivism." Offering treatment and opportunities for change is a worthwhile investment for people who break the law because of their addiction.

11. The Department of Justice FY 2026 budget request also contains a 34 percent budget cut to the HIDTA program. I am concerned, as are many law enforcement agencies and associations, that this cut would make it harder for law enforcement to fight drug activity and ensure public safety—including in places like New Castle County in Delaware, which is part of the Philadelphia/Camden HIDTA.

    a. Do you support this cut?
    ANSWER: As mentioned during my hearing, I support the President's budget. The HIDTA Program is critical to drug enforcement efforts nationwide, and I applaud the Liberty Mid-Atlantic HIDTA for its successes in disrupting and dismantling drug trafficking organizations throughout the region. I recognize that federal funding is imperative to programs such as HIDTA and I am a strong advocate for law enforcement.

    b. At your Senate Judiciary Committee hearing, you told Ranking Member Durbin that the *One Big Beautiful Bill Act* supplements this funding. What code provision in the *One Big Beautiful Act* were you referencing in your response to Ranking Member Durbin?

ANSWER: SEC. 100051 (7) Appropriation for the Department of Homeland Security, which provides funding to support state and local participation in homeland security efforts.

12. On August 27, 2024, you wrote a post on X about interviewing a prisoner at CECOT, the maximum-security prison in El Salvador. You wrote that "El Salvador under [President Nayib Bukele] is a reflection of what can be for all of us if we fight against corruption and evil. [The prisoner] was once a child with hopes and dreams - he was recruited into MS13 at the age of 15 - he will now spend the rest of his life in prison under terrorism laws implemented by Bukele. Those laws have put thousands in prison but more importantly those laws are saving future generations."

    a. Do you support opening a prison like CECOT in the United States?
    ANSWER: I support the President's mission to make America safe again and would consult with DHS and DOJ with respect to safe and effective prison systems.

    b. Do you support President Trump's plan to send U.S. citizens to CECOT?
    ANSWER: I support the President's mission to make America safe again by incarcerating and deporting violent criminal gang members.

13. Relatedly, you have frequently stated that individuals involved in drug trafficking should receive harsh punishments. On February 17, 2025, you said on your podcast, *The Sara Carter Show*, that in order to "save our society from the horrors that we have seen over the last . . . hundred years," the United States needs to "seize these organizations, get them off our streets, put them in prison indefinitely."

    a. Do you support mandatory life imprisonment sentences for drug traffickers?
    ANSWER: I support serious consequences for drug traffickers who flood our streets with fentanyl and other illicit drugs that lead to the death of tens of thousands of Americans every year.

14. At your Senate Judiciary Committee confirmation hearing, you said you will work to "systematically reduc[e] the demand for [drugs] here at home through robust prevention, treatment, and recovery support."

    a. Please explain how you will accomplish this goal with the resources currently available to the ONDCP.
    ANSWER: Our approach will be balanced, and within ONDCP's available resources, we will work to prevent drug use before it starts, save the lives of those who overdose, and provide access to evidence-based treatment leading to long-term recovery for everyone who needs it. This will be complemented by our work in preventing the production of illicit drugs overseas and their movement across our borders and into our communities; holding accountable those who traffic in illicit drugs and their raw materials, as well as those who facilitate the illicit drug trade.

b. In April, the Trump administration cut $88 million in DOJ grants focused on addressing substance use and mental health disorders. Do you support these cuts?
ANSWER: I support the President's budgetary decisions, and will use all the resources available to address both the demand for illicit drugs in the United States as well as reducing their supply in America's communities.

c. As of June, the administration has terminated at least $257 million in grants to the Substance Abuse and Mental Health Services Administration related to drugs, addiction, and overdose. Do you support these cuts?
ANSWER: I fully support the President's budgetary decisions, and will work closely with our colleagues in SAMHSA on the full range of actions to reduce the demand for illicit drugs in America.

d. In March 2025, the administration attempted to cut over $11 billion in public health grants allocated to help states fund addiction treatment, track mental health services, and more. Do you support these cuts?
ANSWER: I fully support the President's budgetary decisions, and I am committed to working with our state and local partners to increase access to the full range addiction treatment and mental health services.

15. After the U.S. military struck a boat off the coast of Venezuela, you wrote on Truth Social on September 2, 2025, that "[t]his is the only language the Narco terrorists understand… And President Donald J Trump delivers the message loud and clear."

a. Do you support President Trump's decision to use American military forces to strike suspected drug traffickers off the coast of Venezuela?
ANSWER: I support the President's decision use all the tools available to him including the military to combat narco terrorist who are responsible for the deaths of tens of thousands of Americans each year due to overdose.

b. Do you think President Trump's decision comported with U.S. law? Why or why not?
ANSWER: Please see my response to question 15a.

c. Do you think President Trump's decision comported with international law? Why or why not?
ANSWER: Please see my response to question 15a.

16. On your podcast, *The Sara Carter Show*, on April 1, 2025, you referred to federal judges as "political dogs of the Democratic party coming out to be a barrier against progress."

a. Do you recall making that statement?
ANSWER: Like many Americans I was voicing my frustration that after an election in which President Trump decisively won, the will of the American people was being thwarted by federal judges issuing injunctions that the Supreme Court later found exceeded their authority.

b. Do you still agree with this statement?
ANSWER: Please see my response to question 16a.

c. Which federal judges do you think are "political dogs of the Democratic party"?
ANSWER: Please see my response to question 16a.

17. On your podcast, on March 23, 2025, you said that "Deep State" players such as Hillary Clinton, President Clinton, President Biden, Jill Biden, and President Obama do not care about the Constitution, that they are "power hungry monsters . . . that are Marxist radicals . . . that's why they're spying . . . that's why the PATRIOT Act was so important to them."

a. Do you recall making that statement?
ANSWER: Yes.

b. Do you still agree with this statement?
ANSWER: I was expressing concern that during the various Administrations listed, actions were taken that were later found unconstitutional.

c. Do you think that President Obama is a "Marxist radical"?
ANSWER: Like many on this committee, I was and am concerned about the inappropriate spying by the federal government.

18. On your podcast, on May 10, 2022, you said, "so we've got to be really careful because there's a lot of people that want to keep whatever's going on in our skies a secret." You added: "Guys, if there's stuff in our skies flying around our nuclear facilities and around our naval warships and our, you know, our F-18 Hornets and they are moving 700 to 900 Gs, we better know what's going on in our skies. We don't know if it's from another planet. We don't know if it's from another universe. I don't know. We don't know."

a. What did you mean by this statement?
ANSWER: Like most Americans and Congress, I was concerned about reports of unidentified aerial phenomenon and the threat that they may pose.

b. Do you think the U.S. government is hiding the existence of aircraft from "another planet" from the American people?
ANSWER: No.

c. Do you think the U.S. government is hiding the existence of aircraft from "another universe" from the American people?
ANSWER: No.

19. On your podcast, on December 4, 2024, you referred to former Speaker of the House and current U.S. Representative Nancy Pelosi as a "reptilian" and a "vampire."
a. Do you recall making these statements?
ANSWER: Yes.

b. Do you still agree with these statements?
ANSWER: This statement was made on a podcast hyperbole to emphasize my dislike of her policies.

c. What did you mean by these statements?
ANSWER: Please see my response to question 19b.

20. You wrote on X on March 25, 2025, that U.S. Rep. Jasmine Crockett "is a very sad, violent and mentally disturbed woman."

a. Do you recall making that statement?
ANSWER: Yes.

b. Do you still agree with it?
ANSWER: This statement was made to emphasize my dislike of her policies and behavior.

c. What did you mean by that statement?
ANSWER: Please see my response to question 20c.

21. You wrote on X on March 10, 2025, that Senator Adam Schiff was a "guilty seditionist." You also wrote on X on June 24, 2024, that then-Rep. Schiff was "Lying Schiff" and that he belongs in prison.

a. Do you recall making those statements?
ANSWER: Yes.

b. Do you still agree with them?
ANSWER: I covered the Russia Hoax extensively which included covering actions taken by then-Rep. Schiff. According to public news sources, Senator Schiff is now under criminal investigation by the Department of Justice. It would be inappropriate for me to comment on this topic.

c. What did you mean by those statements?
ANSWER: please see my response to question 21b.

d. Do you think Senator Schiff should be imprisoned?
ANSWER: Please see my response to question 21d.

22. In the day after the riots at the Capitol on January 6, 2021, you said on your podcast that "the people that participated in it need to be arrested. They need to go to jail." You also said on your podcast that the rioters' actions were "disgusting and wrong." On February 9, 2021, you wrote on X that January 6 "was a horrible moment in American history."

a. Do you still agree with me that the rioters' actions on January 6 were "disgusting and wrong"?
ANSWER: I consider it disgusting and wrong to attack law enforcement.

b. Do you still think that the Department of Justice made the right decision by arresting and seeking prison sentences for January 6 rioters?
ANSWER: I believe and the Supreme Court also later found that the Biden Justice Department improperly applied existing statute to seek excessive prison sentences.

Questions for the Record for Sara Carter
Submitted by Senator Richard Blumenthal
September 24, 2025

1. Prior to June of this year, when you assumed your current position on an acting basis:
   ANSWER: I would like to clarify that I am currently not in an acting role. I serve as a Special Advisor to ONDCP.
   a. Had you ever worked in federal government?
      ANSWER: No.
   b. Had you ever worked in state government?
      ANSWER: No.
   c. Had you ever worked in local government?
      ANSWER: No.
   d. Had you ever worked in tribal government?
      ANSWER: No.

2. Do you have any experience working in public health?
   ANSWER: No. However, I spent years working alongside public health officials and helping to raise awareness for the health challenges the public faced when it came to illicit narcotics.

3. Do you have an educational background in public health?
   ANSWER: No.

4. Do you have any experience working in law enforcement?
   ANSWER: No. However, I spent years working alongside law enforcement and helping to raise awareness for the challenges they face.

5. Do you have an educational background in law enforcement?
   ANSWER: No.

6. Do you have any experience working in drug policy?
   ANSWER: I spent years covering the flow of drugs across the southern border and working alongside law enforcement and border patrol helping to raise awareness for the challenges they face.

7. Do you have an educational background in drug policy?
   ANSWER: No.

8. The Office of National Drug Control Policy administers several programs which provide grants to state and local authorities including the Drug-Free Communities Support Program, which funds community substance use prevention efforts all across the country. If confirmed, will you commit to administering the Drug-Free Communities Support Program in a fair and nonpartisan manner?
   ANSWER: Yes.

9. If confirmed, will you cooperate fully with congressional oversight, including but not limited to requests for documents and data and participation in hearings?
ANSWER: Yes.

10. If confirmed, will you commit to maintaining robust internal controls and oversight mechanisms to prevent misconduct?
ANSWER: Yes.
    a. If confirmed, will you protect federal employees who report misconduct or raise legitimate concerns about decisions undertaken by your office?
    ANSWER: Yes.

11. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?
ANSWER: Yes.

12. You have amplified President Trump's claims that the 2020 election was stolen. Who won the 2020 election?
ANSWER: As I stated at my hearing, Joe Biden was certified as the winner of the 2020 election.

13. Were you in Washington, D.C. on January 6, 2021?
ANSWER: Yes.
    a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?
    ANSWER: No.

14. You have claimed to support law enforcement. Many of those pardoned by President Trump for their roles in the January 6, 2021 attack on the Capitol engaged in assaults on law enforcement.
    a. Do you support President Trump's pardon of Daniel Ball, who threw an explosive device into a tunnel filled with law enforcement officers?
    ANSWER: The Constitution vests the pardon authority solely on the President of the United States. As a current government employee, it would be inappropriate for me to comment on the President's pardon decisions.

    b. Do you support President Trump's pardon of Jacob Lang, who was filmed hitting law enforcement officers with a baseball bat and riot shield?
    ANSWER: Please see answer to question 14a.

    c. Do you support President Trump's pardon of Jeffrey McKellop, who stabbed a police officer in the face with a flagpole?
    ANSWER: Please see answer to question 14a.

    d. Do you support President Trump's pardon of Daniel "D.J." Rodriguez, who plunged a stun gun into the neck of Metropolitan Police Officer Michael Fanone and repeatedly shocked him?

ANSWER: Please see answer to question 14a.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Sara Carter Bailey

1. Who has a constitutional right to due process in the United States?
    a. Do noncitizens present in the United States have a constitutional right to due process?
    ANSWER: That is my understanding, however, I am not an attorney and cannot give a definitive legal answer.

2. Have you ever worked in law enforcement?
    a. If yes, please list your job title, the office you worked in, and the duration of your employment.
    ANSWER: No. However, I spent years working alongside law enforcement and helping to raise awareness for the challenges they face.

3. Prior to 3 months ago, had you ever worked for the government?
    a. If yes, please list your job title, the office you worked in, and the duration of your employment.
    ANSWER: No.

4. Prior to 3 months ago, had you ever worked in drug policy?
    a. If yes, please list your job title, the office you worked in, and the duration of your employment.
    ANSWER: No. I spent years covering the flow of drugs across the southern border and working alongside law enforcement and border patrol helping to raise awareness for the challenges they face.

5. Prior to 3 months ago, had you ever worked in public health?
    a. If yes, please list your job title, the office you worked in, and the duration of your employment.
    ANSWER: No. However, I spent years working alongside public health officials and helping to raise awareness for the health challenges the public faced when it came to illicit narcotics.

6. What was the District Court's ruling in *Newsom, et al. v. Trump, et al.*?
    a. Is President Trump bound by this ruling?
    ANSWER: Since I am not an attorney it would not be appropriate to provide legal analyses of a court case.

7. In your confirmation hearing, Ranking Member Durbin asked you about firearms from the United States being used by the Mexican cartels. Under oath and in response to his question, you stated that "we have significantly reduced the flow [of firearms] going

south as well as coming north." You also promised Ranking Member Durbin that you would produce evidence of this in writing.

a. In the data you used to answer that question, what was the number of weapons being transported from the United States to Mexico in the last reporting period fully covering the Biden administration's time in office?
ANSWER: In calendar year 2024, CBP seized 811 weapons at the southwest board being transported from the United States to Mexico.

b. In the data you used to answer that question, what was the number of weapons being transported from Mexico to the United States in the last reporting period fully covering the Biden administration's time in office?
ANSWER: In calendar year 2024, CBP seized 200 weapons at the southwest board being transported from Mexico to the United States.

c. In the data you used to answer that question, what are the number of weapons being transported from the United States to Mexico in all of the reporting periods covering the Trump administration's time in office?
ANSWER: Since February 2025, CBP has seized 298 weapons being transported from the United States to Mexico.

d. In the data you used to answer that question, what are the number of weapons being transported from Mexico to the United States in all of the reporting periods covering the Trump administration's time in office?
ANSWER: Since February 2025, CBP has seized 56 weapons being transported from Mexico to the United States. In the same time period, ATF had possession of 2 additional weapons intended for transportation from Mexico to the United States.

Nomination of Sara Carter be
Director of the Office of National Drug Control Policy (ONDCP)
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR CORY A. BOOKER

1. During the hearing on your nomination to be Director of the Office of National Drug Control Policy (ONDCP), we discussed the pending cannabis rescheduling process. As you are aware, under the Controlled Substances Act (CSA), the rescheduling process begins when the Department of Health and Human Services (HHS) conducts a scientific evaluation and makes a recommendation to the Drug Enforcement Administration (DEA). Throughout the existence of the CSA's rescheduling process, DEA has never rejected a recommendation by HHS to reschedule a substance.

   a. Who do you believe is better suited to conduct the scientific and medical evaluations of drugs: prosecutors or scientists and doctors?
   ANSWER: As stated at the hearing, if confirmed I will work with all relevant interagency stakeholders to ensure an examination of all facts and evidence. Under the CSA, scientists and doctors use a comprehensive approach in balancing potential risks and benefits of any substance, and the HHS Secretary provides a recommendation to the Attorney General.

   b. If you are confirmed, would you assign more weight to a scheduling recommendation from HHS based on its scientific and medical evaluation of a drug rather than DEA's opinion?
   ANSWER: As stated at the hearing, I support the process under the CSA, and if confirmed I will work with all relevant interagency stakeholders to ensure an examination of all facts and evidence.

2. Provide yes or no responses to following questions:

   a. If you are confirmed, will you support additional federal funding for overdose prevention centers?
   ANSWER: No, I support preventing overdoses and all harms caused by drugs. Each overdose save is an opportunity to connect a person to treatment and give them hope. I also fully support the President's executive orders.

   b. Should fentanyl test strips be legal and federally funded nationwide?
   ANSWER: Fentanyl test strips are one tool in overall overdose prevention efforts, and they should be considered legal and not drug paraphernalia.

   c. Should every emergency room in America be required to have naloxone and offer medication-assisted treatment?
   ANSWER: Yes, every emergency department in the United States has access to naloxone and MAT.

d. Should extreme sentences for low-level fentanyl possession or distribution be eligible for clemency?
ANSWER: The Constitution vests the pardon authority solely on the President of the United States. As a current government employee, it would be inappropriate for me to comment on the President's pardon decisions.

e. Do you believe the "War on Drugs" approach has failed to reduce overdose deaths?
ANSWER: Our approach will be balanced: preventing the production of illicit drugs overseas and their movement across our borders and into our communities; holding accountable those who traffic in illicit drugs and their raw materials, as well as those who facilitate the illicit drug trade; preventing drug use before it starts; saving the lives of those who overdose; and providing access to evidence-based treatment leading to long-term recovery for everyone who needs it.

f. If you are confirmed, do you commit to treating the fentanyl overdose crisis primarily as a public health crisis and not only a criminal justice issue?
ANSWER: If confirmed, I will work to advance as the full range of actions to reduce the demand for these drugs in America, and work equally hard to support the law enforcement community in countering transnational criminal organizations and stopping the flow of dangerous drugs into our country and our communities.

g. If you are confirmed, will your leadership include treating fentanyl policies as justification for harsher domestic immigration enforcement?
ANSWER: No.

h. Do you believe increased criminal penalties adequately deter people struggling with addiction from using drugs?
ANSWER: No. Deterrence and incentives are both important motivators in changing the behavior of drug use.

3. If you are confirmed, how do you plan to shift federal drug policy from a punitive law-enforcement model to a public health-centered model in order to address fentanyl overdoses?
ANSWER: People with a substance use disorder warrant compassionate care. Those who have been convicted of harming others, and profiting from those with substance use disorder must face the appropriate consequences. Offering treatment and opportunities for change is a worthwhile investment for people who break the law because of their addiction.

4. Given the failures of past "War on Drugs" crackdowns, if you are confirmed, how will your approach explicitly avoid repeating policies that increased incarceration without reducing overdose deaths?
ANSWER: If confirmed, I commit to saving lives and protecting America in every way possible as the Director of National Drug Control Policy. I will support the President's drug policy priorities, and take the decisive actions needed to stop the flow of dangerous drugs into our communities. That involves countering the foreign terrorist organizations

who traffic in illicit drugs, disrupting the global illicit supply chain, and holding accountable the countries that are sources of precursor chemicals and finished drugs that enter into the United States. At the same time, I will work to build a drug free America as the social norm and increase the availability of treatment that leads to long-term recovery at all parts of the continuum of the disease.

5. In April 2025, ONDCP released the Trump Administration's Drug Policy Priorities, "a comprehensive and coordinated blueprint to reduce the devastating impact of illicit drugs on American society."[1] The Statement of Drug Policy Priorities identifies a number of priorities that guide the Trump Administration's development of drug control strategy.[2]

   Policy Priority 1 is to "Reduce the Number of Overdose Fatalities, with a Focus on Fentanyl" and includes encouraging "state and local efforts facilitating law-enforcement-assisted diversion to connect people who use drugs with supportive services that divert them from incarceration and reduce recidivism" as well as "encourage[ing] state and local jurisdictions to increase the availability of drug test strips and naloxone to mitigate the impact of deadly drugs on communities across the country."

   a. What is ONDCP's role in supporting diversion of people who use drugs away from incarceration?
      ANSWER: ONDCP supports a compassionate and balanced approach for people facing incarceration because of drugs. This cohort population is best suited to connection with evidence-based treatment and motivation to change while facing accountability for their actions.

   b. What is ONDCP's role in increasing the availability of drug test strips and naloxone?
      ANSWER: ONDCP supports policies for naloxone availability and distribution. Fentanyl test strips are one tool that should be legally available to test for fentanyl adulterated into other drugs.

   c. If you are confirmed, will ONDCP support legislation that expands federal funding to states and tribes to purchase drug checking strips?
      ANSWER: ONDCP supports community drug checking that connects people with treatment opportunities and provides near real time public data.

   d. Now more than ever, it is critical to ensure that those working directly with people who use drugs or are in recovery have access to naloxone. If you are confirmed, what would be your role in guiding the Trump Administration's strategy to ensure naloxone is directed to trusted community and health organizations working with those at highest risk?
      ANSWER: If confirmed, I will work on policies that ensure the access of naloxone.

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[1] *ONDCP Releases Trump Administration's Statement of Drug Policy Priorities*, THE WHITE HOUSE (April 3, 2025), https://www.whitehouse.gov/articles/2025/04/ondcp-releases-trump-administrations-statement-of-drug-policy-priorities/.

[2] STATEMENT OF DRUG POLICY PRIORITIES, OFFICE OF NATIONAL DRUG CONTROL POLICY (April 2025), https://www.whitehouse.gov/wp-content/uploads/2025/04/2025-Trump-Administration-Drug-Policy-Priorities.pdf.

Policy Priority 5 is to "Provide Treatment That Leads to Long-Term Recovery" and includes "expanding access to medications for opioid use disorder (MOUD) and improving integration of mental health treatment with clinical and recovery support services."

e. What is ONDCP's role in expanding access to medications for opioid use disorder?
ANSWER: ONDCP will work to expand access to all the FDA-approved MOUD, and encourage their use not only in opioid treatment programs, but in primary care settings.

f. If you are confirmed, how will ONDCP work with other federal agencies, such as the Food and Drug Administration and the Substance Abuse and Mental Health Services Administration to expand access to medications for opioid use disorder?
ANSWER: If I am confirmed, ONDCP will work with HHS, FDA, SAMHSA and all federal partners to expand treatment of addiction throughout all stages of the disease and by using all available tools, including MOUD.

g. If you are confirmed, what efforts will ONDCP undertake to expand access to medications for opioid use disorder?
ANSWER: If I am confirmed, ONDCP will work on policy to expand access to all the FDA-approved MOUD, and encourages their use not only in opioid treatment programs, but in the primary care settings.
Policy Priority 6 is to "Innovate in Research and Data to Support Drug Control Strategies" and includes prioritizing "the continuous collection and analysis of accurate, timely, and relevant data to inform policy."

h. If you are confirmed, how will you improve the capacity of ONDCP's Office of Public Health?
ANSWER: ONDCP's Office of Public Health is supported by a Chief Medical Officer board certified in emergency medicine and addiction medicine as well as a team of policy, public health, and pharmacy expertise. The public health office, as all our offices, work collaboratively with all ONDCP components and the interagency.

i. If you are confirmed, how will you improve the capacity of ONDCP's Office of Translational Research?
ANSWER: ONDCP's Office of Translational Research is supported with a strong staff with research, data, epidemiology and statistics expertise. The Translational Research office works collaboratively with ONDCP components and the interagency to continue improving the data and research infrastructures needed to inform drug control policy.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Sara Carter Bailey
Hearing on "Nominations"
Wednesday, September 17, 2025

1. If you are confirmed, you would supervise the High Intensity Drug Trafficking Area — also called HIDTA — programs that are overseen by the Office of National Drug Control Policy and have been utilized throughout the country, since their creation in 1988.

   The New England HIDTA program has done great work in my state of Vermont since it was designated in 1999. I have serious concerns about the Trump Administration's proposal to move HIDTA from your office to the Department of Justice.

   a. Will you commit to ensuring that HIDTA is able to continue its work within the Office of National Drug Control Policy?
   ANSWER: As I stated at my hearing, I support the President's budget and I am dedicated to ensuring the success of HIDTA regardless of where the program ultimately ends up.

2. Four days after we met to discuss your nomination prior to your confirmation hearing, on September 7, you reposted a tweet by Stephen Miller. In it, he said "The Democratic Party at every level—judges, politicians, academics, nonprofits—is organized around the defense and protection of the criminal, the monstrous, and the depraved. The more vile the threat, the more vociferously the Democrat Party works to protect and enable it."

   You added your own statement to Mr. Miller, writing "Facts" with an emoji pointing a finger at the text of the tweet.

   a. For the record, can you clarify whether you agree with Stephen Miller's tweet?
   ANSWER: Mr. Miller's tweet was in reference to the murder of a young Ukrainian refugee on a train in North Carolina at the hands of a violent repeat offender with over 14 prior arrests. The shocking video of this violent attack was widely distributed and Americans rightly questioned why this violent offender was released.

3. On your podcast *The Sara Carter Show*, you said on September 30, 2024, that Democratic Party is "an extreme radical party that is literally trying to rob our nation of its freedom, rob you of its freedom, rob our nation of its constitution." You added that Democrats are "monsters, swamp creatures, liars, charlatans."

a. For the record, do you believe Democrats are "monsters?"
ANSWER: Those statements were made in the lead up to what I consider was one of the most consequential Presidential elections of my lifetime Those statements were directed at the national ticket of the Democratic party at the time and does not reflect how I feel about all Democrats.

b. Do you believe Democrats are "swamp creatures?"
ANSWER: Please see answer to question 3a.

c. Do you believe Democrats are all "liars?"
ANSWER: Please see answer to question 3a.

d. Do you believe Democrats are "charlatans?"
ANSWER: Please see answer to question 3a.

e. Do you believe it was ever appropriate to make these comments or share them with your followers? Please explain.
ANSWER: Please see answer to question 3a.

4. If confirmed as Director of the ONDCP, how would you balance the need for patient access to treatment via telehealth while also leveraging existing infrastructure and technology to help ensure that controlled substances prescribed via telehealth are not misused or diverted, for instance, through the use of interstate prescription drug monitoring queries?
ANSWER: Telehealth brings several important benefits to patients, providers, and the health system overall. If confirmed as Director, I will work to minimize drug diversion and misuse by the continued use of Prescription Drug Monitoring (PDMP) systems, interstate queries on prescription histories, and safe prescribing and dispensing practices.

August 20, 2025

The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin:

On behalf of the Association of State Criminal Investigative Agencies (ASCIA), I am writing to express our support for the nomination of Sara Carter to serve as Director of the Office of National Drug Control Policy (ONDCP).

ASCIA represents the leadership of the investigative divisions within state law enforcement agencies in all 50 states. These agencies lead complex investigations into violent crime, drug trafficking, organized criminal networks, and cybercrime. Our members also operate the majority of forensic science laboratories in the United States and work closely with federal partners on cases that routinely cross local and state boundaries.

We recently had the opportunity to meet with Ms. Carter and were encouraged by her commitment to a balanced, multipronged approach to drug policy - one that addresses enforcement, prevention, and treatment together. We believe her leadership style and priorities align with the real-world challenges we face in communities across the country.

During our discussion, we stressed several priorities we believe are central to an effective national drug control strategy. We emphasized the importance of keeping the High Intensity Drug Trafficking Areas (HIDTA) program within ONDCP, where its neutrality and effectiveness can be preserved and resources directed to the communities most affected by trafficking. We urged the restoration of the Byrne Justice Assistance Grant (JAG) program to its original purpose of supporting regional drug task forces, and highlighted the continued importance of the Community Oriented Policing Services (COPS) Anti-Methamphetamine Program (CAMP), the COPS Anti-Heroin Task Force Program (AHTF), and the Paul Coverdell Forensic Science Improvement Program, which together help state and local agencies manage growing caseloads and strengthen investigative capacity. We also underscored the need to protect critical investigative tools such as the National Integrated Ballistic Information Network (NIBIN), and to safeguard access to technologies and data-driven capabilities that allow our agencies to keep pace with evolving threats.

We found Ms. Carter receptive to these priorities and committed to maintaining a close partnership with state and local law enforcement. Her background as an investigative journalist - reporting from war zones abroad and exposing cartel operations along the U.S.-Mexico border - gives her a deep understanding of the drug threat at both the international and national levels.

For these reasons, ASCIA is proud to support Sara Carter's nomination to serve as Director of the ONDCP. We are confident she will provide strong, principled leadership and work to ensure federal policy is responsive to the needs of state and local law enforcement, while also addressing the root causes of addiction and trafficking. We respectfully urge the Committee to advance her nomination.

Sincerely,

Drew Evans
President, Association of State Criminal Investigative Agencies

Chairman
Sheriff Joe Frank Martinez
Val Verde Co.

First Vice-Chair
Sheriff Urbino Martinez
Brooks Co.

Second Vice-Chair
Vacant

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Sheriff Chris Castaneda
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Sergeant-at-Arms
Sheriff Danny Dominguez
Presidio Co.

Director
Sheriff Eusevio Salinas
Zavala Co.

Director
Sheriff Tom Schmerber
Maverick Co.

September 5, 2025

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin:

We are writing to express our strong support for the nomination of Sara Carter to serve as Director of the Office of National Drug Control Policy (ONDCP). Ms. Carter is an excellent nominee with significant experience and a passion for getting the job done.

As Sheriffs working along the southern border, we deal with unique challenges every day. Our people put their lives on the line to combat human trafficking, drug smuggling, and violent crime perpetrated by sophisticated and well-funded cartels. Crimes that impact real people and have real victims. The cartels that perpetuate these crimes run billion-dollar enterprises with little to no regard for human life. To combat these cartels and address the drug epidemic facing our nation, Washington needs bold and innovative leadership. Ms. Carter is precisely who we need.

Ms. Carter's commitment to the truth, and firsthand experiences imbedded with our nation's military and law enforcement is proof that she has the determination to get the job done, as well as an understanding for what the men and women in uniform experience daily. Ms. Carter spent years bringing national attention to the often-unmitigated flow of drugs through our southern border. She exposed cartel operated tunnels used to smuggle drugs and people. Shining a light on human trafficking and the vicious crime that occurs along our southern border. Ms. Carter has worked with local, state, and federal authorities to bring national attention to these issues.

Ms. Carter has firsthand knowledge of the challenges we face and the criminal elements that we are up against. She has shown herself to be a tireless advocate for victims of crime and law enforcement. This is precisely the bold and innovative leadership that we need.

We strongly urge you to confirm Sara Carter as the next Director of ONDCP.

Respectfully,

Clint McDonald

William C. McDonald
Executive Director
Texas Border Sheriff's Coalition

Southwestern Border Sheriff's Coalition
PO Box 821, Junction, TX 76849
Tel (325) 215-2403

Clint McDonald
Executive Director

2024-2026
SWBSC Officers

C**Sheriff Mark Dannels**
Chairman
Cochise County, AZ

Sheriff David Black
First Vice-Chairman
Otero County, NM

Sheriff Benny Martinez
Secretary
Brooks County, TX

Sheriff Fred Miramontes
Treasurer
Imperial County, CA

Sheriff Leon Wilmot
Director
Yuma County, AZ

Sheriff Eddie Guerra
Director (PC)
Hidalgo County, TX

www.bordersheriffs.us

September 5, 2025

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin:

We are writing to express our strong support for the nomination of Sara Carter to serve as Director of the Office of National Drug Control Policy (ONDCP). Ms. Carter is an excellent nominee with significant experience and a passion for getting the job done.
As Sheriffs working along the southern border, we deal with unique challenges every day. Our people put their lives on the line to combat human trafficking, drug smuggling, and violent crime perpetrated by sophisticated and well-funded cartels. Crimes that impact real people and have real victims. The cartels that perpetuate these crimes run billion-dollar enterprises with little to no regard for human life. To combat these cartels and address the drug epidemic facing our nation, Washington needs bold and innovative leadership. Ms. Carter is precisely who we need.

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Ms. Carter has firsthand knowledge of the challenges we face and the criminal elements that we are up against. She has shown herself to be a tireless advocate for victims of crime and law enforcement. This is precisely the bold and innovative leadership that we need.

We strongly urge you to confirm Sara Carter as the next Director of ONDCP.

Respectfully,

William C. McDonald
Executive Director
Southwestern Border Sheriff's Coalition

Police Department

City of Arts & Innovation

August 12, 2025

Dear Honorable Senators Chuck Grassley and Dick Durbin
Senate Judiciary Committee Chair and Ranking Member

Subject: Strong Support for the Nomination of Sara Carter as Director of the Office of National Drug Control Policy (ONDCP)

On behalf of the Riverside Police Department, I am writing to express my strong support for the nomination of Sara Carter to serve as the next Director of the Office of National Drug Control Policy (ONDCP). Her extensive investigative background, unyielding commitment to truth, firsthand experiences in Afghanistan, Central and South America, and her demonstrated advocacy for survivors of human trafficking and narcotics-related crimes make her uniquely qualified to lead this critical agency.

As a law enforcement leader who has seen firsthand the devastating impacts of narcotics trafficking, human trafficking, arms trafficking, and the financial crimes that support them, I know the importance of strong, informed leadership at the national level. Dismantling these criminal enterprises requires not only deep knowledge of their interconnected nature but also the courage to confront entrenched systems that allow them to persist. Ms. Carter has spent her career exposing cartels, gangs, and predators who prey on the most vulnerable in our communities, doing so with integrity, fearlessness, and compassion.

Through her investigative reporting, Ms. Carter has brought national attention to the same types of complex, multi-jurisdictional cases my officers and I face—cases involving organizations trafficking people, narcotics, and weapons, often embedded within our schools and youth-serving systems. She has demonstrated a rare ability to translate survivors' voices into actionable intelligence, driving both awareness and policy change at the highest levels of government.

The challenges ONDCP faces today—fentanyl overdoses at record highs, organized crime infiltrating communities, and trafficking operations adapting at alarming speed—demand a Director who can bridge intelligence, policy, and public engagement. Ms. Carter has the proven skill, insight, and determination to unify federal, state, local, and survivor-led initiatives into a cohesive national strategy.

4102 Orange Street, Riverside, CA 92501 | Phone: (951) 826-5700 | **RiversideCA.gov**

Humility & Grit

Her leadership would ensure that ONDCP remains agile, effective, and focused on protecting our most at-risk populations. Sara Carter's nomination represents an opportunity to strengthen our nation's ability to combat transnational organized crime while safeguarding the well-being of the communities we serve.

I urge you to confirm Sara Carter as the next Director of ONDCP without delay. The safety of countless Americans—and the integrity of our national security—depend on having a leader of her caliber, vision, and resolve.

Respectfully,

Larry V. Gonzalez
Chief of Police

California Narcotic Officers' Association

28245 Avenue Crocker Ste 230 - Santa Clarita, California 91355-1201
(661) 775-6960 • (877) 775-NARC • Fax (661) 775-1648 www.cnoa.org

President
BOB COOKE
WSIN

1st Vice President
DEVIN CHASE
Torrance PD (Ret.)

2nd Vice President
JAMES APPLEGATE
El Dorado D.A.'s Office/DEA TF

Sergeant at Arms
JAMES HOFFMAN
San Bernardino Co. S.D. (Ret.)

Executive Director
JOE STEWART
CNOA

Director of Training
JOHN KENNEY
Orange Co. D.A.'s (Ret.)

General Counsel
DAVID R. DEMURJIAN
Huntington Beach

Legislative Counsel
RYAN SHERMAN
Sherman Consulting

Conference Chair
MIKE KENNEDY
SLO Co. D.A.'s (Ret.)

Legislative Chair
ANTHONY MUNOZ
Alameda Co. Sheriff's Office

Region I Chair
TOM MORENO
San Jose P.D.

Region II Chair
SCOTT BACHMAN
DOJ/BI

Region III Chair
JESSE BRAVO
Irwindale P.D.

Region IV Chair
PAUL PAXTON
San Diego P.D. (Ret.)

Region V Chair
ALEX NAOUM
San Bernardino Co. S.D.

Region VI Chair
JASON DICKEL
San Luis Obispo P.D.

Region VII Chair
Dave Garza
Fresno P.D. (Ret.)

Region VIII Chair
BRETT LETENDRE
CA ABC

Immediate Past President
ERNIE COLLASO
Orange Co. D.A.'s.

July 13, 2025

RE: Confirmation of Sara Carter, for the Director of the Office of National Drug Control Policy (ONDCP).

Dear Honorable Senators Chuck Grassley and Dick Durbin
Senate Judiciary Committee Chair and Ranking Member:

I am the President of the California Narcotic Officers' Association (CNOA). Our professional organization represents nearly 6,000 local, county, state, and federal law enforcement officers, attorneys, parole officers, probation officers, criminal intelligence analysts and various support staff, throughout California.

California is one of the few states that no longer has a statewide drug investigative agency. We depend on the support and leadership and collaborative programs managed by ONDCP through the HIDTA program. We believe that Sara Carter will provide effective leadership that will manage all these programs. The HIDTA program gives us the prevention and enforcement strategies that California needs.

HIDTA invests in several key public safety partnerships, including disrupting and dismantling the drug trafficking and money laundering organizations and violent gangs; creating an intelligence sharing network for the timely and accurate sharing of information, in particular drug trafficking and gun violence intelligence, among law enforcement agencies across the country; apprehending America's most wanted fugitives across the world; providing tactical training for officers to help keep safe; as well as building public safety/public health partnerships to reduce drug overdoses and save lives.

We ask that you support Sara Carter, for the Director of ONDCP.

Sincerely,

Bob Cooke
President
CA Narcotic Officers Association

Juli Shamash

2012 S. Canfield Ave

Los Angeles, CA 90034

DrugAwarenessFoundation@gmail.com

Dear Chairman Grassley and Ranking Member Durbin,

I am writing to express my strong support for the confirmation of Sara Carter as the Director of the Office of National Drug Control Policy (ONDCP). At a time when our nation is facing an unprecedented drug crisis, we need a leader who is not only highly qualified, but also deeply compassionate and innovative in their approach. Ms. Carter embodies these qualities.

Throughout her career, Sara Carter has demonstrated a sincere dedication to addressing some of the most difficult challenges facing American families and communities. She is widely recognized as a caring and committed advocate who prioritizes solutions over politics. Her ability to bring together top leaders, experts, and stakeholders from diverse fields is exactly the type of collaborative leadership required to make meaningful progress in combating addiction and drug trafficking.

As a former investigative journalist, Ms. Carter has developed an exceptional ability to communicate complex issues clearly and effectively to the American people. This is a rare and vital skill for the role of Drug Czar. The ONDCP needs a leader who not only understands the complexities of the crisis, but who can also build trust, mobilize communities, and inspire action across the country.

Ms. Carter's combination of compassion, communication skills, and innovative thinking makes her uniquely qualified for this position. I believe she will work tirelessly to support families, strengthen prevention and treatment programs, and implement strategies that save lives.

For these reasons, I respectfully urge you to confirm Sara Carter as Director of ONDCP. Her leadership will bring both hope and results at a time when they are most urgently needed.

Thank you for your consideration.

Sincerely,

Juli Shamash

President, Drug Awareness Foundation

Families Against Fentanyl
PO Box 22548
Akron, OH 44302

September 5, 2025

U.S. Senate Committee on the Judiciary 224
Dirksen Senate Office Building
Washington, D.C. 20510

Re: Recommendation of Sara Carter for Director, White House Office of National Drug Control Policy

Dear Chairman Grassley, Ranking Member Durbin, and Members of the Senate Judiciary Committee,

As the founder of the national nonprofit organization Families Against Fentanyl (FAF), I write to enthusiastically recommend the nomination of Sara Carter for the position of Director of the White House Office of National Drug Control Policy (ONDCP), colloquially known as the United States "Drug Czar."

Families Against Fentanyl is an organization supporting victims who want to declare fentanyl a Weapon of Mass Destruction to impact the highest level of the illicit fentanyl supply chain.

Ms. Carter is a respected investigative journalist and national security expert whose career has been dedicated to uncovering the truth, protecting American communities, and holding institutions accountable. Her in-depth reporting on drug trafficking, border security, and national defense has earned her a unique perspective on the challenges we face in combating illicit fentanyl poisonings, drug abuse and the criminal networks that fuel it.

Sara Carter has consistently demonstrated a clear-eyed understanding of how drug cartels exploit weaknesses in our system—from porous borders to bureaucratic inefficiencies—and how those failures devastate families across the United States. Her hands-on experience, including on-the-ground reporting in conflict zones and at the border, equips her with the insight and urgency this role demands.

The ONDCP needs a leader who can break through partisan barriers and focus the agency's mission on real, measurable outcomes—reducing overdose deaths, dismantling trafficking networks, and promoting recovery for those battling addiction. Ms. Carter brings the tenacity, vision, and moral clarity required to take on this challenge.

Sincerely,

James T. Rauh

James Rauh
Father of Thomas H. Rauh
Founder, Families Against Fentanyl
(330) 903 – 3490 | jim@familiesagainstfentanyl.org

NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS' COALITION
455 Massachusetts Avenue NW, Box 112, Washington, DC 20001
www.nnoac.com

August 21, 2025

The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin,

I write to express the support of the National Narcotic Officers' Associations' Coalition (NNOAC) for the nomination of Sara Carter to serve as Director of the Office National Drug Control Policy (ONDCP). We are front-line law enforcement officers in every community across America, and we believe Ms. Carter can be effective in helping lead a re-balanced national strategy to combat the deadly and economically draining impact of illicit drugs.

The NNOAC is a coalition of state associations representing tens of thousands of law enforcement officers. Nobody in America knows better the day-to-day trends, harms, and needs related to the illicit drug crisis better than we do. We are observing the situation up-close in every community every day. As such, we look forward to offering our expertise to Ms. Carter should she be confirmed as head of ONDCP.

The illegal drug trade continues to devastate lives, fuel violent crime, and undermine public safety across the nation. Ms. Carter's track record demonstrates her ability to prioritize robust enforcement measures to disrupt drug trafficking networks, dismantle cartels, and hold purveyors of poison accountable for the destruction they inflict in our communities.

Under Ms. Carter's leadership, we will support ONDCP's efforts to strengthen federal partnerships with state and local law enforcement, enhance interdiction strategies, and target the supply chains driving the drug crisis. This should include refocusing federal support for multijurisdictional task forces under the Byrne Justice Assistance Grant (JAG) program and increasing support for the High Intensity Drug Trafficking Areas (HIDTA) program while continuing to administer that program at ONDCP.

We respectfully urge the confirmation of Sara Carter as Director of ONDCP. Her commitment to upholding the rule of law while also addressing root causes of drug

demand and distribution will help save lives. We look forward to working with her to advance a national drug control policy that prioritizes public safety, health, and justice.

Sincerely,

Kevin Winslow
Kevin Winslow
Executive Director
National Narcotic Officers' Associations' Coalition

LOST VOICES OF FENTANYL

The days of crying behind closed doors are over!

September 2, 2025

Office of National Drug Control Policy
The White House
1650 Pennsylvania Avenue, NW
Washington, DC 20502

Re: Support for the Confirmation of Sara Carter as Director of ONDCP

On behalf of Lost Voices of Fentanyl (LVOF)—a national nonprofit representing tens of thousands of bereaved and impacted families—I write to express our strong support for the confirmation of **Sara Carter** as Director of the Office of National Drug Control Policy.

Families across America need a hands-on, data-driven leader who will partner with us to end the fentanyl poisoning crisis. Ms. Carter's track record of investigative rigor, public accountability, and victim-centered focus aligns with the urgent demands of this moment. We believe she will:

1. **Center Victims and Families** in policy design, outreach, and public communication, ensuring Angel Families and survivor voices inform strategy and implementation.
2. **Drive Whole-of-Government Action** with DEA, DHS, DOJ, State, Treasury, and HHS to disrupt supply chains from precursor to pill, and to hold foreign facilitators and domestic distributors to account.
3. **Prioritize Key Safeguards** our community has long urged, including:
   • Fully closing import loopholes exploited for illicit drug and precursor shipments (including de minimis).
   • Sustained border and port-of-entry interdiction, with modernized detection and traceability.
   • Real-time data transparency on poisonings, seizures, analogs, and hot-spot trends.
   • National awareness campaigns that use accurate language—**"fentanyl poisoning," not "overdose"**—to reflect the reality of deception in the drug supply.
4. **Advance Justice and Relief for Families**, including stronger drug-induced homicide enforcement where appropriate, and exploring pathways for victim compensation from seized assets tied to trafficking networks.

LVOF stands ready to collaborate with ONDCP under Ms. Carter's leadership. Our coalition organizes the **Fifth Annual Lost Voices of Fentanyl March on Washington** on **October 18, 2025**, at the Washington Monument. We respectfully invite ONDCP to engage our families there—through remarks, listening sessions, or a resource table—and to establish an ongoing liaison structure with Angel Families nationwide.

This crisis is claiming lives daily. We believe Sara Carter has the resolve, independence, and urgency to meet it head-on, and we urge prompt confirmation and swift onboarding so that lifesaving work can accelerate without delay.

Thank you for your consideration and for your continued service to the American people.

Respectfully,

April Babcock
Founder & President, Lost Voices of Fentanyl (LVOF)
443-801-1504 | Aprilbb33@icloud.com | lvof.org

Major County Sheriffs of America
www. mcsheriffs.com

August 19, 2025

The Honorable Chuck Grassley, Chair
The Honorable Dick Durbin, Ranking Member
Senate Committee on Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chair Grassley, Ranking Member Durbin, and Members of the Committee:

On behalf of the **Major County Sheriffs of America (MCSA)**, I write to express our support for the nomination of **Sara Carter** to serve as Director of the **Office of National Drug Control Policy (ONDCP)**. MCSA represents the largest Sheriff's offices in the country - serving counties with populations of 400,000 or more and employing over 700 personnel. Collectively, we protect more than one-third of the U.S. population.

Our leadership recently met with Ms. Carter, who demonstrated a strong commitment to state and local law enforcement and their efforts to combat drug trafficking and decrease the number of drug poisonings that have devastated communities across the country. She is committed to prevention and awareness efforts to help ensure families do not lose loved ones to the scourge of drugs that continues to drive overdose numbers that are far too high.

Further, Ms. Carter emphasized her commitment to supporting the High Intensity Drug Trafficking Area (HIDTA) initiative that supports local law enforcement in their efforts to fight drug trafficking in a strategic and effective manner. HIDTA is a proven, practitioner-led initiative that enhances coordination among federal, state, and local agencies to dismantle drug networks and reduce the flow of fentanyl and other deadly synthetic drugs into our communities.

During our discussion, MCSA discussed the importance of maintaining and increasing funding for HIDTA and ensuring it remains at ONDCP. Keeping its governing structure intact will ensure that local jurisdictions have a voice in prioritizing drug investigations and operations based on the needs of each region.

We urge the Committee to confirm Sara Carter and look forward to working with her to combat drug trafficking, decrease the number of drug poisonings, and hold those accountable for their criminal behavior involving illicit narcotics.

Sincerely,

Megan E. Noland

Megan Noland
Executive Director
Major County Sheriffs of America

Nevada Narcotics Officers Association

Contact

Joshua Garber
President NNOA
10170 W. Tropicana Blvd. Las Vegas, NV 89148

Date: August 13, 2025

Subject: Strong Support for the Nomination of Sara Carter as Director of the Office of National Drug Control Policy (ONDCP)

Dear Honorable Senators Chuck Grassley and Dick Durbin Senate Judiciary Committee Chair and Ranking Member

On behalf of the Nevada Narcotics Officer Association (NNOA), I am writing to express our unequivocal support for the nomination of Sara Carter to serve as the next Director of the Office of National Drug Control Policy (ONDCP). Her extensive investigative background, unyielding commitment to truth, firsthand experiences "on the ground" in Afghanistan, central and south America and demonstrated advocacy for survivors of human trafficking and narcotics-related crimes make her uniquely qualified to lead this critical agency.

NNOA has long worked alongside law enforcement at the intersection of human trafficking, narcotics trafficking, arms trafficking, and financial crimes. We know firsthand that dismantling criminal enterprises requires a leader who not only understands the complexity of these interconnected threats but also possesses the courage to challenge entrenched systems that allow them to persist. Ms. Carter has spent her career exposing cartels, gangs, and predators who exploit the most vulnerable in our communities and has done so with integrity, fearlessness, and compassion. Through her investigative reporting, Ms. Carter has brought national attention to the same types of cases NNOA has championed; multi-jurisdictional operations targeting organizations that traffic people, narcotics, and weapons, often embedded in our schools and youth-serving systems. She has shown the capacity to connect survivors' voices to actionable intelligence, catalyzing awareness and policy change at the highest levels.

The challenges ONDCP faces today demand a leader who can bridge intelligence, policy, and public awareness. With fentanyl overdoses surging, criminal networks infiltrating schools, and trafficking operations evolving with unprecedented speed, ONDCP needs a Director who can unify federal, state, local, and survivor-led initiatives into a cohesive national strategy. Ms. Carter's record demonstrates not only that she understands these threats but that she has the skill and determination to confront them head-on.

Sara Carter's leadership would ensure ONDCP remains agile, effective, and survivor-focused while advancing collaborative solutions to dismantle criminal enterprises and protect our most at-risk populations. Her nomination represents an opportunity to strengthen one of our nation's most vital defenses against transnational organized crime and the exploitation of vulnerable communities.

We urge you to confirm Sara Carter as the next Director of ONDCP without delay. The lives of countless Americans—and the integrity of our national security—depend on the leadership of someone with her experience, vision, and resolve.

Sincerely,
Joshua Garber
President, Nevada Narcotics Officers Association (NNOA)
Contact: J9326G@LVMPD.COM

Parent Collective

August 30th, 2025

Dear Chairman Grassley and Ranking Member Durbin:

I am writing to endorse Sara Carter for head of the White House Office of National Drug Control Policy.

Sara is a leader in her field and a pioneer in reporting on the fentanyl crisis. Her work has provided valuable education to our nation at a time when much of the dangers of fentanyl were not yet known by the public. Her reporting put millions of families on alert who otherwise might have been ignorant of the dangers of fentanyl.

She is a devoted mother of six and, as such, has her heart in the right place in terms of protecting our young people from the scourge of drug addiction and abuse. As a parent who lost a child to fentanyl poisoning, I trust Sara to lead the charge to protect the remaining children, yet untouched by the nation's drug crisis. I know angel parents around the country who feel the same way about her as I do. We all hope you will confirm her.

Sincerely,

Samuel P. Chapman
CEO
Parent Collective Inc.

WESTERN STATES SHERIFFS' ASSOCIATION

P.O. Box 825
Stevenson, Washington 98648
Telephone: 360-513-9500
www.westernsheriffs.org

2025 EXECUTIVE BOARD:

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Sheriff Mark Dannels
Cochise County, AZ

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Kane County, UT

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TREASURER
Sheriff Chip Kem
Stillwater County, MT

SGT. AT ARMS
Sheriff Sarah Warner
Hettinger County, SD

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Gilliam County, OR

PAST PRESIDENT
Sheriff Corey Helton
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Sheriff John Gautney
South Dakota
Sheriff Fred Lamphere
Texas
Sheriff Scott Cass
Utah
Sheriff Marty Gleave
Washington
Sheriff Clay Myers
Wyoming
Sheriff Ken Blackburn

September 5, 2025

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin:

We are writing to express our strong support for the nomination of Sara Carter to serve as Director of the Office of National Drug Control Policy (ONDCP). Ms. Carter is an excellent nominee with significant experience and a passion for getting the job done.

As Sheriffs, we deal with unique challenges every day. Our people put their lives on the line to combat human trafficking, drug smuggling, and violent crime perpetrated by sophisticated and well-funded cartels. Crimes that impact real people and have real victims. The cartels that perpetuate these crimes run billion-dollar enterprises with little to no regard for human life. To combat these cartels and address the drug epidemic facing our nation, Washington needs bold and innovative leadership. Ms. Carter is precisely who we need.

Ms. Carter's commitment to the truth, and firsthand experiences imbedded with our nation's military and law enforcement is proof that she has the determination to get the job done, as well as an understanding for what the men and women in uniform experience daily. Ms. Carter spent years bringing national attention to the often-unmitigated flow of drugs through our southern border. She exposed cartel operated tunnels used to smuggle drugs and people. Shining a light on human trafficking and the vicious crime that occurs along our southern border. Ms. Carter has worked with local, state, and federal authorities to bring national attention to these issues.

Ms. Carter has firsthand knowledge of the challenges we face and the criminal elements that we are up against. She has shown herself to be a tireless advocate for victims of crime and law enforcement. This is precisely the bold and innovative leadership that we need.

We strongly urge you to confirm Sara Carter as the next Director of ONDCP.

Sincerely.
Mark J. Dannels

Mark J. Dannels, Sheriff
Cochise County, AZ
President, WSSA

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

David Alan Bragdon

2. **Position**: State the position for which you have been nominated.

United States District Court for the Middle District of North Carolina

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office for the Eastern District of North Carolina
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601

4. **Birthplace**: State year and place of birth.

1977; Warren, Ohio

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1999 – 2002, University of Virginia School of Law; J.D., 2002

1995 – 1999, Campbell University; Bachelor of Arts, B.A. (*summa cum laude*), 1999

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present
U.S. Attorney's Office for the Eastern District of North Carolina
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
Appellate Chief (2021 – present)

Assistant U.S. Attorney (2007 – present)

2023
Campbell University School of Law
225 Hillsborough Street
Raleigh, North Carolina 27603
Adjunct Professor

2017 – 2020
U.S. Department of Justice, Office of Overseas Prosecutorial Development, Assistance, and Training
U.S. Embassy in the Philippines
1201 Roxas Boulevard
Manila, Philippines 1000
Detail as Resident Legal Advisor

2006 – 2007
Honorable Clarence Thomas
Supreme Court of the United States
1 First Street, Northeast
Washington, District of Columbia 20543
Law Clerk

2003 – 2006
Burr & Forman
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203
Associate

2002 – 2003
Honorable Stephen F. Williams
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
Law Clerk

Summer 2001
Womble Carlyle Sandridge & Rice
[now Womble Bond Dickinson]
One West 4th Street
12th Floor
Winston-Salem, North Carolina 27101
Summer Associate

Summer 2001
Brooks Pierce

230 North Elm Street
Suite 2000
Greensboro, North Carolina 27401
Summer Associate

Summer 2000
Johnston Barton Proctor & Powell (dissolved in 2014)
569 Brookwood Village # 901
Birmingham, Alabama 35209
Summer Associate

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for selective service upon turning 18.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Distinguished Government Alumnus of Campbell University (2007)

Virginia Law Review (2000 – 2002)

John M. Olin Law and Economics Scholarship (2000 – 2002)

Algernon Sydney Sullivan Award (1999)

Phi Kappa Phi, Fellow of the Society (1999)

U.S. Senator/Attorney General Robert B. Morgan Distinguished Student in Pre-Law (1999)

Outstanding Senior in the Government and History Department, Campbell University (1999)

USA Today – Honorable mention for Outstanding Academic Performance (1999)

Who's Who Among Students in American Universities and Colleges (1998)

North Carolina Student Legislature, Best Speaker in the Senate (1997)

North Carolina Student Legislature, Best New Delegate (1996)

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

North Carolina Bar Association (2022 – present)
Appellate Practice Section Council member (2022 – 2025)
Appellate Practice Section Communications co-chair (2024 – present)

I attended meetings of the Eastern District of North Carolina Local Criminal Rules Ad Hoc Committee on January 4, February 8, and February 28, 2022. I do not believe that I was formally considered a member of the group.

10. **Bar and Court Admission**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

North Carolina, 2005
Kentucky, 2004
Alabama, 2002

I voluntarily withdrew from the Kentucky Bar under SCR 3.480(1) in 2007. At the time I withdrew, I was behind on my bar dues. I had intended to withdraw before the dues deadline since I was no longer practicing in Kentucky but did not withdraw before the payment deadline. When the notice was issued for nonpayment, I called the Kentucky Bar and completed the paperwork to withdraw.

For Alabama, I converted to inactive status in 2006 after starting my Supreme Court clerkship.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2007
United States Court of Appeals for the Fourth Circuit, 2008
United States Court of Appeals for the Sixth Circuit, 2004
United States Court of Appeals for the Eleventh Circuit, 2004
United States District Court for the Eastern District of North Carolina, 2007
United States District Court for the Eastern District of Kentucky, 2004
United States District Court for the Western District of Kentucky, 2004
United States District Court for the Northern District of Alabama, 2003
United States District Court for the Middle District of Alabama, 2003
United States District Court for the Southern District of Alabama, 2003

After we left Birmingham in 2006, I did not renew my membership in the Eleventh Circuit, and it has lapsed. While I may still be listed as active in the district courts for Kentucky and Alabama, I believe I would have to make my Alabama and/or Kentucky Bar status active before I could practice in them.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Federalist Society (2023 – present; intermittently between 2003 and 2017)

Scouting America (2013 – present)
Tiger Cub Den Leader (2013 – 2014)
Wolf Cub Den Leader (2014 – 2015)
Bear Cub Den Leader (2015 – 2016)
Tiger Cub Den Leader (2016 – 2017)
Merit Badge Counselor (2021 – present)
Campmaster for select camping trips (2021, 2024, 2025)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

In the past, Boy Scouts of America (now known as Scouting America) limited youth membership to boys, although that limitation has since been removed. To the best of my knowledge, none of the other organizations listed in response to Question 11(a) currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

NCBA Appellate Section Blog, *The Appellate CLE Will Be Held on May 2 – Register Now*, Apr. 10, 2025. I reviewed this as Communications Co-Chair before it went out. Copy supplied.

NCBA Appellate Section Blog, *The Appellate Practice Section Goes to Washington*, Mar. 24, 2025. I reviewed this as Communications Co-Chair before it went out.

NCBA Appellate Section Blog, *Appellate Insights Recap: Navigating Urgency with U.S. Supreme Court Emergency Applications Attorney Robert Meek*, Jan. 6, 2025. I reviewed this as Communications Co-Chair before it went out. Copy supplied.

NCBA Appellate Section Blog, *Congratulations to Two New NC Board Certified Specialists in Appellate Practice!*, Jan. 2, 2025. I reviewed this as Communications Co-Chair before it went out. Copy supplied.

NCBA Appellate Section Blog, *Helene's Effect on Lawyers, Clients, and Courts in Western North Carolina*, Oct. 4, 2024. I co-wrote this with another lawyer who did not want to be listed as an author. Copy supplied.

NCBA Appellate Section Blog, *A Panel of O'Connor Clerks Share Her Legacy with NCBA Members*, Sept. 13, 2024. I wrote this. Copy supplied.

Letter from 112 former clerks to Justice Clarence Thomas, Aug. 29, 2023. In my personal capacity, I signed an open letter of support for the Honorable Clarence Thomas. This letter was signed by 111 other former clerks to Justice Thomas. Copy supplied.

I was likely involved in drafting, reviewing, or editing the press releases below.

> Press Release, *RGB, INC. Pleads Guilty and Is Sentenced for Gambling Violations*, United States Attorney's Office, Eastern District of North Carolina, Mar. 16, 2017. Copy supplied.
>
> Press Release, *Former Fort Bragg Army Sergeant and Owner of California Telemarketing Company Plead Guilty to Gratuity and Bribery Charges*, United States Attorney's Office, Eastern District of North Carolina, Dec. 5, 2016. Copy supplied.
>
> Press Release, *2016 Eastern District Election Officer Appointed*, United States Attorney's Office, Eastern District of North Carolina, Oct. 25, 2016. Copy supplied.
>
> Press Release, *Oklahoma Man Sentenced to 30 Months Imprisonment for Conspiracy to Defraud a Cary, NC Company*, United States Attorney's Office, Eastern District of North Carolina, Oct. 14, 2016. Copy supplied.
>
> Press Release, *John Michael Wade Pleads Guilty to Conspiracy to Defraud a Cary, NC Company*, United States Attorney's Office, Eastern District of North Carolina, Feb. 24, 2016. Copy supplied.
>
> Press Release, *David Christopher Mayhew Sentenced to 26 Years Imprisonment*, United States Attorney's Office, Eastern District of North Carolina, Jan. 7, 2016. Copy supplied.

Press Release, *Marlin Maurice Jackson Sentenced to 3 Years Imprisonment*, United States Attorney's Office, Eastern District of North Carolina, Jan. 7, 2016. Copy supplied.

Press Release, *Wendell Woman Sentenced for Tax Fraud*, United States Attorney's Office, Eastern District of North Carolina, Nov. 4, 2015. Copy supplied.

Press Release, *Julian Marie Breslow Sentenced to 2 1/2 Years Imprisonment*, United States Attorney's Office, Eastern District of North Carolina, June 17, 2015. Copy supplied.

Press Release, *David Christopher Mayhew Convicted of Conspiracy, Mail Fraud, and Money Laundering*, United States Attorney's Office, Eastern District of North Carolina, June 12, 2015. Copy supplied.

Press Release, *Sweepstakes Software Providers Sign Agreements Stopping Their Ability to Provide Alleged Illegal Sweepstakes Software to Internet Cafes Throughout the State of North Carolina*, United States Attorney's Office, Eastern District of North Carolina, May 6, 2015. Copy supplied.

Press Release, *HSV Entertainment LLC Agrees to No Longer Supply Internet Sweepstakes at the Roanoke Rapids Theater*, United States Attorney's Office, Eastern District of North Carolina, May 6, 2015. Copy supplied.

Press Release, *Rocky Mount Tax Service Owner Sentenced for Tax Fraud*, United States Attorney's Office, Eastern District of North Carolina, Jan. 29, 2015. Copy supplied.

Press Release, *Thomas L. Kimmel Sentenced for Conspiracy, Mail Fraud, And Money Laundering*, United States Attorney's Office, Eastern District of North Carolina, Oct. 2, 2014. Copy supplied.

Press Release, *James Willis Kirk, Jr. and Glen E. Smith, Jr. Sentenced in Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Aug. 5, 2014. Copy supplied.

Press Release, *Thomas L. Kimmel Convicted of Conspiracy, Mail Fraud, and Money Laundering*, United States Attorney's Office, Eastern District of North Carolina, June 26, 2014. Copy supplied.

Press Release, *Carolyn Grant Charged with Multi-Million Dollar Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Nov. 13, 2012. Copy supplied.
Press Release, *Former Atlanta Attorney Sentenced for Million Dollar Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Apr.

4, 2012. Copy supplied.

Press Release, *Purchase Factoring Rep Sentenced in Fraud Case*, United States Attorney's Office, Eastern District of North Carolina, Jan. 18, 2012. Copy supplied.

Press Release, *Clinton Fraudster Receives Federal Sentence*, United States Attorney's Office, Eastern District of North Carolina, Jan. 11, 2012. Copy supplied.

Press Release, *Fayetteville Attorney Sentenced for Mortgage Fraud*, United States Attorney's Office, Eastern District of North Carolina, Dec. 6, 2011. Copy supplied.

Press Release, *Kinston Resident Receives Federal Sentence in Arson Case*, United States Attorney's Office, Eastern District of North Carolina, May 18, 2011. Copy supplied.

Press Release, *Ponzi Schemer Pleads Guilty*, United States Attorney's *Office*, Eastern District of North Carolina, May 13, 2011. Copy supplied.

Press Release, *Clinton Fraudster Convicted*, United States Attorney's Office, Eastern District of North Carolina, Apr. 21, 2011. Copy supplied.

Press Release, *Woman Sentenced for Cumberland County Real Estate Scheme*, United States Attorney's Office, Eastern District of North Carolina, Feb. 11, 2011. Copy supplied.

Press Release, *Clayton Felon Receives Federal Sentence*, United States Attorney's Office, Eastern District of North Carolina, Feb. 4, 2011. Copy supplied.

Press Release, *Tennessee Man Sentenced to 25 Years in Prison for Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, Jan. 18, 2011. Copy supplied.

Press Release, *Rocky Mount Man Pleads Guilty to Machine Gun Charges*, United States Attorney's Office, Eastern District of North Carolina, Dec. 14, 2010. Copy supplied.

Press Release, *Former Carteret County Sheriff Sentenced*, United States Attorney's Office, Eastern District of North Carolina, Oct. 13, 2010. Copy supplied.

Press Release, *Financial Institutions Defrauded Through Copier Leases*, United States Attorney's Office, Eastern District of North Carolina, Oct. 6, 2010. Copy

supplied.

Press Release, *Former Carteret County Sheriff's Deputy Sentenced*, United States Attorney's Office, Eastern District of North Carolina, Sept. 24, 2010. Copy supplied.

Press Release, *Woman Pleads Guilty to Cumberland County Real Estate Scheme*, United States Attorney's Office, Eastern District of North Carolina, Sept. 14, 2010. Copy supplied.

Press Release, *Concert Promoter Sentenced for Fraud*, United States Attorney's Office, Eastern District of North Carolina, Aug. 9, 2010. Copy supplied.

Press Release, *Three Defendants Plead Guilty to Conspiracy to Defraud Bank*, United States Attorney's Office, Eastern District of North Carolina, July 6, 2010. Copy supplied.

Press Release, *Tennessee Man Convicted After Trial in $20 Million Investment Fraud Scheme*, United States Attorney's Office, Eastern District of North Carolina, June 14, 2010. Copy supplied.

Press Release, *Former Carteret County Sheriff and Deputy Plead Guilty*, United States Attorney's Office, Eastern District of North Carolina, May 3, 2010. Copy supplied.

Press Release, *Aurora Man Receives Federal Sentence for Weapons Charge*, United States Attorney's Office, Eastern District of North Carolina, Apr. 14, 2010. Copy supplied.

Press Release, *Greenville Man Pleads Guilty to Charge for Scheme to Defraud Pitt County*, United States Attorney's Office, Eastern District of North Carolina, Apr. 7, 2010. Copy supplied.

Press Release, *Mother and Daughter Receive Prison Time for Perjury*, United States Attorney's Office, Eastern District of North Carolina, Jan. 7, 2010. Copy supplied.

Press Release, *Fayetteville Man Receives Federal Sentence for Child Pornography*, United States Attorney's Office, Eastern District of North Carolina, Dec. 9, 2009. Copy supplied.

Press Release, *Greenville City Councilman Receives Federal Prison Time for Tax-Related Charges*, United States Attorney's Office, Eastern District of North Carolina, Nov. 16, 2009. Copy supplied.

Press Release, *Willow Springs Man Sentenced for Child Pornography*, United

States Attorney's Office, Eastern District of North Carolina, Oct. 15, 2009. Copy supplied.

Press Release, *Fayetteville Child Rapist Receives 40-Year Prison Sentence for Child Pornography*, United States Attorney's Office, Eastern District of North Carolina, Oct. 8, 2009. Copy supplied.

Press Release, *Wilson Man Pleads Guilty in Mortgage Fraud Case*, United States Attorney's Office, Eastern District of North Carolina, Apr. 20, 2009. Copy supplied.

Press Release, *Roseboro Woman Found Guilty to Perjury*, United States Attorney's Office, Eastern District of North Carolina, Apr. 7, 2009. Copy supplied.

Press Release, *Licensed Mortgage Broker Receives Over Five Years in Prison for Bank Fraud and Identity Theft*, United States Attorney's Office, Eastern District of North Carolina, Mar. 2, 2009. Copy supplied.

Press Release, *Last Defendant Sentenced in False ID Production Organization*, United States Attorney's Office, Eastern District of North Carolina, Feb. 24, 2009. Copy supplied.

Press Release, *Fort Bragg Soldier Sentenced in Child Pornography Case*, United States Attorney's Office, Eastern District of North Carolina, Jan. 5, 2009. Copy supplied.

Press Release, *Four Oaks Man Pleads Guilty to Child Enticement Charge*, United States Attorney's Office, Eastern District of North Carolina, Nov. 10, 2008. Copy supplied.

Press Release, *Sentencing for Four More Illegal Aliens in False ID Production Organization*, United States Attorney's Office, Eastern District of North Carolina, Oct. 9, 2008. Copy supplied.

Press Release, *Printer in ID Fraud Ring Sentenced*, United States Attorney's Office, Eastern District of North Carolina, Sept. 29, 2008. Copy supplied.

Press Release, *Sentencing for Eight Illegal Aliens in False ID Production Organization*, United States Attorney's Office, Eastern District of North Carolina, Sept. 19, 2008. Copy supplied.

Press Release, [Untitled], United States Attorney's Office, Eastern District of North Carolina, Sept. 17, 2008. Copy supplied.

Press Release, *False Emergency Call Costs Newport Man over $45,000*, United

States Attorney's Office, Eastern District of North Carolina, Sept. 16, 2008. Copy supplied.

Press Release, *Mortgage Fraud Broker Pleads to Bank Fraud and Identity Theft Charges*, United States Attorney's Office, Eastern District of North Carolina, July 10, 2008. Copy supplied.

Press Release, *Child Pornographer Sentenced to 18 Years in Prison*, United States Attorney's Office, Eastern District of North Carolina, July 2, 2008. Copy supplied.

Press Release, *Four Illegal Aliens to Pled* [sic] *Guilty in Document Counterfeiting Ring*, United States Attorney's Office, Eastern District of North Carolina, Apr. 7, 2008. Copy supplied.

Press Release, *Roseboro Doctor Charged with Unlawful Drug Distribution and Racketeering Activity*, United States Attorney's Office, Eastern District of North Carolina, Apr. 3, 2008. Copy supplied.

In 2007 and 2018, I guest wrote four articles for my wife's blog, *Suburban Saga*:

"Letter on Vacationing in Ubud, Bali...," *Suburban Saga Goes Global*, Oct. 16, 2018. Copy supplied.

"Two convicting verses about pride," *Suburban Saga*, May 26, 2007. Copy supplied.

"Happy Sixth Anniversary Sweetheart," *Suburban Saga*, May 19, 2007. Copy supplied.

"Missing my little boy (and wife)," *Suburban Saga*, Apr. 23, 2007. Copy supplied.

As an Articles Editor for the Virginia Law Review and before that as an editorial board member, I performed typographical and stylistic edits of several law review articles in Volumes 86, 87 and 88 of the Virginia Law Review. The authors of these materials were responsible for their substantive contents. I have no record or memory of the articles I edited as an editorial board member. As an Articles Editor, my records show that I edited the following articles:

Sam Karmin, *Harmless Error and the Rights/Remedies Split*, 88 VA. L. REV. 1 (2002). Copy supplied.

Gary Lawson, *Delegation and Original Meaning*, 88 VA. L. REV. 327 (2002). Copy supplied.

Julia D. Mahoney, *Perpetual Restrictions on Land and the Problem of the Future*, 88 VA. L. REV. 739 (2002). Copy supplied.

Glynn S. Lunney, *The Death of Copyright: Digital Technology, Private Copying, and the Digital Millennium Copyright Act*, 87 VA. L. REV. 813 (2001). Copy supplied.

Zohar Goshen & Gideon Parchomovsky, *On Insider Trading, Markets, and "Negative" Property Rights in Information*, 87 VA. L. REV. 1229 (2001). Copy supplied.

Kent Greenfield, *Ultra Vires Lives! A Stakeholder Analysis of Corporate Illegality (With Notes on How Corporate Law Could Reinforce International Law Norms)*, 87 VA. L. REV. 1279 (2001). Copy supplied.

Ronald J. Allen & Brian Leiter, *Naturalized Epistemology and the Law of Evidence*, 87 VA. L. REV. 1491 (2001). Copy supplied.

Dale A. Nance, *Naturalized Epistemology and the Critique of Evidence Theory*, 87 VA. L. REV. 1551 (2001). Copy supplied.

D. H. Kaye, *The Dynamics of* Daubert *Methodology, Conclusions, and Fit in Statistical and Econometric Studies*, 87 VA. L. REV. 1933 (2001). Copy supplied.

Kevin A. Kordana & Terrance O'Reilly, Daubert *and Litigation-Driven Econometrics*, 87 VA. L. REV. 2019 (2001). Copy supplied.

David Bragdon's Home Page. This web blog was available from approximately 1997 through approximately 2000. Copy supplied.

"Let Your Party Be Your Guide," *The Campbell Times*, Oct. 30, 1998. Copy supplied.

