

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Kara Westercamp
Nominee to be U.S. Judge on the Court of International Trade
April 1, 2026

1. Your role in the White House Counsel's Office includes work in support of President Trump's tariff agenda. You told the Committee that you have "drafted and reviewed executive orders, presidential proclamations, and presidential reports to Congress related to tariffs and other trade matters."

In February, the Supreme Court struck down much of President Trump's tariff agenda as illegal.

- a. **Please detail your involvement in the formulation of President Trump's tariff policies.**

Response: I was not involved in the initial formulation of President Trump's tariff policies. The executive orders citing the International Emergency Economic Powers Act (IEEPA) at issue in *Learning Resources v. Trump*, 146 S. Ct. 628 (2026), were issued on February 1, 2025, and April 2, 2025. See Executive Order 14193; Executive Order 14194; Executive Order 14195; Executive Order 14257. My detail to the White House Counsel's Office from the Department of Justice began on May 27, 2025.

As I disclosed in my Senate Judicial Questionnaire Response, I "drafted and reviewed executive orders, presidential proclamations, and presidential reports to Congress related to tariffs and other trade matters." Some of these executive orders relied on IEEPA. After the *Learning Resources* decision, Executive Order 14389 was issued on February 20, 2026, ending certain tariff actions that had relied on IEEPA. Outside of executive orders, I also worked on Section 232 presidential proclamations. To the extent this question asks for my opinion on the legality of President Trump's tariff policies, as a judicial nominee, it is impermissible for me to opine on any political issues or comment on any pending litigation. See Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.

- b. **Will you commit to recusing yourself from any cases involving tariff or other trade policies that you worked on?**

Response: I will recuse myself from any case in which I directly worked on the underlying matter while at the White House Counsel's Office. More generally, if confirmed, I would make recusal determinations in accordance with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, and practices governing recusal decisions. As I testified to during my hearing, it would be inappropriate to grade myself.

2. In your Senate Judiciary Questionnaire, you wrote that you interviewed for the vacancy on the Court of International Trade with United States Trade Representative (USTR) Ambassador Jamieson Greer and another senior official on November 12, 2025.

a. During your meeting with USTR Ambassador Greer, did you discuss tariffs?

Response: USTR Ambassador Greer and I generally discussed my background and experience litigating before the United States Court of International Trade. I highlighted certain cases which I felt demonstrated my acuity and expertise as a trade law practitioner.

b. Has President Trump, Ambassador Greer, or any other Administration official asked you to make any commitments on how you might rule on any given issue, including tariffs, should you be confirmed to the Court of International Trade?

Response: No.

3. President Trump has repeatedly attacked the Supreme Court Justices who struck down his tariff scheme. For example, he called the Republican-appointed Justices who ruled against his tariffs “disloyal, unpatriotic...fools and lapdogs for the RINOs and the radical left Democrats.”

a. Do you agree with President Trump’s characterization of Chief Justice Roberts, Justice Gorsuch, and Justice Barrett as “disloyal, unpatriotic ... fools and lapdogs for the RINOs and the radical left Democrats?”

Response: I am not familiar with the above statement or its context. Because the question calls for a response that requires me to express an opinion on a political matter, as a judicial nominee, it is impermissible for me to opine on this issue. *See* Code of Conduct of U.S. Court Judges, Canon 5.

b. Recently, Chief Justice Roberts stated that “personally directed hostility [at judges] is dangerous and it’s got to stop.” Do you agree with the Chief Justice?

Response: Please see my response to Question 3(a).

4. Since 2014, you have been an employee of the U.S. Department of Justice’s Civil Division. You are currently on detail from the Department of Justice to the White House Counsel’s Office.

According to the Justice Department’s Justice Management Division, “[a]ll Department of Justice employees are subject to the Hatch Act...which generally prohibits Department employees from engaging in partisan political activity while on duty, in a federal facility or using federal property.” “Political activity” is described as “activity directed toward

the success or failure of a political party, candidate for partisan political office, or partisan political group.”¹

The Justice Management Division specifically notes that employees may not “use...social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.”²

a. As a Department of Justice employee, were you subject to the Hatch Act?

