

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. Alarming, 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:

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 [themselves] 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.

² Sonja B. Starr & M. Marit Rehani, *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.