"President-Elect: 'Article Inaccurate,'" *The Campbell Times*, Apr. 3, 1998. Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

David Bragdon, 2024 Nags Head Camping Report. Copy Supplied.

David Bragdon, 2021 Merchants Millpond Report. Copy Supplied.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Letter to Chairman Grassley and Ranking Member Durbin, "Nomination of Joshua Divine to the United States District Courts for the Eastern and Western District of Missouri," from former clerks to the Honorable Clarence Thomas, May 29, 2025. Copy supplied.

I had some informal communications with Philippine officials regarding Philippine criminal justice policy in my role with the Department of Justice, Office of Overseas Prosecutorial Development, Assistance, and Training (DOJ OPDAT) from 2017 to 2020. I do not have records or details of these. I believe my policy communications would have discussed revisions to the Philippine counterterrorism law or adoption of a law allowing consensual recording in police investigations.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I regularly give presentations at the U.S. Attorney's Office. These are confidential.

May 2, 2025: Speaker, "Panel Discussion – The Art of Oral Argument: Practice before the Fourth Circuit," North Carolina Bar Association, Appellate Section CLE, Cary, North Carolina. Video recording supplied.

2017–2020: I gave numerous trainings in the Philippines for prosecutors, judges, and law enforcement as part of my job with DOJ Office of Overseas Development, Assistance, and Training. The topics included financial crime, trafficking in persons, counterterrorism, asset forfeiture, and digital forensics. I have no notes, transcript, or recording. These trainings occurred all over the Philippines, typically at conferences held at hotels.

2013–2014: I trained lawyers from Kosovo and Moldova on economic crimes in 2013 and 2014 respectively. I have no notes, transcript, or recording. These trainings occurred at the U.S. Attorney's Office for the Eastern District of North Carolina, 310 New Bern Avenue, Suite 800, Raleigh, North Carolina 27601.

2014 (approximately): Panelist, Securities Continuing Legal Education Panel, North Carolina Bar Association, Cary, North Carolina. I discussed how to charge different

kinds of cases and used the *Bartko* case, 5:09-CR-00321-D, as an example. I have no notes, transcript, or recording. I do not recall the address of the event, but it was hosted by the U.S. Attorney's Office for the Western District of North Carolina in Charlotte, North Carolina.

Sept. 23, 2013: Speaker, Kenelm Lecture on "The Constitution & the Pursuit of Justice: Prosecuting while Protecting the Rights of the Accused," Campbell University, Buies Creek, North Carolina. I developed and taught the two-day Kenelm seminar for Campbell University in 2013. To my knowledge, no recording or transcript was made. I remember very few details about this course, but I discussed federal criminal prosecutions and used at least one of my cases, *Daniel Buczkowski*, 5:08-CR-159 (a child pornography case), as an example. The address of the event was the Weymouth Center, 555 East Connecticut Avenue, Southern Pines, North Carolina 28388. Campbell University published an article about my lecture at https://news.campbell.edu/articles/assistant-u-s-attorney-campbell-grad-to-present-2013-kenelm-lecture-sept-23/.

2008 or 2009 (approximately): I was a guest teacher for one class period at a Harnett County high school civics class. I discussed my role as a prosecutor. I have no notes, transcript, or recording. I do not recall which Harnett County high school I taught the lesson at.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

As part of my work with DOJ OPDAT in the Philippines, around 2019, some Philippine partners and I participated in a radio-station interview in Cebu on trafficking in persons. I do not know the date or even the radio station we talked with. I said relatively little, but I believe I discussed our training efforts.

Mark F. Bernstein, "DOJ's Bragdon '02 on Changing the System in the Philippines," University of Virginia School of Law. Around 2019, the University of Virginia School of Law published a Class Note about my work in Manila based on an interview with me. Copy supplied.

Shannon Reyes, "Campbell Alum Clerks for Justice Clarence Thomas" *Campbell University Magazine*, Winter 2008. Copy supplied.

"Assistant U.S. attorney honored by Campbell University," *Campbell University News*, Oct. 23, 2007. Copy supplied.

In late 2005 or early 2006, Campbell University interviewed me and did a press release about my receiving a Supreme Court Clerkship. I have no notes, transcript, or recording, and I cannot find this interview online.

Mary Wood, "Bragdon '02 to Clerk for Justice Thomas," University of Virginia School of Law, Oct. 17, 2005. I cannot remember if this article was based on an interview. Copy supplied.

While I was a student at Campbell University, I often participated in interviews with the student newspaper, *The Campbell Times*, especially about my role in student government. I reviewed an online archive of scanned newspapers and located the following articles for which I gave an interview.

Mary Moorefield, "Agenda 2000," *The Campbell Times*, Feb. 26, 1999. Copy supplied.

Jessica Jordan, "SGA 'Points' Bring Lots of Resolutions," *The Campbell Times*, Dec. 4, 1998. Copy supplied.

Jessica Jordan, "SGA Votes Out Point System After One Year," *The Campbell Times*, Nov. 6, 1998. Copy supplied.

Jessica Jordan, "SGA Passes Budget and Assigns Task Force," *The Campbell Times*, Oct. 9, 1998. Copy supplied.

Jason Cockman, "Freshmen Elect Class Officers and Reps," *The Campbell Times*, Sept. 25, 1998. Copy supplied.

Aesha Duval, "New President Speaks Out," *The Campbell Times*, Mar. 20, 1998. Copy supplied.

Maurine Slaughter, "Second Time a Charm for Bragdon," *The Campbell Times*, Mar. 6, 1998. Copy supplied.

Christi Broadway, "Bill Sets Up Saylor Memorial Scholarship," *The Campbell Times*, Feb. 13, 1998. Copy supplied.

Maurine Slaughter, "SGA Debates 3 Resolutions in Long Meeting," *The Campbell Times*, Nov. 21, 1997. Copy supplied.

Maurine Slaughter, "SGA Pleased After Homecoming '97 Weekend," *The Campbell Times*, Oct. 10, 1997. Copy supplied.

Maurine Slaughter, "SGA Makes Plans for Homecoming," *The Campbell Times*, Sept. 26, 1997. Copy supplied.

Maurine Slaughter, "New SGA Constitution Ready for Next Step," *The Campbell Times*, Apr. 11, 1997. Copy supplied.

Maurine Slaughter, "New Point System Passed to Improve SGA Performance,"

The Campbell Times, Mar. 14, 1997. Copy supplied.

Maurine Slaughter, "Royster Elected SGA President," *The Campbell Times*, Mar. 8, 1996. Copy supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have never held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which

you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never served as a judge.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations**:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held public office. I have never been a candidate for public office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign,

including the candidate, dates of the campaign, your title and responsibilities.

I joined College Republicans while enrolled at Campbell University. In that capacity, I helped with a few campaigns in Harnett County, North Carolina in the 1996 and 1998 elections. It was usually local candidates and usually a one-time service or event (*e.g.*, putting up signs, handing out stickers on election day, attending a dinner). I did not regularly work on any one political campaign, and I cannot remember the names of the candidates I helped.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2002 to 2003, I clerked for Judge Stephen Williams on the U.S. Court of Appeals for the D.C. Circuit.

From 2006 to 2007, I clerked for Justice Clarence Thomas on the Supreme Court of the United States.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2007 – present
United States Attorney's Office for the Eastern District of North Carolina
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
Appellate Chief (2021 – present)
Assistant U.S. Attorney (2020 – 2021)
Detail as Resident Legal Advisor to the Philippines for U.S. DOJ Office of Overseas Development, Assistance, and Training (2017 – 2020)
Assistant U.S. Attorney (2007 – 2017)

2003 – 2006
Burr & Forman
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203
Associate (2003 – 2006)

Summer 2001
Womble Carlyle Sandridge & Rice
[now Womble Bond Dickinson]
One West 4th Street
12th Floor
Winston-Salem, North Carolina 27101
Summer Associate

Summer 2001
Brooks Pierce
230 North Elm Street
Suite 2000
Greensboro, North Carolina 27401
Summer Associate

Summer 2000
Johnston Barton Proctor & Powell
[now Johnston Barton Proctor & Rose LLP]
569 Brookwood Village # 901
Birmingham, Alabama 35209
Summer Associate

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

At Burr and Forman (2003–2006), I litigated commercial cases, including antitrust, products liability, and contract disputes. I drafted numerous briefs, motions, responses, and pleadings. I also defended depositions and argued some hearings. My cases were in state and federal courts in Alabama, Missouri, and Kentucky. As an Assistant U.S. Attorney in the Economic Crimes Section (2007–2017), I prosecuted fraud cases. I also prosecuted gun, drug, and child pornography cases. While most of my work was in trial courts, I also handled a few appeals.

In 2020, I joined the Appellate Division of the U.S. Attorney's Office. From 2021 to the present, I have been serving as the Appellate Chief. Our Appellate Division handles most criminal appeals for the office. Our appeals cover all kinds of crimes and a variety of legal issues from suppression to waiver to sentencing

procedure.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

While at Burr and Forman (2003–2006), my clients included CitiFinancial, gas station owners in an antitrust suit, a car dealership, a car dealer, and an accounting firm. I specialized in commercial litigation. At the U.S. Attorney's Office, my client is always the United States, but it includes work with a variety of different agencies, including local police and sheriff's deputies, ATF, FBI, IRS-CI, HSI, and the U.S. Postal Inspection Service. From 2007 to 2017, I specialized in criminal prosecution. From 2020 to present, I specialize in criminal appellate litigation.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

At Burr & Forman, my practice consisted almost entirely of litigation work. As an associate, I appeared in court about every other month. At the U.S. Attorney's Office, my practice consisted almost entirely of litigation work. From 2007 to 2017, I appeared in court frequently. While I was detailed to DOJ's Office of Overseas Prosecutorial Development, Assistance, and Training, my practice involved developing training programs to help train Philippine prosecutors, judges, and law enforcement, exploring legislative changes, and helping mentor counterterrorism prosecutors. As the Appellate Chief for the office since 2021, my practice has consisted of handling or supervising litigation. I appear in court regularly to argue appeals.

i. Indicate the percentage of your practice in:

1.	federal courts:	50% (2003 – 2006) 100% (2007 – 2017; 2020 – present)
2.	state courts of record:	50% (2003 – 2006) 0% (2007 – 2017; 2020 – present)
3.	other courts:	0%
4.	administrative agencies:	0%

ii. Indicate the percentage of your practice in:

1.	Civil proceedings:	100% (2003 – 2006) 0% (2007 – 2017; 2020 – present)
2.	Criminal Proceedings:	0% (2003 – 2006) 100% (2007 – 2017; 2020 – present)

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than

settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I estimate that I handled 17 trials, nine as solo counsel, three as associate counsel, and five as chief counsel.

i. What percentage of these trials were:

1.	jury:	88%
2.	non-jury:	12%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Bartko*, No. 5:09-CR-00321-D (E.D.N.C.)

Bartko was an Atlanta securities lawyer who led a scheme to defraud investors and sell unregistered securities. Bartko instructed a co-conspirator to raise money, knowing that he would do so fraudulently. His coconspirator told investors they would have guaranteed returns, that their principal was insured, and other false statements. In reality, the money was put into risky investments. Bartko also violated securities laws. A jury convicted Bartko at trial. Judge James C. Dever III, Eastern District of North Carolina, presided over the trial and sentenced Bartko to 23 years' imprisonment. I joined the case as co-counsel shortly before the trial. I also negotiated the guilty plea of a co-defendant. At trial, I questioned about half the witnesses, including direct-examination of the cooperating co-defendant and cross-examination of Bartko. I also gave the closing argument. Following trial, I handled motions for a new trial and Bartko's sentencing. I was not involved in the investigative stage or in pre-trial matters such as production of discovery. The dates of my representation were from 2010 through 2012. Judge James

C. Dever III, Eastern District of North Carolina, presided over the trial and sentenced Bartko to 276 months' imprisonment and over $885,000 in restitution. Bartko's sentence has since been commuted.

Co-counsel:
Clay C. Wheeler (Mr. Wheeler was lead counsel in this case)
4208 Six Forks Road Suite 1400
Raleigh, North Carolina 27609
919-420-1717

Counsel for Defendant:
Donald F. Samuel
Edward T.M. Garland
Garland, Samuel, & Loeb
Garland Law Building
3151 Maple Drive, N.E.
Atlanta, Georgia 30305
404-262-2225

2. *United States v. Trevor Boggs*, No. 22-4707, 2025 WL 1249364 (4th Cir. April 30, 2025)

On appeal, Boggs argued that the district court erred by finding that his criminal predicates for Armed Career Criminal status qualified as occurring on different occasions without submitting this factual issue to the jury. We agreed that under the Supreme Court's new decision, *Erlinger v. United States*, 602 U.S. 821, 835 (2024), it was error not to submit this question to a jury. But we argued that any error was harmless because the evidence was very strong that Boggs's predicates had occurred on different occasions and because Boggs would have pleaded guilty even if he had to admit that the predicates had occurred on different occasions. The Fourth Circuit heard argument at the same time as *United States v. Brown*, 136 F.4th 87 (4th Cir. 2025). It adopted our theory and applied harmless error, finding the error harmless. Fourth Circuit Judges Paul V. Niemeyer, Toby J. Heytens, and Senior Judge Henry F. Floyd decided the case. The dates of my representation were 2022 through 2025.

Co-counsel:
Jimmie I. Bellamy, Jr.
NC Department of Military and Veterans Affairs
4001 Mail Service Center
Raleigh, North Carolina 27699
919-971-2876

Counsel for Defendant:
Eric Brignac
Appellate Chief
Federal Public Defender, Eastern District of North Carolina

150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601
919-856-4236

3. *United States v. Buczkowski*, No. 5:08-CR-159 (E.D.N.C.); 505 F. App'x 236 (4th Cir. Jan. 17, 2013) (unpublished).

Buczkowski downloaded child pornography while serving as a contractor in Iraq. He then brought his computer back to Fayetteville, North Carolina. He was convicted of transporting and possessing child pornography. I handled this case from the investigative stage through trial, sentencing, and appeal. At the district court level, I was lead counsel but had co-counsel for trial and sentencing. On appeal, I handled only the supplemental briefing and oral argument, not the initial brief. Judge James C. Fox, Eastern District of North Carolina, presided over the trial and initially sentenced Buczkowski to 40 years' imprisonment. Judges William Byrd Traxler, Jr., G. Steven Agee, and Albert Diaz, Fourth Circuit Court of Appeals, affirmed the conviction but remanded for resentencing, leading to a new sentence of 30 years' imprisonment. The dates of my representation were 2007 to 2013.

Co-counsel:
Jay Exum
803 Shelley Road
Raleigh, North Carolina 27609
919-637-4523

Counsel for Defendant (district court):
Joseph L. Ross, II
150 Fayetteville Street Suite 450
Raleigh, North Carolina 27601
919-856-4236

Counsel for Defendant (appeal):
Eric Brignac
Appellate Chief
Federal Public Defender, Eastern District of North Carolina
150 Fayetteville Street Suite 450
Raleigh, North Carolina 27601
919-856-4236

4. *United States v. Comstock*, No. 2:07-CR-25 (E.D.N.C.)

Comstock was illegally hunting bears in eastern North Carolina, using 50-gallon drums of peanut better and peppermint candy as bait and violating numerous hunting rules. Evidence at trial showed that Comstock had been illegally hunting bears for years and that in one year, he was involved will killing more than 60 bears. The government

charged him with possessing a firearm as a felon under 18 U.S.C. § 922(g). I handled the case in district court from investigation through trial and sentencing. The jury convicted, and Judge James C. Fox, Eastern District of North Carolina, presided over the trial and sentenced Comstock to 6 1/2 years' imprisonment. The dates of my representation were 2007 to 2008.

Co-counsel:
None

Counsel for Defendant:
Leslie Robinson
1510 E Arlington Blvd Suite A
Greenville, North Carolina 27858
252-758-4100

5. *United States v. Fields*, No. 5:08-CR-395-FL (E.D.N.C.)

Fields was charged with possessing one or more firearms as a convicted felon. Fields possessed 34 guns and more than 8,000 rounds of ammunition in his mother's house. A jury convicted him at trial. Judge Louise W. Flanagan, Eastern District of North Carolina, sentenced him to ten years' imprisonment. I handled the case from indictment through trial, sentencing, and on appeal. The Fourth Circuit Court of Appeals, Judges Diana Gribbon Motz, Robert Bruce King, and Senior Judge Clyde H. Hamilton, affirmed. The dates of my representation were 2008 to 2011.

Co-counsel (appeal only):
Jennifer May-Parker
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
919-856-4530

Counsel for Defendant (district court):
James S. Perry
Perry, Perry & Perry
518 Plaza Boulevard
Kinston, North Carolina 28501
252-523-5107

Counsel for Defendant (appeal)
M. Gordon Widenhouse Jr.
P. O. Box 2663
Chapel Hill, North Carolina 27515
919-967-4900

6. *Carolyn Grant*, No. 5:12-CR-367 (EDNC)

Carolyn Grant was a former chairwoman of the Greater Raleigh Chamber of Commerce. She raised over $20,000,000 from more than 60 victims as part of her real estate development company, Omega Property Group. Grant committed fraud by diverting investor funds from projects that she promised to use them for. These actions doomed many of the projects. She also repeatedly lied to victims about the use of their funds and the status of the projects. I handled the case from investigation to guilty plea to sentencing. Judge Terrence W. Boyle, Eastern District of North Carolina, presided over the case and sentenced Grant to 78 months' imprisonment and over $13,000,000 in restitution. Grant did not appeal her sentence. The dates of my representation were 2008 to 2009.

Co-counsel
None

Counsel for Defendant:
William Woodward Webb, Jr.
118 St. Mary's Street, Second Floor
Raleigh, North Carolina 27605
919-831-8700

7. *United States v. Kimmel*, 4:13-CR-57-D (E.D.N.C.)

Kimmel was the primary fundraiser in a Ponzi scheme that targeted church members across the country. He raised around $20,000,000 through his fraud. The scheme collapsed. Three defendants pleaded guilty and cooperated, but Kimmel went to trial. I handled the case from investigation through sentencing. I did not handle the appeal, but I handled the resentencing after Kimmel's successful appeal. Kimmel was convicted at trial and ultimately sentenced to 20 years' imprisonment and over $16,500,000 in restitution. The dates of my representation were from 2011 through 2016. The case was handled by Judge James C. Dever III, Eastern District of North Carolina, who presided over the trial and sentenced Kimmel.

Co-counsel:
Evan Rikhye
900 South College Avenue #1
Fayetteville, Arkansas 72701
202-515-8513

Counsel for Defendant:
Harold Wood Vann
120 East Parrish Street Suite 200
Durham, North Carolina 27701
919-682-9273

8. *United States v. McCullough and Mayhew*, No. 5:13-CR-00199; 995 F.3d 171 (4th Cir. 2021).

McCullough and Mayhew had a Ponzi scheme where they promised you could double your money in 30 days through forex trading. In reality, there was little actual forex training and most of the trading resulted in losses, not gains. Mayhew and McCullough instead spent most of the money and used it to "repay" some investors, particularly for an investor's initial investment. Mayhew went to trial. I handled the case from investigation through Mayhew's trial and sentencing in 2016. McCullough initially fled but was later arrested and pleaded guilty in 2016. Because I moved to the Philippines in 2017, I did not handle McCullough's sentencing. I was not involved again until I handled the Fourth Circuit oral argument of Mayhew's § 2255 habeas petition. I did not handle the § 2255 matters in district court or the briefing on appeal. Judge James C. Fox, Eastern District of North Carolina, presided over the trial and sentenced Mayhew to over 26 years' imprisonment and about $2,000,000 in restitution. Mayhew's sentence was affirmed on appeal. Judge Terrence W. Boyle sentenced McCullough to ten years' imprisonment. On a § 2255 appeal, the Fourth Circuit (Judges Albert Diaz, Henry F. Floyd, and Pamela Harris) remanded Mayhew's case for an evidentiary hearing. On remand, the district court found ineffective assistance of counsel and required the government to reoffer Mayhew a five-year plea deal. The dates of my representation were from approximately 2012 through 2021.

Co-counsel (handled McCullough's sentencing):
Ethan Ontjes
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
919-856-4530

Counsel for Mayhew (district court):
Geoffrey W. Hosford
Hosford & Hosford PC
401 Chestnut Street, Suite L
Wilmington, North Carolina 28401
910-726-3199

Counsel for Mayhew (§ 2255 appeal):
John J. Korzen
Wake Forest University School of Law
Box 7206 Reynolda Station
Winston-Salem, North Carolina 27109-7206
336-758-5832

Counsel for McCullough:
Bruce A. Mason
Mason, Mason, & Smith
514 Princess Street

Wilmington, North Carolina 28401
910-782-5880

9. *United States v. Pittman*, No. 22-4463; 125 F.4th 577 (4th Cir. 2025)

On appeal from his arson conviction, Pittman argued that the district court should have granted his motion to dismiss because: (a) properly interpreted, the arson statute did not cover his conduct; and (b) if the arson statute did cover his conduct, it was beyond Congress's constitutional power. On behalf of the government, I argued that the statute covered Pittman's conduct, that his constitutional claim was reviewed for plain error because it was not raised below, and that the statute was constitutional under the Spending Clause and Necessary and Proper Clause. The Court of Appeals for the Fourth Circuit, Judges Paul V. Niemeyer, Roger L. Gregory, and Toby J. Heytens, ruled in our favor. The dates of my representation were 2022 through 2025.

Co-counsel:
John Gibbons
Smith Anderson
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601
757-325-7812

Counsel for Defendant:
Heather Rattelade
P.O. Box 1492
Pittsboro, North Carolina 27312
910-489-5569

10. *United States v. Reese*, No. 7:08-CR-34-FL (E.D.N.C.); 442 F. App'x 8 (4th Cir. Aug. 2, 2011) (unpublished).

Dr. Perry Reese was a medical doctor in Roseboro, NC. He sold Oxycontin, Percocet, and other prescriptions and pills to drug addicts in eastern North Carolina. I handled the case from investigation through trial, sentencing, and appeal. At trial, we proved that Dr. Reese was selling prescriptions and pills outside the scope of professional practice. The jury convicted of all charges, two drug counts and one RICO count. Judge Louise W. Flanagan, Eastern District of North Carolina, sentenced him to 20 years' imprisonment. The Fourt Circuit, Judges James Andrew Wynn, Albert Diaz, and Clyde H. Hamilton, affirmed. The dates of my representation were 2008 to 2011.

Co-counsel (appeal only):
Jennifer May-Parker
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
919-856-4530

Counsel for Defendant (district court):
Joseph Bart Gilbert
P.O. Box 91624
Raleigh, North Carolina 27675
919-630-0286
joebgilbert@yahoo.com

Counsel for Defendant (appeal)
Robinson & Brandt, P.S.C.
629 Main Street, Suite B
Covington, Kentucky 41011
859-581-7777

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the matters above, I spent three years as a Resident Legal Advisor to the Philippines for the Office of Overseas Prosecutorial Development, Assistance, and Training (2017 to 2020). In that role, I worked to improve the Philippine criminal justice system to better combat terrorism, human trafficking, and other transnational crime. These efforts further U.S. interests by helping Philippine prosecutors, judges, and law enforcement to better handle transnational crime and terrorism, making it less likely to become a problem internationally and for the United States. In this role, I developed training programs (like CLEs) to help train Philippine prosecutors, judges, and law enforcement. I organized round tables to help come up with solutions and better cooperation on key issues. And I worked with Philippine experts and legislators to explore possible legislative changes. I also helped mentor counterterrorism prosecutors.

As Appellate Chief of the U.S. Attorney's Office (2021 to present), I have a significant advisory role in addition to my litigation role. I often train prosecutors on how to avoid potential appellate pitfalls. I help to ensure that they are updated on Fourth Circuit law, providing summaries to them of new Fourth Circuit cases. I also work with the Criminal Division to develop best practices to help resolve weaknesses and ensure that we are complying with relevant case law. Criminal prosecutors frequently seek my advice on their cases, including suppression issues, discovery issues, and sentencing issues. In addition to helping the Criminal Division, I am sometimes called on to provide advice on civil issues.

I have never acted or registered as a lobbyist.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course,

provide copies to the committee.

In Spring 2022, I taught Legislation at Campbell University School of Law. The course focused on principles of statutory interpretation. Syllabus supplied.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse from any cases where I have ever played a role. I do not directly own any stocks and do not anticipate ever changing that practice. But if it were to change, I would recuse from any litigation involving those businesses. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.
If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Having been an attorney for the government for most of my career, I am precluded from providing pro-bono legal services. I have mentored legal interns, and I volunteer in other ways. From 2020 to 2023, I volunteered at the Open Door Church's food pantry about once every month or two for three to four hours at a time. From 2020 to present, I serve at Open Door Church by stacking chairs Sundays after service. From 2023 to 2025, I have served at Open Door Church's children's ministry, working with kids every other Sunday for about two hours. From 2018 to 2020, I served at Kid's Ministry at Victory the Fort in Taguig, Philippines, about once a month in kids' ministry for about two hours. I have served in Boy Scouts, as a den leader, merit badge counselor, and campmaster. Going back before 2017, I have regularly been involved in church children's ministry.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

There is no selection committee that I am aware of to select judges to the Middle District of North Carolina. Sometime in late February or early March 2025, Senator Budd's Office reached out to me and asked if I would be interested in one of the North Carolina judicial openings. Several days later, I called back and said that I would be interested in a MDNC judicial position, and Senator Budd's office conducted a phone interview. On March 7, 2025, I emailed Senator Tillis's office and told his staff that I would be interested in being considered for a Middle District of North Carolina judicial opening. On April 3, 2025, Senator Tillis's office contacted me to set up a virtual interview with staff. On April 9, 2025, I had a virtual interview with Senator Tillis's staff. About a week following the interview, Senator Tillis's office submitted a questionnaire for me to

complete and send to his office and Senator Budd's office. On April 24, 2025, I submitted the questionnaire along with attachments. I met with both senators on June 5, 2025. On June 9, 2025, I sent an email providing follow up information to both senators' offices. On June 25, 2025, both senators' offices indicated that they had recommended me to the White House. On July 10, 2025, I received an email from White House Counsel's office asking for dates for an interview. We scheduled an interview for July 28, 2025. I interviewed then with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. On August 20, 2025, President Trump called me to notify me that he selected me for nomination to the United States District Court for the Middle District of North Carolina.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		96	000	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		10	953	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		57	565
Real estate owned – see schedule		409	147	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		30	097				
Cash value-life insurance							
Other assets itemize:							
529 Plan #1		38	779				
529 Plan #2		38	779				
529 Plan #3		38	779	Total Liabilities		57	565
Federal Thrift Savings Plan		559	854	Net Worth	1	164	823
Total Assets	1	222	388	Total Liabilities and Net Worth	1	222	388
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
SPDR S&P 500 ETF	$10,953
Total Listed Securities	$10,953
Real Estate Owned	
Personal Residence	$409,147
Total Real Estate Owned	$409,147
Real Estate Mortgages Payable	
Personal Residence – Mortgage	$57,565
Total Real Estate Mortgages Payable	$57,565

AFFIDAVIT

I, David A. Bragdon, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

5/13/2025 David A Bragdon
(DATE) (NAME)

(NOTARY)

SHERRY N DUNCAN
Notary Public, North Carolina
Wake County
My Commission Expires
October 20, 2025

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for David Alan Bragdon
Nominee to be U.S. District Judge for the Middle District of North Carolina
September 24, 2025

1. From 1997 to 2000 you ran a personal website titled, "DAVID BRAGDON'S RADICAL Conservative, Republican, Libertarian Home page."

   a. **Do you still identify as a "radical, conservative, Republican, libertarian?" Please respond with a yes or no answer.**

      Response: No. Also, the title was the title of the website, not a personal identification of myself.

   b. **If no, please explain the evolution of your political views and how you currently identify.**

      Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. Instrumental to that process were additional life experiences, including marriage, children, law school, living in multiple states and another country. I currently identify as a Christian, and I am a registered Republican. The word conservative has too many meanings to be a good descriptor of beliefs.

2. In a section on abortion, you stated, "Everyone is pro-choice in one way or another. Non-abortionist just believe that the choice comes before the baby." You went on to write, "Why are we trying to give women a choice when they already have one…. Should our government make the child pay the consequences for the woman's poor judgment[?] The woman knew the risk when she chose not to use birth control and thus must face the consequences."

   a. **Do you stand by these statements?**

      Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

   b. **Are you aware that birth control is not always 100 percent effective?**

      Response: Yes.

c. Should a woman or child who is sexually assaulted be forced to give birth?

Response: As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

3. In a section of your website titled "Let's Reform Welfare," you posed the following question for your readers, "Why spend our tax dollars to indefinitely support those who are capable of supporting themselves?" You then argued that welfare causes immorality; encourages drug use and crime; and that children of welfare recipients are more likely to drop out of school, become addicted to drugs, end up in prison, be on welfare themselves, or have children out of wedlock.

a. Do you stand by these statements?

Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. As a district judge, you will have litigants from all walks of life come before you, including some who receive government assistance. How can they trust they will have a fair day in court, if the judge before them holds these prejudices about them?

Response: I have always separated my policy views from following the law. I have been a prosecutor for more than 18 years, and in that capacity, I have carefully followed the law. In a letter supporting my nomination, the Democratic and Republican U.S. Attorneys that I have worked for have said that I will "build[] trust in the community and respect[] individual rights enshrined in the Constitution." They have also said that, "David treats all colleagues and attorneys and defendants with whom he encounters with a strong sense of humanity and collegiality." Attorneys I have worked with most closely in the Federal Public Defender's Office have said, David "treats everyone he encounters with respect and compassion." Other members of the defense bar have said that "David listens patiently, treating everyone in a case with humility and respect." I care greatly about hearing from everyone and being fair. I will do so without regard to the policy views I held over 25 years ago in college.

4. In March 2025, President Trump issued an executive order that essentially shuttered the Institute of Museum and Library Studies (IMLS), the main federal supporter of public libraries around the country. President Trump's cuts mean the loss of hundreds of millions of dollars to libraries around the country.

You previously celebrated National Library Week, noting that you have used public libraries to borrow books for your children and yourself, to learn something new, and to relax. You also shared a quote praising libraries as "a house of hope" and "a place where we all, whatever our situation, can feed our ideas and develop our dreams."

a. Do you stand by your prior statement?

Response: Yes.

Between 2020 and 2024, IMLS provided over $30 million in grants to North Carolina, with library-related grants providing services to the elderly and homebound, improving access to technical programming, and encouraging early childhood literacy.

b. Do you support these initiatives?

Response: As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

c. Given your past support for public libraries, do you support President Trump's cuts to IMLS?

Response: As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

5. On his first day in office, President Trump suspended the U.S. Refugee Assistance Program, claiming that the entrance of refugees would be "detrimental to the interests of the United States." You previously attended a festival hosted by a nonprofit that seeks to assist individuals displaced by war and natural disasters, helping them assimilate and thrive in American communities.

a. Do you still support the work done by Refugee Hope Partners?

Response: I am not currently involved in Refugee Hope Partners and do not receive communications from them.

b. Do you believe that the refugees who attended the event with you were "detrimental to the interests of the United States?"

Response: As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

The organization recently noted that the Trump Administration was planning on ending Temporary Protected Status (TPS) for Afghan TPS holders, which could include those who served as translators for the U.S. Army or were persecuted for their Christian faith.

c. Do you share the organization's concern about President Trump abandoning our Afghan allies?

Response: As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

6. A press release issued by the U.S. Attorney's Office for the Eastern District of North Carolina listed you as the designated lead for election fraud or voting rights abuses during the 2016 election.

a. Was there any evidence of widespread or systemic voter fraud in North Carolina in 2016?

Response: I lack the knowledge to answer this question. In my role, I primarily served as a point of contact to handle any election emergencies that came up on or shortly before election day. I do not recall anything of significance being brought to my attention in my role. I did not handle any election fraud matters that were not urgent or that were brought to the office's attention after election day. My role was even more limited since I left for the Philippines in March 2017 on a detail. I notified the office that I would be leaving in December 2016 or January 2017, and the office avoided assigning me cases that would be ongoing after I left.

b. To your recollection, was there significant voter fraud with mail-in or absentee ballots?

Response: Please see my answer to question 6.a.

c. Based on your experience in 2016, did you find that mail-in voting was a safe and accurate way for voters to submit their ballots?

Response: Please see my answer to question 6.a.

President Trump stated that "ELECTIONS CAN NEVER BE HONEST WITH MAIL IN BALLOTS/VOTING." North Carolina voters used mail-in ballots during the 2016 election.

d. Do you consider the 2016 election in North Carolina to have been "honest?"

Response: Please see my answer to question 6.a.

7. Did President Trump lose the 2020 election?

Response: President Joseph Biden was certified as the winner of the 2020 election.

8. Where were you on January 6, 2021?

Response: I was at my home in Raleigh, North Carolina, teleworking that day.

9. Do you denounce the January 6 insurrection?

Response: How the events at the Capitol on January 6, 2021, are characterized was the subject of litigation in *Trump v. Anderson*. And the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Thus, it would be inappropriate for me to address this issue. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

10. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: The Constitution empowers the President to issue pardons. But the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Thus, it would be inappropriate for me to address this issue. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

11. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: Litigants have many options, including criticizing the order and appealing it. The rules governing civil and appellate proceedings allow for mechanisms by which a party may request that a judge stay or defer a party's obligation to comply with a judicial order. *See, e.g.*, Fed. R. App. P. 8, 41; Fed. R. Civ. P. 62.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Treatises and cases have identified circumstances where a party can raise a defense to compliance with a court order, such as if the court lacked jurisdiction or if compliance was impossible. *See, e.g.,* 17 Corpus Juris Secundum Contempt §§ 56–65. For instance, in some circumstances, defying a court order may be necessary to appeal it, as the Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.").

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: Article III of the U.S. Constitution states that "[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish," and that this power "shall extend to all Cases, in Law and Equity, arising under the Constitution" or other federal laws, among other "Cases" and "Controversies."

12. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: The lawfulness of universal injunctions was addressed by the Supreme Court in *Trump v. CASA*, 145 S. Ct. 2540 (2025), which held that "[a] universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power." *Id.* at 2550. As described in *Trump v. CASA*, the equitable power of courts generally extends only to granting complete relief to the parties before the court. Because the Supreme Court resolved the case on statutory grounds, it did not address whether or to what extent non-party injunctions are constitutional. If I were confirmed and this issue came before me, I would apply relevant precedent. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see the response to question 13(a).

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see the response to question 13(a).

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: No.

13. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

14. Does the U.S. Constitution permit a president to serve three terms?

The 22nd Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const., amend. XXII.

15. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[1]

a. Do you agree that these federal judges are "USA HATING" and "MONSTERS" who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"?

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in on these statements, which relate to ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in on these statements, which relate to ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

16. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a

[1] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.

"judicial coup"[2] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[3]

a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in on these statements, which relate to ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in on these statements, which relate to ongoing litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: Please see my response to question 16(b).

17. When, if ever, may a lower court depart from Supreme Court precedent?

Response: It is never appropriate for a lower court to depart from directly controlling Supreme Court precedent.

18. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: As a district court nominee, I will not be called upon to overturn circuit court precedent. Circuit courts should follow the standards set in case law for determining whether to overturn their own precedent. In the Fourth Circuit, I believe the Fourth Circuit may only do so en banc.

19. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: As a district court nominee, I will not be called upon to overturn Supreme

[2] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48PM), https://x.com/StephenM/status/1927874604531409314.
[3] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25AM), https://x.com/StephenM/status/1928065122657845516.

Court precedent. The Supreme Court should follow the standards set in case law for determining whether to overturn its own precedent.

20. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

Response: Consistent with the approach followed by many judicial nominees from various administrations, it is generally not appropriate for a judicial nominee to grade or give a thumbs up or down to particular Supreme Court decisions. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6). Should I be confirmed, all Supreme Court precedent would bind me.

a. *Brown v. Board of Education*

Response: Yes. As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. To my knowledge, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. I agree that both those decisions were correctly decided.

b. *Plyler v. Doe*

Response: *Plyler* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

c. *Loving v. Virginia*

Response: Yes. See above.

d. *Griswold v. Connecticut*

Response: *Griswold* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

e. *Trump v. United States*

Response: *Trump v. United States* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

f. *Dobbs v. Jackson Women's Health Organization*

Response: *Dobbs* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

g. *New York State Rifle & Pistol Association, Inc. v. Bruen*

Response: *Bruen* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

h. *Obergefell v. Hodges*

Response: *Obergefell* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

i. *Bostock v. Clayton County*

Response: *Bostock* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

j. *Masterpiece Cakeshop v. Colorado*

Response: *Masterpiece Cakeshop* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

k. *303 Creative LLC v. Elenis*

Response: *303 Creative* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

l. *United States v. Rahimi*

Response: *Rahimi* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

m. *Loper Bright Enterprises v. Raimondo*

Response: *Loper Bright* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

21. With respect to constitutional interpretation, do you believe judges should rely on the "original meaning" of the Constitution?

Response: The Supreme Court has interpreted various constitutional provisions by attempting to discern the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Wilson v. Arkansas*, 514 U.S. 927 (1995). The Supreme Court has not applied an originalist interpretation of the Constitution in all areas. *See, e.g., Roper v. Simmons*, 543 U.S. 551 (2005) (Eighth Amendment). As a district court judge, I would faithfully apply all applicable precedent of the Supreme Court and the Fourth Circuit, without regard to whether that binding precedent applied an originalist approach. In areas where the Supreme Court applies an originalist interpretation, the focus is on the public's understanding of the meaning of the

relevant provision in context. This understanding allows an originalist interpretation to apply to new technologies or situations not anticipated at the time the provision was ratified.

22. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Please see my answer to Question 21. Supreme Court and Fourth Circuit precedent will control this issue.

23. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: In *Obergefell v. Hodges*, 576 U.S. 644 (2015), the Supreme Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex. As a lower court judge, I would apply this and all Supreme Court precedents without regard to critiques about their consistency with the concept of original public meaning. If confirmed, I would faithfully follow *Obergefell* and all other precedents of the Supreme Court.

24. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court invalidated a state law prohibiting interracial couples from marrying. As discussed in my answers to Question 20.a and 20.c, and consistent with the answers of prior nominees, I can answer consistent with my duties under the Code of Conduct that *Loving* correctly reaffirmed Browns's rejection of the "notion that the mere 'equal application' of a statute containing racial classifications" comports with the Fourteenth Amendment, *Loving*, 388 U.S. at 8.

25. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The relevant text states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." There are tens of thousands of cases applying these provisions in different contexts. Generally speaking, the Equal Protection Clause requires strict or intermediate scrutiny if a State tries to classify based on a protected characteristic or quasi-protected characteristic. The Due Process Clause has been interpreted to require basic procedural protections and has also been interpreted to include a substantive component that prevents States from passing certain kinds of legislation at all.

26. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has applied these constitutional provisions to discrimination based on sex, *see, e.g., United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, *see, e.g., Lawrence v. Texas*, 539 U.S. 558 (2003). As with all other precedents of the Supreme Court, I would faithfully apply these decisions if confirmed.

27. Do you believe that judges should be "originalist" and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my answer to Question 21.

28. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my answer to Question 21. To the extent this question touches on pending or impending litigation, as a judicial nominee, the canons of judicial conduct generally prohibit me from discussing such matters. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

29. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The Supreme Court has on occasion determined that the First Amendment applies differently to different persons. For example, free-speech protections have been applied differently with respect to children. *E.g., Ginsberg v. New York*, 390 U.S. 629 (1968).

30. How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?

Response: Generally speaking, a law regulating speech is content-based if it regulates a particular kind of speech based on substance (like political speech). The Supreme Court has instructed lower courts to look at whether the law "draws distinctions based on the message a speaker conveys" such as distinguishing based on "particular subject matter" or by "function or purpose." *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). "When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995).

31. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The Supreme Court has instructed that "[t]rue threats" of violence is [a] historically unprotected category of communications." *Counterman v. Colorado*, 600 U.S. 66, 74 (2023) (citation omitted). In the Supreme Court's words, "true threats are serious expressions conveying that a speaker means to commit an act of unlawful violence." *Id.* (citation, internal quotation marks, and internal alterations omitted).

32. Is every individual within the United States entitled to due process?

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that no person shall "be deprived of life, liberty or property, without due process of law" and that no State shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amends. v, xiv. According to the Supreme Court, "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Various precedents address the process that is due in particular contexts. As a district court judge, I would apply all Supreme Court and Fourth Circuit precedents in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of pending or impending litigation, it would be improper for me as a judicial nominee to comment further. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

33. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: This question is being actively litigated. Under the canons of judicial conduct, it would be improper for me as a judicial nominee to comment further on the subject of pending or impending litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

34. The Fourteenth Amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: The text of the 14th Amendment excludes from citizenship persons not "subject to the jurisdiction" of the United States. For example, the Indian Citizenship Act of 1924 was enacted based on the understanding that individuals born into Indian tribes are not entitled to birthright citizenship under the Constitution, so Congress granted citizenship by statute.

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: This question is being actively litigated. Under the canons of judicial conduct, it would be improper for me as a judicial nominee to comment further on the subject of pending or impending litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6)

35. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Nobody should ever be excluded from the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic. I believe that having people from a variety of backgrounds, life experiences, and viewpoints adds value to any enterprise. I have seen this personally in my work with the Department of Justice and in my personal life. Being an effective lawyer or judge depends upon one's ability to intake, understand, and articulate a diverse range of methodological and legal viewpoints. If I am fortunate enough to be confirmed, I look forward to learning from and building relationships with my colleagues in the Middle District of North Carolina and other courts.

36. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: As with any other source of constitutional or statutory law, judges are to faithfully and impartially apply the requirements of the First Step Act and precedents interpreting it, whenever applicable. Judges should also consider the facts and individual characteristics of defendants as the statutes direct.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Yes.

37. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of "traditional values"?

Response: I am unfamiliar with that statement, its context, or what its author intended to reference.

b. President Trump wrote on Truth Social that the Federalist Society gave him "bad advice" on "numerous Judicial Nominations." He also wrote that Leonard Leo is a "sleazebag" who "probably hates America." If you are not familiar with this post, please refer to it in the footnote.[4]

i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?

Response: I am not aware of what advice has or has not been proffered to the White House.

ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?

Response: This question asks me to opine on statements made about a political figure, and under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?

Response: If confirmed, I will consult the canons of judicial ethics to determine generally what membership may or may not be appropriate and will make decisions in accordance with that guidance.

c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.

Response: I spoke to Leonard Leo at a group lunch. I introduced myself and talked with him briefly. We did not discuss anything related to my selection process. I did not speak to or correspond with Steven G. Calabresi. I have professional acquaintances and colleagues affiliated with the Federalist Society

[4] Donald J. Trump (@realDonaldTrump), Truth Social (May 29, 2025, 8:10 PM), https://truthsocial.com/@realDonaldTrump/posts/114593880455063168.

and have spoken to and corresponded with some of them during my selection process.

d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

Response: I was invited to speak on a panel at the 2025 North Carolina Federalist Society Conference. I have declined.

e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

Response: No.

38. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

Response: I have not spoken to or corresponded with any individuals associated with Teneo as part of my selection process. Please see my answer to question 37.c as to Leonard Leo.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

Response: No.

39. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

Response: I have not spoken to or corresponded with any individuals associated with Heritage as part of my selection process.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

Response: No.

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

Response: No.

40. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

Response: I have not spoken to or corresponded with any individuals associated with AFPI as part of my selection process.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

Response: No.

41. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.

Response: I have not spoken to or corresponded with any individuals associated with AFLI as part of my selection process.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?

Response: No.

42. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: I have not spoken to or corresponded with any individuals associated with the Article III Project as part of my selection process.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

Response: No.

43. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

Response: I have not spoken to or corresponded with any individuals associated with ADF as part of my selection process. I have friends, colleagues, and

professional associates who are associated with ADF. I have spoken with some of them about other matters and have told some of them about my nomination.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

Response: No.

44. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed "to the Constitution and the Founders' vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary." It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.

Response: I spoke to and corresponded with Carrie Severino. I asked her for advice regarding the nomination process, and she provided me with general advice regarding the process. As to Leonard Leo, see response to question 37(c). I have not spoken to or corresponded with any other individuals associated with the Judicial Crisis Network or the other organizations identified in this question as part of my selection process.

b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?

Response: No.

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am unaware of any such donations in support of my nomination. Any

advocacy for or against my nomination would not bear on how I would decide cases if I am confirmed. To the extent that this question asks about policy or legal views on whether certain donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: I am unaware of any such donations. If confirmed, I will address all potential or actual conflicts in accordance with the federal recusal statute, the Code of Conduct for United States Judges, and any other laws and rules governing disqualification. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues. To the extent that this question asks about policy or legal views on whether certain donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: Please see my answer to Question 44e.

Nomination of David Bragdon
Nominee to the United States District Court for the Middle District of North Carolina
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. Is it true that you ran a website entitled, "DAVID BRAGDON'S RADICAL Conservative, Republican, Libertarian Home page"?

   Response: Yes. This website was available from approximately 1997 through approximately 2000.

2. On your website, did you say, "Abortion is wrong because person or not, a fetus has just as much right to life as an infant does," and "our constitution protects the fetus"?

   Response: Yes. This website was available from approximately 1997 through approximately 2000.

3. On your website, did you say, "Why are we trying to give women a choice when they already have one. Should an inocent [*sic*] child suffer for a woman's wrong decision. Should our government make the child pay the consequences for the woman's poor judgment. The woman knew the risk when she chose not to use birth control and thus must face the consequenses [*sic*]"?

   Response: Yes. This website was available from approximately 1997 through approximately 2000.

4. On your website, did you say, "Welfare was created to help people who have had a rough time get back on their feet. Instead, it is causing immorality, making people dependent on the government for support"?

   Response: Yes. This website was available from approximately 1997 through approximately 2000.

5. You signed onto a letter supporting Justice Clarence Thomas and criticizing media reports after news broke about the Justice accepting millions of dollars in undisclosed gifts. The letter you signed said, "these stories are malicious, perpetuating the ugly assumption that the Justice cannot think for himself. They are part of a larger attack on the Court and its legitimacy as an institution."

   a. Will you follow the Code of Conduct for United States Judges should you be confirmed?

Response: Yes.

b. Will you disclose all gifts that you are required to report under federal law should you be confirmed?

Response: Yes.

6. You said in your questionnaire that President Trump called you regarding your nomination on August 20, 2025.

a. What did you discuss in that call?

Response: The conversation was short, and I don't remember it word for word. In general, President Trump told me that he was going to nominate me to be a judge in the Middle District of North Carolina. He congratulated me. He told me that the position was competitive and that it was a credit to me that I had been selected. He told me that Justice Thomas spoke highly of me.

b. Did President Trump ask you to make any commitments?

Response: No.

7. Have you had any conversations with President Trump or members of the Trump administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.

Response: In interviewing for the nomination with the White House Counsel's Office and the Department of Justice, I discussed my beliefs regarding the designated role of Article III judges in our constitutional system and the importance of judges' faithfully and neutrally applying the governing laws in the cases that come before them. We also discussed my understanding of the Supreme Court's and Fourth Circuit's precedents in a handful of areas, including constitutional and statutory interpretation. I did not discuss my views about policy. If confirmed to be a district court judge, I would follow all precedent of the Supreme Court and Fourth Circuit.

8. You said in your questionnaire that you are a member of the Federalist Society.

a. Do you know Leonard Leo? If so, how do you know Leo?

Response: I have seen Leonard Leo at group gatherings a couple of times and have personally talked with him at least once.

b. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

Response: I spoke to Leonard Leo at a group lunch on May 8, 2025. I introduced myself and talked with him briefly about nothing of substance.
I emailed Leonard Leo in 2016 or 2017 about my interest in an Eastern District of North Carolina judicial opening. I remember him replying that I could have a short phone call with him. I cannot remember if we spoke on the phone or not. I have no memory of any conversation at that time.

9. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

   a. Leonard Leo?

      Response: No. Please see my answer to Question 8.b.

   b. Anyone affiliated with an entity led or funded by Leonard Leo?

      Response: I know people affiliated with the Federalist Society personally and professionally and consulted a significant proportion of my lawyer friends and colleagues about the nomination process, including people affiliated with the Federalist Society.

   c. Carrie Severino?

      Response: I spoke to and corresponded with Carrie Severino. I asked her for advice regarding the nomination process, and she provided me with general advice regarding the process.

   d. Mike Davis?

      Response: No.

   e. Anyone affiliated with The Article III Project?

      Response: No.

Nomination of David Bragdon to the
United States District Court for the Middle District of North Carolina
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.

   Response: No.

   a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

      Response: No.

2. How would you describe your judicial philosophy?

   Response: Judges should apply the law impartially and fairly. They should resolve factual issues carefully, based on the evidence, and without bias. And they should follow their oath. District court judges should carefully follow precedent of the Supreme Court and the relevant court of appeals. To the extent such precedents do not govern a case, judges should carefully consider the law as understood at the time it was passed, assessing the language at issue in the context of the statute as a whole and other related statutes, applying interpretive canons, and considering other sources that shed light on the statute's meaning.

3. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

   Response: The Fourteenth Amendment's Due Process Clause has been interpreted to guarantee certain substantive rights, specifically "those fundamental rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition." *Washington v. Glucksberg*, 521 U.S. 702, 720–21 (1997) (citation and internal quotation marks omitted). If I were confirmed, I would faithfully apply the standards set forth in *Glucksberg* and other applicable Supreme Court precedent.

   a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: Yes. "With only a handful of exceptions, . . . the Fourteenth Amendment's Due Process Clause incorporates the protections contained in the Bill of Rights, rendering them applicable to the States." *Timbs v. Indiana*, 586 U.S. 146, 150 (2019).

b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes. Many Supreme Court decisions have looked to whether an asserted right is "deeply rooted in this Nation's history and tradition." *E.g., Timbs v. Indiana*, 586 U.S. 146, 150 (2019). If I were to hear a case requiring that analysis, I would consult the same types of sources the Supreme Court has relied on its substantive due process decisions. For example, in *Timbs*, the Court considered whether a right to be free from excessive fines was deeply rooted in our Nation's history and tradition. The Court noted that the Eighth Amendment's "Excessive Fines Clause traces its venerable lineage back to at least 1215, when Magna Carta" guaranteed a similar right. 586 U.S. at 151. The English Bill of Rights provided a similar guarantee. *Id.* at 152. And "[i]n 1787, the constitutions of eight States—accounting for 70% of the U.S. population—forbade excessive fines." *Id.* (citing Calabresi, Agudo, & Dore, State Bills of Rights in 1787 and 1791, 85 S. Cal. L. Rev. 1451, 1517 (2012)).

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes. If any applicable precedent of the Supreme Court or the Fourth Circuit recognized the right at issue, that would control the analysis. In the absence of any such precedent, I would consult relevant decisions of other circuits for their persuasive value.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

e. What other factors would you consider?

Response: I would consider any other factor that the Supreme Court's or Fourth Circuit's precedents identify as relevant to assessing whether the Constitution protects an asserted right under a substantive-due-process theory.

4. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: It is never appropriate for a district court judge to depart from a directly controlling precedent or order from a higher court. *See Rodriguez de Quijas v. Shearson/Am. Exp., Inc.*, 490 U.S. 477, 484 (1989) ("We do not suggest that the Court of Appeals on its own authority should have taken the step of renouncing *Wilko*. If a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.").

5. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. ... Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser." This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

    a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

        Response: In certain contexts, the Supreme Court has considered "evolving standards" in determining the meaning of a constitutional provision. *See, e.g., Roper v. Simmons*, 543 U.S. 551, 561 (2005) (Eighth Amendment). If confirmed, I would apply all Supreme Court precedents and Fourth Circuit precedents in these contexts.

    b. What is the role of sociology, scientific evidence, and data in judicial analysis?

        Response: Generally, the admissibility of scientific, technical, or other specialized knowledge in the determination of adjudicative facts is governed by Federal Rule of Evidence 702. If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Fourth Circuit governing the consideration of such evidence.

6. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide

positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: Yes.

b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Yes.

c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: I have reviewed the *Safer Supervision Act* and the recent Sentencing Commission amendment to supervised release. If confirmed, I will carefully review and follow relevant law relating to sentencing, including supervised release. I understand the importance of considering individual factors in handling supervised release determinations.

7. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: Generally, the Take Care Clause provides that the President "Shall take Care that the Laws be faithfully executed." Art. II, § 3, cl. 3. Under this provision, the Executive Branch has certain authority to prioritize enforcement of federal law. *United States v. Texas*, 599 U.S. 670, 679 (2023) ("Under Article II, the Executive Branch possesses authority to decide how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.") (citations and internal quotation marks omitted). The application of these legal principles implicates issues that could arise before me as a judge; thus, as a judicial nominee, it would be inappropriate for me to provide further comment. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

8. Is President Trump eligible to be elected President for a third term in 2028?

Response: The 22nd Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const., amend. XXII.

9. Who won the 2016 U.S. Presidential Election?

Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

10. Who won the 2020 U.S. Presidential Election?

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.

11. Who won the 2024 U.S. Presidential Election?

Response: President Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

12. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: Generally speaking, the Supreme Court has recognized that the First Amendment prohibits the government from engaging in viewpoint discrimination. *See, e.g., Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995) ("Discrimination against speech because of its message is presumed to be unconstitutional."). The Supreme Court has further recognized that viewpoint discrimination is proscribed even if the speech (fighting words, for instance) generally would be categorically unprotected. *R.A.V. v. City of St. Paul*, 505 U.S. 377, 391 (1992) ("The First Amendment does not permit St. Paul to impose special prohibitions on those speakers who express views on disfavored subjects."). "When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." *Rosenberger*, 515 U.S. at 829.

13. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: How the events at the Capitol on January 6, 2021, are characterized was the subject of litigation in *Trump v. Anderson*. And the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could come before me if I am confirmed to serve as a district court judge. Thus, it would be inappropriate for me to address these issues. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

14. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: Please see my answer to question 12. To the extent that this question asks me to state an opinion on pending or impending litigation, it is inappropriate for me to do so. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

15. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

    Response: Please see my answers to question 12. To the extent that this question asks me to state an opinion on pending or impending litigation, it is inappropriate for me to do so. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

16. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

    Response: In *Griswold v. Connecticut*, 381 U.S. 479 (1965), the Supreme Court assessed a state law banning the use of contraceptives or assisting others in obtaining contraceptives. The Court held that the law unconstitutionally intruded upon a constitutional right of marital privacy. The Supreme Court then later recognized that "a prohibition on contraception per se . . . violates the rights of single persons under the Equal Protection Clause of the Fourteenth Amendment." *Eisenstadt v. Baird*, 405 U.S. 438, 443 (1972). As a district court judge, I would follow all binding precedent, including these.

17. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

    As the Supreme Court has explained, the "right to travel" "embraces at least three different components. It protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State." *Saenz v. Roe*, 526 U.S. 489, 500 (1999). The Supreme Court has described this right as "fundamental." *See, e.g.*, *United States v. Guest*, 383 U.S. 745, 757 (1966) ("The constitutional right to travel from one State to another, and necessarily to use the highways and other instrumentalities of interstate commerce in doing so, occupies a position fundamental to the concept of our Federal Union."). My role as a district court judge would be to faithfully apply Supreme Court and Fourth Circuit precedent. These precedents would be binding on me.

    a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

       Response: The right to travel is not unlimited. For instance, in *Sosna v. Iowa*, the Supreme Court found that a one-year residency requirement for divorce was not unconstitutional even though it discriminated against those who had recently exercised their right to travel to the state. 419 U.S. 393, 406–10 (1975).

18. Do you believe that the Constitution protects a fundamental right to privacy?

Response: The Supreme Court has recognized a right to privacy. *See Griswold v. Connecticut*, 381 U.S. 479, 485 (1965).

a. Does that right extend to information about your health care and medical history?

Response: I am not familiar with much case law in this area, but I will carefully research and apply case law if this issue were to come before me if I am confirmed. In *Whalen v. Roe*, the Supreme Court applied the right to privacy in upholding the constitutionality of New York statutes which required that the state be provided with a copy of every prescription for certain drugs, as well as providing for security measures for that information in the state's possession. 429 U.S. 589 (1977). The right to privacy, like many other rights, is not absolute, and the context and details of the relevant law and facts will matter to resolving any case.

b. Do you agree that it is a violation of that right for states to surveil people's health care and medical history?

Response: Under the judicial canons, it would be inappropriate for me to give my opinion on the merits of a case that could come before me. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

c. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: Under the judicial canons, it would be inappropriate for me to give my opinion on the merits of a case that could come before me. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

19. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that no person shall "be deprived of life, liberty or property, without due process of law" and that no State shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amends. v, xiv. According to the Supreme Court, "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Various precedents address the process that is due in particular contexts. As a district court judge, I would apply all Supreme Court and Fourth Circuit precedents in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of pending or impending litigation, it would be improper for me as a judicial nominee to comment further. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

20. You wrote on your personal website "[t]he constitution grants life, liberty, and the pursuit of happiness to all. Well the mother needs her pursuit of happiness, doesn't she. After all she didn't want the baby to come in the first place. Since it is in her pursuit of happiness to kill the fetus, she is protected by the constition [sic]. If I didn't like my new neighbor, would he be protected by the constitution if [I] killed him. After all, I didn't want him to come in the first place. It would be in my pursuit of happiness to kill the neighbor. . . . During a hard time a mother cannot put her infant to death, just because it was in her pursuit of happiness. Our constitution guarrantees [sic] that infant his life."

    a. Do you remember writing these statements?

        Response: I provided a copy of my website to this committee and acknowledge writing it. I do not remember writing these statements, as it would have been more than 25 years ago when I did so.

    b. Is it still your view that abortion is comparable to killing a neighbor?

        Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

    c. If you are confirmed, will you recuse yourself from any future cases involving reproductive healthcare procedures like abortion?

        Response: I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States judges, and any and all other laws, rules, and practices governing such circumstances. I will comply with all recusal requirements in section § 455 and the code of conduct.

21. You wrote on your personal website that you thought the death penalty was underutilized in North Carolina and should be put "into practice more often."

    a. Do you remember writing this statement?

        Response: I provided a copy of my website to this committee and acknowledge writing it. I do not remember writing these statements, as it would have been more than 25 years ago when I did so.

    b. Do you still stand by this statement?

        Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did

then. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

c. If you are confirmed, will you recuse yourself from sentencing hearings where capital punishment is sought?

Response: I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States judges, and any and all other laws, rules, and practices governing such circumstances. I will comply with all recusal requirements in section § 455 and the code of conduct.

d. What about from hearing habeas corpus petitions from those on death row?

Response: I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States judges, and any and all other laws, rules, and practices governing such circumstances. I will comply with all recusal requirements in section § 455 and the code of conduct.

22. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

Response: The Supreme Court has not applied an originalist interpretation of the Constitution in all areas. *See, e.g., Roper v. Simmons*, 543 U.S. 551 (2005) (Eighth Amendment). As a district court judge, I would faithfully apply all applicable precedent of the Supreme Court and the Fourth Circuit, without regard to whether that binding precedent applied an originalist approach. In areas where the Supreme Court applies an originalist interpretation, the focus is not on the public's understanding of the scope but on the public's understanding of the meaning of the relevant provision in context. This understanding allows an originalist interpretation to apply to new technologies or situations not anticipated at the time the provision was ratified.

23. What sources would you employ to discern the contours of a constitutional provision?

Response: In most cases, the proper approach is already set out by existing Supreme Court or Fourth Circuit precedent. I would apply that precedent to the specific legal question. If I were faced with an open question, I would consult the constitutional text, surrounding provisions, the constitutional structure, and a range of sources unpacking the public understanding of the relevant phrase or term at the time.

24. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: Judges should not decide cases based on their personal views or policy preferences but rather based on the laws of the United States. See 28 U.S.C. § 453.

25. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: There may be certain contexts in which a judge will be required to consider the practical consequences of a particular order on the parties and the public. *See, e.g., Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008) (discussing the importance of considering irreparable injury but also balancing the equities with respect to injunctive relief). In addition, judges will sometimes consider the practical consequences of an interpretation as part of explaining why a particular interpretation is consistent or inconsistent with legislative intent. As a general matter, however, judges should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. See 28 U.S.C. § 453.

26. What role, if any, should empathy play in a judge's decision-making process?

Response: As a general matter, judges should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. See 28 U.S.C. § 453. Sometimes, however, the law requires a judge to consider the personal characteristics of a party before it. For instance, in criminal sentencing, a judge must consider "the characteristics of the defendant," as well as "the need for the sentence imposed . . . to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner." 18 U.S.C. § 3553(a)(1); (a)(2)(D). These individual considerations are not based on the court's emotions, but they do require the court to consider the defendant as an individual and evaluate how his or her characteristics and needs affect the appropriate sentence.

27. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's life experiences may have provided the judge with the requisite legal acumen to fulfill the judicial role and the integrity to treat all others with civility, fairness, honesty, and respect.

28. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: The rules governing civil and appellate proceedings allow for mechanisms by which a party may request that a judge stay or defer a party's obligation to comply with a judicial order. *See, e.g.*, Fed. R. App. P. 8, 41; Fed. R. Civ. P. 62. To the extent this question asks about hypothetical cases or matters that are the subject of pending or impending litigation, it would be improper for me as a judicial nominee to comment further. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: Please see my answer above.

b. What would you do if a party refuses to comply with one of your orders?

Response: It is my understanding that federal courts typically seek to ensure compliance with court orders through sanctions and civil and criminal contempt procedures or through sanctions. The legal analysis will depend on the specific order and the nature of the violation. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (discussing possible sanctions for defying a disclosure order). I would apply governing law and precedents to assess whether the allegations of noncompliance were accurate, whether any recognized defenses apply, and what sanctions or penalties would be appropriate.

29. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: I have benefited from many role models. Since most of my recent work has been as a criminal prosecutor, I have admired both prosecutors and defense attorneys who carefully follow the law and ethical rules while zealously advocating for their client or the government. They strive to tell the truth to the court and all relevant parties, carefully research their briefs, and humbly admit mistakes when needed. I have seen many attorneys openly acknowledge the weaknesses in their case but persuasively argue that the result should be in their favor based on other factors. There are many aspects to ethical practice, but truthfulness, humility, and careful review of the rules and law are fundamental. Many lawyers I have practiced with have these characteristics.

30. Discuss your proposed hiring process for law clerks.

Response: I plan to hire law clerks using a merit-based system. Because I have never hired law clerks before, I have not fully developed a plan. I generally plan to accept applications from anyone who is interested, review applications, conduct interviews, and consider recommendations.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Judges should treat everyone, including law clerks and judicial staff with dignity, courtesy, respect, and fairness. If confirmed, I will seek to ensure that discrimination has no place in my chambers. That said, as a pending judicial nominee, I cannot speak to any particular policy questions regarding congressional application of Title VII provisions to the federal judiciary. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

31. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey,

hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: People should be treated with dignity and respect. I will do so myself, and I will strive to ensure that any complaints or issues are investigated and handled well and that people know who to report problems to and how to handle issues that arise. I will also be available to listen to concerns my staff has. I will also follow any rules or guidelines by the Middle District of North Carolina and the Fourth Circuit.

b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: Please see my answer to question 31.b.

c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I will also follow any rules or guidelines by the Middle District of North Carolina and the Fourth Circuit, research the issue, and seek guidance as appropriate.

32. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: I am not familiar with this practice but am open to considering it. Giving younger attorneys an opportunity to develop oral argument skills is valuable. But a private party has an interest in selecting who argues its case. In addition, judicial efficiency is also important. In considering any standing order, I would seek advice from others and attempt to balance all the relevant factors.

a. How else would you support the skills development of junior lawyers appearing before you?

Response: In my current role, I look for opportunities to give junior attorneys the

opportunity to take on significant responsibilities, including oral arguments and presentations to our office. If confirmed as a judge, I would generally encourage parties before me to do the same where appropriate and would seek additional ways to promote the development of junior lawyers. I would also do my best to be patient with junior lawyers who are making arguments before me, giving them time to develop their arguments even if their arguments are not as smooth as an experienced attorney's would be. I also hope to have the opportunity to provide some legal education for attorneys in my community. Finally, I plan to make my courtroom an environment where attorneys are allowed to make mistakes provided they are exercising good faith.

33. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: The Constitution empowers the President to issue pardons. But the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Thus, it would be inappropriate for me to address these issues. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

34. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: Please see my answer to question 33.

35. At your Senate Judiciary Committee confirmation hearing, you said that you were not familiar with supplemental jurisdiction because "it does not come up in criminal practice very much."

    a. You said that supplemental jurisdiction is "jurisdiction that builds on the jurisdiction of another party who's already properly before the court." Do you stand by that statement?

    Response: No.

    b. If not, what is supplemental jurisdiction?

    Response: Under. 28 U.S.C. § 1367(a), "the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties." There are certain exceptions to this rule.

c. If you are confirmed, how will you ensure that you have an accurate understanding of the law at issue even if you have not had recent experience with it?

Response: A judge should always carefully review and research the law before making any decision. A judge should also hear arguments and briefing from the parties. In addition, judges may take the time to learn areas they are not familiar with. I have always enjoyed learning new areas of the law. If I am confirmed, I look forward to learning more about civil law and other areas that I am not as familiar with.

Questions for the Record for David Bragdon
Submitted by Senator Richard Blumenthal
September 24, 2025

1. In 2024, you were part of the team of Assistant U.S. Attorneys from the Eastern District of North Carolina who represented the Government on appeal in *United States v. George*.[1] While the Fourth Circuit ultimately ruled that the Government's failure to disclose a witness's inconsistent statement was not material to the defendant's case, the court criticized both the Government's failure to disclose the inconsistent statement during trial and its argument on appeal—which you helped to craft—that the inconsistent statement was not actually withheld because the defendant learned about it during trial. Judge Thacker emphasized in her concurrence that the Fourth Circuit had a history of questioning your office's "commitment to constitutional and unobtrusive discovery practices."[2]

    a. If confirmed, will you commit to ensuring that federal and state prosecutors uphold their constitutional duties, including the duty to disclose evidence favorable to the accused?

    Response: If confirmed as a judge, I will not be supervising federal and state prosecutors but handling issues that come before me. In that role, I will carefully apply the laws relating to the duty to disclose evidence favorable to the accused and other constitutional duties of prosecutors.

2. You have previously written in opposition to reproductive rights. The U.S. District Court for the Middle District of North Carolina hears cases dealing with reproductive rights, such as a 2023 challenge to provisions of North Carolina Senate Bill 20 that restricted access to abortion.

    a. If confirmed, will you commit to judging cases relating to reproductive rights in a manner that is fair, impartial, and in conformity with the Constitution and applicable federal law?

    Response: Yes.

    b. If you are unable to judge cases relating to reproductive rights in a manner that is fair, impartial, and in conformity with the Constitution and applicable federal laws, will you commit to recusing yourself from any such case?

    Response: Yes.

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[1] *United States v. George*, 95 F.4th 200 (4th Cir. 2024).
[2] *United States v. George*, 95 F.4th 200, 212 (4th Cir. 2024) (Judge Thacker, concurring) (citing *United States v. Bartko*, 728 F.3d 327, 341–2).

3. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between "free speech" and "hate speech," claiming that the Department of Justice would prosecute the latter.

   Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

   a. Do you believe that there is a legal distinction between "free speech" and "hate speech"?

      Response: Hate speech is an ambiguous term, and the exact communications matter for purposes of the First Amendment. But much communication commonly referred to as hate speech is protected by the First Amendment.

   b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

      Response: The Department of Justice may only prosecute specific crimes that Congress has enacted. For statutes that do criminalize speech, the First Amendment protects most speech but makes exceptions for "historically unprotected categories of speech . . . of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in their proscription." *Counterman v. Colorado*, 600 U.S. 66, 73–74 (2023). Exceptions include incitement, defamation, obscenity, and true threats. *See id.* The specific speech and specific statute would matter in determining the authority of the Department of Justice. It would be inappropriate for me to opine on matters that are subjects of pending or impending litigation. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

4. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

   Response: I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances. I will comply with all recusal requirements in § 455 and the Code of Conduct for United States Judges.

   a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

      Response: Please see my answer to the first part of question 4 above.

b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: Please see my answer to the first part of question 4 above.

c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my answer to the first part of question 4 above.

5. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges.

d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges.

e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges.

f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges.

6. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct. I will file all required reports and comply with all requirements related to potential conflicts of interest and gifts.

g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct. I will file all required reports and comply with all requirements related to potential conflicts of interest and gifts.

h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct. I will inform myself of all relevant requirements and comply with all rules and obligations related to privately funded travel, hospitality, or entertainment.

i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct. I will comply with all rules and obligations including any that impact teaching, speaking, or writing activities.

7. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: The Supreme Court has described it in that way. *See, e.g., Bessette v. W.B. Conkey Co.*, 194 U.S. 324, 326-27 (1904).

b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: The Supreme Court has cautioned that the exercise of the contempt

power is "a delicate one, and care is needed to avoid arbitrary or oppressive conclusions." *Bloom v. Illinois*, 391 U.S. 194, 202 (1968). If I am fortunate enough to be confirmed, I would faithfully apply binding precedent on this and all other issues.

8. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that "[j]udges aren't allowed to control the executive's legitimate power." This raises an extremely concerning specter of Executive Branch defiance of court orders.

   a. If confirmed, would you have the ability to issue orders?

      Response: Yes.

      i. Would you have the ability to enforce those orders?

         Response: Yes.

      ii. What powers would you have to enforce those orders?

         Response: Federal courts typically seek to ensure compliance with court orders through sanctions, civil and criminal contempt procedures, and a variety of other mechanisms.

   b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

      Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court.

      Treatises and cases have identified circumstances where a party can raise a defense to compliance with a court order, such as if the court lacked jurisdiction or if compliance was impossible. *See, e.g.,* 17 Corpus Juris Secundum Contempt §§ 56–65. For instance, in some circumstances, defying a court order may be necessary to appeal it, as the Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.").

c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: See answer to question 8.b.

d. What would make a court order unlawful?

Response: A court order could be described as unlawful if it is entered without jurisdiction or if the order is based on something other than an application of relevant law to the facts of the case.

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court.

e. Is it ever acceptable to not follow this process? When and why?

Response: Treatises and cases have identified circumstances where a party can raise a defense to compliance with a court order, such as if the court lacked jurisdiction or if compliance was impossible. *See, e.g.,* 17 Corpus Juris Secundum Contempt §§ 56–65. For instance, in some circumstances, defying a court order may be necessary to appeal it, as the Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.").

9. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for David Bragdon

1. You used to operate a website called, *"DAVID BRAGDON'S RADICAL Conservative, Republican, Libertarian Home Page."* In a post you published, available at page 540 of your SJQ attachments, you wrote *"[e]ach mother going to get an abortion already had a choice."* You go on to say that a *"woman kn[ows] the risk when she cho[oses] not to use birth control and thus must face the consequences."*
    a. **Please explain or elaborate on what you meant by this statement.**

        Response: I wrote my website more than 25 years ago. I have no independent memory of what I meant at the time beyond what is written on the website itself.

    b. **Does this statement still accurately represent your point of view on this matter?**
        i. **If not, why not?**

            Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

    c. **Given your apparently strongly held personal belief on this issue, if a case involving reproductive rights comes before you, will you recuse yourself?**
        i. **If no, please explain how you believe you would be able to be impartial in such a case.**

            Response: I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States judges, and any and all other laws, rules, and practices governing such circumstances. I will comply with all recusal requirements in section § 455 and the code of conduct.

2. You published in a post, available at pages 558-559 of your SJQ attachments, that "[b]y implementing capital punishment more seriously, we are fighting the war to protect our freedom."
    a. **Please explain or elaborate on what you meant by this statement.**

        Response: I wrote my website more than 25 years ago. I have no independent

memory of what I meant at the time beyond what is written on the website itself.

b. Does this statement still accurately represent your point of view on this matter?

i. If not, why not?

Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

3. In *United States v. George*, 95 F.4th 200 (4th Cir. 2024), a case in which you represented the government on appeal, a Fourth Circuit judge concurred to reprimand the U.S. Attorney's office at which you work for its conduct during discovery. The concurring opinion mentions a "confluence of cases" in which your office had "breached its discovery standards."

a. When did you first become involved in the *George* case?

Response: After trial, Defendant filed a motion for mistrial and dismissal with prejudice or a new trial, raising a discovery claim. Following the filing of this motion, as a part of our office's management team, I was consulted in deciding how to respond to the motion for a new trial.

b. Were you responsible for any aspect of the discovery at issue in the *George* appeal aside from briefing and arguing the case on appeal?

Response: I was not involved in the case during the discovery or trial phase, but I did participate in advising the office on how to handle Defendant's motion for a mistrial, dismissal, and new trial.

c. Did you or anyone in your office take any action to address the judge's concerns expressed in *George*?

Response: Yes.

i. If yes, what were those actions?

Response: In a public filing with the Fourth Circuit, the government identified some of the actions it had taken to resolve the concerns raised by the Fourth Circuit. *See Petition for Panel Rehearing*, at 14–15, *United States v. Garrett*, 22-4407 Cir. March 5, 2025). It provided the chart below as examples of actions it had taken to improve its discovery practice:

2022	Installed one of our most experienced attorneys to lead all office training
	Installed new office discovery coordinator
	Criminal discovery training (March, December)
	New AUSA discovery training (June, July, October)
	Participated in discovery pilot developing new procedures which were approved by DOJ
	Discovery update emails (February, March, April, June, August)
2023	Criminal discovery training
	Discovery update email
2024	E-litigation AUSA joined office and introduced new platform to aid discovery processing
	Appellate Chief trained on lessons learned from this case [Garrett], *George*, No. 22-4617, and *Milam*, No. 23-4427
	Updated discovery manual
	Presentation by National Criminal Discovery Coordinator
	Criminal discovery training (August, October, November)
	New AUSA discovery training
	Discovery update emails (May, July, September)
	Review of discovery manual by National Criminal Discovery Coordinator
	Debuted new discovery intake procedures; trained office and law enforcement partners
2025	Began pilot program for discovery intake/production
	Criminal discovery training

ii. If not, why not?

4. Which financial disclosure laws, rules, and/or guidelines are federal district court judges bound to follow?

Response: Federal judges are subject to a variety of rules and financial rules and

guidelines on financial disclosure, including the Ethics in Government Act of 1978, the Courthouse Ethics and Transparency Act, and the STOCK Act, which extended by CETA to federal judges. If confirmed, I will carefully examine and follow these and any other laws, rules, and guidelines relating to financial disclosure.

a. Which laws, rules, and/or guidelines governs whether and when a federal district court judge is allowed to accept gifts?

Response: Federal judges are subject to a variety of rules and guidelines related to gifts, including the Code of Judicial Conduct, the Foreign Relations Authorization Act, 22 U.S.C. § 2694, the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342, the Judicial Conference Regulations on Gifts, and the Ethics Reform Act of 1989. I will carefully examine these and any other relevant rules and guidelines before accepting any gift.

b. Under applicable laws, rules, and/or guidelines, when must a federal district court judge disclose gifts?

Response: Please see my answer to question 4.a. There are a variety of rules and laws that cover different situations. I will carefully examine all relevant rules and guidelines before accepting any gift to ensure that I comply with rules for accepting any gift, disclosing or reporting it, and recusing where appropriate.

5. **Do you believe *Brown v. Board of Education* was correctly decided?**

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6). To my knowledge, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. I agree that both those decisions were correctly decided.

6. Do you believe *Loving v. Virginia* was correctly decided?

Response: Yes. Please see my answer to question 5.

7. Do you believe *Obergefell v. Hodges* was correctly decided?

Response: Please see my answer to question 5. *Obergefell* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

8. If you answered "yes" to any of the above questions (5-7) but did not similarly answer any others, please explain how you determined you could answer some questions and not others.

Please see my answer to question 5.

a. If you have declined to answer on the basis that the issue may come before you (or another court), please identify the case(s) currently pending in the federal courts that raise this issue. If you cannot identify any such cases, please explain your basis for declining to answer the question(s).

Based on a Westlaw search I conducted, *Obergefell* has been cited in over 170 United States appellate briefs and 100 federal opinions in the last three years. While I am not familiar with the specifics of these cases and opinions, the fact that it is still being cited so often suggests that its scope and application is being actively litigated.

Nomination of David A. Bragdon
United States District Court for the Middle District of North Carolina
Questions for the Record
Submitted September 23, 2025

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

   On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[1]

   a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

      Response: I have not closely followed the ABA's role in evaluating nominees to become federal judges. I do not have sufficient information to have an opinion on this question.

2. How would you characterize your judicial philosophy?

   Response: Judges should apply the law impartially and fairly. They should resolve factual issues carefully, based on the evidence, and without bias. And they should follow their oath. District court judges should carefully follow precedent of the Supreme Court and the relevant court of appeals. To the extent such precedents do not govern a case, judges should carefully consider the law as understood at the time it was passed, assessing the language at issue in the context of the statute as a whole and other related statutes, applying interpretive canons, and considering other sources that shed light on the statute's meaning.

3. What do you understand originalism to mean?

   Response: Originalism means that the Court interprets the Constitution, a Constitutional Amendment, or a statute "in accord with the ordinary public meaning of its terms at the time of its enactment." *See, e.g., Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 654 (2020).

4. Do you consider yourself an originalist?

[1] Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), https://www.justice.gov/ag/media/1402156/dl?inline.

Response: Yes, I consider myself an originalist. The Supreme Court "normally interprets a statute in accord with the ordinary public meaning of its terms at the time of its enactment." *Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 654 (2020). In certain contexts, the Supreme Court has utilized a different approach. *See, e.g., Roper v. Simmons*, 543 U.S. 551 (2005) (Eighth Amendment). As a district court judge, I would faithfully apply all applicable precedents of the Supreme Court and the Fourth Circuit, without regard to whether they applied an originalist approach.

5. What do you understand textualism to mean?

   Response: Textualism means that in interpreting a statute, a judge looks to the text of the statute as the primary source of meaning, ending its analysis if the language is plain and unambiguous. *Carcieri v. Salazar*, 555 U.S. 379, 387 (2009) ("This case requires us to apply settled principles of statutory construction under which we must first determine whether the statutory text is plain and unambiguous. If it is, we must apply the statute according to its terms.") (citations omitted).

6. Do you consider yourself a textualist?

   Response: Yes. The text of a statute is what Congress enacts and the President signs. It is the primary source for interpreting a statute's meaning and governs interpretation where the statutory provision is plain and unambiguous.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

   a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

      Response: "Reliance on legislative history is unnecessary in light of the statute's unambiguous language." *Mohamad v. Palestinian Auth.*, 566 U.S. 449, 458 (2012). But the Supreme Court sometimes looks at legislative history to evaluate or confirm its interpretation even when the statutory language seems clear. *See id.* 459 ("Indeed, although we need not rely on legislative history given the text's clarity, we note that the history only supports our interpretation of 'individual.'"). To the extent that legislative history may be properly considered, it "is meant to clear up ambiguity, not create it." *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011) ("When presented, on the one hand, with clear statutory language and, on the other, with dueling committee reports, we must choose the language."). If confirmed, I would faithfully apply all relevant precedent of the Supreme Court and the Fourth Circuit concerning the use of legislative history. I would also evaluate all arguments made by the parties.

   b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: As a general matter, the focus of statutory interpretation is the original public meaning of a statutory text. *United States v. Locke*, 471 U.S. 84, 95 (1985) ("[D]eference to the supremacy of the Legislature, as well as recognition that Congressmen typically vote on the language of a bill, generally requires us to assume that the legislative purpose is expressed by the ordinary meaning of the words used.") (citation and internal quotation marks omitted). But Congressional intent may shed light on that meaning, particularly if Congressional intent is clear and the language of the statutory text is ambiguous.

8. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[2]

   a. What do you attribute this to?

      Response: Any unfair treatment of people based on race is a significant cause for concern. The Supreme Court has held that the "core purpose" of the Fourteenth Amendment was "doing away with all governmentally imposed discrimination based on race." *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 206 (2023). A district court's role is to consider the parties before it without any bias and to apply the law fairly. I am not familiar with the study cited or the broader scholarship, statistics, and research in this area, so I am not able to answer this question, which is a difficult one.

9. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[3]

   a. What do you attribute this to?

      Response: Please see my response to question 8.a.

10. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

    Response: The law provides a variety of mechanisms to raise concerns about discrimination. Defense counsel can raise these issues with the court. Judges may ask questions or raise concerns on their own. Finally, judges have a duty to apply the law and facts fairly and

[2] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).
[3] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

without discrimination. Judges should take advantage of all available tools to ensure that they do their part for justice to be imposed without discrimination.

11. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: Nobody should ever be excluded from the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic. I believe that having people from a variety of backgrounds, life experiences, and viewpoints adds value to any enterprise. I have seen this personally in my work with the Department of Justice and in my personal life. Being an effective lawyer or judge depends upon one's ability to intake, understand, and articulate a diverse range of methodological and legal viewpoints. If I am fortunate enough to be confirmed, I look forward to learning from and building relationships with my colleagues in the Middle District of North Carolina and other courts.

12. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

Response: As noted on my Senate Judiciary Questionnaire, I have spoken at different times, written a website on a variety of topics, and reviewed or edited other materials that were made public. Some of these materials may have touched on the issues listed below, but I may not recall every instance that does. For a full accounting of the topics I have addressed, please refer to the list of the list of publications and statements provided in your Senate Judiciary Questionnaire and the corresponding recordings or attachments. To the best of my knowledge, the answers provided on my Senate Judiciary Questionnaire and supplement disclose all publications and public statements. Below, I have identified materials I remember that specifically address these topics.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

a. Abortion.

Response: My website, *David Bragdon's Home Page*, provided to the Judiciary Committee, discussed abortion.

In late 2005 or early 2006, Campbell University interviewed me and did a press release about my receiving a Supreme Court Clerkship. I have no notes, transcript, or recording, and I cannot find this interview online. I recall expressing my opinion that *Roe v. Wade* was unlikely to be overruled by the Supreme Court at that time.

b. Affirmative action.

Response: None that I can remember.

c. Contraceptives or birth control.

Response: My website, *David Bragdon's Home Page*, provided to the Judiciary Committee, briefly discussed birth control in the context of discussing abortion.

d. Gender-affirming care:

Response: None that I can remember.

e. Firearms.

Response: Some of the press releases identified in my Senate Judiciary Questionnaire discussed my prosecutions in firearms cases. The following are the ones I recall:

Press Release, Clayton Felon Receives Federal Sentence, United States Attorney's Office, Eastern District of North Carolina, Feb. 4, 2011.

Press Release, Rocky Mount Man Pleads Guilty to Machine Gun Charges, United States Attorney's Office, Eastern District of North Carolina, Dec. 14, 2010.

Press Release, Aurora Man Receives Federal Sentence for Weapons Charge, United States Attorney's Office, Eastern District of North Carolina, Apr. 14, 2010.

Press Release, [Untitled], United States Attorney's Office, Eastern District of North Carolina, Sept. 17, 2008.

f. Immigration

Response: Some of the press releases identified in my Senate Judiciary Questionnaire discussed my prosecutions relating to illegal aliens. The following are the ones I recall:

Press Release, Sentencing for Four More Illegal Aliens in False ID Production Organization, United States Attorney's Office, Eastern District of North Carolina, Oct. 9, 2008.

Press Release, Printer in ID Fraud Ring Sentenced, United States Attorney's Office, Eastern District of North Carolina, Sept. 29, 2008.

Press Release, Sentencing for Eight Illegal Aliens in False ID Production Organization, United States Attorney's Office, Eastern District of North Carolina, Sept. 19, 2008.

Press Release, Four Illegal Aliens to Pled [sic] Guilty in Document Counterfeiting Ring, United States Attorney's Office, Eastern District of North Carolina, Apr. 7, 2008.

g. Same-sex marriage

Response: None that I can remember.

h. Miscegenation

Response: None that I can remember.

i. Participation of transgender people in sports

Response: None that I can remember.

j. Service of transgender people in the U.S. military

Response: None that I can remember.

k. Racial discrimination

Response: My website, *David Bragdon's Home Page*, provided to the Judiciary Committee, discussed racial discrimination in the context of the death penalty and redistricting.

In addition, one press release, 2016 Eastern District Election Officer Appointed, United States Attorney's Office, Eastern District of North Carolina, Oct. 25, 2016, quoted United States Attorney Bruce as saying, "Every citizen must be able to vote without interference or discrimination and to have that vote counted without it being stolen because of fraud. The Department of Justice is dedicated to protecting the integrity of the election process."

l. Sex discrimination

The press release, 2016 Eastern District Election Officer Appointed, United States Attorney's Office, Eastern District of North Carolina, Oct. 25, 2016, quoted United States Attorney Bruce as saying, "Every citizen must be able to vote without interference or discrimination and to have that vote counted without it being stolen because of fraud. The Department of Justice is dedicated to protecting the integrity of the election process."

m. Religious discrimination

Response: None that I can remember.

n. Disability discrimination

Response: None that I can remember.

o. Climate change or environmental disasters

Response: None that I can remember.

p. "DEI" or Diversity Equity and Inclusion

Response: None that I can remember.

13. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: Treatises and cases have identified circumstances where compliance with a court order is not required, such as if the court lacked jurisdiction or if compliance was impossible. *E.g.*, 17 Corpus Juris Secundum Contempt §§ 56–65. The Supreme Court has identified additional circumstances, such as where an order must be violated to be appealed. The Supreme Court also explained that defying a court order is sometimes necessary for a party to appeal it without revealing privileged information. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.").

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: It is my understanding that federal courts typically seek to ensure compliance with court orders through sanctions and civil and criminal contempt procedures or through sanctions. The legal analysis will depend on the specific order and the nature of the violation. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (discussing possible sanctions for defying a disclosure order). I would apply governing law and precedents to assess whether the allegations of noncompliance were accurate, whether any recognized defenses apply, and what sanctions or penalties would be appropriate.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Treatises and cases have identified circumstances where compliance with a

court order is not required, such as if the court lacked jurisdiction or if compliance was impossible. *E.g.*, 17 Corpus Juris Secundum Contempt §§ 56–65. The Supreme Court has identified additional circumstances, such as where an order must be violated to be appealed. The Supreme Court also explained that defying a court order is sometimes necessary for a party to appeal it without revealing privileged information. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.").

14. Does the president have the power to ignore or nullify laws passed by Congress?

Response: The President has the constitutional authority to veto legislation passed by Congress. U.S. Const. Art. I, § 7, cl. 2. Otherwise, the Take Care Clause provides that the President "shall take Care that the Laws be faithfully executed." U.S. Const. Art. II, § 3, cl. 5. Under this provision, the Executive Branch has discretion to prioritize enforcement and prosecution of federal law. *See, e.g., United States v. Texas*, 599 U.S. 670, 678 (2023) ("Under Article II, the Executive Branch possesses authority to decide how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.") (citations and internal quotation marks omitted). The application of these legal principles implicates issues that could arise before me as a judge; thus, as a judicial nominee, it would be inappropriate for me to provide further comment. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

15. Does the president have the power to withhold funds appropriated by Congress?

Response: Congress passed the Impoundment Control Act in 1974. I have not reviewed any case law or other authorities addressing or interpreting this statute, nor formed an opinion on how it might apply it to any particular facts. To the extent the question asks about current legal disputes, it would be improper for me as a judicial nominee to forecast how I would rule in a case that might come before me. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

16. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: The application of these legal principles implicates issues that could arise before me as a judge; thus, as a judicial nominee, it would be inappropriate for me to provide further comment. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

17. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supremacy Clause provides that the Constitution, along with federal laws and treaties made under its authority, constitutes the "supreme Law of the Land." Art. VI, cl. 2. Under Supreme Court precedent, federal laws may preempt state law either expressly or implicitly through field or conflict preemption. *See, e.g., Murphy v. Nat'l Collegiate Athletic Ass'n*, 584 U.S. 453, 476-79 (2018). As a district court judge, I would apply all Supreme Court and Fourth Circuit precedents in addressing preemption claims.

18. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: According to the Supreme Court, "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Various precedents address the process that is due in particular contexts. As a district court judge, I would apply all Supreme Court and Fourth Circuit precedents in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of pending or impending litigation, it would be improper for me as a judicial nominee to comment further. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

19. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: The Supreme Court has held that it is lawful for Congress to delegate power to federal agencies so long as Congress provides an "intelligible principle" to guide the action. *See, e.g., Fed. Commc'ns Comm'n v. Consumers' Rsch.*, 145 S. Ct. 2482, 2491 (2025).

20. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes.

21. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: *Griswold* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. In *Griswold*, defendants were convicted of violating the Connecticut birth control law. The Supreme Court held that the Fourteenth Amendment protects the use of contraceptives.

22. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: *Lawrence* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. In *Lawrence*, defendants were convicted of engaging in homosexual conduct under a Texas law that criminalized sexual intimacy by same-sex couples but not identical behavior by different-sex couples. The Supreme Court held that the law was

unconstitutional under the Fourteenth Amendment as applied to defendants who engaged in sexual intimacy in the home.

23. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

    Response: *Obergefell* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. In *Obergefell*, the Michigan Marriage Amendment prohibited same-sex marriage. The Supreme Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex. It also held that states must recognize lawful same-sex marriages performed in other states.

24. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

    Response: The Constitution prescribes certification by Electors from the States as the means for determining who prevailed in a presidential election. See U.S. Const., art. II, § 1; U.S. Const. amend. XII. Under this process, President Joseph Biden was certified as the winner of the 2020 election.

    a. Did Biden win a majority of the electoral vote in the 2020 election?

       Response: Please see my answer to question 24.

    b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

       Response: I have no personal knowledge as to whether vote counts for the 2020 election were accurate. Otherwise, please see my answer to question 24.

25. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[4]

    a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

       Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

    b. Did Trump win a majority of the electoral vote in the 2016 election?

       Response: Please see my answer to Question 25(a).

[4] U.S. CONST. amend. XXII.

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: President Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my answer to Question 25(c).

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

The 22nd Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const., amend. XXII.

26. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: As part of the process for preparing for the hearing, there was general discussion of the universe of responses the committee has previously received to various questions. I was specifically encouraged to read and follow the Code of Conduct for United States Judges. I have given answers based on my understanding of what is appropriate under the Code of Conduct for United States Judges, including by taking into account interpretations and practices of many prior nominees.

27. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

28. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

29. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

30. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

31. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

32. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

33. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

34. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: I spoke to Leonard Leo at a group lunch on May 8, 2025. I introduced myself and talked with him briefly about nothing of substance. I did not speak with him about my interest in a judicial position or the selection process.

35. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

36. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs
    d. Kenneth Harrelson
    e. Thomas Caldwell
    f. Jessica Watkins
    g. Roberto Minuta
    h. Edward Vallejo
    i. David Moerschel
    j. Joseph Hackett
    k. Ethan Nordean
    l. Joseph Biggs

m. Zachary Rehl
n. Dominic Pezzola
o. Jeremy Bertino
p. Julian Khater

Response: No.

37. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

38. Have you ever been demoted, terminated, or experienced any other adverse employment action?

Response: No.

a. If yes, please describe the events that led to the adverse employment action.

b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

Response: I affirm that I have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

39. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

40. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[5]

a. Do you agree with the above statement?

Response: I am not familiar with the statement described above, so I cannot comment on it specifically. As a judge, I would not prejudge any party or lawyer or their arguments based on political affiliation. I am friends and colleagues with many Democrats and have a high opinion of them. I believe that collegiality and dialogue are important.

[5] https://www.article3project.org/about

b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: No.

d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: No.

41. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

a. If so, who? What advice did they give?

Response: No.

b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: I recall receiving general advice that some members of the Senate Judiciary Committee valued trial experience and that including cases that went to trial could be valuable.

42. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

43. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I know people affiliated with the Federalist Society personally and professionally and consulted a significant proportion of my lawyer friends and colleagues about the nomination process, including people affiliated with the Federalist Society.

44. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

Response: On July 10, 2025, I received an email from White House Counsel's office asking for dates for an interview. We scheduled an interview for July 28, 2025. I interviewed then with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. Since that interview, I have been in contact with officials from the Justice Department's Office of Legal Policy regarding the nomination and the submittal of required paperwork to the Federal Bureau of Investigation and the Senate. Those communications occurred over the course of August 2025. In addition, in September 2025, I communicated with the White House Counsel's Office and the Justice Department's Office of Legal Policy to prepare for the hearing before the Judiciary Committee. I have also been in communication with the Office of Legal Policy in connection with these questions.

45. Please explain, with particularity, the process whereby you answered these written questions.

Response: I prepared a draft response to these questions by consulting my records, legal precedent, statutory text, constitutional text, and responses addressing similar questions and issues submitted by other judicial nominees. After receiving feedback from people at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to the Senate Judiciary Committee.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for David Alan Bragdon
Hearing on "Nominations"
Wednesday, September 17, 2025

1. From 1997 to 2000, you ran a personal website titled "DAVID BRAGDON'S RADICAL Conservative, Republican, Libertarian Home page." In a section on abortion on that website, you wrote: "Why are we trying to give women a choice when they already have one. Should an inocent [sic] child suffer for a woman's wrong decision. Should our government make the child pay the consequences for the woman's poor judgment. The woman knew the risk when she chose not to use birth control and thus must face the consequenses [sic]."

    a. Can you explain why you asked readers to consider a woman's decision to end a pregnancy a form of "poor judgment?"

    Response: I wrote my website more than 25 years ago. I have no independent memory of what I meant at the time beyond what is written on the website itself.

    b. Can you explain why you characterized a woman's decision over her pregnancy the "wrong decision?"

    Response: I wrote my website more than 25 years ago. I have no independent memory of what I meant at the time beyond what is written on the website itself.

    c. Can you articulate what consequences you were thinking about at the time you wrote that women "must face" them?

    Response: I wrote my website more than 25 years ago. I have no independent memory of what I meant at the time beyond what is written on the website itself.

    d. Do you continue to agree with the statements in the post you made? Why or why not?

    Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. As a judicial nominee, the canons of judicial

conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

e. Have you publicly expressed other views on abortion or women's healthcare issues since you ran your personal website? If so, please list the occasion(s) and summarize the comments you made.

Response: In late 2005 or early 2006, Campbell University interviewed me and did a press release about my receiving a Supreme Court Clerkship. I have no notes, transcript, or recording, and I cannot find this interview online. I recall expressing my opinion that *Roe v. Wade* was unlikely to be overruled by the Supreme Court at that time.

In my senate judiciary questionnaire, to the best of my knowledge, I identified my public writings, speeches, and statements. I do not believe that I made other public statements on abortion or women's health care issues since I ran my personal website.

2. In a section of your website titled "Let's Reform Welfare," you wrote: "[Welfare] is causing immorality, making people dependent on the government for support, and costing honest, hard-working taxpayers billions of dollars per year."

a. Can you explain why you stated that welfare programs are "causing immorality?"

Response: I wrote my website more than 25 years ago. I have no independent memory of what I meant at the time beyond what is written on the website itself.

f. Do you continue to agree with the statements in the post you made? Why or why not?

Response: I drafted this portion of my website while in college before I began law school more than 25 years ago. Many of my views have changed or developed over time, and there are few things I would write the same way now that I did then. As a judicial nominee, the canons of judicial conduct generally prohibit me from discussing matters that could come before me as a judge. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

g. Have you expressed other views on welfare or welfare programs since you ran your personal website? If so, please list the occasion(s) and summarize the comments you made.

Response: In my senate judiciary questionnaire, to the best of my knowledge, I identified my public writings, speeches, and statements. I do not believe that I made other public statements on welfare or welfare programs since I ran my personal website.

3. On the topic of "Capitalism and Freedom," you wrote in one page that "In order to be free we have to limit the government, legally and economically!!!" and that "Americans need to realize that our freedom is being taken piece by piece through government control over the economy."

    a. Can you explain what "government control" meant to you at the time you created your post?

    Response: I wrote my website more than 25 years ago. I have no independent memory of what I meant at the time beyond what is written on the website itself.

    b. Have you expressed other views on the role of government since you ran your personal website? If so, please list the occasion(s) and summarize the comments you made.

    Response: In my senate judiciary questionnaire, to the best of my knowledge, I identified my public writings, speeches, and statements. I do not believe that I made other public statements on the role of government since I ran my personal website.

September 11, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of David Bragdon to the United States District Court for the Middle District of North Carolina

Dear Chairman Grassley and Ranking Member Durbin:

We are current Assistant United States Attorneys and Appellate Chiefs in U.S. Attorney's Offices across the Fourth Circuit, writing in our personal capacities to express our support for the nomination of our colleague and fellow Appellate Chief, David Bragdon, to the federal bench.

As Appellate Chiefs, we have worked hand in hand with David as supervisors and managers of the appellate caseload in our respective offices. In this role, we have directly observed his unwavering commitment to the pursuit of justice on behalf of the people of the United States. In both his own cases and in mentoring other attorneys over his years of public service, he has upheld the highest traditions of our profession.

David is a "lawyer's lawyer": a person of such strong intellect, breadth of legal knowledge, and insight that even experienced attorneys rely upon him for sage counsel. He unselfishly gives of his time to provide colleagues with assistance while juggling his own demanding caseload. He approaches complex legal issues with objectivity, careful research, and meticulous attention to the facts and the law.

As former law clerks, we know first-hand the demands of serving as a member of the federal bench and the qualities that enhance the role. Federal district judges have a tremendous responsibility to ensure that the parties in both civil and criminal cases receive a fair adjudication and to develop a thorough record in the event of further review. Such interests are best furthered

by the selection of sober-minded, deliberate, dedicated intellects representing the best of our profession. David Bragdon meets that standard.

We recommend, without qualification, his confirmation to the federal bench.

Respectfully,

Julie C. Niemeier
Appellate Chief, MDNC

Jacqueline R. Bechara
Appellate Chief, EDVA

Laura Taylor
Appellate Chief, WDVA

David Bornstein
Appellate Chief, DMD

Jennifer Rada Herrald
Appellate Chief, SDWV

Eleanor Hurney
Appellate Coordinator, NDWV

cc: The Hon. Thom Tillis
113 Dirksen Senate Office Building
Washington, D.C. 20510

The Hon. Ted Budd
304 Russell Senate Office Building
Washington, D.C. 20510

September 10, 2025

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of David Bragdon to the United States District Court for the Middle District of North Carolina

Dear Chairman Grassley and Ranking Member Durbin:

We are lawyers and members of the private bar who have worked with David Bragdon in his role as an Assistant United States Attorney. We write in support of his nomination to serve as a United States District Judge for the Middle District of North Carolina.

David's objective qualifications are exceptional. His classmates elected him student body president at Campbell University, where he earned a degree in Political Science and Government. He served on the Law Review at the University of Virginia School of Law, then clerked for Judge Stephen F. Williams of the D.C. Circuit Court of Appeals. He practiced for several years with the prominent firm of Burr & Forman, in Birmingham, Alabama, then returned to the judicial branch as a law clerk to Justice Clarence Thomas of the United States Supreme Court. Since his Supreme Court clerkship, he has served in the U.S. Department of Justice as an Assistant United States Attorney, including most recently as Appellate Chief in the U.S. Attorney's Office for the Eastern District of North Carolina.

David consistently contributes beyond his primary role as a federal prosecutor. In 2017, the DOJ chose him as Resident Legal Advisor to the Philippines, where he served until 2020. He also has taught at his undergraduate alma mater, Campbell University, as an Adjunct Professor in its law school. In addition to his professional work, he has volunteered for more than a decade with his sons' Scout troop.

The achievements on David's résumé are insufficient, however, to illustrate his character and integrity. Many of us have been his opponents—attorneys representing clients on the opposite sides of cases against David and his office. He is a highly intelligent, formidable advocate. When he speaks, though, it is not with volume or a forceful tone, but with quiet confidence based on clear, disciplined thinking. More important, particularly for a judicial nominee, David listens patiently, treating everyone in a case with humility and respect. As his opponents, we do not always agree with him, but he has earned our trust and confidence that each of his decisions is based on fair, thorough, and sincere evaluation of the facts and the law.

David is extraordinarily qualified to serve as a United States District Judge. His remarkable professional record reveals his intellect, work ethic, and dedication to service, and we have observed first-hand his integrity and personal temperament. We enthusiastically support his nomination, and we respectfully ask the Senate to confirm him to the U.S. District Court for the Middle District of North Carolina.

Sincerely,

Kearns Davis

Kelly Margolis Dagger

Rudolph A. Ashton, III

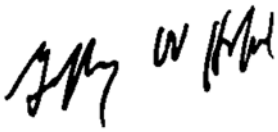
Christian Dysart

Wes Camden

Marshall H. Ellis

Nardine Mary Guirguis

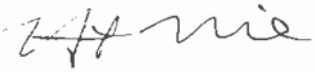
Sandra Hagood



Geoffrey Hosford

Joseph E. Houchin

Matthew Nis Leerberg



Hart Miles

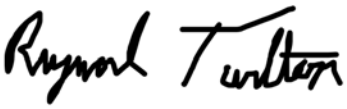
C. Melissa Owen

Elise Cyre Salmon

Donald Samuel

Donald Samuel

Paul K. Sun, Jr.



Raymond Tarleton

Nathan Wilson

Joseph Zeszotarski

September 8, 2025

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of David Bragdon to the United States District Court for the Middle District of North Carolina

Dear Chairman Grassley and Ranking Member Durbin:

We are current and former prosecutors who have served with David Bragdon. We write in our personal capacities to express our support for his nomination to the United States District Court for the Middle District of North Carolina.

Anyone reading this letter is likely familiar with David's sterling credentials for this position. A graduate of the University of Virginia School of Law, David clerked for the Court of Appeals for the D.C. Circuit. He then spent a few years in private practice before returning to our nation's capital to clerk for the Honorable Clarence Thomas on the Supreme Court of the United States. He has remained in public service for the 19 years since.

Fortunately for the undersigned, we have worked alongside him in that time. We have gotten to know him, and we are better attorneys for it. David is an admirable advocate for the United States. In his near-decade in the economic crimes section, he prosecuted those who put their own greed before the financial security of the government or private citizens. And as an attorney in and leader of the Appellate Division, he has been conscientious, creative, and relentless in protecting the United States' interests on appeal.

The qualities that make David an excellent lawyer, colleague, and supervisor will make him an outstanding judge. He holds himself and those around him to the highest moral standards. He has the courage to take the position he believes is correct under the law, even if it is unpopular. He also listens to those who disagree with him and changes his mind when appropriate. He remains calm and contemplative even

when the circumstances around him are not. And he never rests on his considerable laurels: instead, he continuously strives to improve his mastery of issues and the effectiveness of his advocacy.

In our view, this is an easy one. David would be a credit to the bench, and we urge the Senate to confirm him.

Respectfully,

C. Michael Anderson	*DOJ 2015–25*
Philip L. Aubart	*DOJ 2022–present*
Erin C. Blondel	*DOJ 2014–21; 2023–present*
Lucy Partain Brown	*DOJ 2018–present*
Robert J. Dodson	*DOJ 2010–present*
Dennis M. Duffy	*DOJ 1991–2025*
Katherine S. Englander	*DOJ 2018–present*
Kristine L. Fritz	*DOJ 2009–present*
John L. Gibbons	*DOJ 2023–24*
William M. Gilmore	*DOJ 2008–present*
Joshua Brian Howard	*DOJ 2001–09*
Adam F. Hulbig	*DOJ 2005–present*
Andrew Kasper	*DOJ 2022–present*
Sebastian Kielmanovich	*DOJ 2010–24*
Scott A. Lemmon	*DOJ 2013–present*
K. Paige O'Hale	*DOJ 2014–present*
Evan Rikhye	*DOJ 2004–24*
Joshua B. Royster	*DOJ 2005–22*
Clay C. Wheeler	*DOJ 2002–11*

September 9, 2025

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of David Bragdon to the United States District Court for the Middle District of North Carolina

Dear Chairman Grassley and Ranking Member Durbin,

We are Assistant Federal Public Defenders for the Eastern District of North Carolina, where David Bragdon currently serves as the appellate chief in the United States Attorney's Office. We write solely in our personal capacities to express our support for David's nomination to the United States District Court for the Middle District of North Carolina.

David's résumé attests to his outstanding intelligence and work ethic. David graduated summa cum laude from Campbell University, where he served as student body president, and received his Juris Doctor from the University of Virginia. After law school, David clerked for the Honorable Judge Stephen Williams of the D.C. Circuit Court of Appeals, spent three years in private practice, then clerked for Associate Justice Clarence Thomas of the United States Supreme Court. Following his clerkships, David joined the United States Attorney's Office for the Eastern District of North Carolina. As an Assistant United States Attorney, he has tried fifteen jury trials, written approximately fifty appellate briefs, and argued fifteen cases before the Fourth Circuit Court of Appeals.

What David's résumé does not reveal is his personal character. It can be difficult, at times, for lawyers to strike a balance between ardently advancing their clients' interests and treating their opponents humanely; but David walks that line with aplomb. He is marked by his consistency, decency, and discipline. As those of us who have been fortunate enough to work with him know, David is a clear thinker and an excellent writer. He treats everyone he encounters with respect and compassion. We are confident David will approach each case before him with the same diligence and thoughtfulness he has demonstrated as an Assistant United States Attorney.

In sum, we believe that David's professional experience and personal character render him exceptionally well-qualified to serve as a district court judge, and that he would be a tremendous addition to the federal bench. We urge the Committee to report his nomination favorably and the Senate to confirm him to the United States District Court for the Middle District of North Carolina.

Respectfully,

Robert J. Parrott Jr.
Eric J. Brignac
Jaclyn L. Tarlton
Jennifer C. Leisten
Andrew DeSimone
Jennifer A. Dominguez

BURR & FORMAN

Joseph Letzer
jletzer@burr.com
Direct Dial: (205) 458-5212
Direct Fax: (205) 244-5671

420 North 20th Street
Suite 3400
Birmingham, AL 35203

Office (205) 251-3000
Fax (205) 458-5100

BURR.COM

September 8, 2025

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington D.C. 20510

Re: Nomination of David Bragdon to the U.S. District Court for the Middle District of North Carolina

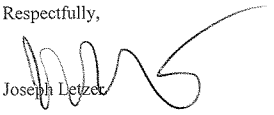
Dear Chairman Grassley and Ranking Member Durbin:

Burr and Forman employed David Bragdon as an Associate Attorney in General and Commercial Civil Litigation from September 3, 2003 until June 20, 2006 when he left to clerk on the United States Supreme Court with Justice Thomas. I was David's direct supervisor and mentor.

While working with us David performed a variety of tasks including complex litigation research, trial and appellate briefing, oral argument and trial assistance. David is intelligent, hardworking, personable, and performed all tasks at an exceptionally high level. He certainly understood quite well the area of civil litigation. We were disappointed when David announced his departure, but, of course, happy for him and his legal future. Unfortunately, David chose to stay in the public sector after his Supreme Court clerkship rather than returning to practice civil litigation with Burr & Forman.

Based on my day to day working relationship with David over the course of almost three years, I unequivocally support David Bragdon's nomination and respectfully recommend that he be confirmed as the next United States District Judge for the Middle District of North Carolina. He has the intelligence, work ethic, temperament and character to make a fine federal district judge.

Respectfully,



Joseph Letzec

JWL/tsm

cc: Senator Thom Tillis
113 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Ted Budd
304 Russell Senate Office Building
Washington, D.C. 20510

September 12, 2025

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of David Bragdon to the United States District Court for the Middle District of North Carolina

Dear Chairman Grassley and Ranking Member Durbin:

We are former law clerks to the Honorable Clarence Thomas, and we write solely in our personal capacities to express our strong support for the nomination of David Bragdon, who has been nominated to serve as a federal judge on the United States District Court for the Middle District of North Carolina.

David is extraordinarily gifted and accomplished. He graduated summa cum laude from Campbell University and received his Juris Doctor from the University of Virginia School of Law, where he served on the Virginia Law Review. After law school, David clerked for Judge Stephen Williams of the U.S. Court of Appeals for the D.C. Circuit, and then for Associate Justice Clarence Thomas of the U.S. Supreme Court. After clerking, David started as an Assistant United States Attorney in the U.S. Attorney's Office for the Eastern District of North Carolina, where he has worked ever since. During his tenure at the Department of Justice, David served the United States as a Resident Legal Advisor to the Philippines in Manila from 2017 to 2021. Since 2021, David has served as the Appellate Chief in the U.S. Attorney's Office, where he has been responsible for briefing and arguing countless appeals to the Fourth Circuit. Throughout David's time in public service, he has represented the United States in all manner of criminal and civil cases in federal district courts and appellate courts.

At every juncture of David's career, he has chosen paths that reflect a sincere commitment to public service. But as impressive as David's outstanding resume and his record of public service have been, they do not tell the full story of David. Having had the privilege of knowing David, we have witnessed firsthand David's formidable intellect, tireless work ethic, and unwavering dedication to the rule of law. David is the epitome of thoughtfulness and humility in his approach to others and in his consideration of complex legal issues. He approaches legal arguments with care, rigor, and precision—qualities that will serve the people of North Carolina and the federal judiciary with great distinction.

For these reasons, we strongly support David Bragdon's nomination and urge the Senate to confirm him without delay.

Respectfully,

Matthew W. Sawchak (D.C. Circuit 1990)
Saikrishna Prakash (October Term 1994)
Michael O'Neill (October Term 1996)
Nicole Stelle Garnett (October Term 1998)
Patrick L. O'Daniel (October Term 1998)
Steven T. Cottreau (October Term 1999)
Kate Comerford Todd (October Term 2000)
Jennifer K. Hardy (October Term 2004)
Henry Whitaker (October Term 2004)
John M. Hughes (October Term 2005)
Ashley E. Johnson (October Term 2005)
John D. Adams (October Term 2006)
Adam M. Conrad (October Term 2006)
Brandt Leibe (October Term 2006)
Heath P. Tarbert (October Term 2007)
Claire J. Evans (October Term 2008)
Patrick Strawbridge (October Term 2008)
Marah Stith McLeod (October Term 2009)
Brian P. Morrissey (October Term 2009)
Elbert Lin (October Term 2010)
Robert Dunn (October Term 2012)
Brian D. Schmalzbach (October Term 2013)
Katherine C. Yarger (October Term 2013)
Jennifer B. Dickey (October Term 2014)
Brinton Lucas (October Term 2014)
Haley Proctor (October Term 2014)
Andrew N. Ferguson (October Term 2016)
Kasdin Mitchell (October Term 2016)
Gilbert C. Dickey (October Term 2017)
Christopher C. Goodnow (October Term 2021)
Ryan Proctor (October Term 2024)
Thomas Wilson (October Term 2024)

September 11, 2025

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Durbin:

We, the signatories below, are current and former United States Attorneys from across North Carolina, who served under presidents of both parties going back more than twenty years. We write to express our strong support for the nomination of David Bragdon to the United States District Court for the Middle District of North Carolina.

In our roles as United States Attorneys and other positions of leadership for the state and federal government, we are in a unique position to evaluate the qualifications for this most important work. David understands justice and will protect the public, while building trust in the community and respecting individual rights enshrined in the Constitution. We have no doubt that David will excel in every facet of this weighty job.

We know David in various ways – as friends, colleagues, and having worked alongside him in his role as Assistant United States Attorney and Appellate Chief in the United States Attorney's Office for the Eastern District of North Carolina. We can attest, through personal knowledge and by reputation, that David has been an incredibly effective prosecutor and advocate for the United States, while treating opposing parties and their counsel with fairness and respect. He has a strong reputation for his intellect, thoughtfulness and consideration of opposing views.

David is also a problem-solver, having personally handled many complex investigations, prosecutions, and appeals, which include incredibly thorny legal issues. He has carefully and meticulously sorted through the issues, explaining them to the court with aplomb. David also carefully advised numerous attorneys who are line prosecutors and in leadership in the office, defense counsel, and agents with whom he works on difficult issues of law.

Most importantly, however, David treats all colleagues and attorneys and defendants with whom he encounters with a strong sense of humanity and

collegiality. He enjoys the highest reputation in the legal community for his intelligence, thoughtfulness, and preparation. David consistently displays the temperament, character and work ethic necessary to make an outstanding judge.

In conclusion, we enthusiastically support David Bragdon's nomination and respectfully recommend that he be confirmed the next United States District Judge for the Middle District of North Carolina.

Respectfully,

John S. Bruce, EDNC (2001-2002 and 2016-2017)
Hon. George Holding, EDNC (2006-2011)
Hon. Thomas G. Walker, EDNC (2011-2016)
Hon. Robert J. Higdon, Jr., EDNC (2017-2021)
Hon. R. Andrew Murray, WDNC (2017-2021)
Hon. Matthew G.T. Martin, MDNC (2018-2021)
G. Norman Acker, EDNC (Acting 2021)
William Stetzer, WDNC (Acting 2021)
Hon. Michael F. Easley, Jr., EDNC (2021-2025)
Daniel P. Bubar, EDNC (Acting 2025)
Russell Ferguson, WDNC (2025)

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Lindsey Ann Freeman

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Middle District of North Carolina

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office for the Middle District of North Carolina
101 South Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401

4. **Birthplace**: State year and place of birth.

1983; Austin, Texas

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2008 – 2011, University of Pennsylvania Law School; J.D. (magna cum laude), 2011

2009 – 2011, Wharton Business School; Certificate in Business and Public Policy, 2011

2001 – 2005, Harvard University; B.A. (magna cum laude), 2005

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2021 – present
U.S. Attorney's Office for the Middle District of North Carolina
101 South Edgeworth Street, 4th Floor

Greensboro, North Carolina 27401
First Assistant U.S. Attorney (2025 – present)
Assistant U.S. Attorney (2021 – present)

2020
Office of the Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Chief of Staff and Deputy Associate Attorney General

2017 – 2020
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Chief of Staff and Senior Counsel (2019 – 2020)
Counsel (2017 – 2019)

2015 – 2017
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, D.C. 20006
Counsel (2016 – 2017)
Associate (2015 – 2016)

2012 – 2014
O'Melveny & Myers LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Associate

2011 – 2012
Honorable John M. Rogers
United States Court of Appeals for the Sixth Circuit
100 East Vine Street, Suite 400
Lexington, Kentucky 40507
Law Clerk

2010 – 2011
Westlaw
610 Opperman Drive
Eagan, Minnesota 55123
University of Pennsylvania Law School Student Representative

2008 – 2011
University of Pennsylvania Law School
3501 Sansom Street
Philadelphia, Pennsylvania 19104
Arthur Littleton & Clayton Louderback Legal Writing Instructor (2010 – 2011)
Graduate Associate (2009 – 2011)
Research Assistant for Professor (now Judge) Stephanos Bibas and Professor William Burke-White (2008 – 2009)

Summer 2010
Office of the Legal Adviser
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520
Summer Law Clerk

Summer 2010
Debevoise & Plimpton
66 Hudson Boulevard
New York, New York 10001
Summer Associate

Summer 2009
Office of the President
International Criminal Tribunal for the Former Yugoslavia
Churchillplein 1, 2517 JW
The Hague, The Netherlands
Summer Law Clerk

Summer 2008
HF Bar Ranch
1301 Rock Creek Road
Saddlestring, Wyoming 82840
Office Assistant

2006 – 2008
Women Thrive Worldwide
1825 Connecticut Avenue, NW
Suite 600
Washington, D.C. 20008
Senior Trade Associate (2007 – 2008)
Trade Associate (2006 – 2007)

2006
Friendly's
2669 Corning Road

Horseheads, New York 14845
Waitress

2005 – 2006
Harvard University
1350 Massachusetts Avenue
Cambridge, Massachusetts 02138
Trustman Fellow

Other Affiliations (uncompensated):

2016 – 2017
Washington Lawyer's Committee for Civil Rights and Urban Affairs
700 14th Street, NW
Washington, D.C. 20005
Associate Trustee

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for selective service.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

The Attorney General's Distinguished Service Award (2019)

D.C. Bar, Pro Bono Honor Roll (2014, 2015)

Kentucky Colonel (2011)

University of Pennsylvania Law School
- Degree conferred magna cum laude (2011)
- Order of the Coif (2011)
- Comments Editor, University of Pennsylvania Law Review (2011)
- Dolores K. Sloviter Prize for best paper or research project in the field of judicial administration (2011)
- Noyes E. Leech Award for highest achievement in international law (2011)
- G. Newton Greene Memorial Prize for highest grade in torts (2011)
- Outstanding Pro Bono Award (2011)
- International Human Rights Summer Fellowship (2009)

Harvard University
- Degree conferred magna cum laude (2005)

Weatherhead Center for International Affairs Undergraduate Research Fellow (2004 – 2005)
Center for International Development, Research Grant (2004 – 2005)
Department of African Studies, Research Grant (2004 – 2005)
Carr Human Rights Center, Research Grant (2004 – 2005)
John Harvard Scholarship (2003 – 2005)
Detur Book Prize (2002)

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2013 – 2019)

American Inns of Court, University of Pennsylvania Law School (2010 – 2011)

Federal Bar Association (2021 – present)

10. **Bar and Court Admissions**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 2012
California, 2013
District of Columbia, 2015
North Carolina, 2024

There have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. Court of Appeals for the Fourth Circuit, 2021
U.S. Court of Appeals for the Sixth Circuit, 2011
U.S. Department of Veterans Affairs, 2014 – 2017 (approx.)

I allowed my accreditation with the U.S. Department of Veterans Affairs to lapse after I was no longer working on a particular pro bono case for a veteran.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you

belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Catholic Business Network (2016 – 2019)

Federalist Society (2016 – present)
North Carolina State Chapters Conference Planning Member (2024 – present)
Triad Chapters Leadership Team (2024 – present)

John Carroll Society (2016 – 2021)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

Bass Pro / Cabela's: A Case Study of Competitive Retail Mergers (co-authored with Ted Hassi), Global Competition Review (GCR) (July 24, 2017). Copy supplied.

Price Discrimination Markets in Merger Cases: Practical Guidance from FTC v. Sysco (co-authored with Ian Simmons and Sergei Zaslavsky), *ABA Antitrust Magazine* (Fall 2016). Copy supplied.

BAPCPA and Bankruptcy Direct Appeals: The Impact of Procedural Uncertainty on Predictable Precedent, 159 U. Pa. L. Rev. 543 (2011). Copy supplied.

In 2010 – 2011, I was a comments editor for the University of Pennsylvania Law Review, volume 159. In this role, I worked with a team of other comments editors to select the comments to publish. I also conducted many rounds of edits on several published comments.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Report of the Attorney General's Cyber Digital Task Force: Cryptocurrency Enforcement Framework, U.S. Dep't of Justice (Oct. 2020). Copy supplied.

Report of the Attorney General's Cyber Digital Task Force, U.S. Dep't of Justice, (July 2, 2018). Copy supplied.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Letter to Sens. Lindsey Graham and Dianne Feinstein, Nomination of Amy Coney Barrett, October 11, 2020. Copy supplied.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

October 11, 2024: Introductory Speaker, "Criminal Justice Reform: Is More Needed or Did We Go Too Far? A Look Back at the First Step Act and Raise the Age," Federalist Society North Carolina Chapters Conference, Raleigh, North Carolina. Recording available at https://www.youtube.com/watch?v=KyRWpmTqs-s.

February 27, 2020: Panelist, "Demystifying Political Appointments," Women's Bar Association of the District of Columbia, Washington, D.C. I spoke as part of a bipartisan panel that featured current and former political appointees who shared their experiences with the political appointment process and executive service. I have no notes, transcript, or recording. The address for the Women's Bar Association of the District of Columbia is 2800 Eisenhower Avenue, Suite 210, Alexandria, Virginia 22314.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Jacob A. Kramer, *Waiting for a Star to Fall*, The Harvard Crimson, Nov. 21, 2002. Copy

supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues,

together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held a position or played a role in a political party or election committee, nor

in any political campaign.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2011 to 2012, I served as a law clerk to the Honorable John M. Rogers, Circuit Judge of the United States Court of Appeals for the Sixth Circuit.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2012 – 2014
O'Melveny & Myers LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Associate

2015 – 2017
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, D.C. 20006
Counsel (2016 – 2017)
Associate (2015 – 2016)

2017 – 2020
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Chief of Staff and Senior Counsel (2019 – 2020)
Counsel (2017 – 2019)

2020
Office of the Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW

Washington, D.C. 20530
Chief of Staff and Deputy Associate Attorney General

2021 – present
U.S. Attorney's Office for the Middle District of North Carolina
101 South Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401
First Assistant U.S. Attorney (2025 – present)
Assistant U.S. Attorney (2021 – present)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

From 2012 until 2017, I was an associate and counsel in private practice at O'Melveny & Myers LLP. From 2012 until 2014, I was in the Century City Office in Los Angeles, California. At that time, I was in the Business Litigation and Trial Practice Group. I worked on a variety of civil litigation matters for large corporate clients, including entertainment companies. In 2015, I transferred to the Washington, D.C. office, where I joined the Antitrust Practice Group. I worked on antitrust HSR and regulatory reviews, merger clearances, and merger litigation, including the successful merger of two retail companies.

From 2017 through 2020, I held several roles in the U.S. Department of Justice. When I first joined the Department, I was a counsel in the Office of Legal Policy. In that role, I oversaw the national security and cybersecurity portfolios. When I was promoted to Chief of Staff and Senior Counsel in 2019, I oversaw the daily operations of the office, including overall strategy, regulatory efforts, judicial nominations, budget, hiring, and personnel issues for over 35 attorneys and staff. In 2020, I joined the Office of the Associate Attorney General as Chief of Staff and Deputy Associate Attorney General. In that capacity, I oversaw the staff and provided support and guidance to the Department components that reported to the Associate Attorney General.

Since 2021, I have been an Assistant United States Attorney in the Middle District of North Carolina, where I have prosecuted a wide range of criminal offenses including violent crime, narcotics trafficking, immigration violations, fraud, SORNA violations, and child exploitation. In July 2025, I was named First Assistant United States Attorney for the office. In this role, I oversee the

management of the office and assist the United States Attorney in his effort to enact law enforcement priorities for the Middle District of North Carolina.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

In private practice, I worked primarily on complex civil litigation matters for a variety of large corporate clients, including entertainment companies, retail companies, insurance companies, and manufacturers. During this time, in addition to general civil discovery, motions, and trial practice, I specialized in antitrust and healthcare law.

Since joining the Department of Justice in 2017, my client has been the United States of America. I have specialized in a wide range of criminal prosecutions, including violent crime, narcotics trafficking, immigration violations, fraud, SORNA violations, and child exploitation.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

During my time with O'Melveny & Myers, all of my practice related to litigation. I appeared in federal court, state court, and administrative proceedings occasionally with a law firm partner.

As an attorney with the Office of Legal Policy and then with the Office of the Associate Attorney General, most of my practice did not involve litigation, and I did not appear in court.

As an Assistant U.S. Attorney and First Assistant U.S. Attorney, all of my practice is in litigation. I appear in court multiple times per week.

i. Indicate the percentage of your practice in:

1.	federal courts:	90%
2.	state courts of record:	5%
3.	other courts:	0%
4.	administrative agencies:	5%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	50%
2.	criminal proceedings:	50%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than

settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried two criminal cases as associate counsel to a verdict before a jury. As an associate in private practice, I assisted in a six-month jury trial involving a negligent hiring lawsuit in state court.

i. What percentage of these trials were:

1.	jury:	100%
2.	non-jury:	0%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Allred*, 1:24-CR-351 (Middle District of North Carolina; Judge William L. Osteen, Jr. presiding; jury verdict entered May 21, 2025).

I was co-counsel in this jury trial, prosecuting the defendant for possession of a firearm by a felon. After the defendant was pulled over for a suspected DWI violation, officers spotted what they believed to be a handgun in the center console of the vehicle the defendant was driving. The defendant refused to show the officers the inside of his console; instead, the defendant took off, dragging two police officers partially hanging from the car's windows. Officers later found the defendant hiding in the bushes and discovered a handgun on the front passenger seat of the vehicle that the defendant had been driving.

On May 21, 2025, the jury found the defendant guilty of possession of a firearm by a felon. Sentencing in this case is set for September 12, 2025.

Co-counsel

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Assistant United States Attorney
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(336) 332-6342

Counsel for Defendant

Todd Smith
Smith Giles, Attorneys At Law
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(336) 222-7735

2. *United States v. Macias-Carrillo*, 1:22-CR-018-1 (Middle District of North Carolina; Judge William L. Osteen, Jr. presiding; judgment entered July 28, 2022).

I was co-counsel in this jury trial, prosecuting the defendant for being an alien in possession of a firearm and for illegal reentry of a deported alien. The defendant fired two shots at his ex-girlfriend's house, after which a local officer found the defendant outside a hotel. The defendant attempted to pull a handgun from his waistband when the officer went to detain him.

A jury found the defendant guilty of all counts on April 28, 2022. On July 28, 2022, the defendant was sentenced to 60 months' imprisonment and three years of supervised release. On March 11, 2024, the Fourth Circuit affirmed the criminal judgment in an unpublished per curiam opinion (No. 22-4528).

Co-counsel

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Deputy Criminal Chief
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Counsel for Defendant

Mireille P. Clough
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Middle District of North Carolina
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Winston-Salem, North Carolina 27101
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3. *United States v. Miller*, 1:22-CR-171-1, 1:22-CR-390-1, 1:22-CR-396-1 (Middle District of North Carolina; Judge Catherine E. Eagles presiding; judgment entered May 31, 2023).

I was lead counsel and indicted this matter, prosecuting the defendant for possession of child pornography and for several crimes relating to his travel across state lines to meet a minor for sexual activity.

The defendant pled guilty to possession of child pornography, traveling to meet a minor for sexual activity, and committing a felony offense involving a minor while required to register as a sex offender. On May 31, 2023, the defendant was sentenced to 720 months in federal prison and a lifetime of supervised release.

Co-counsel

Eric Iverson
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Counsel for Defendant

Lisa S. Costner
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Stacey D. Rubain
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4. *United States v. Long-Booker*, 1:24-CR-235 (Middle District of North Carolina; Judge Catherine E. Eagles presiding; judgment entered April 9, 2024; appeal pending).

I handled all aspects of this matter at the trial stage, from the investigation and charging to plea negotiations and sentencing. The defendant was charged with and pled to possession of a firearm by a felon after terrorizing his then-girlfriend on several occasions and shooting at her twice while her young child was in the house. The defendant was sentenced to 144 months in prison.

Co-counsel

I prosecuted this case without co-counsel.

Counsel for Defendant

John A. Dusenbury, Jr.
Assistant Federal Public Defender
Middle District of North Carolina
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5. *United States v. Rasheed*, 1:24-CR-62 (Middle District of North Carolina; Judge Loretta C. Biggs presiding; judgment entered October 31, 2024).

I was lead counsel and indicted this matter, prosecuting the defendant for armed robbery. On October 12, 2022, the defendant entered a gas station in Durham, North Carolina, wearing a black ski mask and armed with a handgun. He pointed the gun at the young clerk and threatened to shoot him. After collecting money from cash registers at the front and the back of the store, the defendant fled. Within minutes, officers were able to track the defendant to the residence where he had been staying because, unbeknownst to him, the stolen money included a tracking device.

The defendant pled guilty to one count of interference with commerce by robbery and one count of brandishing a firearm during and in relation to a crime of violence. On October 31, 2024, he was sentenced to 135 months in prison and three years of supervised release.

Co-counsel

Rob Lang
Former Assistant United States Attorney
Middle District of North Carolina
Retired

Counsel for Defendant

Tiffany T. McGregor
Assistant Federal Public Defender
Middle District of North Carolina
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5. *United States v. Dauti et al*, 1:22-CR-311 (Middle District of North Carolina; Judge Catherine C. Eagles presiding; judgments entered from March 9, 2023, until November 30, 2023; affirmed by the Fourth Circuit on April 9, 2024).

I was lead counsel and indicted this matter, prosecuting the five defendants for their participation in a methamphetamine drug trafficking ring. The named defendant coordinated an extensive methamphetamine distribution operation in the Middle District of North Carolina while still in federal custody for a previous conviction for conspiracy to distribute methamphetamine. The five defendants received sentences of 360 months, 210 months, 135 months, 126 months, and 66 months in prison. The Fourth Circuit affirmed the named defendant's sentence in an unpublished per curiam opinion on January 27, 2025.

Co-counsel

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Assistant United States Attorney
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Counsel for Defendant – Enis Dauti

Aaron B. Wellman
Ivey, McClellan, Siegmund, Brumbaugh & McDonough, LLP
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(336) 274-4658

Counsel for Defendant – Scott Alan Shores

John Scott Coalter
Coalter Law, PLLC
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Counsel for Defendant – Ashley Nichole Morrow

Andrew L. Farris
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Durham, North Carolina 27705
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Counsel for Defendant – Amy Ellissa Hammer

Todd Smith
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(336) 222-7735

Counsel for Defendant – Daniel Wayne Mize

Mark Everette Edwards
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(919) 688-9555

6. *United States v. Iturbide*, 1:22-CR-279 (Middle District of North Carolina; Judge Thomas D. Schroeder presiding; judgment entered February 24, 2023).

I handled all aspects of this matter, from the investigation and charging to plea negotiations and sentencing. The defendant was initially charged by Complaint and then federally indicted for failing to register as required under the Sex Offender Registration and Notification Act (SORNA) and for illegal reentry after committing an aggravated felony.

The defendant in this case had been deported on five separate occasions, with the fifth happening in 2015 after he served a six-year sentence for Aggravated Sexual Battery on a victim less than 13 years of age. The defendant was classified as a Violent Child Predator after that conviction, which required him to register on the Tennessee sex offender registry for life. He had also previously been convicted of federal charges for alien smuggling and improper entry by an alien.

In 2022, he was arrested by local officers for assault on a female, second degree kidnapping, and communicating threats. At no time while he was in the United States did the defendant apply to legally enter the country or register as a sex offender.

The defendant pled guilty on October 5, 2022, to one count of illegal re-entry of a

deported alien whose removal was subsequent to a conviction for the commission of an aggravated felony. On February 24, 2023, he was sentenced to 60 months in prison and three years of supervised release.

Co-counsel

I prosecuted this case without co-counsel.

Counsel for Defendant

George Entwistle Crump, III
George E. Crump, III
PO Box 1523
Rockingham, North Carolina 28379
(910) 997-5544

7. *United States v. McDonald*, 1:21-CR-115-1 (Middle District of North Carolina; Judge Loretta C. Biggs presiding; judgment entered August 31, 2022), affirmed *United States v. McDonald*, No. 22-4516 (Chief Judge Albert Diaz, Judge Robert King, and Judge James A. Wynn presiding; decided April 9, 2024).

I was lead counsel and indicted this matter, prosecuting the defendant for drug and gun offenses. Durham police officers encountered the defendant while attempting to arrest another individual. When the officers jumped out of their vehicle to chase the suspect, the defendant revved his vehicle to flee the scene, reaching under his seat. Upon approaching the defendant's vehicle, the officer smelled marihuana. Officers searched the vehicle, finding a pistol, two digital scales, vacuum seal baggies, marihuana, and cocaine.

After the district court denied the defendant's motion to suppress, the defendant conditionally pled guilty to possession with intent to distribute cocaine and possession of a firearm by a felon. The defendant appealed, and I handled the briefing and the oral argument before the Fourth Circuit on October 31, 2023. On April 9, 2024, the Fourth Circuit affirmed the district court in a 2-1 unpublished opinion.

Co-counsel

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Assistant United States Attorney
Middle District of North Carolina
101 South Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401
(336) 332-6302

Counsel for Defendant

Ira R. Knight
Assistant Federal Public Defender
Middle District of North Carolina
301 North Elm Street, Suite 410
Greensboro, North Carolina 27401
(336) 333-5455

9. *United States ex. rel. Graves v. Plaza Medical Centers Corp.* et. al, 1:10-CV-23382 (Southern District of Florida; Judge Federico A. Moreno presiding; judgment entered October 31, 2017).

I defended a large insurance company against this False Claims Act (FCA) lawsuit. In 2010 (before I joined the case), a whistleblower filed a complaint alleging that Plaza Medical Centers Corporation and its owner diagnosed and billed Medicare Part C patients with more severe conditions in order to request higher reimbursements. She alleged that my client violated the FCA by failing to identify the fraud and return the alleged overpayments. The Department of Justice declined to intervene in the case in April 2014. During my time on the case, I was responsible for drafting both the summary judgment motion and the reply. I also oversaw the majority of the motions practice and affirmative defense discovery efforts as part of O'Melveny & Myers's trial leadership team. I assisted in several interviews and depositions, including second chairing the deposition for the co-defendant. In October 2017, the parties reached a settlement; the defendants agreed to pay $3 million to the United States Government for release of the claims with prejudice.

Co-counsel

K. Lee Blalack, II
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
(202) 383-5374

Dave Leviss
Formerly O'Melveny & Myers LLP
Retired

Robert Donald Wike Landon, III
Formerly Kenny Nachwalter, P.A.
Deceased

Ryan C. Zagare
Formerly Kenny Nachwalter, P.A.
Assistant County Attorney

Miami-Dade County, Florida
111 NW 1st Street, Suite 2810
Miami, Florida 33128
(305) 876-7040

Counsel for Defendant

Sam S. Sheldon
Formerly Quinn Emanuel
Robbins Geller Rudman & Dowd LLP
655 West Broadway
Suite 1900
San Diego, CA 92101
(619) 231-1058

10. *FTC v. Sysco Corp.* 113 F. Supp 3d 1 (District of D.C.; Judge Amit P. Mehta presiding; judgment entered June 23, 2015).

This was a Federal Trade Commission lawsuit seeking a preliminary injunction to stop the merger of Sysco and U.S. Foods until an FTC Administrative Law Judge could hold an administrative hearing to assess the merger's legality. Within three months, the parties exchanged millions of documents, deposed dozens of witnesses, and secured over a hundred declarations. As an associate representing Sysco in this case, I was tasked with assisting with review of documents and depositions related to other national competitors and foodservice distribution consumers. I second-chaired depositions and preliminary hearing cross-examinations and also assisted in drafting the closing argument. I was responsible for coordinating a large, multi-office and multi-firm team to organize deposition designations, exhibits, and the factual record for the preliminary injunction hearing and post-hearing briefing. The preliminary injunction hearing took place in the District Court for the District of Columbia over the course of approximately eight days in early May 2015. On June 23, 2015, the district court granted the FTC's motion for preliminary injunctive relief. On June 29, 2015, Sysco announced it had terminated its merger agreement with U.S. Foods.

Co-counsel

Richard G. Parker
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Milbank LLP
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Edward "Ted" David Hassi
Formerly O'Melveny & Myers LLP
Debevoise & Plimpton

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Counsel for Defendant

Stephen Weissmann
Formerly Deputy Director of the Bureau of Competition, FTC
Gibson, Dunn & Crutcher LLP
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Washington, D.C. 20036
(202) 955-8678

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As an Assistant U.S. Attorney, much of my work involves legal work that does not proceed to litigation. For example, I assess and evaluate potential cases and make decisions about whether to initiate a federal prosecution, and I frequently advise and assist federal law enforcement agents in the course of ongoing investigations. During my time at the Office of the Associate Attorney General, I helped with the Office's supervision of both litigating and non-litigating components of the Department of Justice. And as an attorney with the Office of Legal Policy, I worked on policy development for the Department of Justice, including handling the Office's national security and cybersecurity portfolios and working with colleagues on various other policy matters.

While in private practice with O'Melveny & Myers LLP, I advised clients on various legal matters, including matters pertaining to pending litigation and other matters related to compliance issues or other corporate legal questions.

Before law school, I was an employee of the nonprofit Women Thrive Worldwide and registered as a lobbyist representing the organization, advocating on economic policies positively impacting women in developing countries. Women Thrive Worldwide has since ceased its operations.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

Legal Writing, University of Pennsylvania Law School, 2010 – 2011. I taught legal writing to a section of first-year law students. I am unable to locate a copy of the syllabus.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Because of my federal government service, I will be entitled to receive a pension under the Federal Employees Retirement System.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment in the future.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse in any litigation where I may have played a role. I will also recuse in any case where my husband, a practicing attorney, represents any party. For any real or potential conflict, or any relationship that could give rise to the appearance of a conflict, I would carefully assess on a case-by-case basis whether recusal or some other action is warranted.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would carefully evaluate any potential conflict of interest by reviewing the recusal statute and the Code of Conduct for United States Judges, and any other relevant laws and rules.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During my time in private practice, I devoted many hours to pro bono work, including representing a veteran in an effort to increase his benefits. I was listed on the D.C. Bar's "Pro Bono Honor Roll" in 2014 and 2015 in recognition of the time I spent on pro bono matters. As a federal government attorney, my ability to provide legal services outside of that job is narrowly circumscribed, but my day-to-day job duties in that role involve engaging with the community and advocating for the victims of crime.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On February 11, I was contacted by staff from Senator Budd's office regarding the judicial vacancies in the Middle District of North Carolina. On April 3, I was contacted by staff from Senator Tillis's office regarding the judicial vacancies in the Middle District of North Carolina. On April 9, I had a phone interview with staff for Senator Tillis. On April 16, a staff member for Senator Tillis contacted me on behalf of Senator Tillis and Senator Budd and asked for me to submit written materials such as a resume and list of writings. On June 3, I met separately with Senator Tillis and Senator Budd in person regarding my interest in the position. On July 23, I interviewed with attorneys from the White House Counsel's Office at the Eisenhower Building in Washington, D.C. On August 7, the White House Counsel's Office contacted me to inform me that I was under consideration for the position. Since that time, I have been in contact with the White House Counsel's Office and the Department of Justice Office of Legal Policy regarding the nomination. On August 20, the President called me to inform me of my nomination to the federal bench.

b. Has anyone involved in the process of selecting you as a judicial nominee

discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		93	699	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule	1	241	298	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		290	170
Real estate owned – see schedule		408	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		63	016	- Student loans		15	226
Cash value-life insurance							
Other assets itemize:							
				Total Liabilities		305	396
				Net Worth	1	500	617
Total Assets	1	806	013	Total Liabilities and Net Worth	1	806	013
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
401(k) #1 – FFOPX FID FTM IDX 2050 IPR	233,058.91
401(k) #2 – Jones Day 2055 Fund	30,989.07
401(k) #3 – FID Freedom 2055 K	153,954.09
529 plan #1 – Target Enrollment 2041 Fund	31,076.33
529 plan #2 – Target Enrollment 2041 Fund	23,076.08
Investment account	
iShares Core MSCI Total International Stock ETF	27,851.46
iShares Core S&P Total US Stock Market ETF	149,419.72
Rollover IRA	
iShares Core MSCI Total International Stock ETF	1,199.70
iShares Core S&P Total US Stock Market ETF	4,355.50
Roth IRA	
iShares Core MSCI Total International Stock ETF	5,437.96
iShares Core S&P Total US Stock Market ETF	23,881.60
Thrift Savings Plan #1 – Lifecycle L 2050	315,744.94
Thrift Savings Plan #2 – Lifecycle L 2050	164,215.98
Total Listed Securities	$1,241,198.13
Real Estate Owned	
Personal Residence	$408,000.00
Total Real Estate Owned	$408,000.00
Real Estate Mortgages Payable	
Personal Residence – Mortgage	$290,170.36
Total Real Estate Mortgages Payable	$290,170.36

AFFIDAVIT

I, Lindsey Ann Freeman, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

8/14/2025 Lindsey Ann Freeman
(DATE) (NAME)

Kristen N. McGarity 8/14/2025
(NOTARY)

KRISTEN N McGARITY
NOTARY PUBLIC
Forsyth County
North Carolina
My Commission Expires Jan. 20, 2026

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Lindsey Ann Freeman
Nominee to be U.S. District Judge for the Middle District of North Carolina
September 24, 2025

1. In your role as Chief of Staff to the Associate Attorney General during the first Trump Administration, it appears that you were on email chains regarding President Trump's 2020 election challenges with other Justice Department officials. Please re-familiarize yourself with the emails in the footnote below.[1]

   a. **At the Justice Department, what was your role in the Trump campaign's challenges to the 2020 election?**

      Response: To the best of my recollection, one of my tasks as Chief of Staff to the Associate Attorney General was to monitor newspaper articles and other public accounts of legal challenges to the 2020 election. Beyond those tasks, I do not recall having any role in providing advice regarding challenges to the 2020 election.

   b. **Did you provide advice to President Trump's political or legal advisors on challenges to the results of the election?**

      Response: Please see my response to Question 1(a).

   c. **Did President Trump lose the 2020 election?**

      Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.

2. During the first Trump Administration, you contributed to reports issued by the Attorney General's Cyber-Digital Task Force on issues including distributed ledger technology and foreign influence operations targeting democratic and electoral processes. The 2018 Task Force report quoted the Justice Department's policy regarding non-interference with elections, which states in part: "Partisan political considerations must play no role in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges."

   Do you agree with that statement?

   Response: Investigators and prosecutors should not act without an adequate legal and factual basis and should not allow any improper considerations to play a role in their decisionmaking. That has been my own practice as a federal prosecutor,

[1] *2020 Presidential Election Response*, U.S. DEPARTMENT OF JUSTICE, OFFICE OF INFORMATION POLICY (June 3, 2022), https://www.justice.gov/oip/foia-library/foia-processed/general_topics/2020_presidential_election_06_03_22_part_2/dl.

and I would similarly ensure that any decision I make should I be confirmed as a judge will be based only on the law and the facts and not on any improper considerations.

3. Officials within the Trump Administration, including then-Acting Deputy Attorney General Emil Bove and then-Interim U.S. Attorney Ed Martin, fired Assistant U.S. Attorneys who had been assigned to investigate and prosecute cases against defendants accused of committing crimes arising out of the January 6 attack on the Capitol.

a. Do you believe that apolitical, career civil servants should be terminated simply because they were assigned to work on certain matters?

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

b. The U.S. Attorney's Office for the Middle District of North Carolina handled several cases against January 6 rioters. Did you manage, advise, or supervise any such prosecutions or investigations?

Response: No.

4. Prior to attending law school, you were a registered lobbyist for Women Thrive Worldwide (also previously known as Women Thrive Alliance and Women's Edge), a feminist advocacy network that promotes gender and social justice. As you stated in your Questionnaire, you advocated for economic policies that would positively impact women in developing countries.

a. Why did you want to join Women Thrive Worldwide?

Response: After living abroad in Uganda and Chile, I was interested in the intersection between policy and economic development in other countries. I wanted to learn more about how economic policies could foster economic opportunities for women living in poverty.

b. Please explain what you saw as the importance of this work.

Response: In addition to learning a great deal about economic policies, I felt it was important to work on policies that could create economic opportunities for women in developing countries. Creating opportunities for women often led to tangible benefits for entire communities.

c. Do you believe that it is important for countries to create and implement economic policies that positively impact women in developing countries?

Response: This question is asking me to express an opinion on a current political matter or to express my policy or political preferences, and under the judicial canons it would be inappropriate for me to do so.

d. If you answered yes to the previous question, do you support President Trump's cuts to foreign aid?

Response: This question is asking me to express an opinion on a current political matter or to express a position on a matter that could come before me, and under the judicial canons it would be inappropriate for me to do so.

5. Where were you on January 6, 2021?

Response: Greensboro, North Carolina.

6. Do you denounce the January 6 insurrection?

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

7. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: The Constitution empowers the President to issue pardons. Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

8. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: A party that disagrees with a court order has a number of options. For instance, they may move for reconsideration, seek a stay, or appeal.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: In most instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, there are some potential exceptions to this general rule. For instance, a court may lack jurisdiction to issue the order. *See In re Sawyer*, 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.") (citations omitted). A party's noncompliance may also be excused if it is impossible for the party to comply with the court's order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))). The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.... Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information.").

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: The federal judiciary is the part of government empowered to issue federal court orders, and there is a review scheme through which courts can evaluate whether lower-court orders or their own prior orders are lawful.

9. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: The Supreme Court in *Trump v. CASA*, 145 S. Ct. 2540 (2025), held that injunctions are likely statutorily unauthorized under a court's equitable powers when they go beyond granting complete relief to the parties before the court. There are still open legal questions about constitutional and statutory limits on the scope of equitable relief. To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to question 9(a).

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see my response to question 9(a).

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: Not that I recall.

10. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

11. Does the U.S. Constitution permit a president to serve three terms?

Response: Section 1 of the Twenty-Second Amendment to the Constitution states, in part, that "[n]o person shall be elected to the office of the President more than twice. . . ."

12. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[2]

a. Do you agree that these federal judges are "USA HATING" and "MONSTERS" who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"?

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 12(a).

13. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a

[2] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.

"judicial coup"[3] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[4]

a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 13(a).

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: Please see my response to Question 13(a).

14. When, if ever, may a lower court depart from Supreme Court precedent?

Response: It is never appropriate for a lower court to depart from Supreme Court precedent.

15. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: As a district court nominee, I will not be in a position to overturn or consider overturning circuit court precedent. The Fourth Circuit can overturn its own precedent by convening en banc.

16. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: As a district court nominee, I will not be in a position to overturn or consider overturning Supreme Court precedent. The Supreme Court has discussed the circumstances in which it will overturn one of its own precedents. *See, e.g.*, *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

17. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

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[3] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48PM), https://x.com/StephenM/status/1927874604531409314.
[4] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25AM), https://x.com/StephenM/status/1928065122657845516.

Response: Consistent with the approach followed by many judicial nominees before me, I cannot appropriately comment on whether a given Supreme Court precedent is correctly decided. All Supreme Court precedent is binding on lower courts, and I would fairly and faithfully apply all Supreme Court precedent.

a. ***Brown v. Board of Education***

Response: Yes. *Brown v. Board of Education* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, numerous nominees have made an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that *Brown* and *Loving* were correctly decided.

b. ***Plyler v. Doe***

Response: *Plyler v. Doe* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

c. ***Loving v. Virginia***

Response: Yes. *Loving v. Virginia* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, numerous nominees have made an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that *Brown* and *Loving* were correctly decided.

d. ***Griswold v. Connecticut***

Response: *Griswold v. Connecticut* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

e. ***Trump v. United States***

Response: *Trump v. United States* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

f. ***Dobbs v. Jackson Women's Health Organization***

Response: *Dobbs v. Jackson Women's Health Organization* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

g. ***New York State Rifle & Pistol Association, Inc. v. Bruen***

Response: *New York State Rifle & Pistol Association, Inc. v. Bruen* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

h. ***Obergefell v. Hodges***

Response: *Obergefell v. Hodges* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

i. ***Bostock v. Clayton County***

Response: *Bostock v. Clayton County* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

j. ***Masterpiece Cakeshop v. Colorado***

Response: *Masterpiece Cakeshop v. Colorado* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

k. ***303 Creative LLC v. Elenis***

Response: *303 Creative LLC v. Elenis* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

l. ***United States v. Rahimi***

Response: *United States v. Rahimi* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

m. ***Loper Bright Enterprises v. Raimondo***

Response: *Loper Bright Enterprises v. Raimondo* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

18. With respect to constitutional interpretation, do you believe judges should rely on the "original meaning" of the Constitution?

Response: The Supreme Court has recognized that the original public meaning of a constitutional provision is an important inquiry when evaluating the scope of that provision. *See, e.g.*, *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). I would follow Supreme Court and Fourth Circuit precedent as to the scope and application of such an analysis.

19. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Please see my response to Question 18.

20. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court has spoken on this issue. In *Obergefell*, the Supreme Court stated that it "holds same-sex couples may exercise the fundamental right to marry in all States" and "hold[s] … that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character." 576 U.S. 644, 681 (2015). *Obergefell v. Hodges* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow it as I will follow all Supreme Court precedent.

21. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: The Supreme Court has spoken on this issue. In *Loving v. Virginia*, the Supreme Court recognized that the Constitution prohibits state law from barring interracial couples from marrying.

22. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Fourteenth Amendment states, "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1. The application of that language to different legal questions and circumstances has filled many books. As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit caselaw regarding such a question.

23. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has applied these constitutional provisions to cases involving claims of discrimination based on sex and sexual orientation. *See, e.g.*, *United States v. Virginia*, 518 U.S. 515 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003). As a

district court judge, I would be bound to apply all Supreme Court and Fourth Circuit caselaw regarding such a question.

24. Do you believe that judges should be "originalist" and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my response to Question 18.

25. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my response to Question 18. To the extent this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

26. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The First Amendment and its protections have been central to numerous Supreme Court and Fourth Circuit cases. If I were fortunate enough to be confirmed, I would faithfully apply the relevant and governing First Amendment precedent of the Supreme Court and the Fourth Circuit.

27. How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?

Response: Several recent Supreme Court cases have addressed speech and whether it is "content-based" or "content-neutral," including *TikTok Inc. v. Garland*, 604 U.S. 56 (2025), among others. According to the Supreme Court, "[c]ontent-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." *Id.* at 70 (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015)). "Content-neutral laws, in contrast, 'are subject to an intermediate level of scrutiny because in most cases they pose a less substantial risk of excising certain ideas or viewpoints from the public dialogue.'" *Id.* (quoting *Turner Broadcasting System, Inc. v. FCC*, 512 U.S 622, 641 (1994)). I will apply the precedent of the Supreme Court and the Fourth Circuit in determining whether a law that regulates speech is "content-based" or "content-neutral."

28. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The Supreme Court has addressed "true threats" in cases such as *Counterman v. Colorado*, 600 U.S. 66 (2023), and *Elonis v. United States*, 575 U.S. 723 (2015).

29. Is every individual within the United States entitled to due process?

Response: The Supreme Court has held that "the Due Process Clause applies to all 'persons' within the United States." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would follow all binding Supreme Court and Fourth Circuit precedent on this topic. To the extent this question asks that I opine on a matter of political controversy or a matter that could come before me should I be confirmed, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

30. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: I am aware that the above question has been the subject of recent litigation. As a result, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

31. The Fourteenth Amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: I am aware that the above question has been the subject of recent litigation. As a result, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: Please see my response to Question 31(a).

32. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: No one should be denied the opportunity to serve in the judicial branch based on their race, sex, ethnicity, religion, or other protected characteristic. If I am confirmed,

I would look forward to learning from the experiences of my colleagues and others to better serve as a judge.

33. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: It is the role of a federal judge to faithfully, fairly, and impartially apply all laws, including the *First Step Act*, as written to the facts of the case and controversy before them. In discharging this duty, the judge must apply the law without considering their own personal or policy views.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: If I am fortunate enough to be confirmed, I would faithfully apply the federal statutes governing sentencing and supervision. As an Assistant U.S. Attorney who has spent the last several years prosecuting criminal cases, I take seriously the weighty and individualized nature of the sentencing process, and I would bring that same serious attention to the judicial role in sentencing.

34. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of "traditional values"?

Response: I am not familiar with this statement or what was intended by the use of the term in this particular context.

b. President Trump wrote on Truth Social that the Federalist Society gave him "bad advice" on "numerous Judicial Nominations." He also wrote that

Leonard Leo is a "sleazebag" who "probably hates America." If you are not familiar with this post, please refer to it in the footnote.[5]

i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?

Response: This question calls for a response that could be seen as opining on political matters or the statements made by individuals in the political branch, and thus I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?

Response: This question calls for a response that could be seen as opining on political matters or the statements made by individuals in the political branch, and thus I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?

Response: If confirmed, I would evaluate my affiliations for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.

Response: I am not aware of whether any given person is "associated with" the Federalist Society, an organization that I understand to have thousands of members. I have many friends who are members of the organization, including my husband, and I have spoken with some of them about my selection process.

d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

Response: As I noted in my Senate Judiciary Questionnaire, I introduced the panel at the Federal Society North Carolina Chapters Conference on October 11,

[5] Donald J. Trump (@realDonaldTrump), Truth Social (May 29, 2025, 8:10 PM), https://truthsocial.com/@realDonaldTrump/posts/114593880455063168.

2024. The title of the panel was, "Criminal Justice Reform: Is More Needed or Did We Go Too Far? A Look Back at the First Step Act and Raise the Age."

e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

Response: No.

35. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

Response: I have spoken to some friends who may be members of the Teneo Network, but I am not certain that is the case. While I told them I had been nominated and they wished me well, I did not discuss my selection process in any detail with them.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

Response: No.

36. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

Response: I am not aware of whether any given person is "associated with" the Heritage Foundation or Heritage Action. I have received general mailings from Kevin D. Roberts, but I have not discussed my nomination or the selection process with him or anyone else at this organization.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

Response: No

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

Response: No.

37. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

Response: I am not aware of whether any given person is "associated with" AFPI, but not to my knowledge.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

Response: No.

38. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.

Response: I am not aware of whether any given person is "associated with" AFLI, but not to my knowledge.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?

Response: No.

39. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: I am not aware of whether any given person is "associated with" the Article III Project, but not to my knowledge.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

Response: No.

40. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

Response: I believe I may have spoken to individuals who work at ADF in social settings, but not about my selection process.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

Response: No.

41. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed "to the Constitution and the Founders' vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary." It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.

Response: I am not aware of whether any given person is "associated with" the Concord Fund or the 85 Fund, but not to my knowledge.

b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?

Response: No.

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: If confirmed, I would be guided by the Code of Conduct for United States judges, which states, "a judge should not personally participate in fund-raising activities, solicit funds for any organization, or use or permit the use of the prestige of judicial office for that purpose. A judge should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism." To the extent that this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: Please see my response to Question 41(d). If confirmed, I will address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: Please see my response to Question 41(d).

Nomination of Lindsey Ann Freeman
Nominee to the United States District Court for the Middle District of North Carolina
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. You said in your questionnaire that President Trump called you regarding your nomination on August 20, 2025.

    a. What did you discuss in that call?

    Response: The President congratulated me and my family on my nomination to the federal bench and we discussed my professional background.

    b. Did President Trump ask you to make any commitments?

    Response: No.

2. Have you had any conversations with President Trump or members of the Trump administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.

    Response: When I interviewed with the White House Counsel's Office, I discussed my views regarding the limited role of a federal judge in our constitutional system. I also generally recall discussing my understanding of U.S. Supreme Court precedent. I was not asked about my personal views about any particular policy or case law; by oath, judges are bound to decide cases faithfully and impartially without regard for their personal views or policy preferences.

3. You said in your questionnaire that you are a member of the Federalist Society.

    a. Do you know Leonard Leo? If so, how do you know Leo?

    Response: I believe I may have met Mr. Leo one time several years ago at a social engagement, but I cannot recall definitively.

    b. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

    Response: Please see my response to Question 3(a).

4. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

   a. Leonard Leo?

      Response: No.

   b. Anyone affiliated with an entity led or funded by Leonard Leo?

      Response: I am not aware of what entities are "led or funded" by Mr. Leo, nor whether any given person is "affiliated with" such an entity, but not to my knowledge.

   c. Carrie Severino?

      Response: No.

   d. Mike Davis?

      Response: No.

   e. Anyone affiliated with The Article III Project?

      Response: I am not aware of whether any given person is "affiliated with" the Article III Project, but not to my knowledge.

Nomination of Lindsey Freeman to the
United States District Court for the District of the Middle District of North Carolina
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.

   Response: No.

   a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

      Response: No.

2. How would you describe your judicial philosophy?

   Response: If confirmed, my philosophy would be to faithfully, fairly, and impartially apply the law as written to the facts of the case and controversy before me. I would also faithfully, fairly, and impartially apply all precedents of the Supreme Court and relevant and governing circuit court precedent. In discharging their duty, judges must apply the law without considering their own personal or policy views.

3. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

   Response: In addressing whether a right is fundamental and protected under the Fourteenth Amendment, I would faithfully apply the factors identified in Supreme Court and Fourth Circuit caselaw.

   a. Would you consider whether the right is expressly enumerated in the Constitution?

      Response: Yes, in accordance with applicable precedent of the Supreme Court and the Fourth Circuit.

   b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes, in accordance with applicable precedent of the Supreme Court and the Fourth Circuit. As for the types of sources I would consult, I would faithfully apply binding Supreme Court precedent, including consulting the kinds of sources relied upon in *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022), *Washington v. Glucksberg*, 521 U.S. 702 (1997), and any other pertinent binding precedent.

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: As a district court judge, should I be confirmed, any applicable precedent of the Supreme Court or the Fourth Circuit that recognized the right at issue would be controlling precedent. In the absence of controlling precedent, relevant decisions of other circuits may be consulted as persuasive authority.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes, in accordance with applicable precedent of the Supreme Court and the Fourth Circuit.

e. What other factors would you consider?

Response: If I am fortunate enough to be confirmed, I would consider any other factors identified in applicable Supreme Court and Fourth Circuit caselaw.

4. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: Lower courts should not depart from binding precedent issued by a higher appellate court. As the Supreme Court has repeatedly held, "[i]f a precedent of this Court has direct application in a case," lower courts "should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." *Agostini v. Felton,* 521 U.S. 203, 237 (1997) (quoting *Rodriguez de Quijas v. Shearson/American Exp., Inc.*, 109 U.S. 477, 484 (1989)). If confirmed as a district court judge, I would faithfully apply all Supreme Court and Fourth Circuit precedent and any applicable orders from those courts.

5. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themself] in any proceeding in which [their] impartiality might reasonably be questioned."

a. In your role as Chief of Staff to the Associate Attorney General at the DOJ, you reviewed the 2020 Trump campaign's legal actions. Would you recuse yourself from cases involving the Trump campaign?

Response: To the best of my recollection, one of my tasks as Chief of Staff to the Associate Attorney General was to monitor newspaper articles and other public accounts of legal challenges to the 2020 election. Regardless, consistent with the Canon of Judicial Conduct and 28 U.S.C. § 455(b)(3)'s specific provision that applies to government attorneys, I would recuse from any particular proceeding or case in which I participated as counsel or provided advice. Otherwise, I will address all actual or potential conflicts of interest by reference to the federal judicial recusal statute, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

6. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser." This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

   a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

      Response: A district court judge within the Fourth Circuit should consider whatever evidence Supreme Court and Fourth Circuit precedents hold is appropriate in considering a given question.

   b. What is the role of sociology, scientific evidence, and data in judicial analysis?

      Response: A district court judge within the Fourth Circuit should consider whatever evidence Supreme Court and Fourth Circuit precedents hold is appropriate in considering a given question. To the extent that this question concerns the admissibility of expert testimony, a judge should faithfully apply Rule 702 of the Federal Rules of Evidence and any binding precedent construing it.

7. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide

positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: If I am fortunate enough to be confirmed, I would faithfully apply the federal statutes governing sentencing and supervision. As an Assistant U.S. Attorney who has spent the last several years prosecuting criminal cases, I take seriously the weighty and individualized nature of the sentencing process, and I would bring that same serious attention to the judicial role in sentencing.

b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Congress has determined that "terminat[ing] a term of supervised release" early can in certain circumstances serve "the interest of justice," which could include providing an incentive for individuals to rehabilitate. 18 U.S.C. § 3583(e)(1).

c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes, I will review all relevant laws and Sentencing Guidelines provisions when approaching a sentencing.

8. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: Generally, the Take Care Clause provides that the President "[s]hall take Care that the Laws be faithfully executed." Art. II, § 3, cl. 5. The Supreme Court has also noted that "the Executive Branch possesses authority to decide 'how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.'" *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). However, how these or any other legal principles apply to presidential action, and the remedies available in challenges to actions by the Executive Branch, are matters of ongoing legal and political dispute, and it would be inappropriate for me as a judicial nominee to opine on such a question. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

9. Is President Trump eligible to be elected President for a third term in 2028?

Response: Section 1 of the Twenty-Second Amendment to the Constitution states, in part, that "[n]o person shall be elected to the office of the President more than twice. . . ."

10. Who won the 2016 U.S. Presidential Election?

    Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

11. Who won the 2020 U.S. Presidential Election?

    Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.

12. Who won the 2024 U.S. Presidential Election?

    Response: President Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

13. In your role as Chief of Staff to the Associate Attorney General, you reviewed the below instances in which the 2020 Trump campaign was challenging election-related items.

    a. Was *Donald J. Trump for President Inc. v. Hobbs*, No. CV2020-014248 (Ariz. Super. Ct. 2020) correctly decided?

       Response: To the best of my recollection, one of my tasks as Chief of Staff to the Associate Attorney General was to monitor newspaper articles and other public accounts of legal challenges to the 2020 election. Regardless, under the Code of Conduct for United States Judges, it would be inappropriate for me as a judicial nominee to offer an opinion on the correctness of a decision in a given court case.

    b. Was *Trump for President, Inc. v. Chatham Cnty.*, 309 Ga. 317 (Ga. Ct. App. 2020) correctly decided?

       Response: Please see my response to Question 13a.

    c. Was *Donald J. Trump for President, Inc. v. Benson*, No. 20-000225-MZ (Mich. Ct. Cl. 2020) correctly decided?

       Response: Please see my response to Question 13a.

    d. Was *Donald J. Trump for President, Inc. v. Benson*, No. 1:20-cv-01083 (W.D. Mich. 2020) correctly decided?

       Response: Please see my response to Question 13a.

e. Was *In re: Canvass of Absentee and Mail-In Ballots of Nov. 3, 2020*, 241 A.3d 1058 (Pa. 2020), correctly decided?

Response: Please see my response to Question 13a.

f. Was *Donald J. Trump for President, Inc. v. Boockvar*, No. 602 MD 2020 (Pa. Commw. Ct. 2020) correctly decided?

Response: Please see my response to Question 13a.

g. Was *Donald J. Trump for President, Inc. v. Boockvar*, 502 F. Supp. 3d 899 (M.D. Pa. 2020) correctly decided?

Response: Please see my response to Question 13a.

h. Was *Republican Party of Pennsylvania v. Boockvar*, 592 U.S. 954 (2020) correctly decided?

Response: Please see my response to Question 13a.

i. Was *Pirkle v. Wolf*, No. 4:20-cv-02088-MWB (M.D. Pa. 2020) correctly decided?

Response: Please see my response to Question 13a.

j. Was *Donald J. Trump for President Inc. v. Bucks Cnty. Bd. of Elections*, No. 20-05786-35 (Pa. Ct. C.P., Bucks Cnty. 2020) correctly decided?

Response: Please see my response to Question 13a.

k. Was *Donald J. Trump for President Inc. v. Montgomery County Bd. of Elections (In re Canvass of Absentee and Mail-In Ballots of Nov. 3, 2020 Gen. Election),* No. 2020-18680 (Pa. Ct. C.P. 2020) correctly decided?

Response: Please see my response to Question 13a.

14. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: The First Amendment provides limits on the government's ability to punish or otherwise regulate speech; any dispute alleging retaliation on the basis of speech requires the application of the relevant First Amendment protections, if any, to the facts of a given case. There may also be statutory protections or other constitutional provisions at issue, depending on the facts of a given case. Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

15. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

    Response: The characterization of the events at the U.S. Capitol on January 6, 2021, is a subject of political and legal debate and could come before me if I am confirmed. As a result, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

16. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

    Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

17. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

    Response: Please see my response to Question 16.

18. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

    Response: As a judge, I would faithfully apply all Supreme Court precedent, including the decisions in *Eisenstadt v. Baird*, 405 U.S. 438 (1972), and *Griswold v. Connecticut*, 381 U.S. 479 (1965).

19. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

    Response: The Fourth Circuit has stated that "[f]undamental rights include the right to privacy, the right to vote, the right of interstate travel, certain first amendment rights, and the right to procreate." *Talley v. Folwell*, 133 F.4th 289, 303 n.5 (4th Cir. 2025).

    a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

       Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

20. Do you believe that the Constitution protects a fundamental right to privacy?

Response: The Supreme Court has recognized a constitutional right to privacy in certain contexts. *See, e.g.*, *Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972) ("If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child."). If confirmed, I would faithfully apply all binding precedent.

a. Does that right extend to information about your health care and medical history?

Response: Generally, the Fourth Circuit has "applied [a] 'reasonable expectation of privacy' test to evaluate whether information is protected by a constitutional right to privacy." *Payne v. Taslimi*, 998 F.3d 648, 656 (4th Cir. 2021). To the extent this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

b. Do you agree that it is a violation of that right for states to surveil people's health care and medical history?

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

c. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

21. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Supreme Court has stated that "the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

22. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

Response: The Supreme Court has recognized that the original public meaning of a constitutional provision is an important inquiry when evaluating the scope of that provision. *See, e.g.*, *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). I would follow Supreme Court and Fourth Circuit precedent as to the scope and application of such an analysis.

23. What sources would you employ to discern the contours of a constitutional provision?

Response: Please see my response to Question 22.

24. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: A judge's role is to apply the law, including precedents, to the facts of a case. A judge's personal moral judgments should play no role in interpreting whether a challenged law is unconstitutional or otherwise illegal.

25. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: There are situations in which the law requires a judge to consider the practical consequences of a ruling. For example, to obtain a preliminary injunction, a litigant must show "that he is likely to suffer irreparable harm in the absence of preliminary relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

26. What role, if any, should empathy play in a judge's decision-making process?

Response: A judge's role is to apply the law, including precedents, to the facts of a case. A judge's personal views or feelings should not drive the judge's decisionmaking, although empathy and other personal characteristics can help ensure that a judge listens carefully and treats all people in the courtroom with respect.

27. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's role is to apply the law, including precedents, to the facts of a case. A judge's personal life experience will hopefully aid him or her to serve in the role and maintain a high standard of excellence.

28. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: If I am confirmed as a district court judge, I would issue only those orders that I believe are lawful and appropriate based on the applicable laws and the facts of a case. I would therefore expect my orders to be followed. I would give fair and careful consideration to any request for reconsideration or modification of an order, and I would comply with any mandate from a higher court that reverses, vacates, or otherwise compels or counsels reconsideration of a prior order. And I would fairly consider any defense a party presents to an allegation of noncompliance with a court order.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: Please see my response to Question 28.

b. What would you do if a party refuses to comply with one of your orders?

Response: I would examine the tools available to me under the law and under the precedents of the Supreme Court and the Fourth Circuit and would determine what action is legally appropriate and justified by the facts and circumstances of the case.

29. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: I was fortunate to clerk for Judge John M. Rogers of the U.S. Court of Appeals for the Sixth Circuit, and I consider him a role model for how a judge should conduct himself.

30. Discuss your proposed hiring process for law clerks.

Response: Should I be fortunate enough to be confirmed as a district court judge, I anticipate that I would review prospective law clerks' application materials to determine who is most qualified and who would best assist me in the fulfillment of my judicial duties.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5. Regardless, if confirmed, discrimination and other misconduct will have no place in my chambers.

31. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial

Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: If I am fortunate enough to be confirmed, discrimination and other misconduct will have no place in my chambers. Before deciding on any particular trainings or policies, I would review the existing and available policies and programs in the Middle District of North Carolina and consult with my colleagues to ensure that I am following best practices and not leaving any resources underutilized.

b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: Please see my response to Question 31(a).

c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: Generally, I would consider taking whatever steps would be warranted by the circumstances, keeping in mind the seriousness and credibility of the allegations and the privacy of the individuals concerned. I would report any inappropriate conduct to the appropriate authority.

32. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: I believe that, for junior lawyers, opportunities to present argument to a court can help them develop their legal abilities to better serve their clients and, by extension, the courts. I am happy to consider courtroom policy proposals to improve the administration of justice, although I want to be cognizant that it is ultimately up to a party and his or her attorney to decide questions of legal strategy, and I would be cautious before adopting any policy that risks intruding on that relationship.

a. How else would you support the skills development of junior lawyers appearing before you?

Response: Judges can take many steps to ensure that junior attorneys develop skills, including by treating junior lawyers respectfully and by applying the same standards to them as to more senior attorneys.

33. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: The Constitution empowers the President to issue pardons. Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

a. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: Please see my response to Question 33.

34. At your Senate Judiciary Committee confirmation hearing, you agreed with another nominee's statement that supplemental jurisdiction is "jurisdiction that builds on the jurisdiction of another party who's already properly before the court." You said that you "don't have too much to add" because you "haven't been working on that recently."

a. Do you stand by that statement?

Response: Yes, supplemental jurisdiction allows a federal district court that has subject-matter jurisdiction over one claim to exercise jurisdiction over certain additional claims for which the court would otherwise lack subject-matter jurisdiction, even if those additional claims involve the joinder or intervention of additional parties. *See Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 564–65 (2005); *Rosmer v. Pfizer*, 263 F.3d 110, 122 (4th Cir. 2001); 28 U.S.C. § 1367(a) ("Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.").

b. If not, what is supplemental jurisdiction?

Response: Please see my response to Question 34(a).

c. If you are confirmed, how will you ensure that you have an accurate understanding of the law at issue even if you have not had recent experience with it?

Response: If I am fortunate enough to be confirmed, I will rely on my own existing knowledge and experience, the briefing and argument of the parties, and

additional research and evaluation both from my law clerks and myself when confronted with a legal question.

Questions for the Record for Lindsey Freeman
Submitted by Senator Richard Blumenthal
September 24, 2025

1. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between "free speech" and "hate speech," claiming that the Department of Justice would prosecute the latter.

   Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

   a. Do you believe that there is a legal distinction between "free speech" and "hate speech"?

      Response: The First Amendment asserts that, "Congress shall make no law … abridging the freedom of speech." The Supreme Court has recognized that, "[s]peech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express 'the thought that we hate.'" *Matal v. Tam*, 528 U.S. 218, 246 (2017) (quoting *United States v. Schwimmer*, 279 U. S. 644, 655 (1929) (Holmes, J., dissenting)). If I am fortunate enough to be confirmed, I will faithfully follow all Supreme Court precedent, including *Matal v. Tam*, and any other applicable First Amendment cases. To the extent this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

   b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

      Response: Please see my response to Question 1(a).

2. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

   Response: I believe that actual impartiality and the appearance of impartiality are critical to the public's faith in our judicial system. I will recuse myself from any case in which I have been involved. More generally, if I am confirmed, when making recusal decisions, I will carefully address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances.

a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: If I am confirmed, when making recusal decisions, I will carefully address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances. Beyond that, I believe it is inappropriate for me to prejudge any hypothetical recusal situations.

b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: If I am confirmed, when making recusal decisions, I will carefully address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances. Beyond that, I believe it is inappropriate for me to prejudge any hypothetical recusal situations.

c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: If I am confirmed, when making recusal decisions, I will carefully address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances. Beyond that, I believe it is inappropriate for me to prejudge any hypothetical recusal situations.

3. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: If confirmed, I will abide by all ethical rules and obligations that apply to federal judges, including those pertaining to *ex parte* communications.

d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: If confirmed, I will abide by all ethical rules and obligations that apply to federal judges.

e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: If confirmed, I will abide by all ethical rules and obligations that apply to federal judges.

f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: If confirmed, I will abide by all ethical rules and obligations that apply to federal judges.

4. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: If confirmed, I will abide by all rules, law, and judicial ethical canons that apply to financial disclosure reports.

g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: If confirmed, I will follow all ethical rules and obligations that apply to federal judges.

h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: If confirmed, I will follow all ethical rules and obligations that apply to federal judges.

i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: If confirmed, I will follow all ethical rules and obligations that apply to federal judges.

5. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House

Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: As the question notes, in *Ex parte Robinson*, the Supreme Court wrote that the contempt power "is essential to the preservation of order in judicial proceedings … and consequently to the due administration of justice." 86 U.S. 505, 511 (1873). If confirmed, I am bound by Supreme Court precedent governing the contempt power, and I would faithfully apply and follow *Ex parte Robinson*, as well as any applicable binding precedent. If this question is asking me to express an opinion on a current political matter or to express a position on a matter that could come before me, under the judicial canons it would be inappropriate for me to do so.

b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: If confirmed, I am bound by Supreme Court precedent governing the contempt power, and I would faithfully apply and follow *Ex parte Robinson*, as well as any applicable binding precedent. If this question is asking me to express an opinion on a current political matter or to express a position on a matter that could come before me, under the judicial canons it would be inappropriate for me to do so.

6. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that "[j]udges aren't allowed to control the executive's legitimate power." This raises an extremely concerning specter of Executive Branch defiance of court orders.

a. If confirmed, would you have the ability to issue orders?

Response: If I were confirmed as a district court judge, and if I had jurisdiction over the case and parties, I could issue orders in a case before me.

i. Would you have the ability to enforce those orders?

Response: As noted, if I had jurisdiction in the case, I would have the ability to enforce orders.

ii. What powers would you have to enforce those orders?

Response: Generally speaking, federal courts have several mechanisms to ensure compliance with court orders. For instance, the court may issue sanctions, including civil contempt and criminal contempt proceedings.

Courts may also issue show cause orders requiring the parties to explain compliance efforts and progress.

b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: In most instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, there are some potential exceptions to this general rule. For instance, a court may lack jurisdiction to issue the order. *See In re Sawyer,* 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.") (citations omitted). A party's noncompliance may also be excused if it is impossible for the party to comply with the court's order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))). The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.... Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information.").

c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: Please see my response to Question 6(b).

d. What would make a court order unlawful?

Response: Generally speaking, an order could be deemed "unlawful," or described as void, if the court lacked jurisdiction. *See In re Sawyer,* 124 U.S. 200, 220 (1888).

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: A party may request relief by moving for reconsideration, seeking a stay, or appealing. As noted by the Supreme Court, in some cases, non-compliance and incurring court-imposed sanctions may be a prerequisite to an appeal. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

ii. Is it ever acceptable to not follow this process? When and why?

Response: Please see my response to Question 6(b).

7. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Nomination of Lindsey Ann Freeman
United States District Court for the Middle District of North Carolina
Questions for the Record
Submitted September 23, 2025

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

   On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[1]

   a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

      Response: As a judicial nominee, under the judicial canons it would be inappropriate for me to express an opinion on the statements of any political figure or to comment on any political and policy issue.

2. How would you characterize your judicial philosophy?

   Response: I believe that judges should faithfully, fairly, and impartially apply the law as written to the facts of the case and controversy before them. Lower court judges must also faithfully, fairly, and impartially apply all precedents of the Supreme Court and relevant and governing circuit court precedent. In discharging their duty, judges must apply the law without considering their own personal or policy views.

3. What do you understand originalism to mean?

   Response: Generally speaking, I understand originalism to be a methodology for interpreting a constitutional provision whereby the judge will examine the original public meaning of the text at the time it was enacted.

4. Do you consider yourself an originalist?

   Response: As I have defined it in response to Question 3, I generally agree that the role of the judge when interpreting a constitutional provision is to look to the original public

[1] Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), https://www.justice.gov/ag/media/1402156/dl?inline.

meaning of the provision, as evidenced by the text at issue and how that text would have been understood by a reasonable person at the time it was enacted. If I am confirmed, to interpret the Constitution I would employ methodologies consistent with the methods of interpretation utilized by the Supreme Court for similar legal questions. The Supreme Court has routinely interpreted various constitutional provisions by striving to discern the original meaning of the words used as a reasonable person would have understood them at the time of the Founding. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008).

5. What do you understand textualism to mean?

   Response: I understand textualism to be a methodology that requires the judge to interpret the text as it was written and understood at the time of its enactment.

6. Do you consider yourself a textualist?

   Response: As I have defined it in response to Question 5, I generally agree that a judge should look to the text as it was written and understood at the time of its enactment to discern its meaning. If I am confirmed, to conduct statutory interpretation I would employ methodologies consistent with the methods of interpretation utilized by the Supreme Court for similar legal questions. Moreover, if confirmed to serve as a district court judge, if there is binding precedent regarding what a statute means or how it is to be interpreted, I would apply all binding precedent, including on issues of how to interpret particular statutes.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

   a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

      Response: The Supreme Court has noted that reliance on legislative history is unnecessary when a statute's language is unambiguous. *Whitfield v. United States*, 543 U.S. 209, 215 (2005) (where the text "is plain and unambiguous, we need not accept [a party's] invitation to consider the legislative history"). The Court has further instructed that legislative history "is meant to clear up ambiguity, not create it." *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011). If confirmed, I would faithfully apply all relevant precedent of the Supreme Court and the Fourth Circuit concerning the use of legislative history, recognizing that legislative history has not undergone the constitutionally prescribed processes of bicameralism and presentment outlined in Article I, § 7 of the Constitution. I would also consider any arguments raised by the parties concerning legislative history in accordance with Supreme Court and applicable governing Fourth Circuit precedent.

   b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: Congressional intent matters to the extent it is reflected in the statute that Congress has enacted, as Congress is the branch entrusted with the power to legislate. The Supreme Court has noted that, "[i]t is the statutory text … that best reflects Congress's intent." *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025). The Supreme Court has also "repeatedly stated" that "the text of a law controls over purported legislative intentions unmoored from any statutory text. The Court may not 'replace the actual text with speculation as to Congress' intent.'" *Oklahoma v. Castro–Huerta*, 597 U.S. 629, 642 (2022) (quoting *Magwood v. Patterson*, 561 U.S. 320, 334 (2010)). If I am confirmed, I would faithfully apply all Supreme Court and Circuit Court precedent regarding congressional intent and its role in the interpretation of federal statutes.

8. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[2]

   a. What do you attribute this to?

      Response: I am unfamiliar with this study, its methodology, and the bases for this finding. I have not conducted the research necessary to offer any assessment of causation regarding this finding.

9. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[3]

   a. What do you attribute this to?

      Response: I am unfamiliar with this study, its methodology, and the bases for this finding. I have not conducted the research necessary to offer any assessment of causation regarding this finding.

10. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

    Response: A judge must treat all parties fairly, impartially, and with dignity. Moreover, at sentencing, 18 U.S.C. § 3553(a) instructs judges to consider "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct," among other factors. If confirmed as a district court judge, I would faithfully consider and apply 18 U.S.C. § 3553(a) at sentencing.

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[2] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

[3] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

11. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

    Response: Yes, I believe that no one should be denied the opportunity to serve in the judicial branch based on their race, sex, ethnicity, religion, or other protected characteristic. Diverse personal and professional experiences foster wisdom and empathy, and if I am confirmed I would look forward to learning from the experiences of my colleagues and others to better serve as a judge.

12. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

    If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

    a. Abortion
    b. Affirmative action
    c. Contraceptives or birth control
    d. Gender-affirming care
    e. Firearms
    f. Immigration
    g. Same-sex marriage
    h. Miscegenation
    i. Participation of transgender people in sports
    j. Service of transgender people in the U.S. military
    k. Racial discrimination
    l. Sex discrimination
    m. Religious discrimination
    n. Disability discrimination
    o. Climate change or environmental disasters
    p. "DEI" or Diversity Equity and Inclusion

    Response: To the best of my recollection, I do not believe I have ever published written material or made any public statements regarding the above topics. For my best accounting of the topics I have addressed, please refer to the list of publications and statements provided in my Senate Judiciary Questionnaire and the corresponding recordings or attachments. To the best of my knowledge, the answers provided on my Senate Judiciary Questionnaire disclose all of my publications and public statements.

13. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: In most instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, there are some potential exceptions to this general rule. For instance, a court may lack jurisdiction to issue the order. *See In re Sawyer,* 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.") (citations omitted). A party's noncompliance may also be excused if it is impossible for the party to comply with the court's order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))). The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions…. Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information.").

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

   Response: Generally speaking, if I am confirmed as a district court judge, and a party failed to comply with an order, I may issue a show cause or other order requiring the party to provide information about its efforts to comply with the order. I would then hear from the parties. If I determined that the order was violated, I may consider potential sanctions, including through civil contempt or criminal contempt proceedings. I would also fairly assess whether the party had a valid defense to non-compliance or if a party's non-compliance should be excused for any reason.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

   Response: Please see my responses to Questions 13 and 13(a).

14. Does the president have the power to ignore or nullify laws passed by Congress?

Response: In Article I, § 7, Cl. 2, the Constitution vests the President with the authority to veto legislation passed by Congress. Moreover, "[u]nder Article II, the Executive Branch possesses authority to decide 'how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.'" *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). The Constitution, in Article II, § 3, also requires the President to "take Care that the Laws be faithfully executed." How these constitutional powers and authorities interact is a matter of ongoing dispute. If I

were to be confirmed, this issue could come before me as a judge. Therefore, under the judicial canons, it would be inappropriate for me comment further.

15. Does the president have the power to withhold funds appropriated by Congress?

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq*. To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

16. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq*. To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

17. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supremacy Clause, located in Article VI of the Constitution, provides that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Regarding the Supremacy Clause, the Supreme Court has held, "this Clause creates a rule of decision: Courts 'shall' regard the 'Constitution,' and all laws 'made in Pursuance thereof,' as 'the supreme Law of the Land.' They must not give effect to state laws that conflict with federal laws." *Armstrong v. Exceptional Child Ctr., Inc*., 575 U.S. 320, 324 (2015).

18. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Fifth Amendment to the U.S. Constitution guarantees due process of law and provides, in relevant part: "nor shall any person . . . be deprived of life, liberty, or property, without due process of law . . . ." The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In general, the question before the court when a litigant faces a deprivation of life, liberty, or property is what process is due in that case, rather than whether the Due Process Clause applies to a particular litigant. To the extent this question asks that I opine on a matter of political controversy or a matter that could come before me should I be confirmed, under the judicial canons it would be inappropriate for me to comment further.

19. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: Congress may authorize agencies to implement statutes through rulemaking so long as it does not violate the non-delegation doctrine. Specifically, the Supreme Court held in *Whitman v. American Trucking* that, "Article I, § 1, of the Constitution vests" all legislative powers in Congress, and its "text permits no delegation of those powers." 531 U.S. 457, 472 (2001). *Whitman* also held that no unconstitutional delegation of legislative power occurs where Congress "lay[s] down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform." *Id.* (internal quotation marks omitted). The Supreme Court recently reaffirmed that while "[l]egislative power … belongs to the legislative branch, and to no other, … Congress may seek assistance from its coordinate branches to secure the effect intended by its acts of legislation. And in particular, Congress may vest discretion in executive agencies to implement and apply the laws it has enacted—for example, by deciding on the details of their execution." *FCC v. Consumers' Rsch.*, 145 S. Ct. 2482, 2496–97 (2025) (cleaned up). For a delegation to be permissible, Congress must "set out an 'intelligible principle' to guide what it has given the agency to do." *Id.* at 2497.

20. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes. *Brown v. Board of Education* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, numerous nominees have made an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that *Brown* and *Loving* were correctly decided.

21. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: Yes, *Griswold v. Connecticut* is a binding precedent of the Supreme Court. The case concerned individuals who prescribed contraceptives to married persons and were convicted and fined under a state statute that prohibited assisting or abetting another's use of contraceptives. 381 U.S. at 480. The Court held "that appellants have standing to raise the constitutional rights of the married people with whom they had a professional relationship." *Id.* at 481. The Court further held that the statute regulated conduct "within the zone of privacy created by several fundamental constitutional guarantees" and violated a "right to privacy" that the Court interpreted to be within the Constitution. 381 U.S. at 485-86.

22. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: Yes, *Lawrence v. Texas* is a binding precedent of the Supreme Court. In *Lawrence*, the Court held that laws criminalizing certain same-sex sexual intimacy violated "[t]heir right to liberty under the Due Process Clause," which "gives them the full right to engage in their conduct without intervention of the government." 539 U.S. 558, 578 (2003).

23. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

    Response:Yes, *Obergefell v. Hodges* is a binding precedent of the Supreme Court. In *Obergefell*, the Supreme Court stated that it "holds same-sex couples may exercise the fundamental right to marry in all States" and "hold[s] … that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character." 576 U.S. 644, 681 (2015).

24. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

    Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent you are asking about disputes or political statements regarding the conduct of the 2020 presidential election, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

    a. Did Biden win a majority of the electoral vote in the 2020 election?

       Response: Please see my response to Question 24.

    b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

       Response: Please see my response to Question 24.

25. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[4]

    a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

       Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

    b. Did Trump win a majority of the electoral vote in the 2016 election?

       Response: Please see my response to Question 25(a).

    c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

       Response: President Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

[4] U.S. CONST. amend. XXII.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to Question 25(c).

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The Twenty-Second Amendment to the Constitution states that "[n]o person shall be elected to the office of the President more than twice."

26. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: While undergoing this process, I have received general guidance from the Department of Justice Office of Legal Policy. I made my own decisions about whether or not I should opine on past Supreme Court decisions.

27. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

28. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

29. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

30. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

31. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: As an Assistant U.S. Attorney at the U.S. Department of Justice, I may have received widely circulated official correspondence from Attorney General Bondi, but I have not communicated directly with her.

32. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: As an Assistant U.S. Attorney at the U.S. Department of Justice, I may have received widely circulated official correspondence from Deputy Attorney General Blanche, but I have not communicated directly with him.

33. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: As an Assistant U.S. Attorney at the U.S. Department of Justice, I may have received widely circulated official correspondence from Judge Bove when he was a senior official in the Department, but I have not communicated directly with him.

34. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

    Response: No.

35. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

    Response: No.

36. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs
    d. Kenneth Harrelson
    e. Thomas Caldwell
    f. Jessica Watkins
    g. Roberto Minuta
    h. Edward Vallejo
    i. David Moerschel
    j. Joseph Hackett
    k. Ethan Nordean
    l. Joseph Biggs
    m. Zachary Rehl
    n. Dominic Pezzola
    o. Jeremy Bertino
    p. Julian Khater

    Response: No.

37. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

    Response: No, not to my knowledge.

38. Have you ever been demoted, terminated, or experienced any other adverse employment action?
    a. If yes, please describe the events that led to the adverse employment action.

       Response: No.

    b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

       Response: I so affirm.

39. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

    Response: If confirmed, I will abide by all rules, law, and judicial ethical canons that apply to financial disclosure reports.

40. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[5]

    a. Do you agree with the above statement?

       Response: I am not familiar with the quoted statement; you would have to ask Mr. Davis for any elaboration on it. Additionally, this question calls for a response that could be seen as opining on political matters, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canon 5.

    b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

[5] https://www.article3project.org/about

Response: I am not aware of whether any given person is "associated with" the Article III Project, but not to my knowledge.

c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: I am not aware of whether any given person is "associated with" the Article III Project, but not to my knowledge.

d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: I am not aware of whether any given person is "associated with" the Article III Project. I may have met Mike Davis during my time as a Department of Justice attorney in the first administration of President Trump when Mr. Davis was working in the Senate, but I do not recall with certainty. Otherwise, no, not to my knowledge.

41. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: While undergoing this process, I have received general guidance from the Department of Justice Office of Legal Policy about how to complete the Questionnaire. I made my own decisions about which cases to list.

a. If so, who? What advice did they give?

Response: Please see my response to Question 41.

b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: Please see my response to Question 41.

42. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I am not aware of whether any given person is "associated with" the Article III Project, but not to my knowledge.

43. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I am not aware of whether any given person is "associated with" the Federalist Society, an organization that I understand to have thousands of members. I have many

friends who are members of the organization, including my husband, and I have spoken with some of them about my selection process.

44. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

Response: My response to Question 26 of the Senate Judiciary Questionnaire lays out my interview process. Since filing that Questionnaire, I have continued to have discussions with the Department of Justice Office of Legal Policy about the logistics of my nomination.

45. Please explain, with particularity, the process whereby you answered these written questions.

Response: I received these questions, drafted responses, and shared those draft responses with the Department of Justice Office of Legal Policy. Following their feedback, I finalized these answers for submission.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Matthew Emile Orso

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Western District of North Carolina

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Troutman Pepper Locke LLP
301 South College Street, 34th Floor
Charlotte, North Carolina 28202

4. **Birthplace**: State year and place of birth.

1978; Highland, Illinois

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2006 – 2009, Saint Louis University School of Law; J.D. (*magna cum laude*), 2009

2002, Saint Louis University; Urban Planning Masters Program, no degree

1997 – 2001, University of Dayton; B.A. (honors), 2001

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2023 – present
Troutman Pepper Locke LLP
301 South College Street, 34th Floor

Charlotte, North Carolina 28202
Partner, White Collar Defense & Government Investigations

2012 – 2023
McGuireWoods LLP
201 North Tryon Street, Suite 3000
Charlotte, North Carolina 28202
Partner, Government Investigations & White-Collar Litigation (2019 – 2023)
Associate, Government Investigations & White-Collar Litigation (2012 – 2018)

2011 – 2012
Smith Parsons, PLLC (no longer in operation – dissolved around 2014)
6060 Piedmont Row Drive South, Suite 150
Charlotte, North Carolina 28287
Associate, Employment Defense and Construction Litigation

2009 – 2011
Honorable Robert J. Conrad, Jr.
United States District Court for the Western District of North Carolina
Charles R. Jonas Federal Building
401 West Trade Street
Charlotte, North Carolina 28202
Law Clerk

2008
Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, Illinois 60661
Summer Associate

2008
Honorable Catherine D. Perry
United States District Court for the Eastern District of Missouri
Thomas F. Eagleton United States Courthouse
111 South 10th Street
Saint Louis, Missouri 63102
Judicial Extern

2007
United States Attorney's Office for the Southern District of Illinois
9 Executive Drive
Fairview Heights, Illinois 62208
Intern

2007
Saint Louis University School of Law

Scott Hall
100 North Tucker Boulevard
Saint Louis, Missouri 63101
Research Assistant

2005 – 2006
CPS, Inc.
1 Westbrook Corporate Center Suite 600
Westchester, Illinois 60154
Corporate IT Recruiter

2003 – 2005
Nazareth Academy High School
1209 West Ogden Ave
La Grange Park, Illinois 60526
Teacher, Theology and United States History
Assistant Coach, Freshman Football

Other Affiliations (uncompensated):

2019 – 2024
Federal Bar Association for Western District of North Carolina
C/O Thomas Walker, President, FBA WDNC
Vantage South End
1120 S Tryon Street, Suite 300
Charlotte, North Carolina 28203
President of WDNC Chapter (2023 – 2024)
Treasurer of WDNC Chapter (2019 – 2022) (uncompensated)

2018 – 2024
St. Thomas More Society, Charlotte, North Carolina Chapter
C/O Austin Walsh, President
Johnston, Allison & Hord, P.A.
1065 East Morehead Street
Charlotte, North Carolina 28204
President (2021 – 2024)
Other officer roles (2018 – 2020) (uncompensated)

2001 – 2002
Marianist Volunteer Service Program
St. John's Residence for Boys
1-50 Beach 110th Street
Rockaway Park, New York 11694
Case Worker and Recreation Coordinator (uncompensated other than small volunteer stipend)

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including

dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Chambers and Partners Recognition: North Carolina – Litigation: White-Collar Crime & Government Investigations (2025)

Best Lawyers in America: North Carolina – Litigation: Regulatory Enforcement (SEC, Telecom, Energy) (2024 – 2025), Criminal Defense: White-Collar (2025)

North Carolina Pro Bono Honor Society (2016, 2018, 2020, 2024)

Super Lawyers: North Carolina, Criminal Defense: White Collar (2014 – 2020)

Catholic Press Association Award: First Place, Best Coverage of Religious Liberty Issues: for op-ed "HHS mandate forces people to act against their convictions" and two related articles (joint award with two other authors) (2013)

National Order of Scribes Inductee (2009)

Saint Louis University School of Law
- Saint Louis University Law Journal
  - Editor in Chief (2008 – 2009)
  - Staff Editor (2007 – 2008)
- Degree conferred *magna cum laude*
- Order of the Woolsack
- Academic Excellence Award for highest grade in Contracts I

University of Dayton
- Degree conferred with Honors (2001)
- Captain, UD Rugby Club (1998 – 2001)

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

North Carolina Bar Association (2011 – present)

Mecklenburg Bar Association / Mecklenburg County Bar (2011 – present)

Federal Bar Association (WDNC President 2023 – 2024; WDNC Treasurer 2019 – 2022)

Illinois State Bar Association (2010 – present; inactive status)

Magistrate Judge Merit Selection Panel for Western District of North Carolina (2019)

National Association of Federal Equity Receivers (2022 – 2024)

American Bar Association (intermittent)

10. **Bar and Court Admission**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

North Carolina, 2011
Illinois, 2010

To my knowledge, there have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Fourth Circuit Court of Appeals, 2011
Western District of North Carolina, 2011
Middle District of North Carolina, 2024
Eastern District of North Carolina, 2011
State of North Carolina, 2011

To my knowledge, there have been no lapses in membership.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Federalist Society (2009 – present)

St. Thomas More Society, Charlotte, North Carolina Chapter (2009 – present)
President (2021 – 2024)
Other leadership roles including Treasurer and Officer (2018 – 2020)

St. Ann's Catholic Church (2009 – present)
Member of Pastoral Council (2023 – present)

F3 (Fitness, Fellowship, and Faith) (2012 – present)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

F3 is an organization with a mission to plant, grow, and serve small workout groups for men for the invigoration of male community leadership. While women are not a part of F3, there is a sister organization called FiA (Females in Action) providing the same format and opportunity for women. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

With Peter Jeydel and Charlene Goldfield, *Crude Crimes: Treasury Warns on Oil Smuggling and Money Laundering*, REGULATORY OVERSIGHT (May 8, 2025). Copy supplied.

With Heryka Knoespel, Lori Sommerfield, Chris Willis, and Mary C. Zinsner, *Federal and State Financial Agencies Issue Guidance on Elder Financial Exploitation*, CONSUMER FINANCIAL SERVICES LAW MONITOR (Dec. 5, 2024). Copy supplied.

With Megan Rahman and Nicole Giffin, *DOJ Updates Guidance on Corporate Compliance Programs with Focus on AI*, REGULATORY OVERSIGHT (Oct. 9, 2024). Copy supplied.

With Alexandra Steinberg Barrage and Kevin Petrasic, *Following FinCEN's Lead, Four Federal Banking Regulators Announce AML/CFT Rulemaking*, FINANCIAL SERVICES BLOG (July 26, 2024). Copy supplied.

With Alexandra Steinberg Barrage and James Stevens, *FinCEN Proposes Rule to Strengthen AML/CFT Programs*, FINANCIAL SERVICES BLOG (July 2, 2024). Copy supplied.

With Joseph Reilly, *FinCEN Proposes Extending AML/CFT Requirements to Certain Investment Advisors*, FINANCIAL SERVICES BLOG (Feb. 15, 2024). Copy supplied.

With Joshua Davey, Ethan Ostroff, and Kim Phan, *FinCEN Highlights Identity Theft in Latest Threats and Trends Report*, CONSUMER FINANCIAL SERVICES LAW MONITOR (Jan. 22, 2024). Copy supplied.

With Amanda Sterling, Ethan Ostroff, and Michael S. Lowe, *The Cryptocurrency Conundrum: Balancing Innovation with Terrorism Financing Risks*, CONSUMER FINANCIAL SERVICES LAW MONITOR (Jan. 17, 2024). Copy supplied.

With Ethan Ostroff, Michael Lowe, and Addison Morgan, *Inside Look: The SEC's Enforcement Action Against Cryptocurrency Exchange Kraken*, CONSUMER FINANCIAL SERVICES LAW MONITOR (Dec. 6, 2023). Copy supplied.

With Michael Lowe, Ethan Ostroff, and Addison Morgan, *Understanding the DOJ's Groundbreaking $4.3B Settlement with Foreign Cryptocurrency Exchange Binance.com*, CONSUMER FINANCIAL SERVICES LAW MONITOR (Nov. 30, 2023). Copy supplied.

With Keith Barnett, Ethan Ostroff, and Addison Morgan, *Well, California Has Decided to Regulate Crypto*, CONSUMER FINANCIAL SERVICES LAW MONITOR (Nov. 6, 2023). Copy supplied.

With Jay Dubow, Ethan Ostroff, and Trey Smith, *SEC's 2024 Examination Priorities: Cryptocurrency, Emerging Tech, and AML*, REGULATORY OVERSIGHT (Oct. 30, 2023). Copy supplied.

With Jay Dubow and Ethan Ostroff, *SEC Dismisses Ripple Labs Executives After Losing Bid for Interlocutory Appeal*, FINANCIAL SERVICES BLOG (Oct. 23, 2023). Copy supplied.

With Michael Lowe, Ethan Ostroff, and Richard Zack, *FinCEN Issues Alert for Financial Institutions on Red Flags for 'Pig Butchering' Schemes*, FINANCIAL SERVICES BLOG (Sept. 12, 2023). Copy supplied.

With Andrew Medeiros, *The Uses and Risks of AI in BSA/AML Compliance: Navigating the Future of Financial Crime Prevention*, FINANCIAL SERVICES BLOG (Aug. 22, 2023). Copy supplied.

With Akshay Belani and Ethan Ostroff, *Coinbase Approved to Operate a Futures Commission Merchant*, FINANCIAL SERVICES BLOG (Aug. 17, 2023). Copy supplied.

With Jay Dubow and Ethan Ostroff, *SEC Requests Leave to Appeal in Ripple Labs*, FINANCIAL SERVICES BLOG (Aug. 16, 2023). Copy supplied.

With Gregory Parisi and Seth Winter, *FFIEC Updates Bank Secrecy Act/Anti-Money Laundering Examination Manual*," FINANCIAL SERVICES BLOG (Aug. 4, 2023). Copy supplied.

With Addison Morgan, Ethan Ostroff, Michael Lowe, and Trey Smith, *Bipartisan Bill Would Require Federal Regulators to Create "Risk-Focused Examination and Review" Processes for Cryptocurrency Oversight*, CONSUMER FINANCIAL SERVICES LAW MONITOR (July 25, 2023). Copy supplied.

With Michael Lowe and Ethan Ostroff, *Republican-Led House Committees Propose Framework for Crypto Regulation*, FINANCIAL SERVICES BLOG (June 5, 2023). Copy supplied.

With Jeffrey Hanna and Edward Nogay, *At Long Last, FinCEN Issues Beneficial Ownership Information Reporting Rule*, SUBJECT TO INQUIRY (Sept. 29, 2022). Copy supplied.

With Edward Nogay, Jah Akande, and Andrew Konia, *FinCEN Leader's Remarks Focus on Securing Digital Identity*, SUBJECT TO INQUIRY (Sept. 12, 2022). Copy supplied.

With Susan Rodriguez, Jacquelyn Stone, Alex Brackett, and Noriya Shahadat, *Proposed Federal Rule Signals Remote Form I-9 Inspection of Employee Documents Will Likely Become Permanent Option*, SUBJECT TO INQUIRY (Aug. 25, 2022). Copy supplied.

ZeekRewards Receivership Updates, HTTP://WWW.ZEEKREWARDSRECEIVERSHIP.COM (May 2019 – May 2022). As the court-appointed receiver, I published regular receivership updates for claimants, litigants, and others with an interest in the work of the receivership between 2019 and 2022. That website was taken offline when the receivership was administratively closed in 2022. Included are copies of the updates I published on the website during my term as the Successor Receiver.

With Alex Brackett, Laura Colombell Marshall, and Bryan Weynand, *FinCEN Encourages "Increased Vigilance" and Highlights Red Flags for Evasion of Russian Sanctions including Use of Virtual Currency*, SUBJECT TO INQUIRY (Mar. 16, 2022). Copy supplied.

With Benjamin O'Neil and Molly White, *First FCPA Settlement of 2022 – Enforcement on the Horizon*, SUBJECT TO INQUIRY (March 1, 2022). Copy supplied.

With Edward Nogay and Jeffrey Hanna, *FinCEN's Proposed Foreign Affiliate SAR Sharing Program — Key Considerations*, SUBJECT TO INQUIRY (Jan. 27, 2022). Copy supplied.

With Jeffrey Hanna, Patrick Rowan, and Jah Akande, *FinCEN Director Blanco Comments on Section 314(b)'s New Guidance*, SUBJECT TO INQUIRY (Dec. 30, 2020). Copy supplied.

With Susan Rodriguez, Edward Nogay, and Jeffrey Hanna, *FinCEN Rule Ends AML Program Exemption for Banks that Lack a Federal Regulator*, SUBJECT TO INQUIRY (Sept. 16, 2020). Copy supplied.

With Jacquelyn Stone, Susan Rodriguez, and Heryka Knoespel, *U.S. Supreme Court*

Determines Action to Rescind DACA was Arbitrary and Capricious, SUBJECT TO INQUIRY (June 19, 2020). Copy supplied.

With Susan Rodriguez and Bryan Weynand, *DHS Announces Flexibility in Form I-9 "Physical Presence" Requirement During COVID-19*, SUBJECT TO INQUIRY (Mar. 20, 2020). Copy supplied.

With Jeffrey Hanna, *FinCEN Issues Statement to Financial Institutions on BSA/AML Compliance During COVID-19 Pandemic*, SUBJECT TO INQUIRY (Mar. 18, 2020). Copy supplied.

With Susan Rodriguez, *Employer Update: DHS Extends Temporary Protected Status and Work Authorization for El Salvador, Haiti, Sudan, and Nicaragua*, SUBJECT TO INQUIRY (Mar. 12, 2019). Copy supplied.

With Susan Rodriguez, *Food and Beverage Industry Focus: DOJ Targets Immigration-Related Discrimination*, SUBJECT TO INQUIRY (Nov. 14, 2018). Copy supplied.

With Susan Rodriguez, David Izakowitz, and Jacquelyn Stone, *Increased Immigration Worksite Enforcement Looming in 2018*, SUBJECT TO INQUIRY (Oct. 31, 2017). Copy supplied.

With Jacquelyn Stone and Susan Rodriguez, *H-1B Employers Face Increased Site Visits*, SUBJECT TO INQUIRY (Apr. 18, 2017). Copy supplied.

With Jeffrey Hanna and Patrick Rowan, *FinCEN Opens 2017 with SAR Sharing Guidance for Casinos*, SUBJECT TO INQUIRY (Jan. 9, 2017). Copy supplied.

With Jackie Stone, Alex Brackett, Susan Rodriguez, and David Izakowitz, Big Changes Come With The New Form 1-9 Published by USCIS, SUBJECT TO INQUIRY (Nov. 14, 2016). Copy supplied.

With Susan Rodriguez, *The Compliance Risks of I-9 Software*, SHRM (Aug 25, 2016). Copy supplied.

With Susan Rodriguez Alex Brackett, and David Izakowitz, *Increased Fines on the Horizon for Immigration Law Violations*, SUBJECT TO INQUIRY (July 7, 2016). Copy supplied.

With Alex Brackett, Patrick Rowan, Susan Rodriguez, David Izakowitz, and Christopher Michalik, *The Export/Immigration Dilemma: Don't Let OSC Catch Your HR Department Unawares*, SUBJECT TO INQUIRY (May 5, 2016). Copy supplied.

With Susan Rodriguez, *Buyer Beware: Noncompliant Electronic I-9 Software Risks Customer Company Fines*, SUBJECT TO INQUIRY (Apr. 27, 2016). Copy supplied.

With Susan Rodriguez, *Oral Arguments in PHH Case Signal Trouble for CFPB*, SUBJECT TO INQUIRY (Apr. 14, 2016). Copy supplied.

With Susan Rodriguez, *Conducting Internal I-9 Audits - ICE and DOJ-OSC Provide Joint Guidance*, SUBJECT TO INQUIRY (Dec. 16, 2015). Copy supplied.

FinCEN proposes rule requiring investment advisor AML compliance, SUBJECT TO INQUIRY (Aug. 25, 2015). Copy supplied.

CFPB's TRID rule delayed again – uncertainty persists for good-faith grace period, SUBJECT TO INQUIRY (June 29, 2015). Copy supplied.

With Joshua Davey, *Chipping Away at the CFPB's Clandestine Activities*, Law360 (May 4, 2015). Copy supplied.

With Joshua Davey, *Rogue Agency or Champion of Consumers? House Votes for CFPB Transparency*, SUBJECT TO INQUIRY (Apr. 21, 2015). Copy supplied.

FinCEN issues notice of proposed rulemaking on andorran bank as "primary money laundering concern", SUBJECT TO INQUIRY (Mar. 12, 2015). Copy supplied.

Mind the Red Flags – FinCEN Issues Penalty for Failure to File SARs on Director's Suspicious Activity, SUBJECT TO INQUIRY (Mar. 2, 2015). Copy supplied.

Knowingly employing unauthorized workers – can you give employees a second chance to provide valid I-9 documentation?, SUBJECT TO INQUIRY (Jan. 29, 2015). Copy supplied.

A harbinger of things to come – CFPB announces first action for violations of new Mortgage Servicing Rules, SUBJECT TO INQUIRY (Oct. 15, 2014). Copy supplied.

Don't Turn a Blind Eye – Individual Liability for Failure to Comply with BSA Reporting Requirements, SUBJECT TO INQUIRY (Sept. 9, 2014). Copy supplied.

How far does the SAR privilege extend? It depends on which court you ask, SUBJECT TO INQUIRY (May 2, 2014). Copy supplied.

The CFPB and BSA-AML Compliance – Can the CFPB Properly Request a SAR?, SUBJECT TO INQUIRY (Jan. 6, 2014). Copy supplied.

SARs and Confidentiality – When Law Enforcement and Regulators Come Calling, SUBJECT TO INQUIRY (Nov. 19, 2013). Copy supplied.

HHS Mandate Forces People to Act Against Their Convictions, CATHOLIC NEWS HERALD, July 19, 2013, at 22. Copy supplied.

DBE fraud enforcement on the rise while OIG cites program's significant weaknesses, SUBJECT TO INQUIRY (June 12, 2013). Copy supplied.

Cellular Phones, Warrantless Searches, and the New Frontier of Fourth Amendment Jurisprudence, 50 SANTA CLARA L. REV. 183 (2010). Copy supplied.

Comment, "Spring-Loading" Executive Stock Options: An Abuse in Need of a Federal Remedy, 53 ST. LOUIS U. L.J. 629 (2009). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I do not have a copy on file, but I did submit an email to U.S. Senator Tillis in 2022 regarding religious liberty and related issues. Senator Tillis was kind enough to send a response letter dated August 4, 2022, which is how I have confirmed that I had reached out on this topic in the first instance.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

March 27, 2025: Panelist, "Whistleblowers and Internal Investigations: Practical and Ethical Implications," Association of Corporate Counsel of Greater Charlotte, Charlotte, North Carolina. Presentation supplied.

October 2, 2024: Speaker, "Elder Financial Exploitation Litigation, Risks, and Compliance," The Experience: BSA Conference, First National Bankers Bankshares, Inc., Orange Beach, Alabama. Presentation supplied.

September 11, 2024: Speaker, "Opening Remarks and Introduction of Keynote Speaker Hon. Robert J. Conrad, Jr.," St. Thomas More Society, Charlotte, North Carolina. Outline of remarks supplied.

June 7, 2024: Master of Ceremonies, "WDNC Federal Bar Association Annual Meeting and CLE," United States District Court for the Western District of North Carolina, Asheville, North Carolina. I delivered opening remarks and introductions of speakers and topics throughout the day. I also delivered remarks for the 2024 annual meeting portion of the day, summarizing the work of the FBA WDNC Chapter and conducting a

voice vote for the new officer slate. I have no notes, transcript, or recording. The address of the sponsor is 401 West Trade Street, Charlotte, North Carolina 28202.

June 7, 2024: Moderator, "U.S. District Judge Panel on Pre-trial and Post-trial Issues," United States District Court for the Western District of North Carolina, Asheville, North Carolina. The panel included all active U.S. District Judges for the Western District of North Carolina and focused on both civil and criminal pre-trial and post-trial legal topics. I have no notes, transcript, or recording. The address of the sponsor is 401 West Trade Street, Charlotte, North Carolina 28202.

September 29, 2023: Speaker, "Investiture of the Honorable Susan C. Rodriguez as United States Magistrate Judge," United States District Court for the Western District of North Carolina, Charlotte, North Carolina. Notes supplied.

June 3, 2022: Moderator, "U.S. District Judge Criminal Law Discussion Panel," United States District Court for the Western District of North Carolina, Asheville, North Carolina. The panel was part of the FBA's all-day CLE event and included all active U.S. District Judges for the Western District of North Carolina and focused on federal criminal law issues involving trial and sentencing advocacy. I have no notes, transcript, or recording. The address of the sponsor is 401 West Trade Street, Charlotte, North Carolina 28202.

October 3, 2019: Speaker, "Investiture of the Honorable Kenneth D. Bell as United States District Judge," United States District Court for the Western District of North Carolina, Charlotte, North Carolina. Notes supplied.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Unpacking the Fifth Circuit's Landmark Tornado Cash Decision, The Crypto Exchange Podcast, Jan. 16, 2025. Recording available at https://youtu.be/ucCKz2rX9-A.

Bank Investigations and Enforcement Actions: Lessons Learned, The Consumer Finance Podcast, October 26, 2023. Recording available at https://www.consumerfinancialserviceslawmonitor.com/2023/10/bank-investigations-and-enforcement-actions-lessons-learned-cfs/.

Practical Lessons Learned Regarding the Bank Secrecy Act and Anti-Money Laundering for Financial Institutions, The Consumer Finance Podcast, October 4, 2023. Recording available at https://www.consumerfinancialserviceslawmonitor.com/2023/10/practical-lessons-learned-regarding-the-bank-secrecy-act-and-anti-money-laundering-for-financial-institutions/.

Analyzing the Treasury's Illicit Finance Risk Assessment of Decentralized Finance, The Crypto Exchange Podcast, September 7, 2023. Recording available at https://www.consumerfinancialserviceslawmonitor.com/2023/09/analyzing-the-treasurys-illicit-finance-risk-assessment-of-decentralized-finance/.

Authority Magazine Editorial Staff, *Matt Orso of Troutman Pepper on 5 Things That Can Be Done to Improve and Reform the Cryptocurrency Industry*, Authority Magazine, July 21, 2023. Copy supplied.

Press release, *Troutman Pepper Ramps Up White Collar + Government Investigations Practice in North Carolina with Partner Addition*, Troutman Pepper LLP, May 2, 2023. Copy supplied.

The Human Lawyer Podcast. I was interviewed with two other lawyers sometime in 2021. This episode focused on an initiative I helped organize to hold lawyer volunteer events at the men's homeless shelter in Charlotte, North Carolina, to determine potential eligibility for criminal records expunction under state law to improve employment and housing prospects. I am unable to locate the date of the interview, it is no longer available on the internet, and the podcast no longer exists.

Red Mass offered in Charlotte for members of legal profession, St. Thomas More Society, CATHOLIC NEWS HERALD, October 26, 2018. Copy supplied. Video of statement available at https://youtu.be/c3sqO-PTBvA?feature=shared.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations**:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office or had any unsuccessful bids for elective or appointed office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2009 to 2011, I served as a law clerk to the Honorable Robert J. Conrad, Jr., then-Chief Judge of the United States District Court for the Western District of North Carolina.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

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Intern

2008
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Chicago, Illinois 60661
Summer Associate

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Associate

2012 – 2023
McGuireWoods LLP
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Charlotte, North Carolina 28202
Partner (2019 – 2023)
Associate (2012 – 2018)

2023 – present
Troutman Pepper Locke LLP
301 South College Street, 34th Floor
Charlotte, North Carolina 28202
Partner

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

After clerking, I joined a small law firm focused on construction litigation and employment defense litigation. I gained quick experience taking expert and fact depositions, briefing motions in federal court, and representing a client at arbitration.

Beginning in 2012, I joined McGuireWoods, where I immediately began working on a wide variety of both civil and criminal litigation and investigation matters. These included representation of a U.S. congressman in a multi-year federal fraud investigation where the U.S. Attorney's office declined to file charges, representation of a paving company and its CEO in a disadvantaged business enterprise fraud prosecution, and representation of a Ponzi scheme receiver in dozens of civil lawsuits in federal court to recover fraudulently transferred assets.

This general civil and criminal litigation mix is still a significant aspect of my legal practice. In addition, beginning in 2016, I began representing a major bank in what would become a years-long investigation by the DOJ, U.S. Attorney's Offices, and other federal and state agencies. This matter involved a widespread internal investigation and regular presentations to the government, eventually resulting in settlements with the relevant agencies. Since this time, I have continued representing clients in large-scale investigations and enforcement matters. I transitioned firms and began working with Troutman Pepper Locke in 2023, but the character of my practice remains generally the same as it has been for the past several years.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a law clerk, I worked on the full range of issues as they came before the United States District Court. Then, during my time in private practice at a small firm, I represented two main types of clients: construction industry clients in civil litigation matters and corporate clients in employment litigation matters.

For the past 14 years, my clients have been companies and individuals under investigation or prosecution by federal authorities. During this time, I have served as a CJA panel attorney for criminal defendant clients in supervised release violation hearings. In addition, for several of those years, I represented a federal court-appointed receiver in civil litigation matters.

Further, during my tenure as federal court-appointed receiver from 2019 – 2023, my client was the United States District Court.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The majority of my practice has been in litigation or criminal and civil enforcement investigations. Early in my career as an associate in 2011 and 2012, I was able to take and defend depositions and occasionally argue in court, gaining valuable early experience. As time progressed and my practice developed at a larger firm, between 2013 and 2020, I appeared in court periodically, approximately 6–10 times in any given year. Over the past few years, I have spent less time in court, having worked on multiple criminal and civil investigations that have been resolved outside of court prior to charges or enforcement actions being filed.

i. Indicate the percentage of your practice in:

1.	federal courts:	95%
2.	state courts of record:	4%
3.	other courts:	0%

4. administrative agencies: 1%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 40%
2. criminal proceedings: 60%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have taken an active part in many trials, representing key witnesses in multiple federal criminal trials and working on all aspects of trials as a federal judicial clerk, from jury instructions to evidentiary determinations and sentencing. Having worked for large, private law firms in a white-collar defense practice, opportunities to try cases in the courtroom are few and far between, with firm clients often being large corporations whose interests are better served settling matters outside of trial, including at times pleading guilty to charges. Cases where I have represented government witnesses as clients have all been jury trials involving criminal charges.

i. What percentage of these trials were:

1. jury: 95%
2. non-jury: 5%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never appeared before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *SEC v. Rex Venture Grp.,* Case No. 3:12-cv-00519 (W.D.N.C. filed Aug. 17, 2012) (Judge Graham C. Mullen) (Representation: 2012 – 2023).

This case was filed by the SEC to shut down a Ponzi and pyramid scheme with over 1 million victims worldwide, known as ZeekRewards. I represented the federal court-appointed Receiver in this case in litigation efforts related to enforcing violations of the court's freeze order to recover receivership assets. My representation included discovery and dispositive motions and hearings related to several e-wallet and fintech companies that had unlawfully retained receivership assets. In addition, I was responsible for all receivership litigation reports to the court and the SEC, while also facilitating receivership assistance to the U.S. Attorney's Office regarding its prosecution of the Ponzi scheme's operators.

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2. *Bell v. Brockett*, 922 F.3d 502 (4th Cir. 2019) (Niemeyer, Keenan, Quattlebaum, JJ.) (appeal from *Bell v. Disner* (later *Orso v. Disner*), Case No. 3:14-cv-91 (W.D.N.C. filed Feb. 28, 2014) (Judge Graham C. Mullen) (Representation: 2014 – 2021)).

In this lawsuit to recover receivership assets for the victims of the Ponzi scheme, I represented the Receiver as one of the lead lawyers and later took over as the Receiver-plaintiff. The Fourth Circuit described this lawsuit as ". . . one of the rarest types of complex litigation, the defendant class action. Defendant class actions are so rare they have been compared to 'unicorns.'" In this case, a single plaintiff, the Receiver, sued a class of defendants who had profited from the scheme. It involved unique and complex issues of class action law, where a class of thousands of defendants was certified, and we succeeded in winning the case on summary judgment. I was closely involved in all aspects of the briefing and argument preparations for this matter in district court and on appeal. The Fourth Circuit affirmed the district court's grant of summary judgment to the Receiver. This case resulted in a large award for the receivership, and I later sold the judgments to a third party to help fund a monetary distribution to the scheme's victim-claimants.

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3. *United States v. Boggs Paving, Inc.*, Case No. 3:13-cr-00204 (W.D.N.C. filed Jul. 24, 2013) (Judge Max O. Cogburn, Jr.) (Representation: 2014 – 2021).

I represented the corporate defendant and CEO in this multi-year investigation by the FBI and U.S. Attorney's Office for the WDNC. The case involved charges of wire fraud and related charges under the Department of Transportation's disadvantaged business enterprise program. My clients eventually pled guilty to a subset of the charges. I participated in a multi-day sentencing hearing, where we prevailed on our arguments as to the loss amount. The U.S. Attorney's Office had alleged $75 million in loss, but the Court correctly found that loss was $37,000 under the Sentencing Guidelines after crediting the work and roads that the government had received in return for the contract amounts. The government had sought 60 months' imprisonment for my client, but the Court sentenced him to 30 months.

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4. *Yale v. CommunityOne Bank*, No. 315-cv-00403-RJC, 2018 WL 3977885 (W.D.N.C. Aug. 20, 2018) (Judge Robert J. Conrad, Jr.) (Representation: 2015 – 2018).

I represented the defendant bank in a case filed by a large group of plaintiffs who were victims of a Ponzi scheme. The scheme's perpetrator had used accounts at the bank in furtherance of the fraud scheme. These plaintiffs alleged the bank had aided and abetted the fraud, violated the Uniform Fiduciaries Act and other laws, and they sought significant damages. I participated in discovery and conducted extensive legal analysis

and briefing for this matter. The court granted my client's motion for summary judgment, and the Fourth Circuit affirmed the decision.

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5. *Receiver for Rex Venture Grp. v. Banca Comerciala Victoriabank SA*, 843 F. App'x 485 (4th Cir. 2021) (Gregory, Keenan, Floyd, JJ.) (appeal from *SEC v. Rex Venture Grp.*, Case No. 3:12-cv-00519 (W.D.N.C. filed Aug. 17, 2012) (Judge Graham C. Mullen) (Representation: 2016 – 2021).

I represented the Receiver in this matter involving a foreign bank that had acted in violation of the court's freeze order. After the SEC shut down the Ponzi scheme, we filed a motion for contempt against Victoriabank of Moldova for dissipating frozen receivership assets. The court granted my client's motion and froze over $13 million in funds held in the bank's correspondent account in New York. The court subsequently granted Victoriabank's motion to dissolve the freeze order based on lack of personal jurisdiction. This matter involved extensive investigation and complex issues of federal jurisdiction involving a foreign bank, as well as legal issues and expert testimony regarding sufficiency of foreign service of process in a non-Hague jurisdiction. After I was appointed as the Receiver in this matter, I appealed the jurisdictional ruling, and the Fourth Circuit affirmed the district court's decision to release the frozen funds. In the interests of preserving receivership funds for the scheme's victims, I did not pursue further appellate review via petition for certiorari.

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6. *United States v. Scales*, No. 4:10-cr-7 (E.D.N.C. filed Feb. 4, 2010) (Judge James C. Dever, III) (Representation: 2012 – 2013).

I represented the defendant, a former public official, during the sentencing phase of this case involving public corruption and fraud. I prepared the sentencing memorandum and participated in arguments at the sentencing hearing before the United States District Court.

Co-Counsel

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Counsel for the United States

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7. *State v. Cole*, Case No. 98CR023740-400, ___ N.C. ___, ___ S.E.2d ___ (N.C. Superior Ct. filed June 25, 1999) (Judge Susan E. Bray (Ret.)) (Representation: 2024 – 2025).

In this matter, I represented an individual who had been convicted in 1999 of first degree murder and sentenced to life in prison. I took the case on after having been provided evidence that this individual had been misidentified at trial and was not the individual who had committed the crime. Further, the trial transcript and records identified after the close of trial reflected multiple instances of likely *Brady* violations. Along with co-counsel, I represented this client in post-conviction briefing to re-open the case and presented witness testimony, documentary evidence, and oral argument during a two-day evidentiary hearing. After the hearing concluded, the State offered for my client to plead guilty to a lesser charge in exchange for a time-served sentence. My client accepted this offer and entered an *Alford* plea, maintaining his innocence, and he returned home to his family after 27 years in prison.

Co-Counsel

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8. *Sandy Creek v. E. Coast Contracting*, 226 N.C. App. 576, 741 S.E.2d 673 (2013) (N.C. Ct. App.) (McCullough, Greer, Stephens, JJ.) (Representation: 2011 – 2012).

I represented a sewer utility contractor in a significant lawsuit where a town sued my client for damages to its roads allegedly caused by my client's construction of a neighboring city's sewer project. We filed a third-party complaint against the neighboring city for breach of contract, negligence, and indemnity and contribution. In an important, precedent-setting decision for the North Carolina Court of Appeals, the court agreed with our legal argument and held that the neighboring city was acting in a proprietary manner when it contracted with companies to complete the sewer project and was thus subject to tort liability for the damages to the town's roads.

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9. *Williams v. Carolina Healthcare Sys.*, 452 F. App'x 392 (4th Cir. 2011) (King, Gregory, Duncan, JJ.) (appeal from *Williams v. Carolina Healthcare Sys.*, Case No. 3:10-cv-00232 (W.D.N.C. filed May 21, 2010) (Judge Graham C. Mullen) (Representation: 2011).

I represented the corporate defendant in this employment discrimination case alleging racial discrimination for failure to promote and failure to allow plaintiff to work from home. The district court granted our client summary judgment. On appeal, I worked with co-counsel in preparing the appellate brief, and the Fourth Circuit Court of Appeals affirmed the district court's order. This case was significant in my early legal career because it allowed me to develop appellate briefing experience while distilling the myriad arguments by a pro se plaintiff that district courts are often required to disposition. My representation focused on the Fourth Circuit appeal.

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Plaintiff

Jackalin S. Williams (Pro Se)

10. *Bell v. Peak USA*, No. 3:15-cv-00233-GCM (W.D.N.C. filed May 26, 2015) (Judge Graham C. Mullen) (Representation: 2015 – 2018).

I represented the receiver in this lawsuit against two individuals and three shell companies they controlled. The lawsuit sought over $3 million in fraudulently transferred assets, asserting claims of fraudulent transfer, unjust enrichment, and aiding and abetting breach of fiduciary duty. I led discovery efforts throughout the life of the case, and at the end of discovery, we were able to settle the case for a favorable sum for the benefit of the receivership estate.

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Counsel for Defendant

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18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve

litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In 2019, the United States District Court for the Western District of North Carolina appointed me as receiver of a Ponzi scheme with over a million victims and nearly $1 billion in victim losses. I succeeded U.S. District Judge Kenneth D. Bell in this role when he left private practice and joined the federal bench. In this role, I oversaw all outstanding receivership litigation, distributions to over 100,000 claimants via a court-approved claims process, and the sale of over $100 million in judgments for the benefit of the Receivership. This role involved extensive coordination with the court, the U.S. Attorney's Office regarding restitution issues, and the Securities and Exchange Commission.

In addition, from 2016 to 2020, I represented a national bank in a multi-year grand jury investigation into its sales practices by the Department of Justice, U.S. Attorney's Offices, the Securities and Exchange Commission, and the attorneys general for 50 states and the District of Columbia, among other regulatory agencies. This work involved hundreds of investigation interviews of key employees and dozens of presentations and negotiation sessions with counsel for the government agencies.

Since 2011, I have been counsel of record in 40 cases in the Western District of North Carolina alone, with additional cases in other federal judicial districts and state court. I have appeared and argued in court in the Western District on dozens of occasions. I have represented clients at multi-day federal criminal sentencing hearings, as witnesses in criminal trials, at hearings on summary judgment and motions to dismiss, and in a multi-day postconviction evidentiary hearing. I have also conducted fact and expert depositions and represented clients at arbitration involving civil disputes.

In addition to the above legal work, I served on the board of the Federal Bar Association for the Western District of North Carolina for multiple years as Treasurer, and most recently as President of the organization. Among other things, in my capacity as President, I coordinated and moderated CLE panels with our Western District federal judges and worked closely with the Chief Judge and Clerk of Court in planning the annual meeting and CLE event, which was attended by approximately 150 lawyers.

I have never acted or registered as a lobbyist.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

In 2003 and 2004, prior to beginning law school, I taught at Nazareth Academy, a Catholic high school in LaGrange Park, Illinois. The courses I taught in the Theology Department included Sacraments, Morality, and Scripture. The course I taught in the History Department was United

States History. I do not have syllabi for any of these courses.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If confirmed, I hope to consider teaching a law school seminar once a year. I have no commitments or agreements to do so, and no other plans for outside activities.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Troutman Pepper Locke LLP, represents a party. Moreover, I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have rendered a significant number of hours to pro bono legal services over the course of my career. I have earned recognition as a member of the North Carolina Pro Bono Honor Society for my pro bono work in 2016, 2018, 2020, and 2024.

Examples of pro bono matters I have worked on include the following: I represented an elderly woman in a lawsuit filed by a neighbor regarding property dispute issues, where my client had received a default judgment without understanding the judicial process. I helped her obtain relief from the default judgment and negotiated a walk-away settlement, allowing her to remain in her home. Further, I represented a Veteran of the United States Army in an appeal for an upgrade of his discharge status based on evidence of PTSD during active service. I have also represented domestic violence victims in obtaining emergency TROs and clients of Legal Aid to analyze their criminal history records and determine eligibility under state expunction laws. Lastly, I represented an individual who had been wrongfully convicted and who was released after 27 years in prison.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On January 29, 2025, I wrote a letter to Senators Tillis and Budd seeking consideration for the vacancy in the United States District Court for the Western District of North Carolina. On April 16, 2025, I was contacted by Counsel for the Senators and asked to complete a questionnaire, which I returned on April 25, 2025. On May 20, 2025, I was contacted by Senator Tillis's office to schedule an interview. On May 22, 2025, I was contacted by Senator Budd's office to schedule an interview. I attended interviews with

Senators Tillis and Budd on June 4, 2025, in their respective District of Columbia offices.

Since July 10, 2025, I have been in contact with officials from the White House Counsel's Office. On July 22, 2025, I interviewed with attorneys from the White House Counsel's Office at the White House. Since that time, I have been in contact with attorneys from the Department of Justice's Office of Legal Policy. On August 20, the President called to tell me I would be nominated.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		266	268	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		585	704	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		549	131
Real estate owned – see schedule	1	400	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		65	000	Student Loans		151	640
Cash value-life insurance							
Other assets itemize:							
Cash Balance Plan		13	000				
Business Equity/Capital Contribution		165	000				
				Total Liabilities		700	771
				Net Worth	1	794	201
Total Assets	2	494	972	Total Liabilities and Net Worth	2	494	972
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
Avantis Emerging Markets Equity ETF	$502
Avantis International Equity ETF	$1,686
Cytodyn Inc Stock	$188,579
Dimensional Emerging Core Equity Market ETF	$16,260
Dimensional International Core Equity Market ETF	$44,048
Dimensional U S Core Equity 2 ETF	$146,921
Realty Income Corp REIT	$115.43
Schwab Prime Advantage Money Market Fund	$10,035
Vanguard 0-3 Month Treasury Bill ETF	$10,069
Vanguard Muni Bond Tax Exempt ETF	$40,444
Vanguard Short Term Corporate Bond ETF	$20,223
Vanguard Institutional Index Mutual Fund	$35,393
Vanguard Mid-Cap Index Fund Institutional	$34,959
Vanguard Total International Stock Index Fund Institutional	$36,470
Total Listed Securities	$585,704
Real Estate Owned	
Personal Residence	$ 1,400,000
Total Real Estate Owned	$1,400,000
Real Estate Mortgages Payable	
Personal Residence – Mortgage	$549,131
Total Real Estate Mortgages Payable	$549,131

AFFIDAVIT

I, Matthew E. Orso, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

8/13/25 (DATE)

(NAME)

(NOTARY)

DEBORAH A. CURRIE NOTARY PUBLIC CABARRUS COUNTY, NC

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Matthew Orso
Nominee to be U.S. District Judge for the Western District of North Carolina
September 24, 2025

1. In your Questionnaire, you mentioned appearing in court periodically, around six to ten times per year, and that opportunities to try cases in court were "few and far between." You also stated that you had taken an active part in many trials.

   How many cases have you tried to verdict or final decision as sole or lead counsel?

   Response: My past appearances have involved many motions hearings on summary judgment, motions to dismiss, sentencing hearings, post-conviction hearings akin to bench trials, multi-day arbitrations, and taking an active role representing material witnesses in multiple criminal trials from start to finish. There were no cases that I personally tried to verdict as a sole or lead counsel; however, I received invaluable training handling trials from a judge's perspective during the multiple trials I worked on in my two years as a federal district court judicial clerk.

2. In July 2013, you wrote an opinion piece for the *Catholic News Herald*, where you expressed support for the Tenth Circuit's ruling in *Burwell v. Hobby Lobby Stores*, which allowed privately held for-profit corporations to be exempt from the Affordable Care Act's contraception mandate for employer-provided health insurance plans. You encouraged readers to reach out to their representatives to "speak out for conscience rights," as you were disappointed that at the time, the ruling did not apply nationwide.

   Do you believe the Supreme Court was correct when it held that the Religious Freedom Restoration Act applies to corporations, not just individuals?

   Response: My understanding is that the Supreme Court ruled in the *Hobby Lobby* case that the Religious Freedom Restoration Act applies to closely held corporations. As a judge, my beliefs will not be relevant. I will be obligated to rule in line with whatever the Supreme Court or the Fourth Circuit has ruled in applicable cases.

3. **Did President Trump lose the 2020 election?**

   Response: President Biden was certified the winner of the 2020 election. President Trump was certified the winner of the 2016 and 2024 elections.

4. **Where were you on January 6, 2021?**

Response: On January 6, 2021, I was in Charlotte, North Carolina.

5. **Do you denounce the January 6 insurrection?**

Response: I denounce any and all acts of violence against law enforcement and government officials. How the events at the Capitol on January 6, 2021, are characterized is a matter of political debate and was the subject of litigation in *Trump v. Anderson,* 601 U.S. 100 (2024). Moreover, the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to address these issues.

6. **Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?**

Response: As an Article III judicial nominee, it would not be appropriate for me to comment on the application of the pardon power wielded by a separate but equal branch of government in Article II of the United States Constitution. Furthermore, the pardons themselves are the subject of ongoing litigation, and I may not comment on any matter that is or may come before me as a judge.

7. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

   a. **What options do litigants—including the executive branch—have if they disagree with a court order?**

   Response: Generally, if there is a lower-court order that binds the Executive Branch or an executive official or agency, the normal course is for the party to follow the order and seek appellate review if the party disagrees with the outcome.

   b. **Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?**

   Response: All proper parties to federal court proceedings including federal executive officials have a responsibility to comply with lawful court orders. The standard process for challenging an order that one concludes is unlawful is to appeal that order. If there is a lower court order that binds a party, the normal course is for the bound party to follow the order and seek appellate review if the party disagrees with the outcome; if the Supreme Court issues an order upon the

conclusion of appellate review, that order is to be followed. I am aware of scholarly work suggesting scenarios where parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error "so clear that it is not open to rational question"); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court's binding "judgment[]" and its "statements in opinions." *Camreta v. Greene*, 563 U.S. 692, 704 (2011); *see* Abraham Lincoln, First Inaugural Address (Mar. 4, 1861) (discussing *Dred Scott v. Sanford).* And the Supreme Court has observed that certain interlocutory orders might be immediately appealable only via the avenue of a contempt finding. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.").

Because a case involving these issues could come before me if I were confirmed, it would be inappropriate to provide an answer that pre-determines the validity of potential legal arguments for or against adhering to court orders. If any such issues came before me, I would commit to resolving them through the judicial process through careful consideration and application of the parties' arguments and the governing law and precedents.

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: If the Supreme Court issues an order after appellate review, that order is to be followed. If the order relates to the interpretation of a statute and a party disagrees, the party also can seek legislative amendment of the statute. Similarly, if a party or Congress or a state legislature believes a Supreme Court order has incorrectly applied the Constitution, such parties could seek a constitutional amendment. Congress also has legislative power to shape Supreme Court jurisdiction and authority related to the issuance of orders.

8. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: The lawfulness of universal injunctions was addressed by the Supreme Court in *Trump v. CASA,* 145 S. Ct. 2540 (2025), which held that "[a] universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power." *Id.* at 2550. As described in *Trump v.*

CASA, the equitable power of courts generally extends only to granting complete relief to the parties before the court.

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see the response to question 8(a).

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see the response to question 8(a).

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: No.

9. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

10. Does the U.S. Constitution permit a president to serve three terms?

The 22nd Amendment to the U.S. Constitution provides that presidents may serve up to two terms.

11. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[1]

a. Do you agree that these federal judges are "USA HATING" and "MONSTERS" who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"?

Response: It is important for all federal judges to abide by all constitutional, statutory, and equitable limits on their authority to exercise the "judicial Power" under Article III of the U.S. Constitution, and I would seek to abide by those limits if confirmed. Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or

[1] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.

on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Safety and security for judges and their families is a matter of great import. However, consistent with the Code of Conduct for U.S. Judges and positions taken by prior nominees, in would be inappropriate for me, as a pending judicial nominee, to comment on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

12. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a "judicial coup"[2] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[3]

a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?

Response: It is important for all federal judges to abide by all constitutional, statutory, and equitable limits on their authority to exercise the "judicial Power" under Article III of the U.S. Constitution, and I would seek to abide by those limits if confirmed. Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: Please see my response to Question 12(b).

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[2] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), https://x.com/StephenM/status/1927874604531409314.
[3] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), https://x.com/StephenM/status/1928065122657845516.

13. When, if ever, may a lower court depart from Supreme Court precedent?

Response: Lower courts must follow directly controlling Supreme Court precedent. *See Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989).

14. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

As a federal district judge nominee who would be subject to the Fourth Circuit's precedent, I leave to the appellate court when it would be appropriate for that court to overturn its own precedent.

15. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: As a federal district judge nominee who would be subject to the Supreme Court's precedent, I leave to the Supreme Court when it would be appropriate for that court to overturn its own precedent. In determining whether to overrule precedent, the Supreme Court applies stare decisis factors such as those set forth in *Dobbs v. Jackson Women's Health Organization,* 597 U.S. 215, 268-90 (2022), and *Janus v. AFSCME, Council 31,* 585 U.S. 878, 916-29 (2018).

16. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. *Brown v. Board of Education*

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. *Brown v. Board of Education,* 347 U.S. 483 (1954), is a landmark ruling that recognizes racial equality and rejects the unjust and unconstitutional separate-but-equal rule of *Plessy v. Ferguson.* Consistent with prior judicial nominees, I consider *Brown* one of the limited exceptions to the general principle that a judicial nominee should not give the Supreme Court's precedents a thumbs-up or thumbs-down. I agree with prior nominees that the underlying premise of the *Brown* decision—i.e., that "separate but equal is inherently unequal"—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

b. *Plyler v. Doe*

Response: *Plyler* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

c. *Loving v. Virginia*

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. In *Loving v. Virginia,* 388 U.S. 1 (1967), the Supreme Court invalidated a state law prohibiting interracial couples from marrying. Like prior nominees, I consider *Loving,* like *Brown,* to be one of the limited exceptions to the general principle that a judicial nominee should not give a thumbs-up or thumbs-down opinion as to the Supreme Court's precedents. In my view, *Loving* correctly reaffirmed *Browns's* rejection of the "notion that the mere 'equal application' of a statute containing racial classifications" comports with the Fourteenth Amendment, *Loving*, 388 U.S. at 8. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

d. *Griswold v. Connecticut*

Response: *Griswold* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

e. *Trump v. United States*

Response: *Trump v. United States* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

f. *Dobbs v. Jackson Women's Health Organization*

Response: *Dobbs* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

g. *New York State Rifle & Pistol Association, Inc. v. Bruen*

Response: *Bruen* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

h. *Obergefell v. Hodges*

Response: *Obergefell* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

i. ***Bostock v. Clayton County***

Response: *Bostock* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

j. ***Masterpiece Cakeshop v. Colorado***

Response: *Masterpiece Cakeshop* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

k. ***303 Creative LLC v. Elenis***

Response: *303 Creative* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

l. ***United States v. Rahimi***

Response: *Rahimi* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

m. ***Loper Bright Enterprises v. Raimondo***

Response: *Loper Bright* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

17. With respect to constitutional interpretation, do you believe judges should rely on the "original meaning" of the Constitution?

Response: Consistent with the past practice of the Supreme Court in cases like *District of Columbia v. Heller*, 554 U.S. 570 (2008), I believe that lower court judges should faithfully apply all binding precedent of the Supreme Court and then apply an originalist methodology to address any unanswered and open questions of constitutional interpretation. But those questions are likely to be infrequent at the district court level.

18. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Please see my answer to Question 17.

19. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court in *Obergefell* concluded that the Constitution provides a constitutional right to same-sex marriage, and I would faithfully apply that precedent.

20. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: The Supreme Court in *Loving* concluded that the Constitution provides a constitutional right to marry persons of a different race, and I would faithfully apply that precedent.

21. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: Based on my understanding of these principles as established by the Supreme Court, the Equal Protection Clause (1) requires that all persons similarly situated by treated alike, *see City of Cleburne v. Cleburne Living Ctr.,* 473 U.S. 432, 439 (1985), and (2) prevents discrimination based on suspect and quasi-suspect classifications, *see, e.g., Students for Fair Admission, Inc. v. President and Fellows of Harvard College,* 600 U.S. 181 (2023); United States v. Virginia, 518 U.S. 515 (1996); *Nyquist v. Mauclet,* 432 U.S. 1 (1977). Under Supreme Court precedent, the Fourteenth Amendment Due Process Clause establishes both procedural protections, *see, e.g., Mathews v. Eldridge,* 424 U.S. 319 (1976), and substantive rights, *see, e.g., Meyer v. Nebraska,* 262 U.S. 390 (1923). Justice Thomas in concurring opinions has indicated that history suggests substantive rights might be more properly situated under the Privileges and Immunities Clause of the Fourteenth Amendment, although that conclusion does not reflect contemporary controlling Supreme Court precedent.

22. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has held that these constitutional provisions prevent discrimination based on sex, *see, e.g., Untied States v. Virginia,* 518 U.S. 515 (1996), and sexual orientation, *see, e.g., Romer v. Evans,* 517 U.S. 620 (1996). As a lower court judge, I would be bound to apply all Supreme Court precedents, including these decisions. Because matters related to this question are the subject of ongoing litigation, it would be improper for me as judicial nominee to further comment.

23. Do you believe that judges should be "originalist" and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my answer to Question 17.

24. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my answer to Question 17.

25. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: Generally speaking, the U.S. Supreme Court has held that the First Amendment protects speech regardless of whether the government considers the speech to be right or wrong, *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.,* 515 U.S. 537 (1995), and even if it is outrageous, *Snyder v. Phelps,* 562 U.S. 442 (2011); *United States v. Stevens,* 559 U.S. 460 (2010). The Supreme Court has also held that First Amendment protections may apply to individuals, *McIntyre v. Ohio Elecs. Comm'n*, 514 U.S. 334 (1995), as well as corporations, *see, e.g., Citizens United v Fed. Elec. Comm'n*, 558 U.S. 310 (2010); *Miami Herald Publishing Co. v. Tornillo,* 418 U.S. 241 (1974). As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents.

26. How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?

Response: The Supreme Court has addressed this issue in cases such as *City of Austin, Texas v. Reagan Nat'l Advertising of Austin, LLC,* 596 U.S. 61 (2022), and *Reed v. Town of Gilbert,* 576 U.S. 155 (2015). Among other things, those cases instruct that a "regulation of speech is facially content based under the First Amendment if it target[s] speech based on its communicative content—that is, if it applies to particular speech because of the topic discussed or the idea or message expressed." *City of Austin,* 596 U.S. at 69 (quoting *Reed,* 576 U.S. at 163). By contrast, a law is content-neutral if it can be "justified without reference to the content of the regulated speech." *Reed,* 576 U.S. at 166 (quotation omitted). As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents.

27. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The Supreme Court has addressed this issue in cases such as *Counterman v. Colorado,* 600 U.S. 66, 74 (2023), and *Virginia v. Black,* 538 U.S. 343 (2003). Among other things, these cases instruct that "'[t]rue threats' of violence is [a] historically unprotected category of communications." *Counterman,* 600 U.S. at 74. These cases establish that "true threats are serious expressions conveying that a speaker means to commit an act of unlawful violence." *Id.; see Black,* 538 U.S. at 359. As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents.

28. Is every individual within the United States entitled to due process?

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that no person shall "be deprived of life, liberty or property, without due process of law" and that no State shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amends. V, XIV. The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001); *see Dep't of Homeland Sec. v.*

Thuraissigiam, 591 U.S. 103, 107 (2020); *Agency for Int'l Dev. v. All. For Open Soc'y Int'l, Inc.*, 591 U.S. 430 (2020). The Supreme Court has an extensive body of precedents discussing what due process requires in various contexts. As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents in addressing due process claims.

29. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: Please see my answer to Question 28.

30. The Fourteenth Amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: The Citizenship Clause of the 14th Amendment to the United States Constitution provides that "[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents in addressing any citizenship claims. Because this question asks about matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to further comment. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: Please see my answer to Question 30(a).

31. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Yes, nobody should ever be excluded from the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic. My experience in law and life has been that no one group has a monopoly on excellence. In focusing on excellence throughout my career, I have found myself working and in friendship with many people of varying backgrounds, life experiences, and viewpoints. This has made me a better lawyer and analytical thinker. If I am fortunate enough to be confirmed, I would look forward to learning from and building relationships with my colleagues on the Western District of North Carolina and other courts.

32. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: As with any other constitutional or statutory provision, I would be obligated as a judge to faithfully and impartially apply the First Step Act, and governing precedents interpreting it.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: I commit to faithfully and impartially applying all applicable laws and precedents that govern the sentencing of criminal defendants. This includes, under 18 U.S.C. § 3553(a), issuing sentences that "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct."

33. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of "traditional values"?

Response: As a pending judicial nominee, it would be inappropriate for me to express cultural or policy views. If I am confirmed, I will seek to apply the law fairly and impartially without respect to any individual policy views.

b. President Trump wrote on Truth Social that the Federalist Society gave him "bad advice" on "numerous Judicial Nominations." He also wrote that

Leonard Leo is a "sleazebag" who "probably hates America." If you are not familiar with this post, please refer to it in the footnote.[4]

Response: This question calls for a response that could be seen as opining on political matters or the statements made by individuals in the political branch, and thus I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

i. **Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?**

Response: Please see my response to Question 33(b).

ii. **Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?**

Response: Please see my response to Question 33(b).

iii. **If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: If confirmed, I would evaluate my affiliations for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

c. **During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: As a member of the Federalist Society, I have many friends and colleagues who are associated with the Federalist Society. I speak and socialize with them on a regular basis and would have maintained correspondence with these individuals during my selection process. During my selection process, I was not in correspondence with Mr. Leo or Mr. Calabresi, or any other "officials" of the Federalist Society to the best of my knowledge.

d. **Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

[4] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), https://truthsocial.com/@realDonaldTrump/posts/114593880455063168.

e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

Response: No.

34. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

Response: No.

35. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

Response: No.

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

Response: No.

36. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

Response: No.

37. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?

Response: No.

38. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

Response: No.

39. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

Response: No.

40. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed "to the Constitution and the Founders' vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary." It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?

Response: No.

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am unaware of any outside groups or special interests making donations in support of my confirmation. I have no concerns about any public advocacy for or against my confirmation, because if confirmed, such advocacy will be irrelevant to my decision-making as a fair and impartial judge.

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: Both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice. If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: Please see my answers to questions 40(a) through (e).

Nomination of Matthew Orso to the
United States District Court for the Western District of North Carolina
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR COONS

1. **At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.**

   Response: No.

   a. **At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?**

      Response: No.

2. **How would you describe your judicial philosophy?**

   Response: I hold a judicial philosophy that judges are to apply the law as written to the facts of the cases and controversies before them. Words matter, and the political branches take great care to choose the words that become law through bicameralism and presentment or the constitutional ratification process. A judge should faithfully and impartially apply the original public meaning of those words at the time of their passage. Moreover, a judge should recognize the inherent dignity of all participants in the judicial process, treating parties, attorneys, victims, witnesses, and all with courtesy and respect.

3. **With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?**

   Response: If confirmed, I would follow controlling Supreme Court precedent when analyzing whether a right is fundamental and protected under the Fourteenth Amendment.

   a. **Would you consider whether the right is expressly enumerated in the Constitution?**

      Response: Yes.

   b. **Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?**

Response: Yes. The Supreme Court has instructed consideration of the nation's history and tradition in multiple cases, including *Glucksberg*. If such a question were to come before me in a case, I would consult historical case law as well as a variety of other historical resources that other cases applying that framework have consulted.

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes, a court's recognition of a right in a previous case is relevant to the assessment of whether the right is deeply rooted in the nation's history and tradition.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

e. What other factors would you consider?

Response: I would consider any other factors identified in applicable Supreme Court and Fourth Circuit precedent.

4. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: To the extent "higher court" means a court with appellate authority over the district court, rather than an appellate court in a different circuit, the answer is I am not aware of a circumstance where ignoring a higher court's order would be appropriate.

5. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser." This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

Response: Courts often consider changing facts in assessing a case. While the words of a statute or constitutional provision do not change, societal facts may change, which can impact the application of that law to those different facts. For example, the Supreme Court in *Riley v. California*, 573 U.S. 373 (2014), analyzed technological advances in the storage capacity of smart phones when deciding a case involving the search incident to arrest exception to the Fourth Amendment's warrant requirement.

b. What is the role of sociology, scientific evidence, and data in judicial analysis?

Response: The role of these topics depends on the facts and legal claims across the spectrum of federal cases. The measure of any of these items' role is whether they are relevant and admissible (and in the expert witness context, reliable). The admissibility of scientific, technical, or other specialized knowledge as evidence is governed by Federal Rule of Evidence 702 and the Supreme Court precedent.

6. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: Yes, I will follow all directives of Congress, which include the need to consider supervised release and the recommendations of the Sentencing Commission.

b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: In enacting that section into law, Congress determined that

early termination of supervised release is appropriate in some circumstances. If confirmed, I will faithfully apply that law.

c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes.

7. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: I am unfamiliar with any case that has squarely held that the President has violated the Take Care Clause. When that allegation was made against President Obama, the Department of Justice took the position that claims under that clause are not justiciable. The Supreme Court never ruled on that question because the case in which it was raised was affirmed by an evenly divided 4-4 vote without opinion. In addition, the Supreme Court has ruled that "[t]he President's unique status under the Constitution distinguishes him from other executive officials." *Nixon v. Fitzgerald,* 457 U. S. 731, 750 (1982). I am unaware of any court that has ruled on what the remedy would be in the hypothetical posed by the question, though I would review carefully any briefing and follow any precedent ultimately established by the Supreme Court and Fourth Circuit if the question were ever presented to me as a judge.

8. Is President Trump eligible to be elected President for a third term in 2028?

Response: Section 1 of the 22nd Amendment states that "No person shall be elected to the office of the President more than twice . . . ." To the extent this question seeks for me to prejudge a question that could come before me as a sitting judge, the judicial canons prevent me from providing such an opinion.

9. Who won the 2016 U.S. Presidential Election?

Response: Donald J. Trump was certified as the winner of the 2016 election and served as the 45th President of the United States.

10. Who won the 2020 U.S. Presidential Election?

Response: Joseph Biden was certified as the winner of the 2020 election and served as the 46th President of the United States.

11. Who won the 2024 U.S. Presidential Election?

Response: Donald J. Trump was certified as the winner of the 2024 election and serves as the 47th President of the United States.

12. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: Without more information, this generalized hypothetical does not provide enough information for a meaningful response. Factors that may impact the analysis include whether a statement involves language unprotected by the First Amendment, such as true threats or incitement. To the extent this question asks me to opine on a current political or legal dispute, the judicial canons prevent it.

13. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: As I am not a politician and was rarely using social media at the time, I have never expressed a public position on the events of January 6. The Supreme Court in *Trump v. Anderson* heard arguments about whether an insurrection occurred that day and ultimately concluded that States could not forcibly remove President Trump from the ballot. To the extent the question asks for personal political views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

14. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: This question asks for an opinion regarding current political or legal disputes. Pursuant to the judicial canons, it is improper for a judicial nominee to forecast how he or she would rule in a case.

15. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: See response to Question 14.

16. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: The Supreme Court in *Griswold v. Connecticut* held that the Constitution protects the conduct described above. As a lower court judge, I would be bound to follow all Supreme Court and Fourth Circuit precedent.

17. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: The Supreme Court has stated that "[t]he 'right to travel' discussed in our

cases embraces at least three different components. It protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State." *Saenz v. Roe,* 526 U.S. 489, 500 (1999). To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a future case.

a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

Response: This question asks for an opinion regarding current political or legal disputes. Pursuant to the judicial canons, it is improper for a judicial nominee to forecast how he or she would rule in a case.

18. Do you believe that the Constitution protects a fundamental right to privacy?

Response: While the Constitution's text does not mention a "right to privacy," in *Griswold* and other cases, the Supreme Court interpreted such a right to be within the Constitution. If confirmed, I will follow all controlling precedent.

a. Does that right extend to information about your health care and medical history?

Response: To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

b. Do you agree that it is a violation of that right for states to surveil people's health care and medical history?

Response: To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

19. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: Neither the Supreme Court nor the Fourth Circuit has addressed this question. The only appellate case I am aware of that addresses the question is *Morrissey v. United States,* 871 F.3d 1260 (11th Cir. 2017), which decided the question in the negative. Because that decision is outside the Fourth Circuit, it would not bind me. To the extent the question asks about current political disputes, it would be improper for a judicial

nominee to promise or forecast how he or she would rule in a case that might come before him or her.

20. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: Judges are to adjudicate all claims fairly, regardless of the identity of the party. *See* 28 U.S.C. § 453. Regarding due process, the Fifth and Fourteenth Amendments to the U.S. Constitution provide that that no person shall be deprived "of life, liberty, or property, without due process of law." The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. If confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Fourth Circuit in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further.

21. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

Response: Generally, no. As a district court nominee, I would look to applicable Supreme Court and Fourth Circuit precedent to determine the general manner in which to approach a specific legal issue.

22. What sources would you employ to discern the contours of a constitutional provision?

I would look to the text of the Constitution and controlling precedent. In the absence of controlling precedent, I would look to persuasive precedent and historical sources evidencing the original public meaning of the constitutional provision.

23. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: Judges' proper role in our constitutional system is to evaluate legal claims and to determine the merits of those claims based on arguments presented by the parties, in light of applicable law, including the binding precedents of the Supreme Court and the text of the statute, regulation, or constitutional provision involved. They should not decide cases based on their personal views regarding morality or policy preferences. Judges are not policymakers; they have limited judicial authority. Fulfilling that role faithfully and impartially is essential to maintaining public confidence in the rule of law.

24. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: In certain contexts, such as in assessing the propriety and scope of injunctive relief, a court's application of the relevant legal standards requires consideration of the practical consequences of a particular order on the parties and the public. Outside of those contexts, a court must apply the relevant law faithfully and impartially without regard to consequences, even if he or she thinks that the practical consequences of following the law are undesirable as a policy matter.

25. What role, if any, should empathy play in a judge's decision-making process?

Response: Article III judges decide the cases and controversies before them, applying the relevant law to the facts of a given case. Empathy should have no role in applying law to facts. However, empathy can inform how an opinion is written to make it readily accessible and clearly understood. In addition, empathy is important in a judge's treatment of the people appearing before him or her in court, remaining cognizant that litigation has real-world impacts on the lives of real people.

26. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's life experiences will hopefully have prepared the judge to undertake the duties of the office with understanding, courteousness, courage, diligence, integrity, and impartiality.

27. In your 2013 *Catholic News Herald* article criticizing a Department of Health and Human Services mandate that employers provide contraception to employees as part of their employer-sponsored health insurance plans, you wrote that this issue—and similar conscience protections—are of "paramount importance" for "business owners who believe their faith informs and permeates everything they do." You noted, however, that "[f]ortunately, one federal court recently forced the mandate to give ground." While this decision from the Tenth Circuit was "welcome news," because it only applied to states within the Tenth Circuit, "the struggle [was] far from over." You advocated for "people of good conscience" to continue the struggle by "us[ing] whatever means we have to speak out for conscience rights" and "teach[ing] truth to our children, instilling in them the reality that our Catholic faith cannot be compromised, and never letting them fall victim to the lie of relativism."

a. What role, if any, do you believe a judge's faith should play in their judicial decision-making?

Response: If confirmed, my faith would undergird the judicial oath I would take to "swear . . . that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and . . . faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws

of the United States. So help me God." A judge's faith should serve as a reminder of this oath and that it may not be broken.

As for judicial analysis, a judge's faith, opinions, beliefs, or preferences have no role in the adjudicative process.

b. In the same article, you also quote the Catechism of the Catholic Church that "Nobody may be forced to act against his conviction, nor is anyone to be restrained from acting in accordance with his conscience in religious matters in private or in public, alone or in association with others, within due limits." If you are confirmed, what will you do if the laws and facts of a case run contrary to your religious conviction?

Response: A judge's duty is to faithfully and impartially apply the law to the facts of a case, following controlling precedent. That is what I will do if confirmed, for all cases, without regard to outcome. To supplant the law with one's own religious or political beliefs is the height of judicial activism, erodes public confidence in the judiciary, and is antithetical to the rule of law and the role of an Article III judge.

28. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: There are procedural mechanisms by which judges may stay or defer a party's obligation to comply with a judicial order. *See, e.g.,* Fed. R. Civ. P. 62. As a judicial nominee, it would not be appropriate for me to opine on those or other abstract legal issues that might apply in a hypothetical case.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: Please see my answer to Question 28, preface.

b. What would you do if a party refuses to comply with one of your orders?

Response: Please see my answer to Question 28, preface.

29. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: The Honorable Robert J. Conrad, Jr., currently serving as the Director of the Administrative Office of United States Courts, has been my role model and mentor for years.

30. Discuss your proposed hiring process for law clerks.

Response: Out of respect for the Senate's pending consideration of my nomination, I have not yet generated a proposed hiring process for law clerks. Generally, I would seek to evaluate clerks based upon their entire applications, recommendations, and supporting materials, and my assessment of who would be the best fit for the job, understand the proper role of a law clerk in our judicial system, and get along well with other law clerks and members of chambers.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: As a judicial nominee, the canons of judicial ethics generally prohibit me from endorsing legislative proposals.

31. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: I would hold clerks and judicial assistants to the same standards as myself in treating all people with dignity and respect.

b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: I would follow all applicable reporting requirements for the Western District of North Carolina and the Fourth Circuit.

c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I would follow all applicable reporting requirements for the Western District of North Carolina and the Fourth Circuit.

32. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a

standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: I recognize the value of giving junior lawyers more experience arguing in court. As a general premise, I do not believe it is the court's job to formally influence the choice of which lawyers appear before him or her. Ultimately, that is a party's decision. However, I would consider other measures short of a standing order to encourage more in-court experience for junior lawyers.

a. How else would you support the skills development of junior lawyers appearing before you?

Response: I would generally encourage senior lawyers in the right circumstances to give junior lawyers the opportunity to argue cases or portions of cases. I would also consider asking more junior lawyers to assist the court where opportunities arise. For instance, judges occasionally seek pro bono counsel to represent plaintiffs in § 1983 trials.

33. In your Senate Judiciary Questionnaire, you explained that given the nature of your work at "large, private law firms in a white-collar defense practice, opportunities to try cases in the courtroom are few and far between." How many cases have you tried to verdict?

Response: I am well-prepared to serve as a U.S. District Judge and to manage trials, having represented clients for the entire length of several trials. While I did not try cases to verdict, my in-court motions arguments, multi-day sentencing hearings, multi-day post-conviction relief hearings, extensive arbitration experience, and work as a judicial clerk on multiple trials have positioned me well for success as a district judge. Moreover, my significant time spent presenting and advocating to U.S. Attorneys, agents, and other federal regulators on cases of significant exposure for clients has further prepared me for the pressure of trials and the quick-thinking required of a trial judge.

34. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: The Supreme Court addressed presidential pardon power in *United States v. Klein* and other cases. Those cases established that the pardon power is one of the President's most plenary powers. The decision whether to extend a pardon is at the discretion of the President. To the extent the question asks for personal political or policy views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

35. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: To the extent the question asks for personal political or policy views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

Questions for the Record for Matthew Orso
Submitted by Senator Richard Blumenthal
September 24, 2025

1. You donated to President Trump's election campaign on January 19, 2025—months after President Trump had already won the election, a day before the inauguration, and just 10 days before you report officially seeking consideration for this district court position.

   Response: This statement is misleading without additional facts. I made a $10.41 purchase of Trump merchandise on January 19, 2025, and it appears that money went to his election campaign fund.

   a. **Did you or anyone on your behalf take any steps to seek a judicial nomination prior to sending a letter to Senators Tillis and Budd on January 29, 2025? If so, please describe those actions.**

      My understanding is that certain individuals contacted members of the staffs of Senator Tillis and Senator Budd regarding my potential nomination in late November or December of 2024.

   b. **Did you or anyone on your behalf contact then-President-elect Trump or members of his team on or before January 19, 2025? If so, what did you discuss?**

      No.

2. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between "free speech" and "hate speech," claiming that the Department of Justice would prosecute the latter.

   Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

   a. **Do you believe that there is a legal distinction between "free speech" and "hate speech"?**

      The Supreme Court has held in multiple cases, including *Matal v. Tam*, 582 U.S. 218 (2017), that "Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express "the thought that we hate." (quoting *United States v. Schwimmer*, 279 U. S. 644, 655 (1929) (Holmes, J., dissenting)). While my belief is irrelevant to the legal question, as a general matter, my understanding is that hate speech is generally protected to the extent it does not cross the line into an unprotected category, such as incitement or "fighting words".

b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

Please see above for the relevant law on this issue. The judicial canons prevent me from providing an opinion on this question that may be the subject of political discussion or may come before me in a case if confirmed.

3. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

Response: Yes.

a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: If I am confirmed, I would refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, any guidance provided by the Chief Judge and the Administrative Office for the United States Courts, and any other applicable laws, rules, and practices governing conflicts of interest.

b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: See my response to Question 3(a).

c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: See my response to Question 3(a).

4. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: I will abide by all laws, rules and judicial ethical canons regarding *ex parte* communications. Please note that there are limited scenarios, such as in the context of an *ex parte* temporary restraining order, in which such communications can be appropriate.

d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: See my response to Question 4(a).

e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: See my response to Question 4(a).

f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: See my response to Question 4(a).

5. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: If confirmed, I will abide by all laws, rules and judicial ethical canons regarding financial disclosure reports.

g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: Yes.

h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: Yes.

i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: Yes.

6. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: The question states that the Supreme Court has held this to be true. As a lower court judge, I will abide by and follow all binding Supreme Court precedent.

b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: This question asks for my opinion on recently proposed legislation. The judicial canons prevent me from providing an opinion on this question as it may be the subject of political discussion or may come before me in a case if confirmed.

7. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that "[j]udges aren't allowed to control the executive's legitimate power." This raises an extremely concerning specter of Executive Branch defiance of court orders.

a. If confirmed, would you have the ability to issue orders?

Response: It is inherent in the role of a United States District Judge to issue orders. All Americans have the Constitutional right to criticize or question those orders.

i. Would you have the ability to enforce those orders?

Response: Yes.

ii. What powers would you have to enforce those orders?

Response: Courts have a variety of methods to ensure compliance by any litigant with court orders. A common one is discovery sanctions. Courts sometimes draw adverse inferences from discovery failures or require one party to cover the costs of others. In more extreme cases, courts can dismiss a case or engage in contempt proceedings.

b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: Treatises and cases have identified circumstances where a party can raise a defense to compliance with a court, such as if the court lacked jurisdiction or if compliance was impossible. *See, e.g.*, 17 Corpus Juris Secundum Contempt §§ 56–65; *United States v. Rylander*, 460 U.S. 752, 757 (1983) (impossibility). In some circumstances, defying a court order is necessary to appeal it, as Justice Sotomayor's majority opinion in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009), recognizes.

c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: See above.

d. What would make a court order unlawful?

Response: It depends on the definition of "unlawful," but one well-established principle is that an order is *void ab initio* if the issuing court lacks jurisdiction.

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: A party may obtain relief through stays, injunctions, and appeals if they believe lower court orders to be unlawful. The Supreme Court has recognized that in some cases involving privilege, a party may defy an order, incur sanctions, and then appeal. As the Court in *Mohawk Industries v. Carpenter* explained, "[a]nother long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions." 558 U.S. 100, 111 (2009). "Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment." *Id.*

ii. Is it ever acceptable to not follow this process? When and why?

Response: As the Supreme Court has said, sometimes the right process is to appeal and sometimes the right process is something else, including "defy[ing]" an order. *Id.*

8. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Matthew Orso

1. **Do you believe *Brown v. Board of Education* was correctly decided?**

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. *Brown v. Board of Education,* 347 U.S. 483 (1954), is a landmark ruling that recognizes racial equality and rejects the unjust and unconstitutional separate-but-equal rule of *Plessy v. Ferguson.* Consistent with prior judicial nominees, I consider *Brown* one of the limited exceptions to the general principle that a judicial nominee should not give the Supreme Court's precedents a thumbs-up or thumbs-down. I agree with prior nominees that the underlying premise of the *Brown* decision—i.e., that "separate but equal is inherently unequal"—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

2. **Do you believe *Loving v. Virginia* was correctly decided?**

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. In *Loving v. Virginia,* 388 U.S. 1 (1967), the Supreme Court invalidated a state law prohibiting interracial couples from marrying. Like prior nominees, I consider *Loving,* like *Brown,* to be one of the limited exceptions to the general principle that a judicial nominee should not give a thumbs-up or thumbs-down opinion as to the Supreme Court's precedents. In my view, *Loving* correctly reaffirmed *Browns's* rejection of the "notion that the mere 'equal application' of a statute containing racial classifications" comports with the Fourteenth Amendment, *Loving*, 388 U.S. at 8. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

3. **Do you believe *Griswold v. Connecticut* was correctly decided?**

See above.

4. **Do you believe *Eisenstadt v. Baird* was correctly decided?**

See above.

5. **Do you believe *Obergefell v. Hodges* was correctly decided?**

See above.

6. If you answered with a "yes" or "no" to any of the above questions but did not similarly answer any of the other questions, please explain how you determined you could answer some questions and not others.
    a. **If you have declined to answer any questions on the basis that the issue may come before you (or another court), please identify the case(s) currently pending in the federal courts that raise this issue. If you cannot identify any such cases, please explain your basis for declining to answer the question(s).**

See above.

Nomination of Matthew E. Orso
United States District Court for the Western District of North Carolina
Questions for the Record
Submitted September 23, 2025

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

   On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[1]

   a. **Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?**

      Response: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

2. **How would you characterize your judicial philosophy?**

   Response: I hold a judicial philosophy that judges are to apply the law as written to the facts of the cases and controversies before them. Words matter, and the political branches take great care to choose the words that b>? judge should faithfully and impartially apply the original public meaning of those words at the time of their passage. Moreover, a judge should recognize the inherent dignity of all participants in the judicial process, treating parties, attorneys, victims, witnesses, and all with courtesy and respect.

3. **What do you understand originalism to mean?**

   Response: I understand originalism to mean a method of interpreting the Constitution by a judge applying his or her best understanding of the original public meaning of the relevant words or constitutional clause to the facts of a case. As a district judge, this would require following binding precedent regarding the interpretation of specific constitutional provisions.

4. **Do you consider yourself an originalist?**

[1] Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), https://www.justice.gov/ag/media/1402156/dl?inline.

Response: In interpreting the Constitution if confirmed, I would employ methodologies consistent with the methods of interpretation that the Supreme Court employs when it undertakes to interpret constitutional provisions. The Supreme Court has routinely interpreted various constitutional provisions by attempting to discern the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g., District of Columbia v. Heller,* 554 U.S. 570 (2008); *Crawford v. Washington,* 541 U.S. 36 (2004); *Wilson v. Arkansas,* 514 U.S. 927 (1995).

5. **What do you understand textualism to mean?**

Response: I understand textualism to mean a method of interpreting law by looking to the ordinary meaning of the text at the time of the law's enactment, and where more clarity is needed, also considering the context, including the words and structure of other sections of the same act or statute, should that context shed light on the original meaning of the text.

6. **Do you consider yourself a textualist?**

Response: In approaching statutory interpretation, I would follow the methodological instructions of the Supreme Court. The Supreme Court has often instructed that the best meaning of statutory text, as assessed by the time of enactment, is generally entitled to controlling weight. That is the approach I would follow, along with any other relevant instructions.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

   a. **If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?**

   Response: Reliance on legislative history is unnecessary when a statute's language is unambiguous. *Mohamad v. Palestinian Authority,* 566 U.S. 449, 458 (2012). To the extent it is proper to rely on legislative history in some circumstances, it "is meant to clear up ambiguity, not create it." *Milner v. Dep't of Navy,* 562 U.S. 562, 574 (2011). If confirmed, I would faithfully apply relevant Supreme Court and Fourth Circuit precedent regarding the use of legislative history.

   b. **Do you believe that congressional intent matters when interpreting a statute? Why or why not.**

   Response: Yes, and the words of a statute, subject to bicameralism and presentment, are the best evidence of congressional intent regarding that statute.

8. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[2]

a. What do you attribute this to?

Response: The sources of those and other troubling disparities, and the best means to address them, continue to be a topic of public debate. It would therefore be inappropriate for me, as a judicial nominee, to comment further, other than to express the belief that it would be incumbent on me as a judge to be aware of the possibility of any and all types of bias and to endeavor to minimize them as consistent with my judicial duties.

9. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[3]

a. What do you attribute this to?

Response: Please see my answer to Question 8(a).

10. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: It is the obligation of all participants in the criminal justice system, especially judges, to be aware of the possibility of any and all types of bias and to endeavor to minimize them as consistent with their judicial duties. This includes, under 18 U.S.C. § 3553(a), issuing sentences that "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct."

11. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: Yes, nobody should ever be excluded from the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic. My experience in law and life has been that no one group has a monopoly on excellence. In focusing on excellence throughout my career, I have found myself working and in friendship with many people of varying backgrounds, life experiences, and viewpoints. This has made me a better lawyer and analytical thinker. If I am fortunate enough to be confirmed, I would look

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[2] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).
[3] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

forward to learning from and building relationships with my colleagues on the Western District of North Carolina and other courts.

12. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

a. Abortion
b. Affirmative action
c. Contraceptives or birth control

Response: In 2013, I wrote an opinion piece in the Catholic News Herald, a newspaper of the Roman Catholic Diocese of Charlotte, North Carolina. That writing focused on the HHS contraceptive mandate and the related litigation involving Hobby Lobby in the 10th Circuit, arguing that the mandate violated religious freedom. The Supreme Court later ruled that the HHS mandate violated the Religious Freedom Restoration Act as to Hobby Lobby and other closely held corporations.

This writing was disclosed, and a copy was provided, with my Senate Judiciary Questionnaire.

d. Gender-affirming care
e. Firearms
f. Immigration

Response: Over the years of my legal career in private practice, I co-authored numerous client-directed, firm-sponsored blog posts on topics of immigration law compliance for employers. These writings were disclosed, and a copy was provided, with my Senate Judiciary Questionnaire.

g. Same-sex marriage
h. Miscegenation
i. Participation of transgender people in sports
j. Service of transgender people in the U.S. military
k. Racial discrimination
l. Sex discrimination
m. Religious discrimination

Response: See above response to 12(c)..

n. Disability discrimination

o. Climate change or environmental disasters
p. "DEI" or Diversity Equity and Inclusion

A full accounting and available copies of all my past writings and speeches were provided with my Senate Judiciary Questionnaire.

13. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: I have not had occasion to study these questions exhaustively; my general understanding of the relevant legal considerations is as follows. If there is a lower court order that binds the Executive Branch or an executive official or agency, the normal course is for the bound party to follow the order and seek appellate review if the party disagrees with the outcome; if the Supreme Court issues an order upon the conclusion of appellate review, that order is to be followed. I am aware of scholarly work suggesting scenarios where parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.,* William Baude, *The Judgment Power,* 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation,* 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error "so clear that it is not open to rational question"); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court's binding "judgment[]" and its "statements in opinions." *Camreta v. Greene,* 563 U.S. 692, 704 (2011); *see* Abraham Lincoln, First Inaugural Address (Mar. 4, 1861) (discussing *Dred Scott v. Sanford).* And the Supreme Court has observed that certain interlocutory orders might be immediately appealable only via the avenue of a contempt finding. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.").

Because a case involving these issues could come before me if I were confirmed, it would be inappropriate to provide an answer that pre-determines the validity of potential legal arguments for or against adhering to court orders. If any such issues came before me, I would commit to resolving them through the judicial process through careful consideration and application of the parties' arguments and the governing law and precedents.

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: It is my understanding that federal courts typically seek to ensure compliance with court orders through sanctions and civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress. The Supreme Court, for its part, has cautioned that "the contempt power" is something that "uniquely is 'liable to abuse,'" *Int'l Union, United Mine Workers of Am. v. Bagwell,* 512 U.S. 821, 831 (1994), and that "care is needed to avoid arbitrary or oppressive conclusions," *Bloom*

v. Illinois, 391 U.S. 194, 202 (1968) (citation omitted). I would apply these instructions and any other governing law and precedents to assess whether any allegations of noncompliance were correct or whether any recognized defenses apply.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: See previous two responses.

14. Does the president have the power to ignore or nullify laws passed by Congress?

Response: Article II of the United States Constitution grants the President the power to veto legislation passed by Congress. It also directs that the President "shall take Care that the Laws be faithfully executed." U.S. Const., art. II, § 3, cl. 5. The Supreme Court has cited the Take Care Clause as a source of the President's authority to engage in "enforcement of federal … laws passed by Congress," *Trump v. United States*, 603 U.S. 593, 627 (2024), including by "mak[ing] arrests and prosecut[ing] offenses on behalf of the United States," *United States v. Texas*, 599 U.S. 670, 678-79 (2023). The Supreme Court has further instructed that, under the Take Care Clause and the Vesting Clause, see Art. II, § 1, cl. 1, the Executive Branch possesses certain authority and discretion to prioritize enforcement of federal law. *See, e.g., Texas*, 599 U.S. at 679; *Heckler v. Chaney*, 470 U.S. 821, 832 (1985). How these or any other legal principles apply to presidential action implicates issues that could arise before me as a judge; thus, as a judicial nominee, it would be inappropriate for me to provide further comment pursuant to the judicial canons.

15. Does the president have the power to withhold funds appropriated by Congress?

Response: I am generally aware that the issue regarding the Executive Branch's withholding of authorized funds was addressed by the Supreme Court's decision in *Train v. City of New York,* 420 U.S. 35 (1975). I am also generally aware of the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.*, which provides various procedures for addressing budget and funding issues. As this question relates to an issue that is the subject of litigation in the courts, the judicial canons prevent me from expressing an opinion as to this question.

16. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: I am generally aware that the issue regarding the Executive Branch's withholding of authorized funds was addressed by the Supreme Court's decision in *Train v. City of New York,* 420 U.S. 35 (1975). As this question relates to an issue that is the subject of litigation in the courts, it would be inappropriate for me as a judicial nominee to comment further.

17. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supreme Court has interpreted the Clause to establish that principle, as well as provided instruction about what types of federal-state conflicts lead to preemption. *See, e.g., Haaland v. Brackeen,* 599 U.S. 255, 287 (2023) (collecting cases).

18. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. The question in most cases is less about whether the doctrine of due process applies and more about how much process is due. If I am confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Fourth Circuit in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further.

19. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: The Supreme Court has a body of precedents addressing the constitutional limits on legislative delegation of rulemaking authority. *See Gundy v. United States,* 588 U.S. 128, 135-36 (2019) (op. of Kagan, J.) (collecting cases). As a nominee to a U.S. District Court, I will faithfully apply all applicable precedent of the Supreme Court and the Fourth Circuit on this topic.

20. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. *Brown v. Board of Education*, 347 U.S. 483 (1954), is a landmark ruling that recognizes racial equality and rejects the unjust and unconstitutional separate-but-equal rule of *Plessy v. Ferguson*. Consistent with prior judicial nominees, I consider *Brown* one of the limited exceptions to the general principle that a judicial nominee should not give the Supreme Court's precedents a thumbs-up or thumbs-down. I agree with prior nominees that the underlying premise of the *Brown* decision—i.e., that "separate but equal is inherently unequal"—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

21. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: *Griswold* is binding precedent. It involved an appeal by individuals who were penalized for prescribing contraceptives, and the Court held that the statute violated a "right to privacy" that the Court interpreted to be within the Constitution.

22. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: *Lawrence* is binding precedent. It involved an appeal by an individual penalized for engaging in certain sexual conduct, and the Court held that the statute penalizing engaging in that conduct violated the Constitution.

23. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: *Obergefell* is binding precedent. It involved a challenge to state statutes defining marriage as a union between one man and one woman. The Court held that the Constitution requires States to license a marriage between two people of the same sex.

24. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 24.

b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: Please see my response to Question 24.

25. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[4]

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: Donald Trump was certified as the winner of the 2016 election.

[4] U.S. CONST. amend. XXII.

b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my answer to Question 25(a).

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: Donald Trump was certified as the winner of the 2024 election.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my answer to Question 25(c).

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The text of the 22nd Amendment would prohibit any person from being "elected to the office of the President" for a third time. U.S. Const., amend. XXII.

26. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: No.

27. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

28. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

29. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

30. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

31. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

32. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

33. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

34. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

35. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

36. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.

a. Enrique Tarrio
b. Stewart Rhodes
c. Kelly Meggs
d. Kenneth Harrelson
e. Thomas Caldwell
f. Jessica Watkins
g. Roberto Minuta
h. Edward Vallejo
i. David Moerschel
j. Joseph Hackett
k. Ethan Nordean
l. Joseph Biggs
m. Zachary Rehl
n. Dominic Pezzola
o. Jeremy Bertino
p. Julian Khater

Response: No as to all.

37. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

38. Have you ever been demoted, terminated, or experienced any other adverse employment action?

Response: No.

a. If yes, please describe the events that led to the adverse employment action.

Response: Not applicable.

b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

Response: So affirmed.

39. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

40. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[5]

a. Do you agree with the above statement?

Response: As a judicial nominee the canons prevent me from opining on political issues and statements.

b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

[5] https://www.article3project.org/about

Response: Not to my knowledge.

c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: Not to my knowledge.

d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: Not to my knowledge.

41. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

a. If so, who? What advice did they give?

Response: Not applicable.

b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: No.

42. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: Please see responses to Question 40.

43. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: As a member of the Federalist Society, I have many friends and colleagues who are directly associated with the Federalist Society. I speak and socialize with them on a regular basis.

I am not aware of having spoken with any "officials" of the Federalist Society about my nomination, and to the best of my knowledge, neither did anyone else on my behalf.

44. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

Response: On July 10, 2025, I was contacted by a member of the White House Counsel's Office about a potential federal judgeship. On July 22, 2025, I interviewed with members of the White House Counsel's Office. On August 7, 2025, I was contacted by the White House Counsel's Office to inform me that I would begin the vetting and background check process and asked to complete additional paperwork. Since August 7, I have been in contact with attorneys from the Justice Department's Office of Legal Policy. In addition, in September 2025, I communicated with the Justice Department's Office of Legal Policy in the course of preparing for the hearing before the Judiciary Committee.

45. Please explain, with particularity, the process whereby you answered these written questions.

I prepared my responses to each of these questions. During that process, I reviewed past responses by other judicial nominees. After receiving feedback from individuals at the Department of Justice's Office of Legal Policy, I finalized my answers and authorized them to be submitted to this Committee. My answers are my own.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Susan Courtwright Rodriguez
Susan Mauritia Courtwright (maiden name)

2. **Position**: State the position for which you have been nominated.

U.S. District Court Judge for the Western District of North Carolina

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

U.S. District Court for the Western District of North Carolina
401 West Trade Street
Charlotte, North Carolina 28202

4. **Birthplace**: State year and place of birth.

1981; Lebanon, Kentucky

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2005 – 2009, Antonin Scalia Law School, George Mason University; J.D., 2009

1999 – 2003, Centre College; B.A. (*magna cum laude*), 2003

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

April 2023 – Present
U.S. District Court for the Western District of North Carolina
401 West Trade Street
Charlotte, North Carolina 28202

U.S. Magistrate Judge

November 2011 – March 2023
McGuireWoods
201 North Tryon Street
Suite 3000
Charlotte, North Carolina 28202
Partner (2017 – 2023)
Co-Leader, Financial Institutions Industry Team (2017 – 2023)
Associate (2011 – 2017)

October 2006 – November 2011 (Leave of Absence August 2009 – January 2011 to complete judicial clerkship)
U.S. Department of Homeland Security
245 Murray Lane Building 410
Washington, District of Columbia 20528
Policy Advisor

2010
Charlotte School of Law
201 South College Street
Suite 400
Charlotte, North Carolina 28244
Adjunct Professor for Legal Writing (Fall and Spring 2010)

August 2009 – January 2011
U.S. District Court for the Western District of North Carolina
401 West Trade Street
Charlotte, North Carolina 28202
Law Clerk to the Honorable Frank D. Whitney

June 2005 – September 2006
The White House, Office of Counsel to the President
1600 Pennsylvania Avenue
Washington, District of Columbia 20500
Paralegal/Staffer

2006 – 2009
Antonin Scalia Law School, George Mason University
3301 Fairfax Drive
Arlington, Virginia 22201
Research Assistant to Professor Ilya Somin

October 2003 – May 2005
U.S. Department of Homeland Security
245 Murray Lane Building 410

Washington, District of Columbia 20528
Schedule C Presidential Appointee

2001 – 2002
Northern Virginia Technology Council
1069 West Broad Street
Suite 743
Falls Church, Virginia 22046
Paid internship (Summer 2001 and Summer 2002)

2001
United States Senate
Joint Congressional Committee on Inaugural Ceremonies
399 Russell Senate Office
Washington, D.C. 20510
Unpaid internship (January 2001)

2000
United States Senate
Rules and Administration Committee
399 Russell Senate Office
Washington, D.C. 20510
Unpaid internship (Summer 2000)

1999 – 2003
Centre College
Norton Center for the Arts
600 W Walnut Street
Danville, KY 40422
Paid Usher

~2001 – 2003
Helton Law Office
432 West Main Street
Danville, KY 40422
Paid Clerk

~1998 – 1999
Commonwealth Broadcasting Corporation
100.9 FM and 102.7 FM
100 East Main Street
Lebanon, Kentucky 40033
Paid weekend radio board operator and announcer

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security

number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the United States military. I was not required to register for selective service.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Chambers USA ranking for Litigation: White-Collar Crime & Government Investigations in North Carolina (2022 and 2023)

Chambers USA ranking for Fintech Legal: Corporate, Securities & Financing (National) (2022 and 2023)

Legal 500 United States, Fintech (2019, 2020, and 2022)

Co-Leader of the McGuireWoods Financial Institutions Industry Team when selected as Law360's "Banking Practice Group of the Year" (2018 and 2020)

North Carolina Rising Stars, Government Relations, Super Lawyers (2017 – 2019)

Antonin Scalia Law School, George Mason University, Writing Fellow, Moot Court Board, Petitioner's Best Brief Award, Best Oral Argument Award (School Moot Court Competition) (2006 – 2009)

Centre College, *magna cum laude*, John C. Young Scholar, Brown Scholar, and Phi Beta Kappa (1999 – 2003)

National Honors Society (~1998)

Kentucky Governor's Scholar (1998)

Kentucky Colonel (June 2003)

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association, Member (~2013 – 2023)

American Immigration Lawyers Association (~2019 – 2023)

Federal Bar Association, Member (2023 – present)

Federalist Society (2006 – 2023)
Steering Committee Member, Charlotte Chapter (~2012 – 2023)

Member, Antonin Scalia Law School, George Mason University (~2006 – 2009)

Fourth Circuit Judicial Conference (2023 – present)

Mecklenburg County Bar Association / 26th Judicial District Bar Membership (2009 – present)

Republican National Lawyers Association (~2015 – 2020)

U.S. District Court for the Western District of North Carolina
Appointed Chair, Merit Selection Panel for Reappointment of Local Magistrate Judge (2019)
Appointed Member, Merit Selection Panel for Appointment of Local Magistrate Judge (2018)
Appointed Member, Local Rules Committee (2017 – 2018)
Staff Member, Local Patent Rules Committee (2010)

Women's White Collar Defense Association,
Member, Charlotte Chapter (~2013 – 2023)

10. **Bar and Court Admission**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

North Carolina Bar, 2009. There have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. District Court for the Eastern District of North Carolina, Court Admission, 2019
U.S. District Court for the Western District of North Carolina, Court Admission, 2009

There have been no lapses in membership.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

MiraVia (formerly Room at the Inn), Non-profit Board of Directors (~2013 – 2021)
Member (~2013 – 2018)

Vice President (~2018)
President (~2019 – 2021)

St. Ann Catholic Church (2011 – present)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

Note: I co-authored many of the below publications for my prior firm's blogs. In some instances, my name has been removed. Once I left the firm in 2023 to take my position as U.S. Magistrate Judge, my name was removed as a co-author based on my prior firm's policy.

With others, *Proposed Federal Rule Signals Remote Form I-9 Inspection of Employee Documents Will Likely Become Permanent Option*, McGuireWoods' Subject to Inquiry Blog, August 25, 2022. Copy supplied.

With others, *SEC Signals Enhanced Focus on Crypto Assets by Expanding the Enforcement Unit Tasked With Protecting Crypto Markets*, McGuireWoods' Consumer FinSights Blog, May 3, 2022. Copy supplied.

With others, *CFPB's New Interest in Examining Fintechs is Likely to Mean More Naming and Shaming by the Agency*, McGuireWoods' Subject to Inquiry Blog, April 28, 2022. Copy supplied.

With others, *Q1 2022 Update on LIBOR Transition Developments*, McGuireWoods' LIBOR Transition Blog, March 31, 2022. Copy supplied.

With others, *Federal Framework for Digital Asset Regulation Comes into Focus*, McGuireWoods' Consumer FinSights Blog, March 15, 2022. Copy supplied.

With others, *Headlines for Alternative Lenders on LIBOR Replacement*, McGuireWoods Legal Insights, March 4, 2022. Copy supplied.

With others, *2021 Brought SEC Focus on Crypto Exchanges and Lending Platforms*, McGuireWoods' Consumer FinSights Blog, January 10, 2022. Copy supplied.

With others, *Biden Administration to Focus on Cryptocurrency as Working Group Issues Report on Stablecoins*, McGuireWoods' Consumer FinSights Blog, December 7, 2021. Copy supplied.

With others, *Department of Justice Announces National Cryptocurrency Enforcement Team*, McGuireWoods' Subject to Inquiry Blog, October 15, 2021. Copy supplied.

With others, *Banks Press Ahead with Term SOFR Preparation; Credit Sensitive Rates Under Scrutiny*, McGuireWoods' LIBOR Transition Blog, October 12, 2021. Copy supplied.

With others, *New Nevada Law Protects Limited-English Proficiency Consumers by Requiring Translation of Certain Financial Legal Documents*, McGuireWoods' Consumer FinSights Blog, October 7, 2021. Copy supplied.

With others, *Income Share Agreements – Risks, Rewards, and Regulators*, McGuireWoods' Subject to Inquiry Blog, September 13, 2021. Copy supplied.

With others, *Federal LIBOR "Tough Legacy" Fix Gains Traction*, McGuireWoods' LIBOR Transition Blog, August 11, 2021. Copy supplied.

With others, *Mid-Year Check In on LIBOR Transition Developments*, McGuireWoods' LIBOR Transition Blog, June 28, 2021. Copy supplied.

With others, *LSTA RFR Credit Agreements Are Here: LSTA Publishes Daily SOFR (and Daily RFR) Concept Credit Agreements*, McGuireWoods' LIBOR Transition Blog, May 17, 2021. Copy supplied.

With others, *ARRC Releases Supplemental Versions of its Recommended Hardwired Fallback Language*, McGuireWoods' LIBOR Transition Blog, March 29, 2021. Copy supplied.

With others, *Are You Ready for the End of LIBOR? Federal Reserve Issues Guidance*, McGuireWoods' LIBOR Transition Blog, March 17, 2021. Copy supplied.

With others, *CFPB's "Change of Direction" After One Month: New Goals, More Attorneys*, McGuireWoods' Consumer FinSights Blog, February 26, 2021. Copy supplied.

With others, *OCC Publishes LIBOR-Transition Self-Assessment Tool*, McGuireWoods' LIBOR Transition Blog, February 16, 2021. Copy supplied.

With others, *States Sue to Set Aside OCC's True Lender Rule*, McGuireWoods' Consumer FinSights Blog, January 7, 2021. Copy supplied.

With others, *ICE Benchmark Administration Proposes Extending U.S. Dollar LIBOR Tenors Through June 2023*, McGuireWoods' LIBOR Transition Blog, December 1, 2020. Copy supplied.

With others, *Signals or Noise in November for LIBOR Transition?*, McGuireWoods' LIBOR Transition Blog, November 25, 2020. Copy supplied.

With others, *Regulator Joint Statement Highlights Need to Move on From LIBOR (But For Some, Not Necessarily to SOFR)*, McGuireWoods' LIBOR Transition Blog, November 18, 2020. Copy supplied.

Author, *CFPB Rescinds RESPA Bulletin on Marketing and Services Agreements, Issues Important FAQs*, McGuireWoods' Consumer FinSights Blog, October 16, 2020. Copy supplied.

With others, *ARRC Hardwired Fallback Language's First Adopt in a Syndicated Institutional Loan*, McGuireWoods' LIBOR Transition Blog, September 28, 2020. Copy supplied.

With others, *FinCEN Rule Ends AML Program Exemption for Banks that Lack a Federal Regulator*, McGuireWoods' Subject to Inquiry Blog, September 15, 2020. Copy supplied.

With others, *ARRC Updates Recommended Best Practices in Anticipation of ISDA's IBOR Fallback Protocol*, McGuireWoods' LIBOR Transition Blog, August 24, 2020. Copy supplied.

With others, *LIBOR Transition: Business Loans SOFR Summer Wrap Up*, McGuireWoods' LIBOR Transition Blog, August 21, 2020. Copy supplied.

With others, *Online-Only International Students May Lose U.S. Visa Status — Analysis and Impact*, McGuireWoods Update, July 9, 2020.

With others, *ARRC Publishes Updated Recommended Fallback Language for New USD LIBOR-Linked Syndicated Loans*, McGuireWoods' LIBOR Transition Blog, July 9, 2020. Copy supplied.

With others, *U.S. Supreme Court Determines Action to Rescind DACA was Arbitrary and Capricious*, McGuireWoods' Subject to Inquiry Blog, June 19, 2020. Copy supplied.

With others, *CFPB Issues Proposals and Updated Guidance Ahead of LIBOR Discontinuation*, McGuireWoods' LIBOR Transition Blog, June 8, 2020. Copy supplied.

With others, *OCC Clarifies the "Valid When Made" Principle*, McGuireWoods' Consumer FinSights Blog, June 5, 2020. Copy supplied.

With others, *Congressional Investigations: A Month In, Congress Signals Close Scrutiny of CARES Act and Paycheck Protection Program*, McGuireWoods' Subject to Inquiry Blog, May 1, 2020. Copy supplied.

With others, *UK's Regulator of Banks and Financial Services Releases Its Business Plan for 2020/2021*, McGuireWoods Legal Insights, April 30, 2020. Copy supplied.

With others, *Proving a Real Signature in a Surreal World: Notarization Concerns in a Pandemic (Part 2)*, McGuireWoods Legal Insights, April 15, 2020. Copy supplied.

With others, *Proving a Real Signature in a Surreal World: Notarization Concerns in a Pandemic*, McGuireWoods Legal Insights, April 6, 2020. Copy supplied.

With others, *Cybersecurity and Infrastructure Security Agency Issues Initial Guidance on Essential Workers, Sectors*, McGuireWoods' Subject to Inquiry Blog, March 23, 2020. Copy supplied.

With others, *DHS Announces Flexibility in Form I-9 "Physical Presence" Requirement During COVID-19*, McGuireWoods Legal Insights, March 20, 2020. Copy supplied.

With others, *Fintech Company Avoids Murky Regulatory Landscape by being the First U.S. Fintech Company to Acquire a Regulated Bank*, McGuireWoods' Consumer FinSights Blog, February 24, 2020. Copy supplied.

With others, *Court Refuses to Dismiss Claim Based on Allegations that a Real Estate Marketing Company's Co-Marketing Program Violated RESPA's Anti-Kickback Provision*, McGuireWoods' Consumer FinSights Blog, May 13, 2019. Copy supplied.

With others, *Employer Update: DHS Extends Temporary Protected Status and Work Authorization for El Salvador, Haiti, Sudan, and Nicaragua*, McGuireWoods' Subject to Inquiry Blog, March 12, 2019. Copy supplied.

With others, *Congressional Investigations: Beyond Sensational Headlines — Incoming House Leaders Announce Broad Investigative Priorities Targeting Business Community*, McGuireWoods Update, December 18, 2018. Copy supplied.

With others, *Food and Beverage Industry Focus: DOJ Targets Immigration-Related Discrimination*, McGuireWoods Update, November 13, 2018. Copy supplied.

With others, *Time For Regulators To Embrace Earned Wage Access*, Law 360, October

24, 2018. Copy supplied.

With others, *Increased Immigration Worksite Enforcement Looming in 2018*, McGuireWoods' Subject to Inquiry Blog, October 30, 2017. Copy supplied.

With others, *CFPB Issues Game-Changing Rule On Arbitration Clauses*, McGuireWoods' Subject to Inquiry Blog, July 11, 2017. Copy supplied.

With others, *H-1B Employers Face Increased Site Visits*, McGuireWoods' Subject to Inquiry Blog, April 18, 2017. Copy supplied.

With others, *Big Changes Come With The New Form I-9 Published by USCIS*, McGuireWoods' Subject to Inquiry Blog, November 14, 2016. Copy supplied.

With others, *Increased Fines on the Horizon for Immigration Law Violations*, McGuireWoods' Subject to Inquiry Blog, July 7, 2016. Copy supplied.

With others, *The Export/Immigration Dilemma: Don't Let OSC Catch Your HR Department Unaware*, McGuireWoods' Subject to Inquiry Blog, May 5, 2016. Copy supplied.

With others, *Buyer Beware: Noncompliant Electronic I-9 Software Risks Customer Company Fines*, McGuireWoods' Subject to Inquiry Blog, April 27, 2016. Copy supplied.

With others, *Oral Arguments in PHH Case Signal Trouble for CFPB*, McGuireWoods' Subject to Inquiry Blog, April 14, 2016. Copy supplied.

With others, *Conducting Internal I-9 Audits - ICE and DOJ-OSC Provide Joint Guidance*, McGuireWoods' Subject to Inquiry Blog, December 16, 2015. Copy supplied.

With others, *Proposed Changes to Form I-9 Create New Compliance Questions*, McGuireWoods' Subject to Inquiry Blog, November 30, 2015. Copy supplied.

With others, *CFPB's Position on Confidential Supervisory Information*, McGuireWoods' Subject to Inquiry Blog, February 6, 2015. Copy supplied.

With others, *Higher Education Facing Scrutiny from CFPB*, McGuireWoods' Subject to Inquiry Blog, October 10, 2014. Copy supplied.

With others, *The Importance of Getting It Right: Employment Eligibility Verification*, McGuireWoods' Subject to Inquiry Blog, May 7, 2014. Copy supplied.

Protected? Privileged Materials and the CFPB, McGuireWoods' Subject to Inquiry Blog, November 25, 2013. Copy supplied.

More on Snowden: Traitor or Hero?, Catholic News Herald, August 16, 2013. Copy supplied.

Written in Stone? The Impact of Sharia Law on the Rights of Women in Nigeria, Research paper as part of John C. Young Scholar program at Centre College on the impact of Sharia Law on women's rights in Nigeria, 2003. I no longer possess a copy of the paper due to the age, but an article that references it is supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 22, 2025: Panelist, "Department of Justice, Views from the Bench, Basic Civil Trial Advocacy Seminar," National Advocacy Center, Columbia, SC. This was an informal discussion during a training for new Assistant U.S. Attorneys. I have no notes, transcript, or recording. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, SC 29201.

May 20, 2025: Panelist, "Department of Justice, Views from the Bench, Basic Criminal Trial Advocacy Seminar," National Advocacy Center, Columbia, SC. This was an informal discussion during a training for new Assistant U.S. Attorneys. I have no notes, transcript, or recording. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, SC 29201.

May 16, 2025: Speaker, "Introduction of the Honorable Frank D. Whitney," Mecklenburg Bar Association's Annual Law & Society Gala, Charlotte, NC. Copy

supplied.

May 9, 2025: Presiding Judge and Speaker, "Naturalization Ceremony," U.S. District Court for the Western District of North Carolina, Charlotte, NC. Copy supplied.

May 8, 2025: Presiding Federal Judge, "Mecklenburg Bar Association, 26th Judicial District Bar, State and Federal Court Swearing-In Ceremony," Mecklenburg Bar Association, Charlotte, NC. Script of event supplied.

May 14, 2024: Panelist, "Department of Justice, Views from the Bench, Basic Criminal Trial Advocacy Seminar," National Advocacy Center, Columbia, SC. This was an informal discussion during a training for new Assistant U.S. Attorneys. I have no notes, transcript, or recording. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, SC 29201.

May 13, 2024: Panelist, Mecklenburg County Bar's Criminal Justice Section, "CLE: Views From the Bench with Magistrate Judges Rodriguez and Keesler," Mecklenburg County Bar, Charlotte, NC. I have no notes, transcript, or recording. The event took place at 227 West Trade Street Suite 950, Charlotte, NC, 28202.

May 8, 2024: Presiding Federal Judge, "Mecklenburg Bar Association, 26th Judicial District Bar, State and Federal Court Swearing-In Ceremony," Mecklenburg County Bar, Charlotte, NC. Script of event supplied.

January 24, 2024: Speaker, "Women's White Collar Defense Association, Charlotte Chapter, Q&A Lunch," Women's White Collar Defense Association, Charlotte, NC. This was an informal Q&A discussion with the attendees. I have no notes, transcript, or recording. The event took place at 301 S College St # 3500, Charlotte, NC 28202.

December 7, 2023: Speaker, "Fall White Collar Crime Social," hosted by local white collar bar, an informal association of several local attorneys, Charlotte, NC. Copy supplied.

October 19, 2023: Presiding Federal Judge, "26th Judicial District Bar, State and Federal Court Swearing-In Ceremony," Mecklenburg Bar Association, Charlotte, NC. Script of event supplied.

October 6, 2023: Co-Moderator, "Interview with Honorable Amul R. Thapar, Judge, United States Court of Appeals, Sixth Circuit," 2023 North Carolina Chapter Conference, The Federalist Society, Raleigh NC. Recording available at: https://www.youtube.com/watch?v=8L3Jio2ucbk.

September 29, 2023: Speaker, "Swearing-In Speech as United States Magistrate Judge," U.S. District Court for the Western District of North Carolina, Charlotte, NC. Transcript supplied.

August 25, 2023: Presiding Judge and Speaker, "Naturalization Ceremony," U.S. District Court for the Western District of North Carolina, Charlotte, NC. Copy supplied.

May 16, 2023: Panelist, "Department of Justice, Views from the Bench, Basic Criminal Trial Advocacy Seminar," National Advocacy Center, Columbia, SC. This was an informal discussion during a training for new Assistant U.S. Attorneys. I have no notes, transcript, or recording. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, SC 29201.

January 31, 2023: Speaker, "Deal Resolutions for the New Year," McGuireWoods, Charlotte, NC, Deal Us In Podcast Series, recording available at: https://youtu.be/48yU61x6PJA.

May 31, 2022: Speaker, "Cryptocurrency Bootcamp for Lawyers," McGuireWoods Virtual CLE. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

December 16, 2021: Speaker, "Cryptocurrency 101 – What You Need to Know," McGuireWoods Virtual CLE. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

November 11, 2021: Speaker, "Administrative Inquisitions? How Agencies Initiate, Conduct, and Conclude Investigations," 2021 National Lawyers Convention, The Federalist Society, Washington, D.C. Recording available at: https://youtu.be/ynj5Dvx1rSI.

November 4, 2021: Moderator, "Investigations and Crisis Management for Educational Institutions," Webinar CLE McGuireWoods & KMPG, Charlotte, N.C. Information about the event supplied.

October 27, 2021: Speaker, "Skeletons in the Closet: Arbitration and Conflict Dispute, Deal Us In Podcast Series," McGuireWoods, Charlotte, NC, Recording available at: https://youtu.be/oPLkFQEQGpI.

October 29, 2020: Speaker, "Horror Stories - Keeping the Monsters Out of Your Deal," Deal Us In Podcast Series, McGuireWoods, Charlotte, NC, recording available at: https://youtu.be/qEzrNajhuBo.

October 29, 2020: Speaker, "Remarks," MiraVia virtual annual banquet, Charlotte, NC. I made brief remarks on how MiraVia adapted to pandemic guidelines to serve those who come for assistance. Remarks available at: https://www.youtube.com/watch?v=zzSphC9J6Os (remarks at 20:33).

May 19, 2020: Speaker, "Paycheck Protection Program – Legal and Compliance Issues Now and Later," Webinar CLE McGuireWoods & KMPG, Charlotte, NC. Materials and recording available at: https://www.youtube.com/watch?v=XZmYZ1SoHmI.

May 14, 2020: Speaker, "When the Plates Stop Spinning: How Financial Institutions Can Prepare for Ponzi Scheme Investigations and Litigation," McGuireWoods CLE Webinar, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

April 14, 2020: Speaker, "Best Practices for Internal Investigations," McGuireWoods Virtual CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

November 5, 2019: Presenter, "Fintech Update: Legal Regulation and Innovation Trends," McGuireWoods CLE, San Francisco, CA. I no longer have any notes, transcripts, or recordings. The event took place in San Francisco, California.

October 24, 2019: Speaker, "Welcome and Thank you Remarks," MiraVia annual banquet, Charlotte, NC. Notes of speech supplied.

October 9, 2019: Presenter, "Protecting Confidential Supervisory Information [CSI] and Other Information," McGuireWoods Virtual CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

February 13, 2019: Presenter, "Watch Out! Pitfalls in Producing Information in Litigation," McGuireWoods Virtual CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

December 3, 2018: Presenter, "Watch Out! Pitfalls in Producing Information," McGuireWoods Virtual CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

October 24, 2018: Speaker, "Welcome and Thank you Remarks," MiraVia annual banquet, Charlotte, NC. Copy of article supplied.

April 25, 2018: Presenter, "Ponzi Scheme Litigation," McGuireWoods Virtual CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

November 2 and 7, 2017: Speaker, "Hot Topics for Nonprofits," 15th Annual Nonprofit Seminar, McGuireWoods, Charlotte and Raleigh, NC. Agenda supplied.

December 1, 2016: Presenter, "The New Frontier of the Form I-9 and E-Verify Compliance," McGuireWoods CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The address of McGuireWoods is 201 North Tryon Street, Charlotte, NC 28202.

April 1, 2016: Presenter, "Mechanics of an Effective Investigation," McGuireWoods CLE Seminar, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

October 22, 2015: Speaker, "Mechanics of an Effective Internal Investigation," McGuireWoods Virtual CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

October 22, 2014: Speaker, "Form I-9 Compliance," McGuireWoods Virtual CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

October 15, 2013: Presenter, "National Security & Government Surveillance Law," Mecklenburg County Bar Association, CLE Seminar, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The event took place at the U.S. District Court for the Western District of North Carolina, 401 West Trade Street, Charlotte, NC 28203.

September 15, 2012: Presenter, "Getting to Know the CFPB," McGuireWoods CLE, Charlotte, NC. I no longer have any notes, transcripts, or recordings. The McGuireWoods address is 201 North Tryon Street, Charlotte, NC 28202.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Press Release, *McGuireWoods Partner Susan Rodriguez to Become U.S. Magistrate Judge*, McGuireWoods, March 14, 2023. Copy supplied.

Press Release, *McGuireWoods Earns 23 Top-Tier National Rankings in U.S. News-Best Lawyers' 'Best Law Firms'; Named Law Firm of the Year for Banking & Finance Law*, McGuireWoods, November 4, 2021. Copy supplied.

Press Release, *McGuireWoods Team Assesses LIBOR Transition Progress in CCBJ*, McGuireWoods, September 16, 2021. Copy supplied.

All Aboard? The LIBOR Train Is Leaving The Station, Corporate Counsel Business Journal, July – August 2021 issue. Copy supplied.

Press Release, *Law360 Profiles McGuireWoods and Banking Practice Group of the Year*, McGuireWoods, December 16, 2020. Copy supplied.

Banking Group Of The Year: McGuireWoods, Law 360, December 10, 2020. Copy supplied.

10th Edition of Best Law Firms, Best Lawyers, January 22, 2020. Copy supplied.

Press Release, *McGuireWoods Again Recognized as Law Firm of the Year for Banking & Finance Law*, McGuireWoods, November 1, 2019. Copy supplied.

Law360 Profiles McGuireWoods as a Banking Practice Group of the Year, McGuireWoods, January 29, 2019. Copy supplied.

Banking Group Of The Year: McGuireWoods, Law 360, January 24, 2019. Copy supplied.

Press Release, *U.S. News-Best Lawyers Names McGuireWoods 'Law Firm of the Year' for Banking & Finance Law*, McGuireWoods, November 2, 2018. Copy supplied.

Press Release, *A look at one of Centre's outstanding seniors*, Centre College, September 12, 2002. Copy supplied.

Centre Debate, Three Others Agreed to Bush, Gore Accept Sites Panel Had Picked, Lexington Herald Leader, September 15, 2000. Copy supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

U.S. Magistrate Judge, U.S. District Court for the Western District of North Carolina, April 2023 to present, selected by Merit Selection Panel and appointed to the position.

a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over two trials since taking the bench in 2023, including one civil bench trial and one criminal trial for a Class A misdemeanor (no jury).

i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	100%

ii. Of these cases, approximately what percent were:

civil proceedings:	50%
criminal proceedings:	50%

b. Provide citations for all opinions you have written, including concurrences and dissents.

As a United States Magistrate Judge, many of my opinions are not selected for publication in reporters. I estimate that in my two and a half years as a Magistrate Judge, I issued

approximately 2,913 orders in 2024 in both criminal and civil matters. In 2023, I issued approximately 2,384 orders. All reported and unreported opinions I have issued are filed and stored on CM/ECF, the federal court Case Management/Electronic Case Files system. I have provided citations to Westlaw or Lexis where available.

See attached list of opinions.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Front Row Motorsports, Inc. v. DiSeveria et. al.*, No. 3:22-cv-00138, (W.D.N.C.), 2023-2025, *aff'd, Front Row Motorsports, Inc. v. Diseveria*, 2025 U.S. App. LEXIS 10143 (4th Cir. Apr. 28, 2025).

I presided over this case in its entirety, including a civil bench trial, with the parties' consent under 28 U.S.C. § 636(c). The case involved the purchase of a NASCAR racing charter by Front Row from BK Racing. During the sale, BK Racing did not disclose that it had borrowed money from a bank and had used the racing charter as collateral. The bank sued purchaser Front Row and BK Racing following a default on the loan. Front Row settled the case with the bank and sought indemnification from the officers/owners of BK Racing. I issued a summary judgment opinion finding the indemnification provision was valid and enforceable under North Carolina law, but denied summary judgment on the issue of whether the settlement paid by Front Row to the bank was reasonable, finding that was a factual issue. Later, I held a bench trial and then issued my findings of fact and conclusions of law in a lengthy opinion. I also awarded certain attorney's fees.

The Fourth Circuit affirmed my decision finding no reversible error in an unpublished opinion, which referenced Talladega Nights: the Ballad of Ricky Bobby. Judge Quattlebaum wrote the opinion, in which Judge Wilkinson and Judge Gregory joined.

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2. *United States v. Carter*, 3:21-mj-00073, (W.D.N.C.). Copy of Judgment supplied.

I presided over this criminal bench trial in which Defendant Carter was charged with a Class A misdemeanor for violation of 49 U.S.C. § 46506(2) "Application of Certain Criminal Law to Acts on Aircraft" following an indecent exposure on an aircraft that landed in Charlotte, North Carolina. After hearing the evidence presented at trial, I found the Defendant guilty of the offense and sentenced him that same day. No appeal was filed.

Counsel for the Government:

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3. *Rodriguez v. Wipro Ltd.*, No. 3:23-CV-00354-SCR, 2024 U.S. Dist. LEXIS 177800 (W.D.N.C. Sept. 30, 2024), *aff'd*, 2025 U.S. App. LEXIS 5918 (4th Cir. Mar. 13, 2025).

I presided over this case in its entirety with the parties' consent under 28 U.S.C. § 636(c). Plaintiff brought the lawsuit under federal law alleging violations of the Sarbanes-Oxley Act of 2002 (SOX) and the Americans with Disabilities Act (ADA). Plaintiff also attempted to bring a claim under 18 U.S.C. § 1348, but I determined there was no private right of action. The Fourth Circuit affirmed my decision finding no reversible error in an unpublished per curiam decision with Judges Niemeyer, Richardson, and Benjamin on the panel.

Pro Se Plaintiff.

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4. *Freudenberg v. Servcon, LLC*, No. 3:23-CV-00068-SCR, 2024 U.S. Dist. LEXIS 176198 (W.D.N.C. Sept. 27, 2024).

I presided over this case in its entirety with the parties' consent under 28 U.S.C. § 636(c), including issuing an order on the parties cross-motions for summary judgment. Plaintiff brought an action against her former employer alleging: (1) Failure to Provide a Reasonable Accommodation in Violation of the Americans with Disabilities Act (ADA); (2) Retaliation in Violation of the ADA; (3) Unlawful Discrimination in Violation of Pregnancy Discrimination Act (PDA); (4) Unlawful Retaliation in Violation of the PDA; and (5) Failure to Pay Overtime Wages in Violation of the Fair Labor Standards Act (FLSA). I denied both Plaintiff's Motion for Summary Judgment and Defendant's Motion for Summary Judgment. I ordered the parties to meet and confer on settlement following denial of summary judgment and set the matter for trial. Two weeks before the

scheduled Pretrial Conference, the parties agreed to dismiss the action.

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Counsel for Defendant Servcon, LLC:

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5. *Keffer v. Comm'r of Soc. Sec.*, No. 5:23-CV-00042-SCR, 2024 U.S. Dist. LEXIS 135740 (W.D.N.C. July 31, 2024).

I presided over this case in its entirety with the parties' consent under 28 U.S.C. § 636(c). Plaintiff filed an action assigning error to the Administrative Law Judge's (ALJ) formulation of her Residual Functional Capacity (RFC). Plaintiff argued that the ALJ erred by finding at the RFC stage that Plaintiff could perform work with "simple routine repetitive tasks, with at least one-to-two step instructions." Plaintiff argued this was inconsistent with the ALJ's later finding that she was not disabled because she had the ability to perform jobs with Reasoning Level 2, which requires the ability to "carry out detailed instructions." I issued an order finding that Defendant's decision to deny Plaintiff Social Security benefits was not supported by substantial evidence and reversed the Commissioner's decision and remanded the matter for a new hearing.

Counsel for Plaintiff:

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Counsel for Defendant Commissioner:

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Natasha McKay
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Baltimore, MD 21235
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6. *United States v. Gill*, No. 3:22-CR-00210-FDW-SCR, 2023 U.S. Dist. LEXIS 189010 (W.D.N.C. July 20, 2023), *memorandum and recommendation adopted*, *United States v. Gill*, 2023 U.S. Dist. LEXIS 188376 (W.D.N.C. Oct. 18, 2023).

Defendant Gill was charged in a Bill of Indictment for possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). Defendant sought a *Franks* hearing to challenge the affidavit in support of a search warrant of a cell phone seized from Defendant when he was arrested and to suppress evidence found therein. I heard argument and then authored a Memorandum and Recommendation for the District Court Judge. I concluded that Defendant failed to make a substantial preliminary showing to meet the intentionality or materiality requirements for a *Franks* hearing and recommended that Defendant's Motion be denied. The Memorandum and Recommendation was affirmed and adopted by the District Court Judge.

Counsel for the Government:

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Counsel for Defendant Gill:

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7. *United States v. Orr*, No. 3:23-CR-00208-FDW-SCR, (W.D.N.C.) (Sept. 30, 2024) (copy supplied), *memorandum and recommendation adopted*, 2025 WL 572887 (W.D.N.C. Feb. 21, 2025).

Defendant Orr was charged in a Bill of Indictment for possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g)(1). Defendant moved to suppress property seized from a law enforcement search of Defendant's vehicle. I held an evidentiary hearing and then authored a Memorandum and Recommendation for the District Court Judge. I recommended denying Defendant's Motion to Suppress concluding that the traffic stop at issue was not unreasonably delayed and the search of the vehicle did not violate the Fourth Amendment. The Memorandum and Recommendation was affirmed and adopted by the District Court Judge.

Counsel for the Government:

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8. *Berglin v. Comm'r of Soc. Sec.*, No. 1:23-CV-00333-SCR, 2024 U.S. Dist. LEXIS 200249 (W.D.N.C. Nov. 4, 2024).

The parties consented to magistrate judge jurisdiction under 28 U.S.C. § 636(c). Plaintiff filed an action assigning error to the Administrative Law Judge's (ALJ) formulation of her Residual Functional Capacity (RFC). Plaintiff argued that the ALJ erred by finding she suffered moderate impairments both in maintaining concentration, persistence and pace (CPP), but failed to fully account for those limitations in the RFC. I issued an order finding that Defendant's decision to deny Plaintiff Social Security benefits was not supported by substantial evidence and reversed the Commissioner's decision and remanded the matter for a new hearing.

Counsel for Plaintiff:

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Counsel for Defendant Commissioner:

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9. *Lamie v. LendingTree, LLC*, No. 3:22-cv-00307-FDW-SCR, 2024 U.S. Dist. LEXIS 34528 (W.D.N.C. Jan. 30, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 33632, 2024 WL 811519 (W.D.N.C. Feb. 27, 2024).

Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 72.1(a)(3), and with the electronic consent provided by all represented parties, the District Court Judge designated me to conduct the Final Approval Hearing for Class Action Settlement. I held the hearing and submitted proposed findings of fact and recommendations, which were adopted by the District Court Judge.

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10. *Pereira v. Nucor Corp.*, No. 3:23-MC-00024-FDW-SCR, 2023 U.S. Dist. LEXIS 108237 (W.D.N.C. June 22, 2023), *appeal dismissed*, No. 23-1775, 2024 U.S. App. LEXIS 18712 (4th Cir. June 24, 2024).

Petitioner sought an order pursuant to 28 U.S.C. § 1782 to conduct discovery for use in a contemplated foreign proceeding. I found that the Petitioner failed to satisfy the Section 1782(a) statutory factors, and the discretionary factors set forth by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004). Accordingly, I denied the request. The appeal was later dismissed by the Fourth Circuit for lack of prosecution.

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d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Corvian Cmty. Sch., Inc. v. C.A.*, No. 3:22-CV-00638-RJC-SCR, 2023 WL 5337830 (W.D.N.C. Aug. 18, 2023), *memorandum and recommendation adopted*, 2023 WL 6001288 (W.D.N.C. Sept. 15, 2023), *aff'd*, No. 23-2086, 2024 WL 3439419 (4th Cir. July 16, 2024).

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2. *Mitchell v. City of Charlotte*, No. 3:23-cv-00006-RJC-SCR, 2024 U.S. Dist. LEXIS 59629 (W.D.N.C. Mar. 1, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 58696 (W.D.N.C. Mar. 29, 2024).

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3. *Reid v. Town of Dallas*, No. 3:23-cv-00146-RJC-SCR, 2024 U.S. Dist. LEXIS 173818 (W.D.N.C. Aug. 12, 2024), *memorandum and recommendation adopted sub nom.*, Reid v. Scarborough, 2024 U.S. Dist. LEXIS 172735 (W.D.N.C. Sept. 24, 2024).

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4. *Sherrill v. Aziyo Biologics, Inc.*, No. 5:21-CV-00172-KDB-SCR, 2024 WL 1985835 (W.D.N.C. Mar. 29, 2024), *report and recommendation adopted sub nom. Sherrill v. SpinalGraft Techs., LLC*, No. 521CV00172KDBSCR, 2024 WL 1979452 (W.D.N.C. May 3, 2024).

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5. *Sloan v. Google LLC*, No. 5:23-CV-00164-KDB-SCR, 2024 U.S. Dist. LEXIS 172923 (W.D.N.C. Aug. 6, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 171577 (W.D.N.C. Sept. 23, 2024).

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David C. Hamilton

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6. *BohoBlu, LLC v. BluBoho.com Inc.*, 3:23-CV-00016-RJC-SCR, 2024 WL 1364755 (W.D.N.C. Mar. 1, 2024), *memorandum and recommendation adopted*, 2024 WL 1363925 (W.D.N.C. Mar. 29, 2024).

Counsel for Plaintiff:

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Counsel for Defendants:

Christiane Layne Smedley
David William Sar
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
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7. *Starr Indem. & Liab. Co. v. RXO Capacity Sols., LLC*, No. 3:23-CV-00572-KDB-SCR, 2024 U.S. Dist. LEXIS 106252 (W.D.N.C. May 10, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 105480 (W.D.N.C. June 13, 2024).

Counsel for Plaintiff Starr Indemnity & Liability Company:

B. Elizabeth Todd
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704-737-3725

Kevin J.B. O'Malley
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Robert Ted Trautmann
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Counsel for Defendant:

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Marc Alan Rubin
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David Leonard Brown
Goldberg Segalla LLP
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336-419-4900

8. *Hubbard v. Wallenstein*, No. 3:23-CV-00202-RJC-SCR 2024 U.S. Dist. LEXIS 173812 (W.D.N.C. Aug. 16, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 172742 (W.D.N.C. Sept. 24, 2024).

Pro Se Plaintiff

Counsel for Defendants:

Gill Paul Beck, Sr.
Assistant U.S. Attorney
100 Otis St.
Room 233
Asheville, NC 28801
828-271-4661

9. *Worrell v. Peco Ins. LLC*, No. 3:23-CV-00004-RJC-SCR, 2024 U.S. Dist. LEXIS 152602 (W.D.N.C. July 31, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 152091 (W.D.N.C. Aug. 22, 2024).

Pro Se Plaintiff

Counsel for Defendant Peco Ins. LLC:

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Alec Steven Jalovec
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704-900-2215

Austin A. Backus
Michael Best & Friedrich LLP
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704-469-5600

10. *Zhang v. United Health Grp., Inc.*, No. 5:23-CV-00194-KDB-SCR, 2024 WL 3576456 (W.D.N.C. June 28, 2024), *report and recommendation adopted*, 2024 WL 3571740 (W.D.N.C. July 29, 2024), *adhered to on reconsideration*, 2024 WL 3643257 (W.D.N.C. Aug. 1, 2024).

Pro Se Plaintiff

Counsel for Defendants:

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919-782-6860

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Sandra L. Jezierski
Sara L. Lewenstein
Nilan Johnson Lewis PA
250 Marquette Avenue South
Suite 800
Minneapolis, MN 55401
612-305-7500

e. Provide a list of all cases in which certiorari was requested or granted.

None.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

To date, I have only one Memorandum and Recommendation in which the District Court Judge did not adopt. However, the Fourth Circuit later reversed the District Court Judge (the Fourth Circuit found similarly as to my original Memorandum and Recommendation). *C.G.A. by & Through R.A. v. Iredell-Statesville Sch. Dist. Bd. of Educ.*, No. 5:20-CV-00192-KDB-SCR (Oct. 18, 2023). Copy Supplied.

District Judge's Opinion: *R.A. v. Iredell-Statesville Sch. Dist. Bd. of Educ.*, No. 5:20-CV-00192-KDB-SCR, 2023 WL 8461634, at *1 (W.D.N.C. Dec. 6, 2023), *rev'd, R.A. v. McClenahan*, 122 F.4th 143 (4th Cir. 2024).

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a United States Magistrate Judge, many of my opinions are not selected for publication in reporters. I estimate that in my two and a half years as a Magistrate Judge, I issued approximately 2,913 orders in 2024 in both criminal and civil matters. In 2023, I issued approximately 2,384 orders. All reported and unreported opinions I have issued are filed and stored on CM/ECF, the federal court Case Management/Electronic Case Files system. I have provided citations to Westlaw or Lexis where available, which represent less than 10% of the orders or opinions issued.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

United States v. Whittaker, No. 3:24-cr-00180-JAG-SCR-1 (W.D.N.C.) (Aug. 7, 2025). Copy supplied.

United States v. Orr, No. 3:23-CR-00208-FDW-SCR, (W.D.N.C.) (Sept. 30, 2024) (copy supplied), *memorandum and recommendation adopted*, 2025 WL 572887, at *1 (W.D.N.C. Feb. 21, 2025).

Puranda v. City of Charlotte, No. 3:23-CV-00864-RJC-SCR, 2024 U.S. Dist. LEXIS 186780 (W.D.N.C. Sept. 9, 2024), *memorandum and recommendation adopted,* 2024 U.S. Dist. LEXIS 177967 (W.D.N.C. Sept. 30, 2024).

Robey v. Charlotte-Mecklenburg Bd. of Educ., No. 3:24-CV-00004-RJC-SCR, 2024 U.S. Dist. LEXIS 186785 (W.D.N.C. Aug. 30, 2024), *memorandum and recommendation adopted,* 2024 U.S. Dist. LEXIS 177990 (W.D.N.C. Sept. 30, 2024).

Rohrer v. City of Gastonia, No. 3:23-CV-00396-RJC-SCR, 2024 U.S. Dist. LEXIS 243935 (W.D.N.C. Aug. 26, 2024), *memorandum and recommendation adopted*, 2025 U.S. Dist. LEXIS 144200 (W.D.N.C. July 28, 2025).

Hubbard v. Wallenstein, No. 3:23-CV-00202-RJC-SCR 2024 U.S. Dist. LEXIS 173812 (W.D.N.C. Aug. 16, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 172742 (W.D.N.C. Sept. 24, 2024).

Reid v. Town of Dallas, No. 3:23-cv-00146-RJC-SCR, 2024 U.S. Dist. LEXIS 173818 (W.D.N.C. Aug. 12, 2024), *memorandum and recommendation adopted sub nom.*, *Reid v. Scarborough*, 2024 U.S. Dist. LEXIS 172735 (W.D.N.C. Sept. 24, 2024).

Sloan v. Google LLC, No. 5:23-CV-00164-KDB-SCR, 2024 WL 4273590, at *4 (W.D.N.C. Aug. 6, 2024), *memorandum and recommendation adopted*, 2024 WL 4271593 (W.D.N.C. Sept. 23, 2024).

Mitchell v. City of Charlotte, No. 3:23-cv-00006-RJC-SCR, 2024 U.S. Dist. LEXIS 59629 (W.D.N.C. Mar. 1, 2024), memorandum and recommendation adopted, 2024 U.S. Dist. LEXIS 58696 (W.D.N.C. Mar. 29, 2024).

United States v. Gill, No. 3:22-CR-00210-FDW-SCR, 2023 U.S. Dist. LEXIS 189010 (W.D.N.C. July 20, 2023), *memorandum and recommendation adopted*, *United States v. Gill*, 2023 U.S. Dist. LEXIS 188376 (W.D.N.C. Oct. 18, 2023).

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority,

dissenting, or concurring, and any dissenting opinions you joined.

None.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have never been asked by motion or suggestion by a litigant or a party that I should recuse. However, I issued an order on a motion referred to me by the district court judge in *United States v. Curry*, 3:16-cr-74 (W.D.N.C.), denying a *pro se* prisoner's request for recusal of all judges in the district. Copy supplied.

The U.S. District Court for the Western District of North Carolina employs an "automatic" recusal system based on identified conflicts like spouse's place of work, former law firms (for a period of time), cases in which I was previously an attorney of record, and financial interests or holdings. That system scans filed and assigned cases and is managed by our Deputy Clerk of Court. I am required to maintain a conflicts list that is routinely reviewed and updated. I also monitor my assigned cases for any other potential conflicts, such as those involving my law clerks or anything else that might create a potential conflict or an appearance of impropriety. To the extent that I have recused due to a conflict, that system is automatic based on my maintained and routinely updated conflicts list.

15. **Public Office, Political Activities and Affiliations**:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than judicial office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Volunteer Attorney, NC Election Day, Republican National Lawyers Association, 2016 and 2020.

Volunteer Marion County, Kentucky Campaign Chair, Mitch McConnell for U.S. Senator, 2002.

Volunteer Intern, Republican Party of Kentucky, ~2002.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From August 2009 to January 2011, I served as a law clerk to the Honorable Frank D. Whitney, U.S. District Court for the Western District of North Carolina, handling both civil and criminal matters.

ii. whether you practiced alone, and if so, the addresses and dates;

I did not practice alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

November 2011 – March 2023
McGuireWoods
201 North Tryon Street
Suite 3000
Charlotte, NC 28202
Associate (2011 – 2017)
Partner (2017 – 2023)
Co-Leader, Financial Institutions Industry Team (2017–2023)

October 2006 – November 2011 (Leave of Absence August 2009 – January 2011 to

complete judicial clerkship)
U.S. Department of Homeland Security
245 Murray Lane Building 410
Washington, District of Columbia 20528
Policy Advisor (October 2006 – August 2009; January 2011 – November 2011)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

During my legal practice, I did not serve as a mediator or arbitrator.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

My private practice experience from 2011 to 2023 focused on civil and criminal government investigations and white-collar matters. I represented clients in numerous government investigations by the U.S. Department of Justice (DOJ), U.S. Department of Homeland Security (DHS), Consumer Financial Protection Bureau (CFPB), and the Federal Trade Commission (FTC), among others. Although much of my practice involved financial institution clients, as technology evolved, I began to focus more on a fintech practice as many clients faced challenges in a developing legal and regulatory environment. I was recognized for my work for clients through Chambers rankings in both 2022 and 2023 for Litigation: White-Collar Crime & Government Investigations in North Carolina and nationally for Fintech Legal: Corporate, Securities & Financing. I also was named to "North Carolina Rising Stars," Government Relations, Super Lawyers, 2017-2019.

Prior to that I worked on policy issues at the Department of Homeland Security on topics such as cyber security, state fusion centers, suspicious activity reporting, border searches, intelligence gathering, and immigration.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Throughout my legal career, I primarily represented companies in the banking and fintech areas in response to government investigations (both civil and criminal investigations). Occasionally, I represented individual defendants or witnesses in criminal investigations. I also led high-profile internal investigations for major financial institutions related to Anti-Money Laundering and fraud-related issues, and served as counsel to the court-appointed receiver of an international Ponzi and pyramid scheme following a securities fraud action filed by the Securities & Exchange Commission (SEC).

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

At the Department of Homeland Security, I did not appear in court, but rather handled policy issues on topics such as cyber security, state fusion centers, suspicious activity reporting, border searches, intelligence gathering, and immigration.

At McGuireWoods both as a Partner and as an Associate, I engaged in numerous civil litigation matters that required my appearance in court at least several times each year. Also, I focused on government and internal investigations, which only required occasional court appearances in both civil and criminal matters each year. Most of my cases concluded with a civil settlement with the government. During COVID, many courts were shut down, and there were few appearances from March 2020 through early 2021.

i. Indicate the percentage of your practice in:

1.	federal courts:	75%
2.	state courts of record:	15%
3.	other courts:	0%
4.	administrative agencies:	10%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	60%
2.	criminal proceedings:	40%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Three cases. One was before a court appointed arbitrator with authority to issue a binding decision; two were final judgment. I was lead counsel for each case.

i. What percentage of these trials were:

1.	jury:	0% (Note: however, I participated in several criminal jury trials representing multiple witnesses).
2.	non-jury:	100%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never appeared before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Piver*, No. 5:19-CR-230 (E.D.N.C.) (Judge Terrance W. Boyle) (Representation: 2019 – 2020)

I was the supervising partner and co-led the criminal defense of an attorney, David Piver, in a seven-count felony indictment in the Eastern District of North Carolina. The Government agreed to dismiss the Indictment and accept a plea by Piver to a single misdemeanor charge. At the sentencing, Judge Boyle decided to give Defendant Piver only a $1000 fine with no further consequences.

Co-Counsel:

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Opposing Counsel:

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2. *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Al-Baghal, et. al.*, No. 2:16-cv-02244
(D. Kan.) (Judge Teresa J. James) (Representation: 2016 – 2017)

I was lead counsel for Merrill Lynch, Pierce, Fenner & Smith Incorporated in a federal interpleader action involving a dispute over the distribution of decedent's multi-million accounts and Office of Foreign Asset Control (OFAC) restrictions related to Syria. I drafted several briefs, argued before the Court, negotiated a settlement with dismissal of the case, and recovered attorneys' fees based on a contractual provision.

Local Counsel:

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Other Counsel:

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Opposing Counsel:

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Anne Linton Pond
Van Osdol PC (now at Complete Estate & Probate Law)
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3. *Verdesi v. Ark Rustic Inn, LLC d/b/a Rustic Inn Crabhouse*, 13 OCAHO no. 1311, Case No. 17B00096 (2018) (Administrative Law Judge Thomas P. McCarthy) (Representation: 2017 – 2018) U.S. Department of Justice, Office of the Chief Administrative Hearing Officer. Copy supplied.

I solely led the successful defense of a restaurant (part of a larger restaurant chain) in an investigation by the U.S. Department of Justice, and later defended a complaint by the former employee alleging discrimination. I drafted a motion to dismiss based on a statutory argument under 8 U.S.C. § 1324b, and argued the motion before the Administrative Law Judge (ALJ). The ALJ ruled in my client's favor and dismissed the complaint in a published decision. The decision was appealable directly to the U.S. Court of Appeals with jurisdiction, but complainant opted not to appeal.

Opposing Counsel:

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954-831-5849

Gloria Yi (last known contact information below)
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150 M St NE # 7, Washington, DC, 20002-3388
202-616-3975

4. *In re Estate of Mary Louise Teiber Briece*, 16SL-PR-2256, St. Louis County Circuit Court, Missouri (Judge Ellen Sue Levy) (Representation: 2016 – 2019)

I co-defended Merrill Lynch, Pierce, Fenner & Smith Incorporated against breach of contract, negligence, and breach of fiduciary duty claims. This representation also included a lengthy interlocutory appeal on a motion to compel arbitration, which was denied at the trial court level. The case included complex discovery and multiple depositions. After court hearings on various non-dispositive and dispositive motions, the parties settled pending a final ruling on the motion for summary judgment.

Co-counsel:

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Mike Bartolacci
Thompson Coburn (now at ArchBridge Family Office, General Counsel)
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5. *United States v. Moore, et al.*, 2:13-cr-00330 (D.S.C.) (Judge Richard Gergel) (Representation: 2013 – 2014), Judge Richard Gergel; *Latham v. Latham, Bank of America, N.A.*, 2013-CP-10-2189, Court of Common Pleas, Ninth Judicial Circuit, County of Charleston, South Carolina (Judge Roger M. Young, Sr.) (Representation: 2013 – 2014)

I represented Bank of America and approximately 15 testifying witness employees in a federal criminal trial involving two former employee Defendants, Chris Latham and Wendy Moore. Mr. Latham was accused of having an affair with his secretary and plotting to kill his estranged ex-wife, and then destroying his work computer to hide evidence. The FBI and ATF investigated, and the Bank was a known cooperating witness. This case made national headlines, and the two were convicted following a February 2014 jury trial, where Moore was convicted of Conspiracy and Use of Interstate Facilities in the Commission of Murder for Hire under 18 U.S.C. §§ 1958(a), 1958(b); Solicitation of Murder for Hire under 18 U.S.C. § 373; and Possession of a Firearm in Furtherance of a Crime of Violence under 18 U.S.C. § 924(c). Latham was convicted of Use of Interstate Facilities in the Commission of Murder for Hire under 18 U.S.C. § 1958(a).

I also successfully represented Bank of America in a civil case related to the matter, achieving a complete dismissal of the causes of action for negligent supervision and intentional infliction of emotional distress, filed through local counsel.

Local Counsel on record (on behalf of McGuireWoods):

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Dawes M. Cooke
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Other Co-Counsel:

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Counsel for the Government:

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(then Assistant United States Attorney, now The Law Offices of Nathan S. Williams)
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Rhett DeHart
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6. *Consumer Financial Protection Bureau v. Sprint Corp.*, No. 1:14-cv-09931, (S.D.N.Y.) (Judge William Henry Pauley III) (Representation: 2014 – 2015)

Along with several other attorneys at my prior firm, I defended Sprint Corporation in a Consumer Financial Protection Bureau (CFPB), Federal Communication Commission (FCC), and 50-state attorneys general investigation and subsequent lawsuit filed in the Southern District of New York involving allegations of unauthorized third-party charges. The matter ultimately concluded in a Final Stipulated Judgment and Order involving a $68 million dollar settlement.

Other attorneys representing Sprint:

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John D. Adams
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Matthew A. Fitzgerald
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Genessa Stout
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206-228-4891

7. *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Flanders-Borden*, No. 1:17-cv-11681-GAO (D. Mass.) (Judge George A. O'Toole, Jr.); *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Flanders-Borden*, 11 F. 4th 12 (1st Cir. 2021) (Judge William J. Kayatta, Jr.) (Representation: 2017 – 2021)

I oversaw a federal interpleader action utilizing co-counsel from my prior firm in the U.S. District Court for the District of Massachusetts awarding summary judgment in my client's favor with an award of attorney's fees. The opposing party appealed to the U.S. Court of Appeals for the First Circuit. I also worked on the appellate brief, and the First Circuit affirmed the judgment of the district court in my client's favor in a published opinion addressing issues of joinder, waiver, and choice-of-law arguments.

Co-Counsel (Counsel of Record):

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Jodie Lawson
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Opposing Counsel:

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Kathleen H. McLean
Horan McLean & Horan
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Scott E. Adams
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Randolph, ME 04346
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Robert D. Loventhal
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Unit D 101
Lake Forest, IL 60045
617-501-8285

Kenneth W. Augen
Augen Law Offices
392 Hancock Street
N. Quincy, MA 02171
617-331-3141

8. *Whiting v. Truist Bank f/k/a Branch Banking and Trust Company*, No. 3:21-cv-00342-RJC-DSC (W.D.N.C.) (Judge Robert J. Conrad) (Representation: 2022)

I, along with co-counsel, represented Truist Bank in defending allegations of retaliation and wrongful termination based on the Sarbanes-Oxley Act of 2002, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, and the Bank Secrecy Act. I worked on the Motion to Dismiss and Answer, and the case resolved at the mediation stage.

Co-Counsel:

Meredith Anne Pinson
McGuireWoods
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Charlotte, NC 28202
704-343-2252

Katharine Yale Barnes
McGuireWoods
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704-343-2061

Opposing Counsel:

Jennifer D Spyker
Tin, Fulton, Walker & Owen, PLLC
301 East Park Avenue
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704-338-1220

Margaret (Meg) Behringer Maloney
Maloney Law & Associates, PLLC
1824 East Seventh Street
Charlotte, NC 28204
704-632-1622

9. *Birone-Bay Ouma v. Metropolitan Jewish Health System d/b/a HomeCare Solutions*, U.S. Department of Justice, Office of the Chief Administrative Hearing Officer OCAHO Case No. 18B0008 (Administrative Law Judge) (Representation: 2017 – 2020); *Birone-Bay Ouma v. Metropolitan Jewish Health System, et al.*, No. 100426/2020, Supreme Court of the State of New York, County of New York (Judge Shlomo S. Hagler) (Representation: 2020)

I led the defense of Metropolitan Jewish Health System in an investigation by the U.S. Department of Justice Immigrant and Employee Rights Section, and later defended a complaint by the former job applicant for alleged discrimination under the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA)), 8 U.S.C. § 1324b. At the conclusion of the investigation, the Department of Justice opted not to file a complaint against my client. The individual exercised her option to file a complaint with OCAHO that was dismissed. Later, the former job applicant filed a separate complaint in the Supreme Court of the State of New York, County of New York alleging state claims for unlawful employment discrimination. The motion to dismiss filed on behalf of my client was granted.

Pro Se Plaintiff

Co-Counsel (on New York State case):

Philip A. Goldstein

McGuireWoods
1251 Avenue of the Americas
20th Floor
New York, NY 10020-1104
212-548-2167

Counsel for the Government:

Richard Crespo
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
1425 New York Ave NW FL 9
Washington, DC 20005
202-514-6181

10. *Securities & Exchange Commission v. Cammarata*, No. 2:21-cv-04845, (E.D.P.A.) (Judge Chad F. Kenney) (Representation: 2022 – 2023)

I represented my client Bank of America, N.A. and Merrill Lynch, Pierce, Fenner & Smith Incorporated in intervening and seeking payoff of approximately $12.5 million of loans taken by Defendant Cammarata, who faced both a civil action by the SEC and a criminal indictment that led to the freezing of his assets. The Court ultimately permitted the requested relief.

Co-Counsel:

Jason H. Cowley
McGuireWoods
201 North Tryon Street
Suite 3000
Charlotte, NC 28202
704-343-2030

Nellie E. Hestin
Jarrod Shaw
McGuireWoods
EQT Plaza
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412-667-7909

Shawn R. Fox
McGuireWoods
1251 Avenue of the Americas
20th Floor
New York, NY 10020
212-548-2165

Counsel for the Securities & Exchange Commission:

John V. Donnelly, III
Securities & Exchange Commission
1617 JFK Boulevard
Suite 520
Philadelphia, PA 19103
215-597-3100

Counsel for the Government:

David J. Ignall
U.S. Attorney's Office
Eastern District of Pennsylvania
(currently on assignment at the National Advocacy Center)
1620 Pendleton Street
Columbia, SC 29201
803-705-5148

Paul G. Shapiro
U.S. Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106
215-861-8325

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the matters described above, I represented banking and fintech clients in numerous internal investigations related to alleged fraud, embezzlement, employee misconduct, check kiting, and Ponzi schemes. These investigations were designed to ensure compliance with various applicable statutes and regulations.

I represented Kabbage before the Small Business Administration in an effort to resolve issues related to loans issued under the Coronavirus Aid, Relief, and Economic Security (CARES) Act in 2022 – 2023.

I advised multiple banking and fintech clients on creation of programs and other compliance issues related to the Bank Secrecy Act and Anti-Money Laundering statutes.

I represented banking or banking adjacent clients in investigations brought by the CFPB that were resolved before a civil case filing.

I represented several individual clients and corporations in criminal investigations that did not result in criminal charges being filed.

I have never acted or registered as a lobbyist.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

Charlotte School of Law, Adjunct Professor, Legal Writing, spring and fall of 2010 (no syllabus available).

Antonin Scalia Law School, George Mason University, Student Writing Fellow, ~2008 – 2009, (no syllabus available).

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

As a U.S. Magistrate Judge, I maintain a list of potential conflicts that is regularly updated. I have included my prior law firm, McGuireWoods, and my husband and sister-in-law's employers, financial interests or holdings as reflected on my financial disclosure report, cases in which I was previously an attorney of record, and former large clients for a cooling off period.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

The U.S. District Court for the Western District of North Carolina employs an "automatic" recusal system based on identified conflicts like spouse's place of work, former law firms (for a period of time), cases in which I was previously an attorney of record, and financial interests or holdings. That system scans filed and assigned cases and is managed by our Deputy Clerk of Court.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Giving back through pro bono work has been important to me throughout my career because it exemplifies service to others. I also made the Charlotte Center for Legal Advocacy Pro Bono Honor Roll in 2022 based on the number of hours dedicated to pro bono service. This has included representing several clients over the years in matters such as:

Foster v. S and Sons Automotive Inc. d/b/a SpeeDee Oil Change and Auto Service, et al., No. 17 CVS-11544, Mecklenburg County (NC) Superior Court. Defendant failed to replace the oil in Plaintiff's car resulting in total damage to her engine. Defendant refused to compensate her for the damage. The case was tried before a court appointed arbitrator and resulted in a judgment in my client's favor, including treble damages.

Blunt v. Rand Street, Inc., No. 16-CVS-007005-590, Mecklenburg County (NC) Superior Court. I recovered treble damages under the North Carolina Unfair and Deceptive Trade Practices Act on behalf of a pro bono Plaintiff whose contactor left in the middle of building a new porch taking most of Plaintiff's retirement savings. I successfully obtained a civil judgment against Defendant, and identified other legal remedies to fulfill the judgment.

Thompson v. Steele, No. 18-CVS-019091-590, Mecklenburg County (NC) Superior Court. I recovered treble damages for a pro bono Plaintiff who had her money stolen after attempting to purchase a food truck. I obtained a civil judgment against Defendant, and then identified a surety bond held by Defendant that paid off the judgment.

United States v. Hanley, No. 3:11-cr-00207 (W.D.N.C. 2012). I represented Defendant, along with co-counsel, pro bono during the sentencing phase of Defendant's criminal case after he pled guilty to Conspiracy to Defraud the United States - Commercial Loan Fraud Conspiracy in violation of 18 U.S.C. § 371 and Money Laundering in violation of 18 U.S.C. § 1956(h).

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I was invited to submit my resume in or around August and September of 2023 for the two vacancies in the Western District of North Carolina. I then interviewed with Senator Tillis and Senator Budd on September 15, 2023. I was referred to the White House for consideration, and had a virtual meeting on January 10, 2024. I continued to have outreach and communications with Senator Tillis' and Senator Budd's staff. I also met with Senator Tillis and Senator Budd on June 3, 2025. I received communications from the White House on July 10, 2025, and interviewed with attorneys from the White House Counsel's Office in Washington, D.C. on July 25, 2025. Since then, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On August 20, 2025, the President called to tell me I would be nominated.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		36	448	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		818	254	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		408	182
Real estate owned – see schedule	1	267	400	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		60	000				
Cash value-life insurance							
Other assets itemize:							
- Thrift Savings Plan		65	621				
				Total Liabilities		408	182
				Net Worth	2	247	723
Total Assets	2	247	723	Total Liabilities and Net Worth	1	839	541
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
T Rowe Price Retirement 2045 Tr B (TRRKX)	$502,362.64
Janus Henderson Global Allocation Fund - Moderate (JNSMX)	3,940.07
Janus Henderson Overseas Fund Class D (JNOSX)	10,441.13
Vanguard Mid-Cap Index Fund Instl Plus (VMCPX)	57,992.32
Vanguard Retirement Savings Tr II	1,218.48
Vanguard Instl Total Bond Market Index Tr (VBTIX)	10,297.06
Vanguard Target Retirement 2025 Trust (VTTVX)	7,706.74
Vanguard Target Retirement 2045 Trust (VTIVX)	32,148.50
Vanguard Instl Total Stock Market Index Tr (VITNX)	13,075.56
Fidelity US Equity ALL Cap Blend	7,365.28
Fidelity US Equity S&P 500 Index	7,908.87
Fidelity Retirement Fund 2045	7,320.45
Baron Growth Fund Cl R6 (BGRUX)	21,015.48
Fidelity 500 Index Fund (FXAIX)	18,162.91
Fidelity US Bond Index (FXNAX)	12,137.26
Fidelity Strategic Income (FADMX)	4,489.58
Fidelity Freedom 2045 K6 (FYTKX)	47,906.58
Janus Henderson Forty Fund Class D (JFRDX)	8,861.77
Bitcoin (BTC)	34,439.97
Ethereum 2 (ETH2)	4,038.66
XRP (XRP)	1,436.45
Bonk (BONK)	468.62
Solana (SOL)	439.71
Helium (HNT)	322.81
Polygon (MATIC)	312.84
Cardano (ADA)	109.16
Dogecoin (DOGE)	80.40
Algorand (ALGO)	67.87
Shiba (SHIB)	24.07
Axie Infinity (AXS)	9.11
Amp (AMP)	8.08
Internet Computer (ICP)	5.16
Compound (COMP)	0.51
Chainlink (LINK)	0.32
The Graph (GRT)	0.31
Ampleforth (FORTH)	0.26
Clover Finance (CLV)	0.03

Fidelity Variable Life Insurance Contrafund Portfolio Initial Cl	427.80
Fidelity Guarantee Fixed Account 4%	641.70
MFS Variable Insurance Trust Growth Series Initial Cl	427.80
Putnam Variable Trust High Yield Fund Cl 1A	213.90
T. Rowe Price Equity Series Inc. All Cap Opportuniteis Cl A	427.80
Total Listed Securities	$818,254.22

Real Estate Owned	
Personal Residence	$1,267,400
Total Real Estate Owned	$1,267,400

Real Estate Mortgages Payable	
Personal Residence – Mortgage	$408,182.31
Total Real Estate Mortgages Payable	$408,182.31

AFFIDAVIT

I, Susan Courtwright Rodriquez, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

8-18-2025
(DATE)

(NAME)

(NOTARY)

JOAN C. BARTLEY
NOTARY PUBLIC
Mecklenburg County, NC
My Commission Expires 04/28/2027

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Susan Courtwright Rodriguez
Nominee to be U.S. District Judge for the Western District of North Carolina
September 24, 2025

1. At your hearing, Senator Hirono noted that in your remarks at naturalization ceremonies you commented that "the United States has been referred to as the great melting pot—where everyone brings their culture and history, and we are all the more enriched because of that." I share that sentiment and the belief that our country is enriched by diversity and immigration. However, there are some—including members of this Committee—who have claimed ancestry and heritage are the defining characteristics of Americans.

   a. **Do you believe that someone must be born in this country in order to be an American citizen?**

      Response: As demonstrated by my participation as the presiding judge over the two naturalization ceremonies, there is a process by which individuals can naturalize and become U.S. Citizens. Otherwise, as a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment under the Code of Conduct for United States Judges and its judicial cannons on issues that are currently the subject of political debate and are being actively litigated.

   b. **Do you agree that all people who are born in this country are American citizens?**

      Response: Please see my response to Question 1(a).

2. From 2014 to 2015, you represented the telecommunications company Sprint in litigation that involved a Consumer Financial Protection Bureau (CFPB), Federal Communications Commission (FCC), and state attorneys general investigation and subsequent lawsuit. The case involved allegations that Sprint passed along millions of dollars in unauthorized third-party charges to consumers, and the parties eventually reached a $68 million settlement.

   Please provide additional information about your role in that litigation and its final result.

   Response: Along with several other attorneys at my prior firm, I defended Sprint Corporation in a Consumer Financial Protection Bureau (CFPB), Federal Communication Commission (FCC), and 50-state attorneys general investigation and subsequent lawsuit filed in the Southern District of New York involving allegations of unauthorized third-party charges. At the time, I was the lead senior associate on the matter, and actively participated in the investigation, lawsuit, and subsequent negotiations to resolve the matter with the CFPB. The matter ultimately concluded in a Final Stipulated Judgment and Order involving a $68

million dollar settlement, with a substantial part of that money going to refunds for consumers. I also was involved in follow-up reporting following a claims process for those impacted consumers.

3. In your Questionnaire, you wrote that you served as a volunteer attorney with the Republican National Lawyers Association during North Carolina's elections in 2016 and 2020.

a. Was there any evidence of widespread or systemic voter fraud in North Carolina in 2016?

Response: Not that I am aware of personally.

b. Was there any evidence of widespread or systemic voter fraud in North Carolina in 2020?

Response: Not that I am aware of personally.

c. Was there significant voter fraud involving mail-in or absentee ballots in North Carolina in 2016 or 2020?

Response: Not that I am aware of personally.

d. Based on your experience in 2016, did you find that mail-in voting was a safe and accurate way for voters to submit their ballots?

Response: I cannot say that I had any experience with mail-in voting in 2016. I served as an election day attorney observer.

e. Based on your experience in 2020, did you find that mail-in voting was a safe and accurate way for voters to submit their ballots?

Response: I cannot say that I had any experience with mail-in voting in 2020. I served as an election day attorney observer.

President Trump has claimed that "ELECTIONS CAN NEVER BE HONEST WITH MAIL IN BALLOTS/VOTING."[1] North Carolina's 2016 and 2020 elections used mail-in ballots.

f. Do you believe the 2016 election in North Carolina was honest?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any

[1] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Aug. 18, 2025, 7:17 AM), https://truthsocial.com/@realDonaldTrump/posts/115049485680941254.

subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

g. Do you believe the 2020 election in North Carolina was honest?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

4. Did President Trump lose the 2020 election?

Response: President Trump was not certified as the winner of the 2020 presidential election. To the extent this question seeks a response about legal matters or an opinion about the election, it would be impermissible for me to comment as a sitting U.S. Magistrate Judge under the Code of Conduct of U.S. Judges and its judicial cannons.

5. Where were you on January 6, 2021?

Response: Charlotte, North Carolina.

6. Do you denounce the January 6 insurrection?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment based on the Code of Conduct for United States Judges and its judicial cannons on January 6 because those issues are being actively litigated.

7. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: The pardon power is set forth under Article II, Section 2, Clause 1 of the U.S. Constitution. As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment based on the Code of Conduct for United States Judges and its judicial cannons because those issues are the subject of litigation.

8. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: Generally, lower court orders must be followed. If a party disagrees with a court order, there are procedural mechanisms and safeguards in place as I described in response to 8(a) in which a party can challenge the order.

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: The Supreme Court and Courts of Appeals, meaning the judicial branch under Article III, are generally responsible for reviewing and determining whether a lower court order is lawful. The Supreme Court also has stated in *Marbury v. Madison*, 5 U.S. 137, 177 (1803), that "[i]t is emphatically the province and duty of the judicial department to say what the law is."

9. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: The Supreme Court has recently spoken on this issue in *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), and held that universal injunctions likely exceed the equitable authority that Congress has granted to federal courts. Certain questions related to non-party injunctions remain open. I would follow all binding Supreme Court and Fourth Circuit precedent on these issues. As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to further comment on "pending or impending in any court." Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to Question 9(a).

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see my response to Question 9(a).

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: To the best of my recollection, no.

10. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

11. Does the U.S. Constitution permit a president to serve three terms?

Response: The Twenty-second Amendment to the U.S. Constitution addresses this issue. A further answer to this question would require rendering a political and/or legal opinion which I am not permitted to do as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial cannons.

12. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[2]

a. Do you agree that these federal judges are "USA HATING" and "MONSTERS" "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 12(a).

13. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a

[2] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.

"judicial coup"[3] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[4]

a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 13(a).

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: Under the Code of Conduct for United States Judges, Cannon 3 states that "[a] judge should be faithful to, and maintain professional competence in, the law and should not be swayed by . . . fear of criticism." Individuals are permitted to exercise their First Amendment rights concerning my role as a judge or the Court's decisions.

14. When, if ever, may a lower court depart from Supreme Court precedent?

Response: Lower courts may not depart from Supreme Court precedent.

15. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: Only the circuit court can overturn its own precedent. As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to opine on when Fourth Circuit precedent should be overturned.

16. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: The Supreme Court has set forth certain factors in determining whether to overturn its own precedent, and only the Supreme Court can overrule its own precedent.

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[3] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), https://x.com/StephenM/status/1927874604531409314.
[4] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), https://x.com/StephenM/status/1928065122657845516.

As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to opine on when Supreme Court precedent should be overturned.

17. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. ***Brown v. Board of Education***
b. ***Plyler v. Doe***
c. ***Loving v. Virginia***
d. ***Griswold v. Connecticut***
e. ***Trump v. United States***
f. ***Dobbs v. Jackson Women's Health Organization***
g. ***New York State Rifle & Pistol Association, Inc. v. Bruen***
h. ***Obergefell v. Hodges***
i. ***Bostock v. Clayton County***
j. ***Masterpiece Cakeshop v. Colorado***
k. ***303 Creative LLC v. Elenis***
l. ***United States v. Rahimi***
m. ***Loper Bright Enterprises v. Raimondo***

Response: In the tradition of judicial nominees who have come before the Committee have stated, *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided. As to each of the other cases listed, they are binding Supreme Court precedent which I would faithfully follow.

18. With respect to constitutional interpretation, do you believe judges should rely on the "original meaning" of the Constitution?

Response: As a lower court judge, I am bound to follow all binding precedent of the Supreme Court and the Fourth Circuit regardless of whether it comports with the original meaning of the Constitution. Originalism is one means of interpretation that judges can utilize in interpreting the U.S. Constitution based on the original public meaning of the words or clauses used at the time of passage.

19. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Originalism discerns the original meaning as consented to by the people that ratified it. A different interpretation might not adhere to what the people of this Nation originally consented. As a lower court judge, binding Supreme Court precedent is controlling regardless of the interpretation method used.

20. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court has spoken on this issue in *Obergefell v. Hodges*, 576 U.S. 644, (2015), in which the Court held that the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment guarantees the right to marry and that right extends to same-sex couples. This is binding Supreme Court precedent that I am bound to follow as a lower court judge.

21. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: The Supreme Court has spoken on this issue in *Loving v. Virginia*, 388 U.S. 1 (1967), in which the Court recognized the constitutional right to marry persons of a different race. This is binding Supreme Court precedent that I am bound to follow as a lower court judge.

22. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Equal Protection Clause of the Fourteenth Amendment states: "No state shall… deny to any person within its jurisdiction the equal protection of the laws." The Due Process Clause of the Fourteenth Amendment states: "nor shall any State deprive any person of life, liberty, or property, without due process of law." As a lower court judge, I follow binding Supreme Court and Fourth Circuit precedent on fundamental and protected rights under the Fourteenth Amendment.

23. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has interpreted these clauses in cases such as *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), and *Obergefell v. Hodges*, 576 U.S. 644 (2015). As a lower court judge, I follow this binding Supreme Court precedent as well as any Fourth Circuit precedent.

24. Do you believe that judges should be "originalist" and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: The meaning of a Constitutional provision or a statute is typically fixed at the time it is passed unless the legislature takes future action to amend such provision or statute. Generally, it would be inappropriate for judges to rewrite laws in their decision making because that role is left to the legislature under our governmental framework. Having said that, the Supreme Court has interpreted Constitutional provisions like the Equal Protection Clause and Due Process Clause and its text to apply more broadly to issues that might not have been envisioned at the time of passage.

25. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: This issue has been the source of recent litigation and public debate, and as a sitting U.S. Magistrate Judge and district court nominee, it would be inappropriate for me to weigh in on this issue under the Code of Conduct for United States Judges and its judicial cannons.

26. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment to the U.S. Constitution provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The Supreme Court has interpreted the First Amendment and its protections in numerous cases. I would faithfully apply the precedent of the Supreme Court and the Fourth Circuit as to the First Amendment.

27. How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?

Response: There are several recent Supreme Court cases that address speech and whether it is "content-based" or "content-neutral", which include *TikTok Inc. v. Garland*, 604 U.S. 56 (2025) and *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), among others. "Content-based" generally focuses on the words said and "content-neutral" generally focuses on another goal that is not aimed at words, but rather on time, place, or manner restrictions. I will apply the precedent of the Supreme Court and the Fourth Circuit in determining whether a law that regulates speech is "content-based" or "content-neutral."

28. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The Supreme Court has addressed the standard for determining "true threats" most recently in *Counterman v. Colorado*, 600 U.S. 66 (2023) and *Elonis v. United States*, 575 U.S. 723 (2015).

29. Is every individual within the United States entitled to due process?

Response: The Supreme Court has held that "the Due Process Clause applies to all 'persons' within the United States." *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001). I would follow all binding Supreme Court and Fourth Circuit precedent on this topic.

30. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: This issue has been the source of recent litigation and public debate, and as a sitting U.S. Magistrate Judge and district court nominee, it would be inappropriate for me

to weigh in on this issue under the Code of Conduct for United States Judges and its judicial cannons.

31. The Fourteenth Amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: I am aware of the Supreme Court case, *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), and that the above listed question has been the subject of recent litigation. It would be impermissible for me to further comment as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial cannons.

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: Please see my response to Question 31(b).

32. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Well-qualified individuals from all backgrounds should have the opportunity to serve. If confirmed, I will be the first female judge to serve on the U.S. District Court for the Western District of North Carolina.

33. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: There are many aspects to the implementation of the *First Step Act*. For judges, this issue arises in the context of applying the sentencing reforms

under the Act, such as applying the modified mandatory minimum sentences for some drug traffickers with prior drug convictions, making provisions of the Fair Sentencing Act retroactive, and expanding the safety valve provision.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Yes.

34. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of "traditional values"?

Response: I am not familiar with this statement or what was intended by the term.

b. President Trump wrote on Truth Social that the Federalist Society gave him "bad advice" on "numerous Judicial Nominations." He also wrote that Leonard Leo is a "sleazebag" who "probably hates America." If you are not familiar with this post, please refer to it in the footnote.[5]

i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?

Response: Please see my response to Question 34(b)(i).

iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?

Response: By way of attending events, yes.

[5] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), https://truthsocial.com/@realDonaldTrump/posts/114593880455063168.

c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.

Response: No.

d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

Response: As disclosed in my Senate SQJ, I served on the Federalist Society Steering Committee Member, Charlotte Chapter from approximately 2012 to 2023. I was also a member at the chapter at Antonin Scalia Law School, George Mason University from approximately 2006 to 2009. I have spoken at various events as previously disclosed including:

October 6, 2023: Co-Moderator, "Interview with Honorable Amul R. Thapar, Judge, United States Court of Appeals, Sixth Circuit," 2023 North Carolina Chapter Conference, The Federalist Society, Raleigh NC.

November 11, 2021: Speaker, "Administrative Inquisitions? How Agencies Initiate, Conduct, and Conclude Investigations," 2021 National Lawyers Convention, The Federalist Society, Washington, D.C.

October 8, 2014: Speaker, "2014 North Carolina Supreme Court Judicial Candidate Forum," The Federalist Society, Charlotte, NC.

e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

Response: No. During the 2021 speaking engagement (before I joined the bench), the Federalist Society covered lodging costs as they do for all speakers.

35. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

Response: No.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

Response: No.

36. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

Response: I have spoken occasionally with my former law school classmate, Professor Joshua Blackman. I understand Professor Blackman is the Senior Editor of the Heritage Guide to the Constitution (3rd Edition). My conversations with him were not related to any organizational interest of the Heritage Foundation or Heritage Action.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

Response: No.

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

Response: No.

37. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

Response: No.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

Response: No.

38. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.

Response: No.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?

Response: No.

39. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: No.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

Response: No.

40. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

Response: No.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

Response: No.

41. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed "to the Constitution and the Founders' vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary." It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.

Response: I know Carrie Severino and have spoken with her in the past. To the best of my recollection, we last spoke in November 2024. I have not discussed my nomination or the selection process with her or anyone else at this organization.

b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?

Response: No.

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am guided by the Code of Conduct for United States Judges and Cannon 4(C) on this topic, which states "a judge should not personally participate in fund-raising activities, solicit funds for any organization, or use or permit the use of the prestige of judicial office for that purpose. A judge should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism."

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: Please see my response to Question 41(d). If confirmed, I will continue to address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: Please see my response to Question 41(d).

Nomination of Susan Courtwright Rodriguez
Nominee to the United States District Court for the Western District of North Carolina
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. You said in your questionnaire that President Trump called you regarding your nomination on August 20, 2025.

    a. What did you discuss in that call?

    Response: The President called to tell me of his intent to nominate me to be U.S. District Court Judge for the Western District of North Carolina. I thanked him for the nomination. We also briefly talked about our families and that his sister served as a judge.

    b. Did President Trump ask you to make any commitments?

    Response: No.

2. Have you had any conversations with President Trump or members of the Trump administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.

    Response: I interviewed with attorneys from the White House Counsel's Office in Washington, D.C. on July 25, 2025. No one solicited my views or sought any promises as to how I would rule. I was asked in a similar manner to Senator's questions on the Senate Judiciary Committee to ensure I was knowledgeable about Supreme Court cases and their holdings. I was not asked whether I agreed or disagreed with those cases.

3. You said in your questionnaire that you are a member of the Federalist Society.

    a. Do you know Leonard Leo? If so, how do you know Leo?

    Response: Yes, I have met him in the past at Federalist Society events.

    b. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

    Response: To the best of my recollection, I briefly spoke to him in 2021 at the Federalist Society National Lawyers Convention. Prior to that, I believe I met him at events on two other occasions prior to 2021, but I do not recall the years or the

communications other than they were brief.

4. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

   a. Leonard Leo?

      Response: No.

   b. Anyone affiliated with an entity led or funded by Leonard Leo?

      Response: I do have friends and former colleagues affiliated with the Federalist Society, but I have only discussed my nomination in a personal manner, and not in the context of any organizational interest.

   c. Carrie Severino?

      Response: I know Carrie Severino and have spoken with her in the past. To the best of my recollection, we last spoke in November 2024. I have not discussed my nomination or the selection process with her.

   d. Mike Davis?

      Response: No.

   e. Anyone affiliated with The Article III Project?

      Response: No.

Nomination of Susan Rodriguez to the
United States District Court for the Western District of North Carolina
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.

   Response: No.

   a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

      Response: No.

2. How would you describe your judicial philosophy?

   Response: I frequently ask, "What does the statute say?" and "What is the plain meaning?". This is foundational to me; to say what the law is, and not to interject personal opinions. I often look to the original public meaning of the words at the time they were enacted. I apply widely known cannons of construction like *expressio unius est exclusio alterius* and *ejusdem generis*. In addition, I hold steady to our U.S. Constitution and the unique system of government where the judiciary acts under Article III. I have a deep respect for the role of the legislative and executive branches and our framework of separation of powers. As to all parties, attorneys, staff, and visitors who are in Court, I endeavor to treat everyone with respect, explain the process, to hear all the arguments and evidence, and to decide matters fairly and impartially.

3. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

   Response: As a lower court judge, I follow binding Supreme Court precedent, including the test articulated in *Washington v. Glucksberg*, 521 U.S. 702 (1997), and other binding cases that have recognized a fundamental and protected right under the Fourteenth Amendment.

   a. Would you consider whether the right is expressly enumerated in the Constitution?

      Response: Yes.

b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: As a lower court judge, I follow binding Supreme Court precedent which has referred to whether a right is deeply rooted in this nation's history and tradition, including the test articulated in *Washington v. Glucksberg*, 521 U.S. 702 (1997), and cases such as *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), as well as other Supreme Court precedent on this issue.

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes, as a lower court judge, I follow Supreme Court and Fourth Circuit precedent about whether the right has been previously recognized. In some instances, if the Supreme Court or the Fourth Circuit has not spoken on the issue, a lower court judge may consider how another circuit has ruled.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

e. What other factors would you consider?

Response: As a lower court judge, I follow binding Supreme Court precedent, including the test articulated in *Washington v. Glucksberg*, 521 U.S. 702 (1997) as to whether that right is deeply rooted in this Nation's history and tradition, and implicit in the concept of ordered liberty. I also follow other binding cases that have determined that there is a fundamental and protected right under the Fourteenth Amendment, including *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), and *Obergefell v. Hodges*, 576 U.S. 644 (2015).

4. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: No.

5. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such

couples. ... Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser." This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

Response: A lower court judge must consider all of the arguments presented to it from the parties in their briefs, and any weight given to that evidence must be consistent with Supreme Court and, in my district, Fourth Circuit precedent.

b. What is the role of sociology, scientific evidence, and data in judicial analysis?

Response: The role of scientific evidence and data are often raised in both civil and criminal cases. Federal Rule of Evidence 702 governs the admissibility of scientific, technical, or other specialized knowledge. Courts also are dealing with the use of cell phone and other types of data technology. I follow Supreme Court and Fourth Circuit precedent on these issues.

6. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: Yes.

b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Yes.

c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: As a current sitting U.S. Magistrate Judge and district court nominee, I endeavor to review U.S. Sentencing Commission amendments, reports, and legislation (whether passed or proposed) on these issues, which would include the *Safer Supervision Act*. Consistent with the Code of Conduct for United States Judges and its judicial cannons, I cannot forecast how I would rule on any such issue, but I will follow all precedent interpreting enacted legislation or applying recent Sentencing Commission amendments.

7. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: This is a matter of ongoing political debate, and as a sitting U.S. Magistrate Judge and district court nominee, I cannot opine on this issue consistent with the Code of Conduct of United States Judges and its judicial cannons.

8. Is President Trump eligible to be elected President for a third term in 2028?

Response: The Twenty-second Amendment to the U.S. Constitution addresses presidential term limitations. A further answer to this question would require rendering a political and/or legal opinion which I am not permitted to do as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial cannons.

9. Who won the 2016 U.S. Presidential Election?

Response: President Trump was certified the winner of the 2016 presidential election and served four years as President.

10. Who won the 2020 U.S. Presidential Election?

Response: President Biden was certified the winner of the 2020 presidential election and served four years as President.

11. Who won the 2024 U.S. Presidential Election?

Response: President Trump was certified the winner of the 2024 presidential election and is currently serving as President.

12. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons because it is a matter of ongoing litigation.

13. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment based on the Code of Conduct for United States Judges and its judicial cannons because those issues are being actively litigated.

14. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

15. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

16. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: As a lower court judge, I am bound to follow *Griswold v. Connecticut*, 381 U.S. 479 (1965), which recognized such a right.

17. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: Yes, the Supreme Court has issued several decisions on this issue interpreting the Privileges and Immunities Clause of Article IV, Section 2, Clause 1 of the U.S. Constitution, the Commerce Clause found in Article I, Section 8, Clause 3, and the Fourteenth Amendment's Equal Protection and Due Process Clauses. These cases include, but are not limited to, *United States v. Guest*, 383 U.S. 745 (1966) and *Edwards v. California*, 314 U.S. 160 (1941). As a lower court judge, I follow Supreme Court and Fourth Circuit precedent on this issue.

a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

Response: Please see my response to Question 17(a). As a lower court judge, I follow Supreme Court and Fourth Circuit precedent on this issue.

18. Do you believe that the Constitution protects a fundamental right to privacy?

Response: The Supreme Court has recognized a fundamental right to privacy in cases such as *Griswold v. Connecticut*, 381 U.S. 479 (1965). Privacy also has been recognized in the Fourth Amendment context in cases such as *Katz v. United States* 389 U.S. 347 (1967). As a lower court judge, I will follow Supreme Court and Fourth Circuit precedent on this issue.

a. Does that right extend to information about your health care and medical history?

Response: There are other laws concerning health care and medical history, such as the Health Insurance Portability and Accountability Act ("HIPPA"), that protect disclosure of certain health care and medical history.

b. Do you agree that it is a violation of that right for states to surveil people's health care and medical history?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

19. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: An answer to this question would require rendering a political and/or legal opinion which I am not permitted to do as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial cannons.

20. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Supreme Court has held that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001). I would follow all binding Supreme Court and Fourth Circuit precedent on this topic.

21. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

Response: The meaning of a Constitutional provision or a statute is typically fixed at the time it is passed unless the legislature takes future action to amend such provision or statute. Generally, it would be inappropriate for judges to rewrite laws in their decision making because that role is left to the legislature under our governmental framework. Having said that, the Supreme Court has interpreted Constitutional provisions and statutes to apply in new situations, such as the application of the Fourth Amendment to cell phones and emerging technology.

22. What sources would you employ to discern the contours of a constitutional provision?

Response: As a lower court judge, I look to Supreme Court and Fourth Circuit precedent to discern the contours of a Constitutional provision. Judges have used many tools to interpret Constitutional provisions, including reviewing the generally understood meaning of the word or phrases at the time of passage by consulting, for example, period dictionaries.

23. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: While morality may be a factor in the passage of legislation, the role of a judge is to decide cases and controversies fairly and impartially through application of binding Supreme Court and circuit precedent. Judges should not interject personal views or their views of morality in deciding cases.

24. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: Generally speaking, the role of a judge is to decide cases and controversies based on binding Supreme Court and, in my case, Fourth Circuit precedent without regard to consequences that may occur thereafter. It has been recognized in certain circumstances, such as assessing the scope of injunctive relief, that a court might properly consider the practical consequences of the order on the parties.

25. What role, if any, should empathy play in a judge's decision-making process?

Response: The role of a judge is to decide cases and controversies fairly and impartially through application of binding Supreme Court and circuit precedent. While empathy should not generally play a role in deciding the case, empathy could come into play in understanding the parties appearing before the court and their circumstances.

26. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: The role of a judge is to decide cases and controversies fairly and impartially through application of binding Supreme Court and circuit precedent. Judges should not interject personal views in deciding cases.

27. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: No, unless a stay of my order has been granted.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: I generally expect full compliance with my court orders. There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

b. What would you do if a party refuses to comply with one of your orders?

Response: As noted above, there are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

28. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: In the Western District of North Carolina, there are many judges that are role models in the area of ethics, including, but not limited to, The Honorable Frank D. Whitney, for whom I clerked, and The Honorable Robert J. Conrad, Jr., who currently serves as the Director of the Administrative Office of United States Courts.

29. Discuss your proposed hiring process for law clerks.

Response: In the past, I have hired law clerks through OSCAR, which is the online system for clerkship application and review. Generally, I look for a strong academic record and writing skills. When I hire someone in chambers, I view it not just as a temporary clerkship, but a long-term opportunity to mentor the individual for years to come.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: Currently, the federal judiciary is exempt from Title VII of the Civil Rights Act of 1964. I am aware that Congress has drafted legislation related to this

topic. I note that the Administrative Office of the U.S. Courts, Office of Judicial Integrity, has published an Employment Dispute Resolution plan that prohibits discrimination, harassment, and retaliation consistent with Title VII and related statutes. As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to further comment on this issue under the Code of Conduct for United States Judges and its judicial cannons.

30. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

    a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

        Response: All law clerks, judicial assistants, court personnel deserve to be treated with dignity and respect. In the Western District of North Carolina, we are very fortunate to have a positive, collegial culture. Still, it is important to conduct training on this issue. The Office of Judicial Integrity requires annual training for all judges and employees, including chambers staff, to ensure that they are aware of the rights and obligations under the Employment Dispute Resolution Plan, and the options available for reporting wrongful conduct and seeking relief.

    b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

        Response: It is important that each law clerk, judicial assistant, or court personnel experience a work environment based on dignity and respect. I ensure the required training is implemented in my chambers so that clerks and judicial assistants know how to report wrongful conduct and how to seek relief in a confidential manner.

    c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

        Response: I would follow the guidance in the Employment Dispute Resolution Plan, and raise the issue with the Chief Judge and Clerk of our District.

31. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking

opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: Yes. In the Western District of North Carolina, we permit third-year law students to associate with practicing lawyers and appear before the Court. A student used this in my courtroom several times this past summer and argued several motions.

a. How else would you support the skills development of junior lawyers appearing before you?

Response: I strongly encourage skills development and mentoring of junior lawyers. As noted in my SJQ, I have presided over swearing-in ceremonies of newly minted attorneys, and I typically speak to them about professionalism. I also host several interns each summer so they can observe court and hone their written skills.

32. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on this issue based on the Code of Conduct for United States Judges and its judicial cannons because those issues are being actively litigated.

33. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on this issue based on the Code of Conduct for United States Judges and its judicial cannons because those issues are being actively litigated.

34. You have held multiple leadership positions with MiraVia, formerly known as Room at the Inn, a nonprofit located at Belmont Abbey College that supports pregnant college students and characterizes itself as "committed to upholding the dignity of life from the moment of conception." If you are confirmed, will you recuse yourself from any future cases involving reproductive healthcare procedures like abortion?

Response: MiraVia is an organization that provides college tuition, residential housing, childcare, and necessities like diapers and formula to young mothers and underserved communities. I concluded my role on the Board in 2021. I will continue to address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

Questions for the Record for Judge Susan Rodriguez
Submitted by Senator Richard Blumenthal
September 24, 2025

1. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between "free speech" and "hate speech," claiming that the Department of Justice would prosecute the latter.

   Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

   a. Do you believe that there is a legal distinction between "free speech" and "hate speech"?

      Response: The Supreme Court has addressed this question in cases like *Snyder v. Phelps*, 562 U.S. 443 (2011) and *Virginia v. Black*, 538 U.S. 343 (2003), among others. As a lower court judge, I would follow binding Supreme Court and Fourth Circuit precedent on this topic.

   b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

      Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

2. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

   Response: As I have done as a sitting U.S. Magistrate Judge, I will continue to address all actual or potential conflicts or recusal requirements by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules. As noted on my SJQ, the U.S. District Court for the Western District of North Carolina employs an "automatic" recusal system based on identified conflicts like spouse's place of work, former law firms (for a period of time), cases in which I was previously an attorney of record, and financial interests or holdings. That system scans filed and assigned cases and is managed by our Deputy Clerk of Court. I am required to maintain a conflicts list that is routinely reviewed and updated. I also monitor my assigned cases for any other potential conflicts, such as those involving my law clerks or anything else that might create a potential conflict or an appearance of impropriety.

a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: As a sitting U.S. Magistrate Judge, I am prohibited from making contributions to a political organization or candidate under the Code of Conduct for United States Judges, Cannon 5(A)(3). As to my family, I will continue to address all actual or potential conflicts or recusal requirements by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: Please see my response to Question 2 above.

c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my response to Question 2 above.

3. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: Yes, unless the matter is the subject of a permissible *ex parte* motion.

d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial cannons on this topic.

e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial cannons on this topic.

f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial cannons on this topic.

4. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

   Response: As a sitting U.S. Magistrate Judge, I currently file complete and accurate financial disclosure reports with all required information, and will diligently continue to do so if confirmed.

   g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

      Response: Yes, and I am currently held to this standard.

   h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

      Response: Yes, consistent with the Code of Conduct for United States Judges and its judicial cannons on this topic.

   i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

      Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial cannons on this topic.

5. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

   The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

   a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

   Response: I believe this quote is from *Ex parte Robinson*, 86 U.S. 505 (1873). I generally expect full compliance with my court orders. There are procedural

mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: Please see my response to Question 5(a). As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on the issue you described above under the Code of Conduct for United States Judges and its judicial cannons.

6. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that "[j]udges aren't allowed to control the executive's legitimate power." This raises an extremely concerning specter of Executive Branch defiance of court orders.

a. If confirmed, would you have the ability to issue orders?

Response: As a sitting U.S. Magistrate Judge, I issue many court orders each day. If confirmed, I will continue to issue court orders.

i. Would you have the ability to enforce those orders?

Response: Yes, courts have certain procedures available, such as sanctions or contempt powers, to enforce court orders. As noted in response to Question 5(a), there are procedural safeguards available for those who wish to challenge or seek relief from such a court order.

ii. What powers would you have to enforce those orders?

Response: Please see my response to Question 6(a)(i).

b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: This question calls for a legal conclusion, and as a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: This question calls for a legal conclusion, and as a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

d. What would make a court order unlawful?

Response: This question calls for a legal conclusion, and as a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

ii. Is it ever acceptable to not follow this process? When and why?

Response: Generally speaking, court orders must be followed unless a party has filed a motion for reconsideration, a request for a stay of the court order, or appealed the order.

7. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Nomination of The Honorable Susan Courtwright Rodriguez
United States District Court for the Western District of North Carolina
Questions for the Record
Submitted September 23, 2025

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

   On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[1]

   a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

      Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

2. How would you characterize your judicial philosophy?

   Response: I frequently ask, "What does the statute say?" and "What is the plain meaning?". This is foundational to me; to say what the law is, and not to interject personal opinions. I often look to the original public meaning of the words at the time they were enacted. I apply widely known cannons of construction like *expressio unius est exclusio alterius* and *ejusdem generis*. In addition, I hold steady to our U.S. Constitution and the unique system of government where the judiciary acts under Article III. I have a deep respect for the role of the legislative and executive branches and our framework of separation of powers. As to all parties, attorneys, staff, and visitors who are in Court, I endeavor to treat everyone with respect, explain the process, to hear all the arguments and evidence, and to decide matters fairly and impartially.

3. What do you understand originalism to mean?

[1] Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), https://www.justice.gov/ag/media/1402156/dl?inline.

Response: Originalism is a means of interpreting the U.S. Constitution based on the original public meaning of the words or clauses used at the time of passage.

4. Do you consider yourself an originalist?

   Response: Yes.

5. What do you understand textualism to mean?

   Response: Textualism analyzes the words, clauses, and plain meaning of the words used in the U.S. Constitution, statute, contract, or agreement and interprets them according to their common meaning. For instance, if the written text says "state," the word does not have the same meaning as "territory" unless the text says otherwise. This approach of interpretation also applies cannons like *expressio unius est exclusio alterius*, meaning the express mention of one thing is the exclusion of another.

6. Do you consider yourself a textualist?

   Response: Yes.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

   a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

      Response: If the words of a statute are unambiguous, then there is no need to cite legislative history. If the text is ambiguous, I do not generally rely on legislative history to analyze or interpret a federal statute and typically apply other cannons of construction. However, if a party recited legislative history in a brief, as a judge, I will review and thoughtfully consider the argument of the parties.

   b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

      Response: I have a deep respect for the role of the legislature, and attempt to review the text of the statute as Congress enacted and whether the terms used therein have an ordinary and plain meaning.

8. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[2]

[2] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

a. What do you attribute this to?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to express a view on the substance of the academic study or forecast any issues related to sentencing under the Code of Conduct for United States Judges and its judicial cannons. However, I will faithfully adhere to the U.S Sentencing Guidelines and apply the factors set forth in 18 U.S.C. 3553(a), which includes considering "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." I am firmly committed to treating each person that comes before the Court in a respectful, fair, consistent, unbiased, and transparent manner.

9. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[3]

a. What do you attribute this to?

Response: Again, as a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to express a view on the substance of the report or forecast any issues related to sentencing under the Code of Conduct for United States Judges and its judicial cannons. However, I will faithfully adhere to the U.S Sentencing Guidelines and apply the factors set forth in 18 U.S.C. 3553(a), which includes considering "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." I am firmly committed to treating each person that comes before the Court in a respectful, fair, consistent, unbiased, and transparent manner.

10. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: I am reminded of Judicial Cannon 1 that "A Judge Should Uphold the Integrity and Independence of the Judiciary," which states that "[a]n independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved." As part of this, it is incumbent on judges to uphold integrity and fairness in our criminal justice system at all stages.

11. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

[3] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

Response: Well-qualified individuals from all backgrounds should have the opportunity to serve. If confirmed, I will be the first female judge to serve on the U.S. District Court for the Western District of North Carolina.

12. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

a. Abortion
b. Affirmative action
c. Contraceptives or birth control
d. Gender-affirming care
e. Firearms
f. Immigration
g. Same-sex marriage
h. Miscegenation
i. Participation of transgender people in sports
j. Service of transgender people in the U.S. military
k. Racial discrimination
l. Sex discrimination
m. Religious discrimination
n. Disability discrimination
o. Climate change or environmental disasters
p. "DEI" or Diversity Equity and Inclusion

Response: My past writings and speeches were provided with my Senate Judiciary Questionnaire. Where I recall specifically addressing the issues mentioned below, I have listed out those talks or publications. But for a full accounting of the topics I have addressed, please refer to the list of the list of publications and statements provided in my Senate Judiciary Questionnaire and the corresponding recordings or attachments:

With others, Proposed Federal Rule Signals Remote Form I-9 Inspection of Employee Documents Will Likely Become Permanent Option, McGuireWoods' Subject to Inquiry Blog, August 25, 2022.

With others, Online-Only International Students May Lose U.S. Visa Status — Analysis and Impact, McGuireWoods Update, July 9, 2020.

With others, U.S. Supreme Court Determines Action to Rescind DACA was Arbitrary and Capricious, McGuireWoods' Subject to Inquiry Blog, June 19, 2020.

With others, DHS Announces Flexibility in Form I-9 "Physical Presence" Requirement During COVID-19, McGuireWoods Legal Insights, March 20, 2020.

With others, Employer Update: DHS Extends Temporary Protected Status and Work Authorization for El Salvador, Haiti, Sudan, and Nicaragua, McGuireWoods' Subject to Inquiry Blog, March 12, 2019.

With others, Congressional Investigations: Beyond Sensational Headlines — Incoming House Leaders Announce Broad Investigative Priorities Targeting Business Community, McGuireWoods Update, December 18, 2018.

With others, Food and Beverage Industry Focus: DOJ Targets Immigration-Related Discrimination, McGuireWoods Update, November 13, 2018.

With others, Increased Immigration Worksite Enforcement Looming in 2018, McGuireWoods' Subject to Inquiry Blog, October 30, 2017.

With others, H-1B Employers Face Increased Site Visits, McGuireWoods' Subject to Inquiry Blog, April 18, 2017.

With others, Big Changes Come With The New Form I-9 Published by USCIS, McGuireWoods' Subject to Inquiry Blog, November 14, 2016.

With others, Increased Fines on the Horizon for Immigration Law Violations, McGuireWoods' Subject to Inquiry Blog, July 7, 2016.

With others, The Export/Immigration Dilemma: Don't Let OSC Catch Your HR Department Unaware, McGuireWoods' Subject to Inquiry Blog, May 5, 2016.

With others, Buyer Beware: Noncompliant Electronic I-9 Software Risks Customer Company Fines, McGuireWoods' Subject to Inquiry Blog, April 27, 2016.

With others, Conducting Internal I-9 Audits - ICE and DOJ-OSC Provide Joint Guidance, McGuireWoods' Subject to Inquiry Blog, December 16, 2015.

With others, Proposed Changes to Form I-9 Create New Compliance Questions, McGuireWoods' Subject to Inquiry Blog, November 30, 2015.

With others, The Importance of Getting It Right: Employment Eligibility Verification, McGuireWoods' Subject to Inquiry Blog, May 7, 2014.

May 9, 2025: Presiding Judge and Speaker, "Naturalization Ceremony," U.S. District Court for the Western District of North Carolina, Charlotte, NC.

December 7, 2023: Speaker, "Fall White Collar Crime Social," hosted by local white collar bar, an informal association of several local attorneys, Charlotte, NC.

September 29, 2023: Speaker, "Swearing-In Speech as United States Magistrate Judge," U.S. District Court for the Western District of North Carolina, Charlotte, NC.

August 25, 2023: Presiding Judge and Speaker, "Naturalization Ceremony," U.S. District Court for the Western District of North Carolina, Charlotte, NC.

November 11, 2021: Speaker, "Administrative Inquisitions? How Agencies Initiate, Conduct, and Conclude Investigations," 2021 National Lawyers Convention, The Federalist Society, Washington, D.C.

October 29, 2020: Speaker, "Remarks," MiraVia virtual annual banquet, Charlotte, NC. I made brief remarks on how MiraVia adapted to pandemic guidelines to serve those who come for assistance.

October 24, 2019: Speaker, "Welcome and Thank you Remarks," MiraVia annual banquet, Charlotte, NC.

October 24, 2018: Speaker, "Welcome and Thank you Remarks," MiraVia annual banquet, Charlotte, NC.

December 1, 2016: Presenter, "The New Frontier of the Form I-9 and E-Verify Compliance," McGuireWoods CLE, Charlotte, NC.

October 22, 2014: Speaker, "Form I-9 Compliance," McGuireWoods Virtual CLE, Charlotte, NC.

In addition, cases I have handled as a U.S. Magistrate Judge may involve the issues mentioned above. To the extent I recall specifically addressing those issues, I have listed those cases here:

Akstin v. City of Charlotte, No. 3:22-CV-00284-RJC-DSC, 2023 U.S. Dist. LEXIS 241580 (W.D.N.C. Dec. 14, 2023)

Bellamy v. Union Cnty. Bd. of Educ., No. 3:23-CV-00898-RJC-SCR, 2025 U.S. Dist. LEXIS 42806 (W.D.N.C. Feb. 6. 2025), *memorandum and recommendation adopted*, 2025 U.S. Dist. LEXIS 42042 (W.D.N.C. Mar. 7, 2025)

Carpenter v. City of Newton, No. 5:24-CV-192-KDB-SCR, 2025 WL 2680589 (W.D.N.C. Sept. 3, 2025), *memorandum and recommendation*, 2025 WL 2677896 (W.D.N.C. Sept. 18, 2025) (Note: this was recently issued and therefore, was not included on my SJQ).

Chapman v. City of Newton, No. 5:23-CV-00040-KDB-SCR, 2023 U.S. Dist. LEXIS 220106 (W.D.N.C. Nov. 22, 2023), *memorandum and recommendation adopted*, 2023 U.S. Dist. LEXIS 219402 (W.D.N.C. Dec. 8, 2023)

Freudenberg v. Servcon, LLC, No. 3:23-CV-00068-SCR, 2024 U.S. Dist. LEXIS 176198 (W.D.N.C. Sept. 27, 2024)

Hardin v. McLaurin, No. 3:25-CV-00040-KDB-SCR, 2025 WL 2692694 (W.D.N.C. Sept. 4, 2025), *memorandum and recommendation adopted,* 2025 WL 2689870 (W.D.N.C. Sept. 19, 2025) (Note: this was recently issued and therefore, was not included on my prior SJQ).

Johnson v. Honeywell Int'l, Inc., No. 3:23-CV-00640-RJC-SCR, 2024 U.S. Dist. LEXIS 240456 (W.D.N.C Aug. 27, 2024), *memorandum and recommendation adopted*, 2025 U.S. Dist. LEXIS 34825 (W.D.N.C. Feb. 26, 2025)

Kelly v. City of Charlotte, No. 3:24-CV-0008, 2025, 2025 U.S. Dist. LEXIS 148275 (W.D.N.C. May 31, 2025), *memorandum and recommendation adopted*, 2025 U.S. Dist. LEXIS 147536 (July 31, 2025)

Lineberger v. University of N.C. Sys. Through Its Governing Body, No. 3:23-CV-00284-RJC-SCR, 2024 U.S. Dist. LEXIS 186782 (W.D.N.C. Sept. 5, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 177793 (W.D.N.C. Sept. 30, 2024)

Patterson v. Wells Fargo & Co., No. 3:23-CV-00407-KDB-SCR,2024 U.S. Dist. LEXIS 106245 (May 21, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 105494 (W.D.N.C. June 13, 2024)

Patterson v. Wells Fargo & Co., No. 3:23-CV-00407-KDB-SCR, 2023 U.S. Dist. LEXIS 174531 (W.D.N.C. Sept. 27, 2023)

Rodriguez v. Wipro Ltd., No. 3:23-CV-00354-SCR, 2023 U.S. Dist. LEXIS 170747 (W.D.N.C. Sept. 22, 2023)

Rodriguez v. Wipro Ltd., No. 3:23-CV-00354-SCR, 2024 U.S. Dist. LEXIS 177800 (W.D.N.C. Sept. 30, 2024), *aff'd by*, 2025 U.S. App. LEXIS 5918 (4th Cir. Mar. 13, 2025)

Seme v. Autumn Care of Statesville, No. 5:23-CV-00152-KDB-SCR, 2024 U.S. Dist. LEXIS 80433 (W.D.N.C. Apr. 12, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 79839, 2024 WL 1916716 (W.D.N.C. May 1, 2024)

Simpson v. Adam McCoy's Hauling & Grading, Inc., No. 3:23-CV-00322-KDB-SCR, 2023 U.S. Dist. LEXIS 218960 (W.D.N.C. Oct. 13, 2023), *memorandum and recommendation adopted*, 2023 U.S. Dist. LEXIS 218272, 2023 WL 8470624 (W.D.N.C. Dec. 6, 2023)

Sloan v. Google LLC, No. 5:23-CV-00164-KDB-SCR, 2024 U.S. Dist. LEXIS 172923 (W.D.N.C. Aug. 6, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 171577 (W.D.N.C. Sept. 23, 2024)

Stone v. Truist Bank, No. 3:23-CV-00596-KDB-SCR, 2024 U.S. Dist. LEXIS 173815 (W.D.N.C. Aug. 23, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 172753 (W.D.N.C. Sept. 24, 2024)

Warren v. Psa Airlines, Inc., No. 3:23-CV-00022-RJC-SCR, 2023 U.S. Dist. LEXIS 164068 (W.D.N.C. July 28, 2023), *memorandum and recommendation adopted*, 2023 U.S. Dist. LEXIS 163611 (W.D.N.C. Sept. 14, 2023)

Additionally, as a sitting U.S. Magistrate Judge, I routinely handle matters, including but not limited to initial appearances, arraignments, detention hearings, and motions to suppress, in cases where the defendant had been indicted on charges involving firearms including violations of 18 U.S.C. §§ 922(g), 922(o), and 924(c).

13. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons. However, I have endeavored to explain the general procedures of the court below.

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Please see my response to Question 13(a).

14. Does the president have the power to ignore or nullify laws passed by Congress?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

15. Does the president have the power to withhold funds appropriated by Congress?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

16. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

17. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supremacy Clause, found in Article VI of the U.S. Constitution, has been the subject of a number of U.S. Supreme Court cases and Fourth Circuit precedent (*see e.g*, *Haaland v. Brackeen,* 599 U.S. 255, 287 (2023)), and I would faithfully follow all binding precedent on this topic.

18. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Supreme Court has held that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001). I would faithfully follow all binding Supreme Court and Fourth Circuit precedent on this topic.

19. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: This issue has been the subject of several recent Supreme Court decisions, such as *West Virginia v. EPA*, 597 U.S. 697 (2022). I would faithfully follow all binding Supreme Court and Fourth Circuit precedent on this topic.

20. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes.

21. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: *Griswold v. Connecticut* is binding precedent. In a 7-2 decision, the Court ruled that the U.S. Constitution protected the right of marital privacy regarding use of contraception.

22. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: *Lawrence v. Texas* is binding precedent. In a 6-3 decision, the Court ruled that the Texas statute criminalizing two persons of the same sex engaging in certain sexual conduct violated the Due Process Clause of the Fourteenth Amendment.

23. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: *Obergefell v. Hodges* is binding precedent. In a 5-4 decision, the Court held that the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment guarantees the right to marry and that right extends to same-sex couples.

24. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden served four years as President of the United States and was certified as the winner of the 2020 presidential election. "Certify" is a term used in the Twelfth Amendment to the U.S. Constitution. As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to weigh in on any political debate or election-

related arguments under the Code of Conduct for United States Judges and its judicial cannons.

a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 24.

b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: Please see my response to Question 24.

25. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[4]

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: President Trump was certified the winner of the 2016 presidential election and served four years as President.

b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my response to Question 25(a).

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: President Trump was certified the winner of the 2024 presidential election and is currently serving as President.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to Question 25(c).

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

26. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

[4] U.S. CONST. amend. XXII.

Response: As a sitting U.S. Magistrate Judge and district court nominee, I am guided by the Code of Conduct for United States Judges and its judicial cannons. I have followed the tradition of judicial nominees before me in answering questions on past Supreme Court decisions. I have requested feedback, but my answers are my own and no one from the White House or the Department of Justice has instructed me to answer one way or another.

27. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

28. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

29. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

30. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

31. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

32. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

33. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

34. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

35. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

36. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs
    d. Kenneth Harrelson
    e. Thomas Caldwell
    f. Jessica Watkins
    g. Roberto Minuta
    h. Edward Vallejo
    i. David Moerschel
    j. Joseph Hackett
    k. Ethan Nordean
    l. Joseph Biggs
    m. Zachary Rehl
    n. Dominic Pezzola
    o. Jeremy Bertino
    p. Julian Khater

Response: No, to all individuals listed above.

37. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No, I have not spoken or corresponded with any individuals directly. However, in the routine handling of duty court matters, to the best of my recollection, there was one individual that had an initial appearance for a case out of the District of Columbia. There is also a separate case pending before a different judge in my district, and as a sitting U.S. Magistrate Judge and district court nominee, I cannot comment further on any pending litigation.

38. Have you ever been demoted, terminated, or experienced any other adverse employment action?

Response: No.

a. If yes, please describe the events that led to the adverse employment action.

b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

Response: I so affirm that since becoming a legal adult (and even before that), I have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

39. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes, and I began such filings when I became a U.S. Magistrate Judge in April 2023.

40. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[5]

a. Do you agree with the above statement?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on these statements or any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

No.

c. Are you currently in contact with anyone associated with A3P? If so, who?

No.

d. Have you ever been in contact with anyone associated with A3P? If so, who?

No.

[5] https://www.article3project.org/about

41. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

    Response: No. However, I disclosed to the Office of Legal Policy at the Department of Justice (and in my Senate SJQ) that as a United States Magistrate Judge, many of my opinions are not selected for publication in reporters. I estimate that in my two and a half years as a Magistrate Judge, I issued approximately 2,913 orders in 2024 in both criminal and civil matters. In 2023, I issued approximately 2,384 orders. All reported and unreported opinions I have issued are filed and stored on CM/ECF, the federal court Case Management/Electronic Case Files system. I further explained that I listed every opinion that was available on Westlaw or Lexis, or substantive opinions involving Constitutional issues that had not been reported in Westlaw or Lexis.

    a. If so, who? What advice did they give?

       Not applicable.

    b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

       No.

42. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

    No.

43. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

    No.

44. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

    I was invited to submit my resume to my home-state Senators in or around August and September of 2023 for the two vacancies in the Western District of North Carolina. I was referred to the White House for consideration, and had a virtual meeting on January 10, 2024. I did not have further discussions with the previous administration. Later, I received communications from the White House on July 10, 2025, and interviewed with attorneys from the White House Counsel's Office in Washington, D.C. on July 25, 2025. On August 20, 2025, the President called to tell me I would be nominated. I have been in continued

contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice since July 25, 2025.

45. Please explain, with particularity, the process whereby you answered these written questions.

I received these questions from the Office of Legal Policy at the United States Department of Justice on September 25, 2025. I drafted all answers to the questions. I solicited feedback from members of the Office of Legal Policy. My final answers to the questions are mine alone.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Rebecca Liane Taibleson
Rebecca Liane Krauss

2. **Position**: State the position for which you have been nominated.

United States Circuit Judge for the Seventh Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: United States Attorney's Office
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Residence: Fox Point, Wisconsin

4. **Birthplace**: State year and place of birth.

1983; Sherbrooke, Quebec, Canada

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2008 – 2010, Yale Law School; J.D., 2010

2007 – 2008, Stanford Law School (transferred after first year)

2001 – 2005, Yale College; B.A., *magna cum laude*, 2005

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2016 – Present
U.S. Attorney's Office for the Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202
Appellate Chief (2018 – present)
Assistant U.S. Attorney (2016 – present)

2019 – 2021
U.S. Department of Justice, Office of the Solicitor General
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the Solicitor General (on detail from U.S. Attorney's Office)

2012 – 2016
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Washington, DC 20004
[formerly 655 Fifteenth Street NW, Washington, DC 20005]
Associate

2011 – 2012
Honorable Antonin Scalia
Supreme Court of the United States
One First Street, NE
Washington, DC 20543
Law Clerk

2010 – 2011
Honorable Brett M. Kavanaugh
United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, DC 20001
Law Clerk

2009
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Washington, DC 20004
[formerly 655 Fifteenth Street NW, Washington, DC 20005]
Summer Associate

2009
U.S. Department of Justice, Criminal Division, Office of Policy and Legislation
950 Pennsylvania Avenue, NW

Washington, DC 20530
Summer Intern (unpaid)

2009
U.S. Attorney's Office for the District of Connecticut
157 Church Street
New Haven, CT 06510
Volunteer Legal Intern (unpaid)

2008
American Bar Association Rule of Law Initiative
Pashko Vasa #7
Pristina, Kosovo
Summer Intern (unpaid)

2005 – 2006
Morgan Stanley
1633 Broadway
New York, New York 10019
Analyst

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the United States military. I was not required to register for selective service.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Yale Law School:
Articles Editor, *Yale Law Journal*
Edward D. Robbins Prize for best third-year contribution to a law review

Stanford Law School:
Urban A. Sontheimer First-Year Honor, awarded to the first-year student with the highest cumulative GPA
Gerald Gunther Prizes for outstanding academic performance in Civil Procedure, Criminal Law, and Property
Hilmer Oehlmann, Jr. Award for best brief in moot court competition
Stanford Law Review

Yale College:
Magna Cum Laude, with distinction in major: Ethics, Politics & Economics

George Hume Prize for excellence in the Senior Essay, entitled *Neuroscience, Moral Responsibility, and the Law*.
Rhodes Scholarship Finalist

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

D.C. Bar (2013 – present)
Eastern District of Wisconsin Bar Association (2016 – present)
Milwaukee Bar Association (intermittent member since 2021)
New York Bar (2011 – 2017)
Seventh Circuit Advisory Committee (2024 – present)
State Bar of Wisconsin (2017 – present)
United States Supreme Court Bar (2020 – present)

10. **Bar and Court Admission**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 2011 – 2017
Washington, DC, 2013
Wisconsin, 2017

I surrendered my membership in the New York Bar in 2017 because I no longer perceived any likelihood that I would practice law in that state. Other than that, there have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2019
United States Court of Appeals for the D.C. Circuit, 2014
United States Court of Appeals for the Second Circuit, 2015
United States Court of Appeals for the Tenth Circuit, 2014
United States District Court for the Eastern District of Wisconsin, 2016
New York State Courts, 2011-2017
Wisconsin State Courts, 2017

Note, I have primarily practiced in the United States Court of Appeals for the Seventh Circuit since 2016. As an attorney for the United States, however, I was not formally admitted to the Court. *See* 7th Cir. R. 46.

Other than my resignation from the New York Bar, I am not aware of any lapses in admission.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Federalist Society (2007 – present, intermittent member/participant)
Harry and Rose Samson Family Jewish Community Center (2016 – present)
Schlitz Audubon Nature Center (2016 – present)
Thomas E. Fairchild American Inn of Court (2016 – 2019)
Tree of Life Preschool Board (2021 – 2022)
Yale College Alumni Schools Committee (2017 – present, intermittent interviewer)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

Press Release, *Nigerian Citizen Sentenced in Fraud and Money Laundering Case*, United States Attorney's Office, Eastern District of Wisconsin, June 18, 2025. Copy supplied.

Press Release, *Former City of Milwaukee Employee Sentenced in Embezzlement Case*, United States Attorney's Office, Eastern District of Wisconsin, Sept. 18, 2024. Copy supplied.

Press Release, *Three Nigerian Citizens Indicted for Wire Fraud and Money Laundering*, United States Attorney's Office, Eastern District of Wisconsin, Jan. 25, 2024. Copy

supplied.

Press Release, *Milwaukee Man Sentenced to 234 Months in Prison for Shooting Victim During Attempted Carjacking,* United States Attorney's Office, Eastern District of Wisconsin, June 8, 2022. Copy supplied.

Press Release, *Cudahy Woman Sentenced to 90 Months in Federal Prison for Attempting to Provide Material Support to ISIS,* United States Attorney's Office, Eastern District of Wisconsin, Aug. 25, 2020. Copy supplied.

Press Release, *Chilton Man Sentenced for Violating the Arms Export Control Act,* United States Attorney's Office, Eastern District of Wisconsin, Dec. 16, 2019. Copy supplied.

Press Release, *Sheboygan Man Faces Mandatory Minimum 15-Year Sentence in Federal Prison After Being Found Guilty of Methamphetamine and Firearm Offenses,* United States Attorney's Office, Eastern District of Wisconsin, Oct. 9, 2019. Copy supplied.

Press Release, *Chilton, WI Resident Andy Huebschmann Pleads Guilty To Exporting Arms to Australia Illegally,* United States Attorney's Office, Eastern District of Wisconsin, Aug. 5, 2019. Copy supplied.

Press Release, *Cudahy Resident Waheba Dais Pleads Guilty To Attempted Material Support of ISIS,* United States Attorney's Office, Eastern District of Wisconsin, Apr. 22, 2019. Copy supplied.

Press Release, *Five Argentine Men Charged with Illegally Operating Online Pharmacies and Importing and Distributing Oxycodone,* United States Attorney's Office, Eastern District of Wisconsin, Mar. 13, 2019. Copy supplied.

With Sarah Pitlyk, *Brett Kavanaugh is a Man of Rock-Solid Character and Integrity,* Fox News (Sept. 14, 2018). Copy supplied.

Kavanaugh Aimed to Diversify Legal Profession, Promote Women, St. Louis Post-Dispatch (Sept. 4, 2018). Copy supplied.

Press Release, *Two Lawyers Sentenced in Federal Court for Wire Fraud Scheme Against Johnson Controls,* United States Attorney's Office, Eastern District of Wisconsin, June 29, 2018. Copy supplied.

Press Release, *Two Men Indicted for Armed Carjacking in Milwaukee,* United States Attorney's Office, Eastern District of Wisconsin, May 16, 2018. Copy supplied.

Press Release, *Milwaukee Man Sentenced to 107 Years in Prison for Five Armed Robberies,* United States Attorney's Office, Eastern District of Wisconsin, Apr. 30, 2018. Copy supplied.

Press Release, *Federal Jury Finds Two Men Guilty of Armed Robberies and Carjackings,* United States Attorney's Office, Eastern District of Wisconsin, Feb. 7, 2018. Copy supplied.

Press Release, *Former President and CEO of Farmer's Exchange Bank Sentenced to Prison,* United States Attorney's Office, Eastern District of Wisconsin, Nov. 14, 2017. Copy supplied.

Press Release, *Food Stamp Fraudsters Sentenced in Federal Court,* United States Attorney's Office, Eastern District of Wisconsin, Sept. 28, 2017. Copy supplied.

Press Release, *De Pere Businessman Indicted for $9 Million Green Energy Fraud,* United States Attorney's Office, Eastern District of Wisconsin, Sept. 20, 2017. Copy supplied.

Press Release, *Former Forest Service Employee Sentenced in Federal Court for Identity Theft and Credit Card Fraud,* United States Attorney's Office, Eastern District of Wisconsin, Dec. 20, 2016. Copy supplied.

Press Release, *Former Bank President and CEO of Farmers Exchange Bank Indicted in Federal Court for Bank Fraud, Embezzlement, and Obstruction,* United States Attorney's Office, Eastern District of Wisconsin, July 12, 2016. Copy supplied.

Negative Reciprocity and Law, 35 Law & Psychol. 1 (2011). Copy supplied.

Neuroscience and Institutional Choice in Federal Sentencing Law, 120 Yale L.J. 367 (2010). Copy supplied.

Orin S. Kerr, *Fourth Amendment Seizures of Computer Data*, 119 Yale L.J. 700 (2010). Copy supplied.

The Theory of Prosecutorial Discretion in Federal Law: Origins and Development, 6 Seton Hall Cir. Rev. 1 (2009). Copy supplied.

With Benjamin Taibleson, *Book Review*, 12 Yale Hum. Rts. & Dev. L.J. 283 (2009) (reviewing Eric M. Uslaner, *Corruption, Inequality, and the Rule of Law* (2008)). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications

relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Letter to the Department of Justice's Office of Legal Policy supporting the nomination of Erin Johnston (June 18, 2024). Copy supplied.

Testimony Before the U.S. Sentencing Commission re: Proposed Amendments to the Federal Sentencing Guidelines, Mar. 6, 2024. Written transcript available at https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20240306-07/transcript_20240306.pdf, and recording available at https://www.ussc.gov/policymaking/meetings-hearings/public-hearing-march-6-7-2024.

Letter to Georgia Judicial Nominating Commission supporting the nomination of Brian Lea (Nov. 29, 2023). Copy supplied.

Letter to Hon. Richard J. Durbin, Chairman, and Hon. Charles E. Grassley, Ranking Member, Committee on the Judiciary, United States Senate supporting the nomination of Rachel Bloomekatz (June 20, 2022). Copy supplied.

Letter to Hon. Richard J. Durbin, Chairman, and Hon. Charles E. Grassley, Ranking Member, Committee on the Judiciary, United States Senate supporting the nomination of Candice C. Wong (June 6, 2022). Copy supplied.

Letter to Hon. Lindsay Graham, Chairman, and Hon. Dianne Feinstein, Ranking Member, Committee on the Judiciary, United States Senate supporting the nomination of Sarah Pitlyk (Sept. 23, 2019). Copy supplied.

Testimony Before the Senate Judiciary Committee re: Confirmation of Justice Brett M. Kavanaugh, Sept. 7, 2018. Written testimony supplied, and transcript available at https://www.govinfo.gov/content/pkg/CHRG-115shrg32765/pdf/CHRG-115shrg32765.pdf

Letter to Hon. Chuck Grassley, Chairman, and Hon. Dianne Feinstein, Ranking Member, Committee on the Judiciary, United States Senate supporting the nomination of Brett Kavanaugh (July 12, 2018). Copy supplied.

Letter to Hon. Chuck Grassley, Chairman, and Hon. Dianne Feinstein, Ranking Member, Committee on the Judiciary, United States Senate supporting the nomination of Brett Kavanaugh (July 9, 2018). Copy supplied.

Letter to Hon. Chuck Grassley, Chairman, and Hon. Dianne Feinstein, Ranking Member, Committee on the Judiciary, United States Senate supporting the nomination of Britt Grant (May 15, 2018). Copy supplied.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 23, 2025: Panelist, Supreme Court and Seventh Circuit Criminal Law Round Up, Eastern District of Wisconsin Bar Association, Milwaukee, Wisconsin. PowerPoint presentation, handout, and notes supplied.

September 17, 2024: Panelist, "What Does Originalism Mean Today and What Is It Likely to Mean in the Future?," Federalist Society, Milwaukee, Wisconsin. Handout and notes supplied.

July 24, 2024: Panelist, Supreme Court and Seventh Circuit Criminal Law Round Up, Eastern District of Wisconsin Bar Association, Milwaukee, Wisconsin. PowerPoint presentation, handout, and notes supplied.

April 27, 2023: Panelist, Supreme Court and Seventh Circuit Criminal Law Round Up, Eastern District of Wisconsin Bar Association, Milwaukee, Wisconsin. PowerPoint presentation, handout, and notes supplied.

April 12, 2022: Panelist, Supreme Court and Seventh Circuit Criminal Law Round Up, Eastern District of Wisconsin Bar Association, Milwaukee, Wisconsin. PowerPoint presentation and handout supplied.

October 23, 2020: Host/Moderator, "The Judicial Confirmation Process," Federalist Society, Milwaukee, Wisconsin (virtually). Notes supplied.

March 29, 2019: Panelist, Event honoring Justice Ginsburg, Marquette Law School Women's Innovation Network, Milwaukee, Wisconsin. This event involved screening the film "On the Basis of Sex" and briefly discussing Justice Ginsburg's legacy. I have no notes, recording, or transcript. Press coverage supplied.

August 9, 2018: Panelist, "Judge Kavanaugh's Former Clerks on the Nominee," Heritage Foundation, Washington, DC. This was a panel of then-Judge Kavanaugh's former clerks, discussing the experience of clerking for him. I have no notes or transcript. A recording of the event is available at https://www.c-span.org/program/public-affairs-event/judge-kavanaughs-former-clerks-on-the-nominee/509053. The Heritage Foundation is located at 214 Massachusetts Avenue, NE, Washington, DC 20002.

August 3, 2018: Panelist, "The Judge Kavanaugh I Know," Federalist Society, Madison, Wisconsin. This was a question-and-answer session discussing the jurisprudence of then-

Judge Brett Kavanaugh. I have no notes, recording, or transcript. However, a recorded clip from this event is available at https://www.youtube.com/watch?v=y2HcyKcIe9o. The Federalist Society is located at 1776 I Street NW, Washington, DC 20006.

September 17, 2014: Panelist, "The Supreme Court Justice as Constitutional Scholar," University of Maryland School of Law, Baltimore, Maryland. I spoke about Justice Scalia as a constitutional scholar. A recording of my remarks is available at https://www.youtube.com/watch?v=b32I6XeFtMI.

February 18, 2013: Speaker, "Life As A Scalia Clerk," Federalist Society/University of Oregon Chapter, Eugene, Oregon. I spoke about the experience of clerking for Justice Scalia. I have no notes, recording, or transcript. The University of Oregon School of Law is located at 1515 Agate Street, Eugene, Oregon 97403.

Over the past decade, I have occasionally served as a guest class speaker at Marquette Law School. I generally discussed the work of a federal prosecutor, and recent developments in federal law. These were not formal events, and I do not have a record of or recall all the specific occasions.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Robin Pogrebin & Kate Kelly, *The Education of Brett Kavanaugh* (2019) (quoted at pages 96, 98, 212). Copy supplied.

Tony Mauro, *Female Clerks Stand by Kavanaugh Despite Assault Allegation*, Conn. Law Trib., Sept. 24, 2018. Copy supplied.

Kelsey Bolar & Lauren Evans, *What 2 Women Who Actually Clerked for Kavanaugh Really Think of Him*, The Daily Signal, Aug. 29, 2018. Article and video available at https://www.dailysignal.com/2018/08/29/what-2-women-who-actually-clerked-for-kavanaugh-really-think-of-him/.

Work Hard/Play Hard, SCOTUS101 Podcast, Aug. 2, 2018. Audio available at https://podcasts.apple.com/us/podcast/summer-session-4-work-hard-play-hard/id1282064006?i=1000417112127.

Radio interviews – Summer 2018: Between approximately July and August of 2018, I recall doing about three radio interviews concerning the nomination of Justice Kavanaugh. I believe they were with WTMJ, Relevant Radio, and a Wisconsin afternoon news program. I cannot locate any audio or further information on these interviews.

Kelsey Bolar, *Why His Female Clerks Are Among Brett Kavanaugh's Biggest Advocates*, The Daily Signal, July 11, 2018. Article available at https://www.dailysignal.com/2018/07/11/why-his-female-law-clerks-are-among-brett-

kavanaughs-biggest-advocates/.

Confirmation Fight Kicks Off For Trump's Supreme Court Pick, CNN, July 10, 2018. Video clip available at https://x.com/NewsCentralCNN/status/1016689538922528768.

Former Clerk Describes Kavanaugh As Open Minded, Associated Press, July 10, 2018. Video available at https://www.youtube.com/watch?v=RLM9woMhOaQ.

Justice Scalia's Clerks Remember Him As Caring, Loyal, WUSA9, Feb. 18, 2016. Copy supplied.

Margaux Laskey, *Rebecca Krauss, Benjamin Taibleson*, N.Y. Times, July 3, 2011. Copy supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations**:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If

appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never been a candidate for or held an elected or appointed public office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held a position or played a role in a political party or election committee, nor in any political campaign.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2010 to 2011, I served as a law clerk to the Honorable Brett M. Kavanaugh, U.S. Court of Appeals for the D.C. Circuit.

From 2011 to 2012, I served as a law clerk to the Honorable Antonin Scalia, Supreme Court of the United States.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2012 – 2016
Kirkland & Ellis LLP
1301 Pennsylvania Avenue NW
Washington, DC 20004
[formerly 655 Fifteenth Street NW, Washington, DC 20005]
Associate

2019 – 2021
U.S. Department of Justice, Office of the Solicitor General
950 Pennsylvania Avenue NW

Washington, DC 20530
Assistant to the Solicitor General (on detail from U.S. Attorney's Office)

2016 – Present
U.S. Attorney's Office for the Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202
Appellate Chief (2018 – Present)
Assistant U.S. Attorney (2016 – Present)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

My legal practice has always focused on complex litigation in the federal courts. Immediately after law school, I served for two years as a law clerk on the U.S. Court of Appeals for the D.C. Circuit and the U.S. Supreme Court, from 2010 to 2012. In those capacities, I helped then-Judge Brett Kavanaugh and Justice Antonin Scalia analyze and resolve appellate issues across many subject areas, including administrative law, the First Amendment, criminal law, bankruptcy, and international law.

After clerking, I worked as a litigation associate at Kirkland & Ellis LLP from 2012 to 2016. At Kirkland, I represented clients in a wide variety of civil litigation matters at both the trial and appellate levels in federal and state courts. My cases included class actions, contract disputes, tort cases, and disputes with the Government. I also helped advise clients on regulatory, statutory, and constitutional issues that arose outside of litigation. My work included managing discovery for complex cases, conducting witness interviews, taking and defending depositions, negotiating with opposing counsel, performing legal research, drafting briefs, and managing teams of attorneys and support staff. I also argued my first case in the federal courts of appeal during this time, pursuant to a pro bono appointment by the D.C. Circuit; that case was ultimately heard by the U.S. Supreme Court.

Since 2016, I have been employed by the United States Department of Justice as an Assistant United States Attorney in the Eastern District of Wisconsin. I have also served as an Appellate Chief in that Office since 2018. In that capacity, I

brief, argue, and oversee criminal and civil appeals. I have argued approximately 18 appeals in the Seventh Circuit, including one *en banc* appeal, and I have briefed or supervised many more. I regularly advise attorneys and law enforcement on legal issues that arise during investigations and litigation. I also handle my own docket of trial-court level criminal cases, including the prosecution of a violent Milwaukee-based human trafficker and child rapist; a pharmaceutical- and opioid-trafficking organization based in Argentina; embezzlement by City of Milwaukee employees; and a material supporter of ISIS. I have tried four cases to a jury and secured convictions on all counts in each one. I have handled cases from all over the State of Wisconsin, including methamphetamine trafficking in Green Bay, bank fraud in Neshkoro, armed robbery in Oostburg, and a murder on the Menominee Reservation.

I also work to advance the Department of Justice's nationwide priorities. For example, I have trained other appellate chiefs, testified before the U.S. Sentencing Commission, briefed a member of Congress, and mooted difficult legal arguments around the country. I am an ex-officio member of the Attorney General's Advisory Committee and Chair of the Appellate Chiefs Working Group. In those roles, I represent all Appellate Chiefs across the 93 United States Attorneys' Offices in advising Department leadership on legal and policy matters. I am also a member of the Attorney General's Review Committee on Capital Cases.

From 2019 through 2021 (with some spillover work in 2022), I was on detail from the United States Attorney's Office in Milwaukee to the Office of the Solicitor General. In that capacity, I argued two merits cases at the Supreme Court of the United States, both of which focused on criminal issues. I assisted with numerous Supreme Court briefs on the merits, certiorari, and emergency dockets, and I advised the Solicitor General on appeal and mandamus authorizations. My work included overseeing legal issues related to the implementation of the CARES Act, fighting COVID-related efforts to release federal prisoners, and representing President Trump in a First Amendment case defending his right to block third-party accounts on Twitter. I also served as the leader of the appellate litigation teams for two federal executions.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Since 2016, my only client has been the United States. The majority of my work in the past decade has been criminal, including both constitutional and statutory issues. I have worked on substantial civil matters too, however, including those focused on the First Amendment, administrative law, and statutory interpretation. When I was in private practice at Kirkland & Ellis, my work was entirely civil.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Over the course of my career, roughly 85% of my practice has been in litigation, and my practice has generally involved frequent court appearances.

As a law firm associate from 2012 to 2016, I attended several courts of appeals arguments, including my own first appellate argument. I also handled small matters in trial court. As a line Assistant United States Attorney from 2016 to 2018, I appeared before federal magistrate and district judges multiple times per week, as I was regularly charging and prosecuting cases. I also began regular appearances in the U.S. Court of Appeals for the Seventh Circuit during that time. As an Appellate Chief since 2018, I argue in the Seventh Circuit several times per year, supervise arguments by other Assistant U.S. Attorneys, and regularly appear in district court to prosecute cases. As an Assistant to the Solicitor General from 2019 to 2021, I argued twice in the United States Supreme Court and regularly attended my colleagues' Supreme Court arguments.

Since assuming my roles on the Attorney General's Advisory Committee and as Chair of the Appellate Chiefs Working Group in 2024, my court appearances have declined in frequency. In order to fulfill my obligations to the Department of Justice, I have assigned many of my Seventh Circuit arguments to other attorneys in my office, and I supervise their work.

i. Indicate the percentage of your practice in:

1.	federal courts:	99%
2.	state courts of record:	1%
3.	other courts:	0%
4.	administrative agencies:	0%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	30%
2.	criminal proceedings:	70%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried four cases to verdict. For each, I was co-counsel, in that I shared the trial work roughly equally with another AUSA.

i. What percentage of these trials were:

1.	jury:	100%
2.	non-jury:	0%

e. Describe your practice, if any, before the Supreme Court of the United States.

Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I primarily practiced before the United States Supreme Court while at the Office of the Solicitor general, from 2019 to 2021 (with some spillover into 2022 after I had returned to the U.S. Attorney's Office).

I have argued two merits cases at the Supreme Court:

Torres v. Madrid, 592 U.S. 306, No. 19-292 (2021). Amicus Merits Br. (2020 U.S. S. CT. BRIEFS LEXIS 4509). Argument transcript and brief supplied.

United States v. Taylor, 596 U.S. 845, No. 20-1459 (2022). Pet. for Cert. (2020 U.S. S. CT. BRIEFS LEXIS 8375); Cert. Reply (2021 U.S. S. CT. BRIEFS LEXIS 2474); Opening Merits. Br. (2021 U.S. S. CT. BRIEFS LEXIS 2453); Merits Reply (2021 U.S. S. CT. BRIEFS LEXIS 3992). Argument transcript and briefs supplied.

I drafted merits-stage and certiorari-stage briefs in the following cases:

United States v. Gary, No. 20-444: Opening Merits Br. (2021 U.S. S. CT. BRIEFS LEXIS 329); Merits Reply (2021 U.S. S. CT. BRIEFS LEXIS 956). Briefs supplied.

Trump v. Knight First Amendment Institute at Columbia University, et al., No. 20-197: Pet. for Cert. (2020 U.S. S. CT. BRIEFS LEXIS 5194); Cert. Reply (2020 U.S. S. CT. BRIEFS LEXIS 5217). Briefs supplied.

Americans for Prosperity Foundation v. Becerra, Nos. 19-251 and 19-255: Invited Cert. Stage Amicus Br. (2020 U.S. S. CT. BRIEFS LEXIS 8031). Brief supplied.

Mutond v. Lewis, No. 19-185: Invited Cert. Stage Amicus Br. (2020 U.S. S. CT. BRIEFS LEXIS 5337). Brief supplied.

United States v. Briggs, Nos. 19-108 and 19-184: Opening Merits Br. (2020 U.S. S. CT. BRIEFS LEXIS 5318); Merits Reply (2020 U.S. S. CT. BRIEFS LEXIS 6755). Briefs supplied.

Dow Chemical Co. v. Cook, No. 15-791: Pet. for Cert. (2015 U.S. S. Ct. BRIEFS LEXIS 4705). Brief supplied.

Based on long-established conventions of Supreme Court practice and the Office of Solicitor General, numerous Supreme Court briefs filed by the United States do not list the Assistant to the Solicitor General who helped to prepare the brief. That includes all reply briefs (at the certiorari and merits stage); as a result, for example, my name does not appear on the reply briefs at the certiorari or merits stages of *United States v. Taylor*, No. 20-1459, although I was a principal drafter of those briefs. That also includes all briefs in opposition to certiorari, and all briefs filed on the emergency docket. I do not have a

comprehensive record of the briefs on which I was not listed. I have included the briefs for which I have a record.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Taylor*, 596 U.S. 845 (2022)

I represented the United States at the certiorari and merits stages of this Supreme Court case between 2020 and 2022. The question presented concerned the meaning of the phrase "crime of violence" in 18 U.S.C. § 924(c), a criminal statute that punishes the use of a firearm during a crime of violence. I was a principal drafter of the United States's briefs petitioning for certiorari and at the merits stage, and I argued the case on December 7, 2021. The Supreme Court did not agree with our position, and the Court held that attempted robberies are not "crimes of violence."

Principal Co-Counsel:

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Principal Opposing Counsel:

Michael Dreeben
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Washington, DC 20001
202-662-9000

2. *President of the United States v. Knight First Amendment Institute at Columbia University*, 141 S. Ct. 1220 (2021)

I represented President Trump in this Supreme Court matter from 2020 to 2021. The case concerned whether the First Amendment deprives a government official (in this case, President Trump) of his right to control his personal Twitter account by blocking third-party accounts. I was a principal drafter of all certiorari-stage briefs. The case was ultimately mooted by the 2020 election, at which point the Supreme Court granted our request to vacate the Second Circuit's decision ruling against the President. Justice Thomas authored a concurring opinion, highlighting the "interesting and important questions" raised by the case.

Principal Co-Counsel:

Hashim Mooppan
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Principal Opposing Counsel:

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Knight First Amendment Institute at Columbia University
475 Riverside Drive
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New York, NY 10115
646-745-8500

3. *Torres v. Madrid*, 592 U.S. 306 (2021)

I represented the United States as amicus (in support of neither party) in this Supreme Court case (between 2019 – 2021). The question presented concerned the definition of a "seizure" under the Fourth Amendment—specifically, whether police had "seized" a person within the meaning of the Fourth Amendment when they shot her but she continued to flee. I was a principal drafter of the United States's Supreme Court brief, and I argued the case on October 14, 2020. The Supreme Court agreed with our position, holding that the police can, in certain circumstances, effect a Fourth Amendment "seizure" by applying physical force to the body of a person with intent to restrain, even if the person does not submit.

Principal Co-Counsel:

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Principal Opposing Counsel:

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Kelsi B. Corkran (for Torres)
Georgetown Law School, Institute for Constitutional Advocacy and Protection
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4. *United States v. Page*, 123 F.4th 851 (7th Cir. 2024) (*en banc*)

I represented the United States in *en banc* proceedings in this criminal case (2023 – 2024), which arose from a heroin-trafficking conspiracy. After a jury convicted the defendant of drug trafficking, a panel of the Seventh Circuit (Jackson-Akiwumi, Lee, Rovner) overturned his conviction, finding error in the jury instructions. The Court granted rehearing, and I drafted the *en banc* briefing on behalf of the United States and argued the case to the *en banc* Court. Ultimately, I successfully convinced the *en banc* Seventh Circuit to overturn decades of precedent that made it difficult to know what was required to convict drug-trafficking conspiracies, and to align its precedent on plain-error review with Supreme Court case law.

Principal Co-Counsel:

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Principal Opposing Counsel:

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262-297-0032

5. *United States v. Hofschulz*, 105 F.4th 923 (7th Cir. 2024) (Sykes, Rovner, Kirsch)

I represented the United States in appellate proceedings in this criminal case (2022 – 2024), in which we prosecuted the defendants for running a "pill mill" through which they distributed opioids for cash. The jury convicted the defendants on all counts, including for causing the death of one opioid-addicted patient. The appeal focused on the significance of an intervening Supreme Court decision (*Ruan v. United States)* that interpreted the specific statutes and regulations under which the defendants were convicted, as well as on expert-witness and evidentiary issues. I drafted all appellate briefs on behalf of the United States and argued the case. We ultimately prevailed, protecting this conviction as well as others in the Seventh Circuit that predated *Ruan.*

Principal Co-Counsel:

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U.S. Attorney's Office, Eastern District of Wisconsin
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Principal Opposing Counsel:

Beau Brindley
53 West Jackson Boulevard #1410
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6. *United States v. Cross/Davis*, 892 F.3d 288 (7th Cir. 2018) (Wood, Hamilton, Bucklo)

I represented the United States in appellate proceedings in these consolidated post-conviction cases (2017 – 2018). The appeal involved many tricky legal issues, including the procedural requirements for post-conviction review, questions of statutory interpretation, constitutional challenges to the U.S. Sentencing Guidelines, and the retroactivity of Supreme Court case law. I was the principal drafter of the appellate briefs and argued the case. We lost the case, and the court of appeals granted post-conviction relief to the defendants.

Principal Co-Counsel:

Jonathan Koenig
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517 East Wisconsin Avenue
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414-297-4399

Principal Opposing Counsel:

Shelley Fite
Sentencing Resource Counsel
22 East Mifflin Street, #1000
Madison, WI 53703
608-234-0883

7. *Perry v. Merit Systems Protection Board*, 829 F.3d 760 (D.C. Cir. 2016) (Srinavasan, Griffith, Millett)

The United States Court of Appeals for the D.C. Circuit appointed me to represent the appellant, Anthony Perry (in 2015 – 2016). The case focused on a difficult question of statutory interpretation, concerning which court could review certain dismissals from the Merit Systems Protection Board. I was the principal drafter of the appellate briefs and argued the case. We lost at the court of appeals, but our petition for a writ of certiorari was granted by the Supreme Court, and the Supreme Court ultimately reversed the D.C. Circuit. (My co-counsel Christopher Landau took the lead on the Supreme Court litigation, as I had joined the Department of Justice by the time the Supreme Court case was argued and decided.)

Principal Co-Counsel:

Christopher Landau
Deputy Secretary of State
2201 C Street NW
Washington, DC 20451
202-647-4000

Devin Anderson
Partner, Kirkland & Ellis
1301 Pennsylvania Avenue, NW
Washington, DC 20004
202-389-5198

Principal Opposing Counsel:

Stephen Fung
Merit Systems Protection Board
1615 M Street, NW
Washington, DC 20419
771-210-1577

8. *United States v. Frenzel et al*, No. 18-CR-175 (E.D. Wis.) (Stadtmueller, J.)

On behalf of the United States, I investigated and prosecuted this international drug-trafficking conspiracy, which was distributing opioids and other controlled substances into Wisconsin and throughout the country. The conspiracy was operated out of Romania

and Argentina, and we orchestrated coordinated take-downs of the targets in both locations. We seized millions of dollars' worth of assets and real property, and we worked with the Department of the Treasury to block the targets' ability to conduct any financial transactions involving the United States. The investigation began in 2017; we ultimately charged and arrested five targets in Argentina in 2018, and their extradition remains pending.

Principal Co-Counsel:

Laura Kwaterski
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414-297-4484

Principal Opposing Counsel:

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9. *United States v. Otis Hunter and Deshawn Evans*, No. 17-CR-29 (E.D. Wis.) (Stadtmueller, J.); *affirmed*, 932 F.3d 610 (7th Cir. 2019) (Kanne, Flaum, Scudder)

On behalf of the United States (beginning in 2017, with continuing litigation through the present), I prosecuted Otis Hunter, Deshawn Evans, and several co-actors for a spree of violent armed robberies and carjackings in Milwaukee. Hunter and Evans proceeded to trial, and my co-counsel and I conducted a week-long trial before U.S. District Judge J.P. Stadtmueller. The jury ultimately convicted on all counts. The defendants appealed, raising *Batson*, Sixth Amendment, and evidentiary challenges; I drafted the appellate briefs for the United States. The Seventh Circuit affirmed the convictions.

Principal Co-Counsel:

Margaret Honrath
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414-297-1582

Principal Opposing Counsel (most recent):

Michelle Jacobs (for Otis Hunter)
1045 West Glen Oaks Lane

Suite 200
Mequon, WI 53092
262-241-0056

Edward J. Hunt (for Deshawn Evans)
342 North Water Street
Suite 600
Milwaukee, WI 53202
414-225-0111

10. *United States v. Feeonquay Jenkins*, No. 17-CR-42 (E.D. Wis.) (Adelman, J.)

Working with the FBI and Milwaukee Police, I began investigating this human-trafficking case in 2016 and indicted it in 2017. The defendant violently trafficked and raped women and girls. He was captured as a fugitive, and, after years of litigation and delay, was convicted in 2022. He was sentenced to 195 months' imprisonment.

Principal Co-Counsel:

Erica Lounsberry
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Principal Opposing Counsel (most recent):

Jeffrey Jensen
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Milwaukee, WI 53204
414-224-9484

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As an Appellate Chief in the U.S. Attorney's Office, I have supervisory responsibilities over both appellate and trial-level litigation that I am not handling myself. I oversee Seventh Circuit appeals, as well as difficult litigation in the district courts on topics like the Second and Fourth Amendments. I update the Office on legal developments and I regularly advise attorneys and law-enforcement agents on legal issues that arise during investigations and litigation. In addition, in my role as a prosecutor, I have conducted some investigations involving grand jury

subpoenas, warrants, and other tools that have not led to charges or that have exonerated certain targets.

As Chair of the Appellate Chiefs Working Group and a member of the Attorney General's Advisory Committee, I represent the U.S. Attorneys' Offices appellate community and, in that capacity, advise Department leadership on legal and policy matters. These include questions arising in litigation, but they also include internal Department policy questions, and legal questions that arise outside the context of litigation. In that same capacity, I have also briefed a Congressperson/staff and testified at the U.S. Sentencing Commission. As a member of the Attorney General's Review Committee on Capital Cases, I help to advise Department leadership on the propriety of seeking the death penalty in death-eligible cases from around the country.

I also presently serve on the Seventh Circuit's Advisory Committee, which is a group of Court-appointed district judges, attorneys, and law school professors who "study ... the procedures of the court and ... serve as a conduit between members of the bar who have suggestions for change and the court." 7th Cir. R. 47.

At the Office of the Solicitor General, I advised the Solicitor General on difficult legal issues that sometimes arose outside the context of litigation – for example, if an administrative agency was seeking advice about the lawfulness of a proposed regulation, or if the Department of Justice was evaluating proposed legislation.

While in private practice, I occasionally advised clients about legal issues that had not yet culminated in litigation (and sometimes never did). To the best of my recollection, that advice typically involved the interpretation of state and federal constitutional, statutory, and regulatory provisions.

I have never acted or registered as a lobbyist.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I have never taught my own course.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments,

or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments, or agreements to pursue outside employment, with or without compensation.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I anticipate potential conflicts of interest arising from two main sources. First, I am presently an Appellate Chief in the U.S. Attorney's Office for the Eastern District of Wisconsin, and my husband is also an Assistant U.S. Attorney in that office. I plan to recuse myself from any matter arising from that Office that was open or pending during my tenure, and any matter that my husband has worked on in any capacity.

Second, I have, at times, provided legal advice on Department of Justice matters that arise in litigation all over the country. I plan to recuse myself from any matter about which I have provided such advice, or on which I have worked in any way.

I will evaluate any other real or potential conflict, or a relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United

States Judges, and any and all other laws, rules, practices, and procedures governing circumstances relating to real or potential conflicts of interests.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

In private practice, I maintained an active pro bono practice. For example, I handled an appeal at the D.C. Circuit pro bono, *Perry v. Merit Systems Protection Board*, 829 F.3d 760 (D.C. Cir. 2016), and I handled a divorce pro bono on behalf of a single mother having financial difficulties. I typically worked hundreds of pro bono hours per year.

Since leaving private practice, I have dedicated my career to public service. While my work in the Department of Justice limits my ability to serve other private clients, I have mentored law students and legal interns, volunteered as a guest judge for moot-court competitions, taught multiple community CLEs, spoken to law school classes, and served on a court committee.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On May 7, 2025, I was contacted by the White House Counsel's Office and was asked if I would be interested in being considered as a candidate for nomination to the U.S. Court of Appeals for the Seventh Circuit. I answered in the affirmative and, upon request, I provided the White House Counsel's Office with basic biographical and career-related information. The White House Counsel's Office scheduled an interview for May 20, 2025. On that day, I interviewed with attorneys from the White House and the Department of Justice in Washington, DC.

In Wisconsin, Senators Ron Johnson and Tammy Baldwin rely upon a longstanding selection commission to recommend candidates for nomination to the federal courts. The selection commission solicited applications for the Seventh Circuit vacancy, and I submitted such an application on May 16, 2025. On June 27, 2025, I interviewed with the selection commission in Milwaukee, Wisconsin. On July 15, 2025, Senators Johnson and Baldwin sent a letter to the White House listing the candidates who were recommended by the commission, and I was among them.

On August 7, 2025, the White House Counsel's Office contacted me to let me know that I was in consideration for the nomination. On August 13, 2025, I spoke to President Donald Trump about my nomination. Throughout this period, I was also in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		33	000	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		910	676	Notes payable to relatives			
Unlisted securities		10	000	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		550	992
Real estate owned – see schedule	1	265	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		65	000				
Cash value-life insurance							
Other assets itemize:							
R. Taibleson Federal Thrift Savings Plan		185	412				
B. Taibleson Federal Thrift Savings Plan		182	122				
				Total Liabilities		550	992
				Net Worth	2	100	218
Total Assets	2	651	210	Total Liabilities and Net Worth	2	651	210
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
Alphabet Inc A Stock	$19,540
Alphabet Inc C Stock	$17,592
American Tower Corp Stock	$5,304
ASML HLDG Stock	$29,216
Blackrock FDG Inc Stock	$21,949
Berkshire Hathaway Inc B Stock	$5,720
Carnival PLC Stock	$95,666
CME Group Inc A Stock	$14,172
Corpay Inc Stock	$5,291
Costar Group Inc Stock	$30,651
Dimensn US Core ETF	$71,611
Draftkings Inc. Stock	$12,012
Fiserv Inc Stock	$20,573
Intercontinental Exch	$6,327
Mastercard Inc A Stock	$25,133
MSCI Inc CL A Stock	$10,604
S&P Global Inc Stock	$12,394
Taiwan Semicon MFG Co Stock	$28,929
Visa Inc CL A Stock	$35,877
Verisk Analytics Inc Stock	$5,504
Verisign Inc Stock	$8,209
Vanguard Growth ETF	$31,513
Vanguard S&P 500 ETF	$60,961
Vanguard Treasury Money Market Fund	$186,689
529 #1	$57,522
529 #2	$34,194
529 #3	$57,523
Total Listed Securities	$ 910,676
Unlisted Securities	
Israel Bonds	$10,000
Total Unlisted Securities	$10,000
Real Estate Owned	
Personal Residence	$1,265,000
Total Real Estate Owned	$1,265,000

Real Estate Mortgages Payable	
Personal Residence – Mortgage	$550,992
Total Real Estate Mortgages Payable	$550,992

AFFIDAVIT

I, Rebecca Taibleson, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

8/13/25 Rebecca Taibleson
(DATE) (NAME)

Lisa I. Luetke NOTARY PUBLIC STATE OF WISCONSIN
(NOTARY)
LISA I. Luetke

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Rebecca Taibleson
Nominee to be U.S. Circuit Judge for the Seventh Circuit
September 24, 2025

1. You have previously spoken in favor of increasing diversity in the legal profession. In 2018, you wrote that "elite legal circles are notoriously male-dominated" and praised Justice Kavanaugh for "trying to change" that balance by hiring women to serve as a majority of his law clerks.

You further wrote that there are "structural impediments" to women's advancement in the legal profession.

a. What structural impediments do you believe exist for women to advance in the legal profession?

Response: I wrote that article to help rebut allegations that Justice Kavanaugh was anti-woman. At the time, I had a newborn baby and two toddlers. The structural impediments I was referring to were those I was facing at the time: the challenges of maintaining a legal career while giving birth to, and raising, young children.

b. Why do you believe that it is beneficial to diversify elite legal circles by including more women?

Response: No one should be excluded from the legal profession because of their sex. I have been grateful for support from mentors like Justice Kavanaugh, who helped me to navigate my career while balancing my commitments to family.

c. Do you believe that structural impediments exist for people of color to advance in the legal profession? If so, should we attempt to correct that imbalance as well ?

Response: I have not written about this issue. The cause of racial disparities, and the solution for such disparities, are important issues for consideration by the political branches. As such, it would be inappropriate for me, as a judicial nominee, to comment further on a subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

2. You signed on to letters supporting various judicial and executive nominees during the Biden and Trump Administrations. Notably, you endorsed the nomination of Judge Rachel Bloomekatz to the Sixth Circuit during the Biden Administration. I was proud to support her nomination as well.

What in Judge Bloomekatz's record made you believe she would serve honorably on the bench?

Response: I clerked at the U.S. Supreme Court at the same time as Judge Bloomekatz. As the letter explained, she was a "diligent, insightful, and fair-minded" colleague, who also has a deep "commitment to Ohio" (where she now sits). The letter explained that its signatories "spann[ed] the political spectrum," and Judge Bloomekatz and I have disagreed about matters of legal interpretation. But she was qualified to serve, and Presidents have the right to choose qualified nominees who do not share my judicial philosophy.

3. As discussed at your hearing, you offered strong public support for the confirmation of then-Judge Kavanaugh to the Supreme Court.

In July 2018, you appeared on *CNN* to discuss Democrats' concerns about Justice Kavanaugh's respect for women's reproductive rights. As you likely recall, President Trump promised to appoint justices who would "automatically" overturn *Roe v. Wade*. My colleagues and I believed Justice Kavanaugh would fulfill that promise.

In response, you stated that our concerns were a "red herring" and a "distract[ion]" and claimed Justice Kavanaugh would approach precedent with an "open mind."

a. Why did you suggest that my colleagues and I were not sincere in our concerns about how Justice Kavanaugh would approach *Roe* if confirmed?

Response: I argued that the exclusive focus on a single legal case was a distraction from then-Judge Kavanaugh's long history of distinguished public service, including as an appellate judge. I did not mean to suggest that you were not sincere.

b. Do you stand by your statement that criticism of Justice Kavanaugh's views on *Roe* was a "red herring?"

Response: Yes. The Supreme Court later observed that the *Roe* issue "inflamed our national politics" and "obscured with its smoke the selection of Justices." *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 269 (2022) (citation omitted). That is a more eloquent version of the point I was trying to make four years earlier.

4. You have a longtime affiliation with Judge Sarah Pitlyk, who currently serves on the U.S. District Court for the Eastern District of Missouri. You have co-authored an op-ed with her, you endorsed her nomination to the district court, and you have since hosted a panel on which she was a guest.

Prior to her nomination by President Trump, Judge Pitlyk had an extreme anti-choice record. She opposed IVF on the basis that frozen embryos are human beings. She similarly opposed surrogacy and stated that it "diminishes respect for motherhood."

a. Were you aware of Judge Pitlyk's record on IVF before you joined a letter supporting her nomination?

Response: I was aware of Judge Pitlyk's legal work, which included some work on parental-rights litigation involving surrogacy.

b. Do you agree with her opposition to IVF?

Response: I do not recall Judge Pitlyk expressing policy opposition to IVF. In any event, reproductive issues like IVF are the subject of some ongoing litigation and policy debate, and it would therefore be inappropriate for me to comment further. *See* Code of Conduct of U.S. Judges, Canons 3A(6), 5.

5. During your hearing, you were asked to respond to "concern" that you are "secretly a closet liberal." In response, you emphasized that you are "conservative" and "really mean it." You acknowledged that your husband disagrees with you on political issues and then stated that you are "quite certain he is wrong on many matters of policy and law," suggesting that you have pre-judged issues that could come before you.

a. As a candidate seeking judicial office, why did you emphasize that you are "conservative" and are "quite certain" that views that differ from yours on various matters of policy and law are "wrong?"

Response: I was responding to a question from Senator Cruz.

b. Given these comments, could a litigant opposing conservative interests reasonably believe that you have not pre-judged the case and will give them a fair hearing?

Response: Yes. As a judge, I would not advocate for any particular cause or party but instead interpret and apply the law neutrally. Indeed, I hope that the debates I was describing provide additional assurance that I will give a fair hearing to all litigants.

6. In the aftermath of the January 6 attack on the U.S. Capitol, U.S. Attorney's Offices around the country prosecuted rioters for assaulting law enforcement and other criminal acts. Your U.S. Attorney's Office was involved in several cases involving January 6 rioters.

a. Did you personally handle, supervise, or advise on any cases involving individuals who were present at the January 6 riot at the U.S. Capitol?

Response: No.

Former Acting Deputy Attorney General Emil Bove previously directed a U.S. Attorney to fire dozens of line prosecutors who had worked on January 6 cases. Bove also sought

the names of thousands of FBI employees who had worked on investigations into January 6 rioters and accused these career public servants of "weaponiz[ing]" the FBI against these violent offenders.

b. As a federal prosecutor, do you believe an order firing prosecutors simply for handling cases that were assigned to them is appropriate?

Response: As a judicial candidate, and a current DOJ employee, it would be inappropriate for me to comment on this current policy debate. These matters are also related to pending litigation. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

c. Do you believe your colleagues or the FBI investigators with whom they worked on January 6 cases "weaponized" the justice system against January 6 offenders?

Response: Please see my response to Question 6.b. above.

7. Did President Trump lose the 2020 election?

Response: President Biden was certified the winner of the 2020 election. President Trump was certified the winner of the 2016 and 2024 elections.

8. Where were you on January 6, 2021?

Response: On January 6, 2021, I was in Washington, D.C., working from home for the Department of Justice.

9. Do you denounce the January 6 insurrection?

Response: I denounce any and all acts of violence against law enforcement and government officials. How the events at the Capitol on January 6, 2021, are characterized is a matter of political debate and was the subject of litigation in *Trump v. Anderson*, 601 U.S. 100 (2024). Moreover, the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a judge. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to address these issues. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

10. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: Please see my response to Question 9 above.

11. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: Generally, if there is a lower-court order that binds the Executive Branch or an executive official or agency, the normal course is for the party to follow the order and seek appellate review if the party disagrees with the outcome.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: All proper parties to federal court proceedings have a responsibility to comply with lawful court orders. I am aware of scholarly work that has posited scenarios in which parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction). Some litigants and jurists have also drawn a distinction between a court's binding "judgment[]" and its "statements in opinions." *Camreta v. Greene*, 563 U.S. 692, 704 (2011). And in some circumstances, defying a court order is necessary to appeal it. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). These examples are all exceptions to the general rule, however.

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: Every branch of the federal government is obligated to follow the Constitution. If federal litigation reaches the Supreme Court, then that Court's order is conclusive and must be followed. If the order relates to the interpretation of a statute with which a party might disagree, the party also might push for legislative amendment of the statute. Similarly, if a party or Congress or a state legislature believes a Supreme Court order has incorrectly applied the Constitution, such parties could push for a constitutional amendment. Congress also has legislative power to shape the Supreme Court's jurisdiction and its authority related to the issuance of orders.

12. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: In *Trump v. CASA*, 145 S. Ct. 2540 (2025), the Supreme Court held that "[a] universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power." *Id.* at 2550. As described in *Trump v. CASA*, the equitable power of courts generally extends only to granting complete relief to the parties before the court.

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to Question 12.a. above.

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see my response to Question 12.a. above.

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: No.

13. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

14. Does the U.S. Constitution permit a president to serve three terms?

Response: The 22nd Amendment provides that presidents may serve up to two terms.

15. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[1]

a. Do you agree that these federal judges are "USA HATING" and "MONSTERS" who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"?

[1] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.

Response: All federal judges must abide by the constitutional, statutory, and equitable limits on their authority, and I would seek to abide by those limits if confirmed. Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 15.a. above.

16. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a "judicial coup"[2] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[3]

a. Do you agree that these judges are engaged in a "judicial coup" and that "we are living under a judicial tyranny"?

Response: All federal judges must abide by the constitutional, statutory, and equitable limits on their authority, and I would seek to abide by those limits if confirmed. Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 16.a. above.

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: Please see my response to Question 16.a. above.

17. When, if ever, may a lower court depart from Supreme Court precedent?

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[2] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48PM), https://x.com/StephenM/status/1927874604531409314.
[3] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25AM), https://x.com/StephenM/status/1928065122657845516.

Response: It is never appropriate for a court of appeals judge to depart from directly controlling Supreme Court precedent or a Supreme Court order in a case. *See, e.g., Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989).

18. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: Generally, a panel of the Seventh Circuit "will not overturn circuit precedent" without "a compelling reason." *Wilson v. Cook Cty.*, 937 F.3d 1028, 1035 (7th Cir. 2019). "[P]rinciples of stare decisis require that [the Court] give considerable weight to prior decisions unless and until they have been overruled or undermined by the decisions of a higher court, or other supervening developments, such as a statutory overruling." *McClain v. Retail Food Emp'rs Joint Pension Plan*, 413 F.3d 582, 586 (7th Cir. 2005). A circuit court may otherwise consider overruling its own precedent when sitting en banc. To determine when the en banc court should overrule a published panel decision, Federal Rule of Appellate Procedure 40 offers guideposts, including, for example, whether the decision has created a circuit split or whether the decision conflicts with other decisions from the Seventh Circuit or from the Supreme Court.

19. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: In determining whether to overrule precedent, the Supreme Court applies the stare decisis factors set out in *Dobbs v. Jackon Women's Health Organization*, 597 U.S. 215, 268-290 (2022).

20. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

Response: As Justice Kagan explained and many other judicial nominees across administrations have reiterated, it is generally not appropriate for a judicial nominee to "grade" or give a "thumbs-up or thumbs-down" to particular precedents of the Supreme Court. Were I confirmed as a judge, all of the Supreme Court's pronouncements would be binding on me. Under the Code of Conduct for United States Judges, I have a duty as a judicial nominee to refrain from commenting on the merits or demerits of the Supreme Court's binding precedents, because doing so creates the impression that I would have difficulty applying binding law to adjudicate parties' cases. The Supreme Court's landmark decisions in *Brown* and *Loving* have been recognized by prior nominees as limited exceptions to that general principle.

a. ***Brown v. Board of Education***

Response: The decision in *Brown* is so canonical and deeply rooted that the correctness of the judgment is beyond question.

b. ***Plyler v. Doe***

Response: *Plyler* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

c. ***Loving v. Virginia***

Response: The decision in *Loving* is so canonical and deeply rooted that the correctness of the judgment is beyond question.

d. ***Griswold v. Connecticut***

Response: *Griswold* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

e. ***Trump v. United States***

Response: *Trump v. United States* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

f. ***Dobbs v. Jackson Women's Health Organization***

Response: *Dobbs* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

g. ***New York State Rifle & Pistol Association, Inc. v. Bruen***

Response: *Bruen* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

h. ***Obergefell v. Hodges***

Response: *Obergefell* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

i. ***Bostock v. Clayton County***

Response: *Bostock* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

j. ***Masterpiece Cakeshop v. Colorado***

Response: *Masterpiece Cakeshop* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

k. ***303 Creative LLC v. Elenis***

Response: *303 Creative* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

l. ***United States v. Rahimi***

Response: *Rahimi* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

m. ***Loper Bright Enterprises v. Raimondo***

Response: *Loper Bright* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

21. With respect to constitutional interpretation, do you believe judges should rely on the "original meaning" of the Constitution?

Response: The Supreme Court has repeatedly interpreted constitutional provisions by discerning the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004). As a lower court judge, I would follow all applicable Supreme Court and Seventh Circuit precedent in interpreting constitutional provisions, including those originalist precedents.

22. How do you decide when the Constitution's "original meaning" should be controlling?

Response: As discussed in the response to Question 21, I would follow Supreme Court precedent. In the unusual circumstance in which a lower court judge must address unanswered and open questions of constitutional interpretation, cases like *Heller* indicate that an originalist methodology is appropriate.

23. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court in *Obergefell* concluded that the Constitution provides a constitutional right to same-sex marriage, and I would faithfully apply that precedent.

24. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: In *Loving*, the Supreme Court invalidated a state law prohibiting interracial couples from marrying. As discussed in my answers to Question 20, and consistent with the answers of prior nominees, I can answer consistent with my duties under the Code of Conduct that *Loving* correctly reaffirmed *Brown*'s rejection of the "notion that the mere 'equal application' of a statute containing racial classifications" comports with the Fourteenth Amendment, *Loving*, 388 U.S. at 8.

25. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: At a high level, based on Supreme Court precedent, I understand the Equal Protection Clause of the Fourteenth Amendment to limit the government's ability to classify persons (i) in a way that lacks a rational basis, *see, e.g.*, *Armour v. City of Indianapolis, Ind.*, 566 U.S. 673 (2012), or (ii) in a way that infringes fundamental rights or acts on the basis of quasi-suspect or suspect characteristics, *see, e.g., id.; Students for Fair Admission, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023). The Due Process Clause of the Fourteenth Amendment, for its part, has been interpreted by the Supreme Court to establish both procedural rules, *see, e.g.*, *Mathews v. Eldridge*, 424 U.S. 319 (1976), and substantive rights, *see, e.g.*, *Meyer v. Nebraska*, 262 U.S. 390 (1923).

26. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has determined that these constitutional provisions prohibit discrimination based on sex, *see, e.g.*, *United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, *see, e.g.*, *Romer v. Evans*, 517 U.S. 620 (1996). As with all other precedents of the Supreme Court, I would faithfully apply these decisions if confirmed. Because other matters related to this question are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further.

27. Do you believe that judges should be "originalist" and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my responses to Questions 21-22 above.

28. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my responses to Questions 21-22 above.

29. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The Supreme Court has held that the First Amendment protects speech regardless of whether the government considers the speech to be right or wrong, *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 537 (1995), and even if it is outrageous, *Snyder v. Phelps*, 562 U.S. 442 (2011); *United States v. Stevens*, 559 U.S. 460 (2010). The Supreme Court has also held that First Amendment protections may apply to individuals, *McIntyre v. Ohio Elecs. Comm'n*, 514 U.S. 334 (1995), as well as corporations, *see, e.g.*, *Citizens United v Fed. Elec. Comm'n*, 558 U.S. 310 (2010). As a lower court judge, I would be bound to apply all Supreme Court precedents.

30. How would you determine whether a law that regulates speech is "content-based" or "content-neutral"? What are some of the key questions that would inform your analysis?

Response: The Supreme Court has stated that a "regulation of speech is facially content based under the First Amendment if it target[s] speech based on its communicative content—that is, if it applies to particular speech because of the topic discussed or the idea or message expressed." *City of Austin, Texas v. Reagan Nat'l Advertising of Austin, LLC*, 596 U.S. 61, 69 (2022). By contrast, a law is content-neutral if it can be "justified without reference to the content of the regulated speech." *Reed v. Town of Gilbert*, 576 U.S. 155, 166 (2015). As a lower court judge, I would be bound to apply all Supreme Court precedents.

31. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The Supreme Court has stated that "true threats are serious expressions conveying that a speaker means to commit an act of unlawful violence." *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). Such threats are a "historically unprotected category of communications." *Id.*

32. Is every individual within the United States entitled to due process?

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that no person shall "be deprived of life, liberty or property, without due process of law" and that no State shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const., amends. V, XIV. The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. If I am confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Seventh Circuit in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

33. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: Please see my answer to Question 32 above.

34. The Fourteenth Amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: Because this question asks about matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to opine on it. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: Because this question asks about matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to opine on it. See Code of Conduct of U.S. Judges, Canon 3A(6).

35. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: No one should be excluded from judicial service based on characteristics like sex, race, or ethnicity. Lawyers with different backgrounds can contribute different and valuable perspectives in litigation.

36. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: As with any other constitutional or statutory provision, I would be obligated as a judge to faithfully and impartially apply the First Step Act, and governing precedents interpreting it.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: As a nominee to the court of appeals, I do not expect to impose criminal sentences. I commit to faithfully and impartially applying all applicable laws and precedents that govern the sentencing of criminal defendants.

37. The Federalist Society seeks to "reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of "traditional values"?

Response: I am unfamiliar with that statement, and not sure what precisely it is referencing.

b. President Trump wrote on Truth Social that the Federalist Society gave him "bad advice" on "numerous Judicial Nominations." He also wrote that Leonard Leo is a "sleazebag" who "probably hates America." If you are not familiar with this post, please refer to it in the footnote.[4]

i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?

Response: Consistent with the Code of Judicial Conduct and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment on the statements of any political figure or on any subject of political controversy.

ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?

Response: Please see my response to Question 37.b.1. above.

iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?

Response: If confirmed, I would evaluate all of my associations and memberships for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

[4] Donald J. Trump (@realDonaldTrump), Truth Social (May 29, 2025, 8:10 PM), https://truthsocial.com/@realDonaldTrump/posts/114593880455063168.

c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.

Response: I have, personally and professionally, known a number of people affiliated with the Federalist Society over the years. I have maintained my correspondence with these individuals throughout my selection process.

d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?

Response: Yes, as disclosed in my Senate Judiciary Questionnaire.

e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?

Response: I spoke to a student chapter of the Federalist Society in 2013, and I may have received an honorarium for doing so; I cannot recall.

38. The Teneo Network states that its purpose is to "Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?

Response: No.

39. The Heritage Foundation states that its mission is to "formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense." Heritage Action, which is affiliated with the Heritage Foundation, seeks to "fight for conservative policies in Washington, D.C. and in state capitals across the country."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.

Response: I have had personal and professional acquaintances affiliated with Heritage for a number of years and would have maintained correspondence with these individuals during my selection process.

b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?

Response: Yes, as disclosed in my Senate Judiciary Questionnaire.

c. Were you ever involved in or asked to contribute to Project 2025 in any way?

Response: No.

d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?

Response: No.

40. The America First Policy Institute (AFPI) states that its "guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?

Response: No.

41. The America First Legal Institute (AFLI) states that it seeks to "oppose the radical left's anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade."

a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?

Response: No.

42. The Article III Project is an organization which claims that, "The left is weaponizing the power of the judiciary against ordinary citizens."

a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?

Response: No.

43. The Alliance Defending Freedom (ADF) states that it is "the world's largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights."

a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?

Response: No.

44. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed "to the Constitution and the Founders' vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary." It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.

Response: Not to my knowledge.

b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?

Response: No.

c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?

Response: No.

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am unaware of whether outside groups or special interests might be making donations in support of my confirmation. If I am confirmed, any public advocacy for or against my confirmation will be irrelevant to my decision-making as a judge.

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can

have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: I believe that both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice. If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances. To the extent that this question is addressed to whether I think such donations should be made public as a policy matter, I do not believe that it would be appropriate for me, as a judicial nominee, to address such policy questions.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Please see my answers to Questions 44.d-e.

Nomination of Rebecca Taibleson
Nominee to the United States Court of Appeals for the Seventh Circuit
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. You said in your questionnaire that you met with President Trump regarding your possible nomination on August 13, 2025.

   a. **What did you discuss in that meeting?**

      Response: We spoke on the phone. He congratulated me on the forthcoming nomination, and we discussed my qualifications and background.

   b. **Did President Trump ask you to make any commitments?**

      Response: No.

2. **Have you had any conversation with President Trump or members of the Trump Administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.**

   Response: In interviewing for the nomination with the White House Counsel's Office, I explained the appropriate role of Article III judges in our constitutional system. We also discussed my current understanding of the Supreme Court's binding precedents in a handful of areas of constitutional law.

3. You said in your questionnaire that you are a member of the Federalist Society.

   a. **Do you know Leonard Leo? If so, how do you know Leo?**

      Response: To the best of my recollection, I was once briefly introduced to Leonard Leo.

   b. **Have you ever communicated with Leo? If so, state how many times and describe the communication(s).**

      Response: No.

4. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

   a. **Leonard Leo?**

Response: No.

b. Anyone affiliated with an entity led or funded by Leonard Leo?

Response: Not to my knowledge.

c. Carrie Severino?

Response: No.

d. Mike Davis?

Response: No.

e. Anyone affiliated with The Article III Project?

Response: No.

Senate Judiciary Committee
Nomination Hearing
September 17, 2025
Questions for the Record
Senator Amy Klobuchar

For Rebecca Liane Taibleson, nominee to be U.S. Circuit Court Judge for the Seventh Circuit

1. When you were detailed to the Solicitor General's Office during the first Trump administration, you represented the President in a First Amendment suit challenging his ability to block critics on Twitter. The Second Circuit affirmed the district court's holding in that case, which ruled that Donald Trump's Twitter account was a public forum and that his blocking other users amounted to unconstitutional viewpoint discrimination.

   I want to ask about another part of First Amendment jurisprudence that is important to me, protections for the press. In *New York Times v. Sullivan*, the Court unanimously held that when newspapers report on public officials, they are only liable for untrue statements that are published with knowledge or reckless disregard for whether the statement was false.

   The Court recognized that "erroneous statement is inevitable in free debate" and "must be protected if the freedoms of expression are to have the 'breathing space' that they 'need … to survive."

   - **Do you agree with the principles laid out in the Supreme Court decision in *New York Times v. Sullivan*?**

     Response: In *New York Times v. Sullivan*, the Supreme Court held that a State cannot, under the First and Fourteenth Amendments, award damages to a public official for a defamatory falsehood relating to his official conduct unless he proves "actual malice," which means that the statement was made with "knowledge that it was false or with reckless disregard of whether it was false or not." *Sullivan* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

     As Justice Kagan explained and many other judicial nominees across administrations have reiterated, however, it is generally not appropriate for a judicial nominee to "grade" or give a "thumbs-up or thumbs-down" to particular precedents of the Supreme Court. Were I confirmed as a judge, all of the Supreme Court's pronouncements would be binding on me. Under the Code of Conduct for United States Judges, I have a duty as a judicial nominee to refrain from commenting on the merits or demerits of the Supreme Court's binding precedents, because doing so creates the impression that I would have difficulty applying binding law to adjudicate parties' cases.

   - **Do you agree with the Court that it is important to impose an "actual malice" test to allegations of libelous statements regarding public officials?**

     Response: Please see my answer to the question above.

   - **How would you approach a case that sought to limit or overturn the central holding in *New York Times v. Sullivan*?**

Response: *Sullivan* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. It is never appropriate for lower courts to depart from directly controlling Supreme Court precedent. *See, e.g.*, *Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989).

2. I have serious concerns about the use of government power to punish or suppress disfavored speech by broadcasters, news organizations, and others that criticize the President or his allies.

   - **What is your understanding of the limitations that the First Amendment places on the government's ability to use its power to punish a private party for disfavored speech?**

     Response: Generally, the First Amendment strictly limits the government's ability to regulate speech based on the viewpoint it expresses. Some categories of speech lack First Amendment protections, however, including incitement, threats, and fraud.

   - **Will you commit to following binding Supreme Court precedent regarding the First Amendment's limitations on the government's ability to use its power to punish a private party for disfavored speech?**

     Response: Yes.

3. In May, Chief Justice Roberts said that "in our Constitution…the judiciary is a co-equal branch of government, separate from the others, with the authority to interpret the Constitution as law - and strike down acts of Congress or acts of the President." He also said that part of the job of the courts was to "check the excesses of Congress or the executive and that does require a degree of independence."

   - **Do you agree with the Chief Justice?**

     Response: As Chief Justice Roberts explained, the "very essence of judicial duty" is to "say what the law is." *Marbury v. Madison*, 5 U.S. 137, 178 (1803). That duty requires independence, which is reflected in Article III's tenure and pay protections for federal judges. *See, e.g.*, Federalist No. 78.

Nomination of Rebecca Taibleson to be United States Circuit Judge for the Seventh Circuit
Questions for the Record
Submitted September 24, 2025

QUESTIONS FROM SENATOR COONS

1. **At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.**

   Response: No.

   a. **At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?**

      Response: No.

2. In your Senate Judiciary Questionnaire, you note that, on August 13, 2025, you met with President Trump concerning your nomination.

   a. **Where did that meeting occur?**

      Response: It was a phone call.

   b. **How long did that meeting last?**

      Response: About five minutes.

   c. **Who attended the meeting other than you and President Trump?**

      Response: No one.

   d. **What was discussed at the meeting?**

      Response: The President congratulated me on my forthcoming nomination, and we discussed my background and qualifications.

   e. **What questions were you asked by President Trump and how did you answer them?**

      Response: I do not recall specific questions. I generally remember the President discussing my background and qualifications.

3. You said during your Senate Judiciary Committee confirmation hearing that you are an originalist.

   a. Do you stand by that statement?

   Response: The Supreme Court has repeatedly interpreted constitutional provisions by discerning the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004). As a lower court judge, I would follow all applicable Supreme Court and Seventh Circuit precedent in interpreting constitutional provisions, including those originalist precedents.

   b. You said during your hearing that *Brown v. Board of Education* was correctly decided. Can you explain how the Court's decision in *Brown* comports with an originalist interpretation of constitutional law?

   Response: The Fourteenth Amendment states: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The plain text of the Fourteenth Amendment, as originally understood, forbids state laws that give an abridged set of rights to one class of citizens versus another on the basis of race. *Brown*'s abolition of segregated schools vindicated that principle.

   c. You said during your hearing that *Loving v. Virginia* was correctly decided. Can you explain how the Court's decision in *Loving* comports with an originalist interpretation of constitutional law?

   Response: *Loving* correctly reaffirmed *Brown*'s rejection of the "notion that the mere 'equal application' of a statute containing racial classifications" comports with the Fourteenth Amendment. *Loving v. Virginia*, 388 U.S. 8 (1967). That holding accords with the plain text and original public meaning of the Fourteenth Amendment, for the same reasons as *Brown*'s holding does.

4. **During your hearing, you were unwilling to answer whether you believed the Supreme Court's decision in *Obergefell v. Hodges* was correct. Why?**

   Response: As Justice Kagan explained and many other judicial nominees across administrations have reiterated, it is generally not appropriate for a judicial nominee to "grade" or give a "thumbs-up or thumbs-down" to particular precedents of the Supreme Court. Many nominees have concluded that this principle applies to the Supreme Court's decision in *Obergefell*.[1] Were I confirmed as a judge, all of the Supreme Court's

[1] *See, e.g.*, Ketanji Brown Jackson, Responses to Questions for the Record, at 62, available at https://www.judiciary.senate.gov/imo/media/doc/Brown%20Jackson%20Responses1.pdf.

pronouncements would be binding on me. Under the Code of Conduct for United States Judges, I have a duty as a judicial nominee to refrain from commenting on the merits or demerits of the Supreme Court's binding precedents, because doing so creates the impression that I would have difficulty applying binding law to adjudicate parties' cases. The Supreme Court's landmark decisions in *Brown* and *Loving* have been recognized by prior nominees as limited exceptions to that general principle.

a. How many times does Justice Kennedy's decision for the Supreme Court in *Obergefell* cite *Loving v. Virginia*?

Response: Approximately eight. *Loving* is also cited approximately five times in Chief Justice Roberts's dissent.

5. During your hearing, you were unwilling to answer whether you believed the Supreme Court's decision in *Griswold v. Connecticut* was correct. Why?

Response: Please see my answer to Question 4 above.

6. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

Response: If I were confirmed, I would faithfully apply the standards set forth in applicable Supreme Court precedent, including as appropriate the *Dobbs* and *Glucksberg* decisions.

a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: Yes.

b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes, following the instructions and types of sources set forth in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 237-240 (2022), as well as other Supreme Court precedents pertaining to this issue.

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes. If applicable precedent of the Supreme Court or the Seventh Circuit recognized the right at issue, that would control the analysis. In the absence of any such precedent, any relevant decisions of other circuits may be consulted for their persuasive value.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

e. What other factors would you consider?

Response: I would consider any other factors identified in applicable precedent from the Supreme Court and the Seventh Circuit.

7. When, if ever, is it permissible for a circuit court to overturn its own precedent? Please explain.

Response: Generally, a panel of the Seventh Circuit "will not overturn circuit precedent" without "a compelling reason." *Wilson v. Cook Cty.*, 937 F.3d 1028, 1035 (7th Cir. 2019). "[P]rinciples of stare decisis require that [the Court] give considerable weight to prior decisions unless and until they have been overruled or undermined by the decisions of a higher court, or other supervening developments, such as a statutory overruling." *McClain v. Retail Food Emp'rs Joint Pension Plan*, 413 F.3d 582, 586 (7th Cir. 2005). A circuit court may otherwise consider overruling its own precedent when sitting en banc. To determine when the en banc court should overrule a published panel decision, Federal Rule of Appellate Procedure 40 offers guideposts, including, for example, whether the decision has created a circuit split or whether the decision conflicts with other decisions from the Seventh Circuit or from the Supreme Court.

8. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themself] in any proceeding in which [their] impartiality might reasonably be questioned." Would you recuse yourself from future cases involving former clients?

Response: Both the appearance of impartiality and actual impartiality are important to maintaining public confidence in our justice system. All former litigators have a record of previous advocacy positions, and it is incumbent upon every judge to put aside his or her personal beliefs, previous clients, and prior positions and apply the law fairly. Consistent with the Canon of Judicial Conduct and 28 U.S.C. § 455(b)(3)'s specific provision that applies to government attorneys, I would recuse from any particular proceeding or case in which I participated as counsel or provided advice. Otherwise, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

a. You wrote in your Senate Judiciary Questionnaire that you represented President Trump in front of the U.S. Supreme Court "in a First Amendment case defending his right to block third-party accounts on Twitter." Because you have weighed in explicitly on President Trump's side in a legal matter,

will you recuse yourself from cases involving challenges to President Trump's actions?

Response: Please see my answer to Question 8 above.

9. **In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.**

Response: It is never appropriate for a court of appeals judge to depart from directly controlling Supreme Court precedent or a Supreme Court order in a case. *See Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989). Article VI of the U.S. Constitution likewise directs that "the Judges in every State" are "bound" by the U.S. "Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States." U.S. Const., art. VI.

10. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser." This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

    a. **When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?**

    Response: If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Seventh Circuit governing the consideration of such evidence. For example, in some Eighth Amendment cases, the Supreme Court has considered similar evidence. *See, e.g., Graham v. Florida*, 560 U.S. 48, 58 (2010).

    b. **What is the role of sociology, scientific evidence, and data in judicial analysis?**

    Response: If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Seventh Circuit governing the consideration of such evidence. The admissibility of scientific, technical, or other specialized knowledge in the determination of adjudicative facts is governed by Federal Rule of Evidence 702 and the applicable precedent construing that rule, among other standards.

11. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: As a nominee to a U.S. Court of Appeals, it would not be appropriate for me to address potential remedies in that abstract hypothetical scenario.

12. Is President Trump eligible to be elected President for a third term in 2028?

Response: The 22nd Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const., amend. XXII.

13. Who won the 2016 U.S. Presidential Election?

Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States. To the extent these questions seek to elicit answers that could be taken as opining on the broader political or policy debate regarding the conduct of presidential elections or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

14. Who won the 2020 U.S. Presidential Election?

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent these questions seek to elicit answers that could be taken as opining on the broader political or policy debate regarding the conduct of presidential elections or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

15. Who won the 2024 U.S. Presidential Election?

Response: President Trump was certified as the winner of the 2024 presidential election and is now serving as the 47th President of the United States. To the extent these questions seek to elicit answers that could be taken as opining on the broader political or policy debate regarding the conduct of presidential elections or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

16. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: The characterization of the conduct of persons located at the Capitol on January 6, 2021, is a matter of significant political debate. In addition, I am aware that the

legal import of pardons issued to those prosecuted for involvement in events at the Capitol on January 6, 2021 is a matter subject to ongoing litigation and that could arise in cases were I confirmed as a judge; so too, if I am confirmed, persons present at the Capitol on January 6, 2021 could come before me as parties to future cases. As a judicial nominee it would be inappropriate to provide comments that could implicate issues or parties that might come before me. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

17. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: Please see my answer to Question 16 above.

18. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: Please see my answer to Question 16 above.

19. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: Generally, government "[d]iscrimination against speech because of its message is presumed to be unconstitutional." *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995). As a nominee to a U.S. Court of Appeals, it would not be appropriate for me to speculate on the application of these principles to hypothetical fact patterns.

20. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: Please see my answer to Question 19 above.

21. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: Attorneys are ethically charged to represent their clients even if politically unpopular. At the same time, there are many laws, rules, and ethical obligations that apply to attorneys when they are practicing or pursuing the course of a representation. *See, e.g.,* Wisconsin Rules of Professional Conduct for Attorneys Ch. 20 (rules requiring candor and fairness). As a judicial nominee, it would not be appropriate for me to address how legal rules might apply in an abstract hypothetical scenario. Nor would doing so be appropriate given that related issues are the subject of ongoing litigation.

22. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: The Supreme Court has extended constitutional protection to the use of contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438, 453-454 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). I would faithfully apply those and all other binding precedents of the Supreme Court.

23. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: As the preceding answer indicates, the Supreme Court has recognized a constitutional right to privacy in certain contexts. Whether that right extends to IVF has been the subject of litigation. As a nominee to a U.S. Court of Appeals, I do not think that it would be appropriate for me to opine on matters that may be "pending or impending in any court." *See* Code of Conduct of U.S. Judges, Canon 3A(6).

24. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: Judges are to adjudicate all claims fairly, regardless of the identity of the party. *See* 28 U.S.C. § 453. As for due process, the Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that no person shall "be deprived of life, liberty or property, without due process of law" and that no State shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const., amends. V, XIV. The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. If I am confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Seventh Circuit in addressing due process claims.

25. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

Response: From the perspective of a circuit nominee, I would look to the applicable Supreme Court precedent to determine the general manner in which to approach a specific legal issue. In some areas, such as the Confrontation Clause, the Supreme Court has treated originalist principles as highly important. *See, e.g., Crawford v. Washington*, 541 U.S. 36 (2004). In other areas, such as the Eighth Amendment, the Supreme Court has adopted more of an evolving-standards approach. *See, e.g., Roper v. Simmons*, 543 U.S. 551 (2005).

a. In your Senate Judiciary Committee confirmation hearing, you told Senator Kennedy that the Federalist Papers could be used for constitutional interpretation because they help elucidate the original public meaning, but that legislative history should be subordinated when interpreting statutes. What's the difference?

Response: The Constitution was ratified by the people after a public debate, in which the Federalist Papers featured prominently. Those Papers therefore help to inform the original public meaning of the Constitution's provisions. Federal statutes, by contrast, have the force of law only after satisfying the requirements of bicameralism and presentment in Article I, Section 7. The intentions of individual legislators, as reflected in legislative history, do not have the force of law. While that legislative history may shed some light on the statutory text, it usually does not directly elucidate original public meaning.

26. What sources would you employ to discern the contours of a constitutional provision?

Response: Please see my answer to Question 25 above.

27. In your Senate Judiciary Committee confirmation hearing, you told Senator Moody, "things like textualism and originalism help judges ensure that they are applying the law as written and not importing their own moral or policy preferences into cases." What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: Judges' proper role in our constitutional system is to evaluate legal claims and to determine the merits of those claims based on arguments presented by the parties, in light of applicable law, including the binding precedents of the Supreme Court and the text of the statute, regulation, or constitutional provision involved. Judges should not decide cases based on their personal views regarding morality or policy preferences.

28. In your Senate Judiciary Committee confirmation hearing, you told Senator Schmitt, "I'm a textualist and an originalist, but I do have some common-sense guardrails in me." What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: In certain contexts, such as in assessing the propriety and scope of injunctive relief, a court's application of the relevant legal standards requires consideration of the practical consequences of a particular order on the parties and the public. *See, e.g., Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Many statutes also require consideration of practical consequences; the Bail Reform Act, for example, requires judges to consider the likely consequences of releasing a criminal defendant pending trial. Unless there is a legal basis to consider such consequences, however, a court must apply the relevant legal standards faithfully and impartially, even if he or she might think that the practical consequences of following the law are undesirable as a policy matter.

29. What role, if any, should empathy play in a judge's decision-making process?

Response: Judges' role in our constitutional system is to evaluate legal claims and to determine the merits of those claims based on arguments presented by the parties, in light of applicable law, including the binding precedents of the Supreme Court and the text of the statute, regulation, or constitutional provision involved. They should not decide cases based on their personal views or their sympathy for one party. *Cf.* 28 U.S.C. § 453. But judges should keep in mind that their decisions have real-world effects, and endeavor to reach and explain their decisions in ways that are fairly reasoned, grounded in the law, and readily accessible to the parties and the public.

30. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: Ideally, a judge's personal life experience will prepare him or her to hear cases with courteousness to all parties, diligence, integrity, and wisdom.

31. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: There are procedural mechanisms by which judges may stay or defer a party's obligation to comply with a judicial order. *See, e.g.,* Fed. R. Civ. P. 62. As a judicial nominee, it would not be appropriate for me to opine on those or other abstract legal issues that might apply in a hypothetical case.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: Please see my answer to Question 31 above.

b. What would you do if a party refuses to comply with one of your orders?

Response: Please see my answer to Question 31 above.

32. When is it appropriate for an en banc federal appellate court to reconsider a panel decision?

Response: Please see my answer to Question 7 above.

33. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: My father, Michael Krauss. My father was a long-time law professor at George Mason, where he taught Legal Ethics, among other subjects. I learned from him to use my legal skills and education only for the public good, to conduct my work with integrity, and to respect the rule of law.

34. Discuss your proposed hiring process for law clerks.

Response: Out of respect for the Senate's pending consideration of my nomination, I have not yet generated a proposed hiring process for law clerks. Generally, I would seek to evaluate clerks based upon their entire applications, recommendations, and supporting materials. I would seek to assess who would be the best fit for the job, understand the proper role of a law clerk in our judicial system, and get along well with other law clerks and members of chambers.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: I do not believe that it would be appropriate for me, as a judicial nominee, to address policy questions relating to whether to amend Title VII's existing exemption for the federal judiciary. If confirmed, I will endeavor to ensure that discrimination has no place in my chambers.

35. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: If I am confirmed, I will coordinate on these matters with all relevant authorities, including the Administrative Office of the Courts and the Chief Judge of the Seventh Circuit, to implement appropriate policies and practices to ensure that clerks and judicial assistants who work in my chambers are treated with respect and are not subject to misconduct.

b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: Please see my response to Question 35.a.

c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: Please see my response to Question 35.a.

Questions for the Record for Rebecca Taibleson
Submitted by Senator Richard Blumenthal
September 24, 2025

1. Since beginning his second term, President Trump has been using the powers of his office to squash dissent. In the face of these threats and attacks, it is more important than ever for the judiciary to steadfastly protect Americans' rights to hold their government to account. This is true both on and offline—especially because the President uses his personal social media platform to make official government declarations.

   Yet, when you worked in the Office of the Solicitor General, you were a principal author of a petition for a writ of certiorari asking the Supreme Court to allow President Trump to block critics from his Twitter account, where he often made official government announcements.

   a. **Do Americans have the right under the First Amendment to access the official statements of their elected officials?**

      Response: That is not the focus of the First Amendment as it has been interpreted by the Supreme Court; instead, the Amendment protects Americans' rights to speak *themselves*. The "Constitution does not require all public acts to be done in town meeting or an assembly of the whole." *Minnesota State Bd. for Cmty. Colls. v. Knight*, 465 U.S. 271, 284 (1984).

   b. **Do Americans have the right under the First Amendment to criticize their government?**

      Response: Yes.

   c. **Do Americans have these rights to access official statements and criticize government officials without fear of retribution?**

      Response: I do not think this question is premised on a correct characterization of the First Amendment. In any event, government "[d]iscrimination against speech because of its message is presumed to be unconstitutional." *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995). That being said, the First Amendment does not grant people the right to speak in nonpublic fora, nor does it constrain the conduct of private actors. *See, e.g.*, *Manhattan Community Access Corp. v. Halleck*, 587 U.S. 802 (2019); *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983).

   d. **Can the President avoid respecting these First Amendment rights by using his personal social media platform?**

Response: Please see my response to Question 1.c above. As a nominee to a U.S. Court of Appeals, it would not be appropriate for me to speculate on the application of these principles to hypothetical fact patterns.

e. Do you believe that it would be your obligation as a judge to faithfully protect Americans' First Amendment rights, even in the face of potential political pressure?

Response: If confirmed, I would faithfully follow all applicable Supreme Court and Seventh Circuit precedents on the First Amendment.

2. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between "free speech" and "hate speech," claiming that the Department of Justice would prosecute the latter.

Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

a. Do you believe that there is a legal distinction between "free speech" and "hate speech"?

Response: I understand the phrase "hate speech" to refer colloquially to very negative statements about a particular group or person. The phrase "free speech," by contrast, is a legal concept that refers to the speech protected by the First Amendment.

b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

Response: The categories of speech that are subject to prosecution (or civil liability) include incitement, fraud, perjury, obscenity, child pornography, threats, and fighting words. Speech—including "hate speech"—that falls into those categories may be subject to criminal or civil liability.

3. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

Response: I believe that both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice. If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: Please see my response to Question 3 above.

b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: Please see my response to Question 3 above.

c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my response to Question 3 above.

4. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: If confirmed, I would faithfully adhere to all ethical rules and obligations governing judicial conduct.

d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: Please see my response to Question 4 above.

e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: Please see my response to Question 4 above.

f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: Please see my response to Question 4 above.

5. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: Yes.

g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: Please see my response to Question 4 above.

h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: Please see my response to Question 4 above.

i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: Please see my response to Question 4 above.

6. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: The Supreme Court has described it in that way. *See, e.g.*, *Ex parte Robinson*, 86 U.S. 505, 510 (1873).

b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: As the Supreme Court has explained, courts have "embraced an inherent contempt authority as a power 'necessary to the exercise of all others.'" *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831-832

(1994) (quoting *United States v. Hudson*, 7 Cranch 32, 34 (1812)). Yet the Supreme Court has also cautioned that the exercise of the contempt power is "a delicate one, and care is needed to avoid arbitrary or oppressive conclusions." *Bloom v. Illinois*, 391 U.S. 194, 202 (1968). I would follow all governing rules and precedents relating to the issue of judicial contempt orders should a case implicating the issue come before me as a judge. Beyond that, consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy or any ongoing litigation. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

7. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that "[j]udges aren't allowed to control the executive's legitimate power." This raises an extremely concerning specter of Executive Branch defiance of court orders.

   a. If confirmed, would you have the ability to issue orders?

   Response: Yes.

   i. Would you have the ability to enforce those orders?

   Response: Generally, federal courts seek to ensure compliance with court orders through tools like status reports and hearings, sanctions, and civil and criminal contempt procedures.

   ii. What powers would you have to enforce those orders?

   Response: Please see my response to Question 7.a.i. above.

   b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

   Response: If there is a court order that binds the Executive Branch or an executive official or agency, the normal course is for the party to follow the order and seek appellate review if the party disagrees with the outcome.

   I am aware of scholarly work that has posited scenarios in which parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction). Some litigants and jurists have also drawn a distinction between a court's binding "judgment[]" and its "statements in opinions." *Camreta v. Greene*, 563 U.S. 692, 704 (2011). And in some circumstances, defying a court order is necessary to appeal it. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). These examples are all exceptions to the general rule, however.

Because a case involving these issues could come before me if I were confirmed as a judge, it would be inappropriate to hypothesize an exhaustive list of fact- and case-specific situations in which it might be legally appropriate for a government official to ignore or defy a court order.

c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?

Response: Please see my response to Question 7.b. above.

d. What would make a court order unlawful?

Response: It depends on what "unlawful" means in this context. An order might be "unlawful," for example, if it is issued without jurisdiction.

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: Please see my response to Question 7.b. above.

ii. Is it ever acceptable to not follow this process? When and why?

Response: Please see my response to Question 7.b. above

8. Were you in Washington, D.C. on January 6, 2021?

Response: Yes.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Rebecca Taibleson

1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:
   a. **Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

      Response: No.

   b. **Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

      Response: No.

2. While working in the Solicitor General's office, you defended President Trump in a case called *Knight First Amendment Institute v. Trump*, where plaintiffs challenged President Trump's ability to block his own critics on Twitter.
   a. **How did the district court rule in that case?**

      Response: The district court granted partial summary judgment for the plaintiffs, issuing a declaratory judgment that the blocking of the individual plaintiffs' accounts from the @realDonaldTrump account violated the First Amendment.

   b. **How did the Second Circuit rule in that case?**

      Response: The Second Circuit affirmed the district court.

   c. **Is the President bound by the courts' rulings?**

      Response: No. The Supreme Court vacated the Second Circuit's judgment and remanded with instructions to dismiss the case as moot.

   d. **Is the President allowed to censor the constitutionally protected free speech of someone who disagrees with him or criticizes him?**
      i. **If yes, in what circumstances is the President allowed to do so?**

      Response: "[T]he Free Speech Clause prohibits only *governmental* abridgment of speech," not "*private* abridgment of speech." *Manhattan Community Access Corp. v. Halleck*, 587 U.S. 802, 808 (2019). "While public officials can act on behalf of the State, they are also private citizens with their own constitutional rights." *Lindke v. Freed*, 601 U.S. 187, 196 (2024). Thus when acting or speaking

in his personal capacity, the President is not subject to the First Amendment restrictions that apply to official government actions. In his official capacity, however, neither the President nor any other government official may engage in "abridgment of speech" that violates the First Amendment. The Supreme Court has explained that differentiating private conduct from state action can "demand[] a fact-intensive inquiry," especially in the context of social-media accounts. *Lindke*, 601 U.S. at 197.

3. **Do you believe *Brown v. Board of Education* was correctly decided?**

Response: Yes. *Brown v. Board of Education*, 347 U.S. 483 (1954), is a landmark ruling that promotes racial equality and rejected the manifestly unjust and incorrect separate-but-equal rule of *Plessy v. Ferguson*. Consistent with the position of prior judicial nominees, I consider *Brown* to be one of the limited exceptions to the general principle that a judicial nominee should not comment on the Supreme Court's precedents. I agree with prior nominees that the underlying premise of the *Brown* decision—*i.e.*, that "separate but equal is inherently unequal"—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. Therefore, just as other nominees for judicial office have done, I can confirm that *Brown* was rightly decided consistent with the Code of Conduct.

4. **Do you believe *Loving v. Virginia* was correctly decided?**

Response: Yes. In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court invalidated a state law prohibiting interracial couples from marrying. Like prior nominees, I consider *Loving*, like *Brown*, to be one of the limited exceptions to the general principle that a judicial nominee should not comment on the Supreme Court's precedents. In my view, *Loving* correctly reaffirmed *Brown*'s rejection of the "notion that the mere 'equal application' of a statute containing racial classifications" comports with the Fourteenth Amendment, *Loving*, 388 U.S. at 8. Consistent with the approach of prior nominees, I thus can articulate *Loving*'s correctness consistent with my duties under the Code of Conduct.

5. **Do you believe *Obergefell v. Hodges* was correctly decided?**

Response: *Obergefell v. Hodges* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

6. **If you answered questions 3 and/or 4 with a "yes" or "no" but did not similarly answer question 5 with a "yes" or "no," please explain how you determined you could answer questions 3 and/or 4 in this way but not question 5.**
    a. **If you have declined to answer on the basis that the issue may come before you (or another court), please identify the case(s) currently pending in the federal courts that raise this issue. If you cannot identify any such cases, please explain your basis for declining to answer the question.**

Response: As Justice Kagan explained and many other judicial nominees across administrations have reiterated, it is generally not appropriate for a judicial nominee to "grade" or give a "thumbs-up or thumbs-down" to particular precedents of the Supreme Court. Many nominees have concluded that this principle applies to the Supreme Court's decision in *Obergefell*.[1] Were I confirmed as a judge, all of the Supreme Court's pronouncements would be binding on me. Under the Code of Conduct for United States Judges, I have a duty as a judicial nominee to refrain from commenting on the merits or demerits of the Supreme Court's binding precedents, because doing so creates the impression that I would have difficulty applying binding law to adjudicate parties' cases. As explained above, *Brown* and *Loving* have been recognized by prior nominees as the limited exceptions to that general principle.

[1] *See, e.g.*, Ketanji Brown Jackson, Responses to Questions for the Record, at 62, available at https://www.judiciary.senate.gov/imo/media/doc/Brown%20Jackson%20Responses1.pdf.

Nomination of Rebecca L. Taibleson
United States Court of Appeals for the Seventh Circuit
Questions for the Record
Submitted September 23, 2025

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

   On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[1]

   a. **Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?**

      Response: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

2. **How would you characterize your judicial philosophy?**

   Response: The Constitution charges federal judges with exercising Article III's "judicial power." That judicial power is limited to interpreting and applying the law, rather than making or changing it. To carry out that obligation, judges must neutrally and impartially apply any governing constitutional, statutory, or regulatory text, as well as follow all precedents of the Supreme Court and binding circuit precedent. Judges must refrain from deciding cases based on their own policy or moral preferences.

3. **What do you understand originalism to mean?**

   Response: Originalism is a method of constitutional interpretation that focuses on the original public meaning of constitutional provisions.

4. **Do you consider yourself an originalist?**

   Response: The Supreme Court has repeatedly interpreted constitutional provisions by discerning the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v.*

[1] Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), https://www.justice.gov/ag/media/1402156/dl?inline.

Washington, 541 U.S. 36 (2004). As a lower court judge, I would follow all applicable Supreme Court and Seventh Circuit precedent in interpreting constitutional provisions, including those originalist precedents.

5. What do you understand textualism to mean?

Response: Textualism is a method of interpreting law that focuses on the text as it is written, with the meaning it had at the time of its enactment.

6. Do you consider yourself a textualist?

Response: In approaching statutory interpretation, I would follow the methodological instructions of the Supreme Court. The Supreme Court has instructed that the best meaning of statutory text, assessed at the time of enactment, is generally entitled to controlling weight. That is the approach I would follow, along with any other instructions relevant to specific statutes.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: If confirmed, I would faithfully apply all relevant precedent of the Supreme Court and the Seventh Circuit concerning the use of legislative history. Legislative history lacks the force of law, and it cannot overcome the plain language of a statute. *See, e.g.*, *Whitfield v. United States*, 543 U.S. 209, 215 (2005) (where the meaning of statutory text "is plain and unambiguous, we need not accept [a party's] invitation to consider the legislative history"). When legislative history is properly considered, it "is meant to clear up ambiguity, not create it." *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011).

b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: The intentions of individual legislators do not have the force of law. While legislative history may shed some light on the statutory text, it usually does not directly elucidate original public meaning.

8. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[2]

[2] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

a. What do you attribute this to?

Response: Any unfair treatment of individuals on the basis of race is a significant cause for concern. The Supreme Court has held that the "core purpose" of the Fourteenth Amendment was "doing away with all governmentally imposed discrimination based on race." *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 206 (2023). Federal judges should conduct all judicial duties free from bias. Otherwise, the cause of racial disparities, and the solution for such disparities, are important issues for consideration by the political branches. As such, it would be inappropriate for me, as a judicial nominee, to comment further on a subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

9. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[3]

a. What do you attribute this to?

Response: Please see my response to Question 8 above.

10. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: All participants in the criminal justice system, and especially judges, should be aware of the possibility of any type of bias and endeavor to minimize it. Various legal doctrines, like the *Batson* doctrine, help guard against racial bias in the criminal justice system, and appellate judges should faithfully apply those legal principles.

11. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: No one should be excluded from judicial service based on characteristics like sex, race, or ethnicity. Lawyers with different backgrounds can contribute different and valuable perspectives in litigation.

12. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

[3] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

a. Abortion
b. Affirmative action
c. Contraceptives or birth control
d. Gender-affirming care
e. Firearms
f. Immigration
g. Same-sex marriage
h. Miscegenation
i. Participation of transgender people in sports
j. Service of transgender people in the U.S. military
k. Racial discrimination
l. Sex discrimination
m. Religious discrimination
n. Disability discrimination
o. Climate change or environmental disasters
p. "DEI" or Diversity Equity and Inclusion

Response: As noted on my Senate Judiciary Questionnaire, I have spoken or written about the law. Those discussions and writings may have touched on the issues listed above, especially "firearms" (which might be read to include Second Amendment litigation and litigation over the meaning of certain federal criminal statutes, both of which I have discussed). I do not recall speeches or writings expressing *policy* views about these topics, however.

For a full accounting of the topics I have addressed, please refer to the list of publications and statements provided in my Senate Judiciary Questionnaire and the corresponding recordings or attachments. To the best of my knowledge, the answers provided on my Senate Judiciary Questionnaire and supplement disclose all publications and public statements.

13. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: If there is a court order that binds the Executive Branch or an executive official or agency, the normal course is for the party to follow the order and seek appellate review if the party disagrees with the outcome.

I am aware of scholarly work that has posited scenarios in which parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.*, William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction). Some litigants and jurists have also drawn a distinction between a court's binding "judgment[]" and its "statements in opinions." *Camreta v. Greene*, 563 U.S. 692, 704 (2011). And in some circumstances, defying a court order is necessary to appeal it. *See, e.g.*, *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). These examples are all exceptions to the general rule, however.

Because a case involving these issues could come before me if I were confirmed as a judge, it would be inappropriate to hypothesize an exhaustive list of fact- and case-specific situations in which it might be legally appropriate for a government official to ignore or defy a court order.

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: As an appellate judge, if confirmed, my primary role would be to review orders issued by district court judges. As a general matter, district courts may seek to enforce compliance with court orders through civil and criminal contempt procedures. *See Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994); *Michaelson v. United States ex rel. Chicago, St. P., M., & O.R. Co.*, 266 U.S. 42, 45 (1924). The exercise of the contempt power is "a delicate one, and care is needed to avoid arbitrary or oppressive conclusions." *Bloom v. Illinois*, 391 U.S. 194, 202 (1968). I would follow all governing rules and precedents relating to the issue of judicial contempt orders should a case implicating the issue come before me.

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Please see my response to Question 13 above.

14. Does the president have the power to ignore or nullify laws passed by Congress?

Response: The President has the constitutional authority to veto legislation passed by Congress. U.S. Const. art. I, § 7, cl. 2. Otherwise, the Take Care Clause provides that the President "shall take Care that the Laws be faithfully executed." U.S. Const. art. II, § 3, cl. 5. Under this provision, the Executive Branch has discretion to prioritize enforcement and prosecution of federal law. *See, e.g.*, *United States v. Texas*, 599 U.S. 670, 679 (2023).

15. Does the president have the power to withhold funds appropriated by Congress?

Response: This question relates to issues that are the subject of litigation, so it is inappropriate for me to comment. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

16. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: Please see my response to Question 15 above.

17. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: Generally, yes. The Supremacy Clause provides that the Constitution, along with federal laws and treaties made under its authority, constitutes the "supreme Law of the Land." Art. VI, cl. 2.

18. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. If I am confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Seventh Circuit in addressing due process claims.

19. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: The Supreme Court has held that it is lawful for Congress to delegate power to federal agencies so long as Congress provides an "intelligible principle" to guide the action. *See, e.g.*, *J.W. Hampton, Jr., & Co. v. United States*, 276 U.S. 394 (1928).

20. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes.

21. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: In *Griswold*, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives. *Griswold* is binding precedent and I would faithfully follow it.

22. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: In *Lawrence*, the Supreme Court held that laws that criminalized sexual intimacy between members of the same sex violate the Fourteenth Amendment. *Lawrence* is binding precedent and I would faithfully follow it.

23. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: In *Obergefell*, the Supreme Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex. *Obergefell* is binding precedent and I would faithfully follow it.

24. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 24 above.

b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: Please see my response to Question 24 above.

25. **The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."**[4]

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my response to Question 25.a. above.

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: President Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to Question 25.c. above.

[4] U.S. CONST. amend. XXII.

e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The 22nd Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const., amend. XXII.

26. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: Yes, as part of guidance about the need to comply with the Code of Conduct and about how the vast majority of judicial nominees have handled those types of questions.

27. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

28. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

29. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

30. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

31. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

32. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

33. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: Yes. In approximately December of 2024 or January of 2025, I spoke with Emil Bove about the work of DOJ's Appellate Chiefs' Working Group and about the U.S. Attorney's Office for the Eastern District of Wisconsin. Consistent with general principles of confidentiality in public service and the discussion or provision of legal advice, I cannot disclose further details about those conversations.

34. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

35. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

36. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.

a. Enrique Tarrio
b. Stewart Rhodes
c. Kelly Meggs
d. Kenneth Harrelson
e. Thomas Caldwell
f. Jessica Watkins
g. Roberto Minuta
h. Edward Vallejo
i. David Moerschel
j. Joseph Hackett
k. Ethan Nordean
l. Joseph Biggs
m. Zachary Rehl
n. Dominic Pezzola
o. Jeremy Bertino
p. Julian Khater

Response: No.

37. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

38. Have you ever been demoted, terminated, or experienced any other adverse employment action?

Response: No.

a. If yes, please describe the events that led to the adverse employment action.

b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

Response: Yes.

39. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

40. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[5]

a. Do you agree with the above statement?

Response: As a judicial nominee it would be inappropriate for me to comment on others' public statements or political debates, consistent with the principles of the Code of Judicial Conduct and the past practice of nominees.

b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: Not to my knowledge.

c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: No.

d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: Not to my knowledge.

[5] https://www.article3project.org/about

41. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

a. If so, who? What advice did they give?

b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

42. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: Please see my responses to Question 40 above.

43. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I have known a number of people affiliated with the Federalist Society personally and professionally over the years, and I have regularly kept in touch with those people. I consulted a significant number of my lawyer friends, colleagues, and mentors about the nomination process, and that includes individuals who have been members of or are affiliated with the Federalist Society.

44. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

Response: On May 7, 2025, I was contacted by the White House Counsel's Office and was asked if I would be interested in being considered as a candidate for nomination to the U.S. Court of Appeals for the Seventh Circuit. I answered in the affirmative and, upon request, I provided the White House Counsel's Office with basic biographical and career-related information. The White House Counsel's Office scheduled an interview for May 20, 2025. On that day, I interviewed with attorneys from the White House and the Department of Justice in Washington, DC. On August 7, 2025, the White House Counsel's Office contacted me to let me know that I was in consideration for the nomination. On August 13, 2025, I spoke to President Donald Trump about my nomination.

I have since been in contact with officials from the Justice Department's Office of Legal Policy regarding the nomination and the submission of required paperwork to the Federal Bureau of Investigation and the Senate. Those communications occurred over the course of August and September of 2025. In addition, in September of 2025, I communicated with the

White House Counsel's Office and the Justice Department's Office of Legal Policy in the course of preparing for the hearing before the Judiciary Committee.

45. Please explain, with particularity, the process whereby you answered these written questions.

Response: I prepared a draft response to these questions consulting my records, legal precedent, and responses addressing similar questions and issues submitted by other judicial nominees. After receiving feedback from persons at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to the Senate Judiciary Committee.

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September 12, 2025

Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Durbin:

The undersigned current and former attorneys of Kirkland & Ellis LLP write to convey our unqualified and enthusiastic support for the nomination of Rebecca Taibleson for the United States Court of Appeals for the Seventh Circuit. The support for Rebecca at Kirkland & Ellis is widespread. The attorneys submitting this letter come from different offices of the Firm and include senior partners and peers who have worked with Rebecca in a variety of professional settings. We have diverse political and jurisprudential views, but we all firmly believe that Rebecca has the intellect, judgment, and temperament to be an outstanding member of the Seventh Circuit Court of Appeals.

Kirkland & Ellis was privileged to have Rebecca join us for the early part of her impressive legal career. With her outstanding record in law school and her service as a law clerk to both then-Judge Kavanaugh on the D.C. Circuit and Justice Scalia on the Supreme Court, Rebecca was highly sought after by a number of leading national law firms. Kirkland & Ellis was fortunate to have Rebecca choose our firm.

For those of us who worked with Rebecca, it was clear from the outset that she was an exceptionally brilliant lawyer. She quickly grasped the most complex legal concepts and consistently developed thoughtful, clear, and effective legal analysis on behalf of clients. Throughout her tenure at Kirkland, Rebecca stood out among her peers, and she consistently received rave reviews from senior partners with whom she worked.

While at Kirkland, Rebecca routinely confronted complex legal issues. No matter the issue, she always demonstrated the intellect, curiosity, and judgment needed to get to the right result. As an associate, she presented argument in the United States Court of Appeals for the D.C. Circuit and briefed a diverse range of legal issues in complex cases. Rebecca complemented her very fine legal and appellate skills with the traditional fact work of a trial lawyer: preparing and defending witnesses for testimony, taking depositions, and developing the factual record. In doing so, Rebecca became the "complete lawyer" who not only navigates complicated legal challenges, but also understands the human dimensions of the cases in which she is involved and the effect that legal rules and doctrines have on the real people who must follow them.

Rebecca eventually left Kirkland to serve as an Assistant United States Attorney in the Eastern District of Wisconsin, ultimately rising to Appellate Chief of that office. Rebecca's quick rise in government came as no surprise to her Kirkland colleagues who understood she had both the intelligence and the integrity to excel as a prosecutor. Her work in Milwaukee soon drew the attention of colleagues in Washington, D.C., where President Trump's Justice Department invited Rebecca to join the Solicitor General's office. Through these senior roles in government, Rebecca gained extensive experience as an appellate advocate, arguing twice in the Supreme Court of the United States and 18 times in federal courts of appeal, while briefing and supervising dozens more appellate cases in federal courts. It would be hard to find an appellate lawyer of Rebecca's age with more varied and significant federal appellate experience. She is uniquely and indisputably qualified to serve as a judge on the United States Court of Appeals for the Seventh Circuit.

In conclusion, we would like to express our strongest support for Rebecca Taibleson's nomination. She is a brilliant lawyer with a great legal mind who has dedicated her life and career to public service. Her respectful treatment of colleagues, opponents, and people of all stripes

demonstrates that she also has the personal qualities and temperament to be a fair but firm judge in any case that comes before her. In short, we believe she will be an outstanding judge and the Nation will be fortunate to have her serve in this role. We strongly support her confirmation.

Sincerely,

Bob Allen	Padraic B. Fennelly	Matthew S. Owen
K. Winn Allen	Mark Filip	Matthew E. Papez
Devin S. Anderson	Michael A. Glick	Craig S. Primis
Gene F. Assaf	Erin C. Johnston	Robert S. Ryland
Brian A. Benczkowski	Christoper G. Michel	Tia T. Trout-Perez
Alexia Renee Brancato	John S. Moran	Jason M. Wilcox
Tracie L. Bryant	Ragan Naresh	Beth A. Williams
Jennifer B. Dickey	John C. O'Quinn	Michael F. Williams
Susan E. Engel	Kate S. O'Scannlain	

Republican Jewish Coalition

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September 16, 2025

The Hon. Chuck Grassley
Chairman, Senate Judiciary Committee
Washington, D.C. 20510

Re: PN520-5 Rebecca L. Taibleson of Wisconsin, to be United States Circuit Judge for the Seventh Circuit – SUPPORT

Dear Chairman Grassley:

Although it is very rare for the Republican Jewish Coalition to weigh in on judicial nominations, we are pleased to convey our strong support for President Trump's nomination of U.S. Attorney Rebecca Taibleson to serve as a Circuit Judge on the Seventh Circuit.

As you know, Senate Democrats have engaged in unprecedented obstruction of President Trump's second term nominees, but remarkable GOP unity has defeated the obstruction time after time. Our continued success depends on GOP Senators continuing to thwart the Left's efforts to splinter us.

In nominating Ms. Taibleson, President Trump highlighted her service as a Clerk for Supreme Court Justices Antonin Scalia and Brett Kavanaugh and said that "Rebecca will make a fantastic Judge who will fearlessly defend the Constitution and strongly uphold the Rule of Law."

In addition to working with one of our country's greatest originalist jurists, Justice Scalia, Ms. Taibleson showed tremendous courage in 2018 when she testified in support of now Justice Kavanaugh after he was targeted by a left-wing smear campaign aimed at derailing President Trump's second nominee for our highest court. She also served with dedication as Assistant to the Solicitor General in President Trump's first term.

Moreover, Rebecca Taibleson's nomination is strongly supported by her home state's Republican Senator, Ron Johnson, who called Ms. Taibleson "an excellent choice to serve as a judge on the Seventh Circuit Court of Appeals" and said he looks forward to her swift confirmation.

We could not agree more with Senator Johnson and with President Trump. And we respectfully urge that the Judiciary Committee move quickly to advance the President's nominee, Rebecca Taibleson, to be a Circuit Judge for the Seventh Circuit.

Sincerely,

Norm Coleman
National Chairman

Matthew Brooks
Chief Executive Officer

September 12, 2025

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Richard J. Durbin
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Re: Nomination of Rebecca Taibleson to the U.S. Court of Appeals for the Seventh Circuit

Dear Chairman Grassley and Ranking Member Durbin:

We are current and former employees of the U.S. Department of Justice who write to express our enthusiastic and unqualified support for Rebecca's nomination to the U.S. Court of Appeals for the Seventh Circuit. We have witnessed first-hand her top-notch legal mind, her unwavering commitment to the rule of law, and her deep and abiding love for this country during her nearly decade-long service within the Department.

We support Rebecca for many reasons, but three stand out. First, Rebecca is a brilliant legal thinker with exceptional legal judgment. While she was an Assistant to the Solicitor General—representing the United States in front of the Supreme Court—she tackled some of the most difficult legal questions facing the country. These were questions that had reached the Nation's highest court precisely because the lower courts could not agree on how to resolve them. And yet, in Rebecca's hands, the questions became easy. That is because Rebecca is that rare legal talent who is just as comfortable reasoning from abstract first principles as she is sifting through real-world facts—and who is just as much at home arguing before the nine Justices as she is speaking to a jury.

Second, Rebecca is a devoted public servant who is steadfastly committed to public safety. As an Assistant United States Attorney, she has worked tirelessly to hold accountable those who have violated the Nation's laws and give some measure of justice to the victims of crime. In each prosecution, Rebecca's work reflects diligence and a commitment to following the facts and the law wherever they lead. Her legal acumen is also demonstrated by her ability to bring cases before grand juries, try them in district court, and defend them on appeal.

Third, Rebecca is an ideal colleague and a natural leader. People gravitate to her because she conveys a genuine warmth and compassion, because she is humble and self-deprecating, and because she treats others with respect and kindness. It should come as no surprise, then, that Rebecca is a leader within the Department—not only as Appellate Chief in the Eastern District of Wisconsin, but also as head of the Appellate Chiefs Working Group and a member of the

Attorney General's Advisory Committee. In those roles, Rebecca has provided thoughtful and principled leadership, earning the trust and respect of those who work alongside her.

All of these qualities make Rebecca an extraordinary lawyer, public servant, and colleague. They also make her particularly well suited to be a federal circuit judge. We are proud to support Rebecca's nomination to the Seventh Circuit, and we have no doubt that, if confirmed, she would make an outstanding addition to the federal judiciary.

Sincerely,

Samuel Adelsberg

Joseph Attias

John F. Bash

Eric Bennethum

Kate Biebel

Steven Biskupic

Jonathan C. Bond

Robert Brady

Jennifer Burke

Michael Carter

Richard D. Cooke

Zachary Corey

Mark E. Coyne

Trish Daugherty

Gregory B. David

Andrew Dawson

Amber Drapes

Alexander Duros

Paul Easton

Noel J. Francisco

Richard Frohling

Tim Funnell

Laura Gerum

Stephen S. Gilstrap

Mario Gonzalez

Katherine Halopka-Ivery

Eric Hansford

Masha G. Hansford

Megan A. Healy

Gail Hoffman

Margaret Honrath

Michael R. Huston

Stephen Ingraham

Matthew Jacobs

Michelle L. Jacobs

Vetan Kapoor

Lisa D. Kirkpatrick

Kevin Knight

Chrisellen Kolb

Saritha Komatireddy

Philip Kovoor

Carol L. Kraft

Kevin Kroneberg

Matthew Krueger

Laura Kwaterski

Chris Ladwig

Chris Larsen

Jordan Leiter

William R. Levi

Keke Lewandowski

James Ligtenberg

Frederick Liu

Erica Lounsberry

Lisa Luetke

Andrew Maier

Carlo D. Marchioli

Farris Martini

Abby Marzick

C. Paige Messec

Christopher Michel

Teal Luthy Miller

Carmen Castillo Mitchell

Elizabeth Monfils

Hashim M. Mooppan

Erin Morgan

Barbara L. Oswald

Brian Pawlak

Avi Perry

Justin Presant

Benjamin Proctor

Adam Ptashkin

Craig D. Randall

Morgan Ratner

Nicole Frazer Reaves

David Rhodes

William Roach

Bridget Schoenborn

John Scully

Philip Selden

Luke Sinclair

Gerard Sinzdak

Peter Smyczek

Benjamin W. Snyder

Laura D. Steele

Carter Stewart

Julie Stewart

Vivek Suri

Brett J. Talley

Megan Thomas

Andrea Thompson

Jeffrey Wall

Carla C. Ward

John Benjamin Ward

Aaron Wegrzyn

Benjamin Wesson

Seth Wood

Lisa Yun

Lauren S. Zurier

The Hon. Charles E. Grassley
Chairman

The Hon. Richard J. Durbin
Ranking Member

U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Rebecca Taibleson to Serve on
U.S. Court of Appeals for the Seventh Circuit

Dear Senators:

We write in strong support of the President's nomination of Rebecca Taibleson to be a Circuit Judge on the U.S. Court of Appeals for the Seventh Circuit. Ms. Taibleson currently serves as an appellate chief in the U.S. Attorney's Office for the Eastern District of Wisconsin. We also serve in this capacity in our respective districts, which comprise the Seventh Circuit. While we know Ms. Taibleson's qualifications based on our work with her, we are writing in support of her in our personal capacities.

Some background about this role may be helpful to the Committee. Each U.S. Attorney's Office typically designates an Assistant U.S. Attorney to oversee its appellate practice. Sometimes the portfolio is shared with another AUSA; and sometimes it includes oversight of post-conviction litigation as well as appeals. Serving as an appellate chief does not preclude an AUSA from also litigating cases in the trial court, as Ms. Taibleson has done. An appellate chief plays a crucial role in ensuring that the government's written and oral advocacy before the Court of Appeals is second to none. As well, the appellate chief is often consulted about matters that are being litigated in the trial court, to ensure that the legal positions being taken there are well articulated and consistent with the Department's litigating positions.

As appellate chiefs, we practice regularly before the Seventh Circuit and consult one another almost daily concerning matters that touch upon our appellate practice. Collectively, we have served alongside Ms. Taibleson for years and have come to know her well. Some of us have had the privilege of reviewing her written work or assisting her in preparing for oral argument. All of us have benefited from her keen analysis of often complex legal issues. Ms. Taibleson is one of those rare lawyers whose briefs and audio-recorded appellate arguments are sought out by other appellate lawyers so that they can learn how to be better advocates. We are very fortunate to have a lawyer of this caliber "in house."

Ms. Taibleson is generous with her time and talent. She is a leader within this group and often volunteers to coordinate projects that have tremendous practical value for all of us. Recently, to give one example, Ms. Taibleson assisted in putting together a resource that will help prosecutors navigate the (somewhat bedeviling) question of which state-law offenses do (or

do not) qualify as predicate offenses under the Armed Career Criminal Act or the career offender provision of the Sentencing Guidelines.

Ms. Taibleson is also a leader within the Department of Justice and has been recognized as such for some years. She has served on – and currently chairs – the Department's Appellate Chiefs Working Group. That standing working group provides insight, evaluation, analysis, and recommendations to the Attorney General's Advisory Committee and the Executive Office of United States Attorneys on issues impacting the United States Attorneys' Offices and the Department. The group plays an integral role in the development and coordination of legal policies and procedures that affect the Department nationwide. And the group's chairperson coordinates these efforts and regularly engages with a wide range of Department personnel and leaders to accomplish those goals. Building on her knowledge and experience working for the Solicitor General's Office, Ms. Taibleson served that group, both as member and then chair, with surpassing distinction.

As these accomplishments (and indeed her entire resume) demonstrate, Ms. Taibleson's intellect is superior. But she will bring other qualities to the Court of Appeals as well. She will bring her down-to-earth cheerfulness, collegiality, professionalism, and outstanding work ethic. We have no doubt that she will earn the admiration and esteem of her fellow judges, court staff, law clerks, and the lawyers who appear before her.

To conclude, it has been our pleasure and privilege to work with Ms. Taibleson. If she is confirmed, our loss will most certainly be the legal profession's gain. We urge you to confirm.

Katherine Boyle
Brian Kerwin
Jonathan Koenig
Barbara Oswald
Peter Reed
Bob Wood
Nathaniel Whalen

A P P E N D I X

The following submissions are available at:

https://www.govinfo.gov/content/pkg/CHRG-119shrg62461/pdf/CHRG-119shrg62461-add1.pdf

Submitted by Ranking Member Durbin:

Bragdon, David A., Alliance for Justice (AFJ), Opposition letter 2
Bragdon, David A., People For the American Way (PFAW), Opposition letter 4
Rodriguez, Susan Courtwright, Alliance for Justice (AFJ), Opposition letter 7
Taibleson, Rebecca L., AFA Action, Opposition letter 9
Taibleson, Rebecca L., Alliance for Justice (AFJ), Opposition letter 13
Taibleson, Rebecca L., Conservative Action Project (CAP), Opposition letter 15