Response: Yes.

b. As a detailee to the White House Counsel’s Office, are you subject to the Hatch Act?

Response: Yes.

c. While serving as a Department of Justice employee or detailee to the White House Counsel’s Office, did you ever use social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group while on duty, in a federal facility, or using federal property?

Response: I have taken the Hatch Act very seriously over my 12-year career at the Department of Justice and as a detailee to the White House Counsel’s Office. I have always been very careful to follow the parameters of the Hatch Act. To the extent I may have ever used social media in a way that could be reasonably perceived to violate the Hatch Act, it was inadvertent.

5. On January 19, 2021, you replied to a Twitter post from Senator McConnell in which he thanked Capitol Police and other personnel ahead of President Biden’s inauguration. You wrote, “You’re a modern-day Benedict Arnold. But he at least dressed better!”³

a. What was your reasoning for calling Senator McConnell a “modern-day Benedict Arnold?”

Response: I made the social media post in question in my personal capacity as a private citizen. At the confirmation hearing, I sincerely apologized to the Senators who were the subject of critical tweets that I re-posted or posted and I regret the rhetoric and tone of those posts. I regret re-posting or posting any tweets that referred to any lawmaker in an unbecoming way. I deeply respect the members of the United States Senate for all the work they have done in the Senate. I have reviewed the Committee on Codes of Conduct Advisory Opinion

¹ <https://www.justice.gov/jmd/political-activities>.

² *Id.*

³ <https://web.archive.org/web/20210119223119/https://twitter.com/KaraWestercamp/status/1351658466977476615>.

on the Use of Electronic Social Media by Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me.

b. Have you posted or retweeted any other content critical of Senator McConnell? If so, please provide a copy to the Judiciary Committee.

Response: Respectfully, I have provided the Committee with all materials responsive to the Senate Judiciary Committee Questionnaire for Judicial Nominees. It is my understanding that social media posts are not deemed to be responsive to the Senate Judiciary Committee Questionnaire. As I testified at my hearing, I recognize that I have sometimes posted tweets or retweets with a rhetoric and tone that I regret.

I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me.

6. On January 11, 2021, you posted the following image and caption on Twitter:



Kara Westercamp
@KaraWestercamp

Folgen

Narrator: “And she thought to herself, if only it were something else I was holding.”

#PelosiLovesTrump #nsfw 🤔🤔



18:25 - 11. Jan. 2021

2 „Gefällt mir“-Angaben



a. What did you mean when you wrote, “And she thought to herself, if only it were something else I was holding?”

Response: Please see my response to Question 5(a).

b. Why did you include “#nsfw” in your post?

Response: Please see my response to Question 5(a).

c. Have you ever posted to social media anything else you described as “nsfw” in relation to a member of Congress? If so, please provide a copy to the Judiciary Committee.

Response: Please see my response to Question 5(b).

7. On February 13, 2021, you retweeted a post that stated, “RT if you believe we should remove the 7 Republicans who voted to impeach President Trump.”⁴ This was an apparent reference to Senators Cassidy, Collins, Murkowski, Burr, Romney, Sasse, and Toomey, all of whom had voted that day in favor of President Trump’s impeachment.

a. Do you still believe that Senators Cassidy, Collins, and Murkowski should be removed from office as a result of their votes during President Trump’s second impeachment?

Response: As I testified to at the hearing, I regret the rhetoric and tone used in retweets, and I do not agree with the sentiment expressed therein. I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me. I have reviewed the Committee on Codes of Conduct Advisory Opinion on the Use of Electronic Social Media by Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

b. Have you ever called for the removal of other members of Congress? If so, please provide details.

Response: Please see my response to Question 7(a).

8. In response to an August 2020 Twitter post discussing Senator Graham’s ability to subpoena former Deputy Attorney General Sally Yates, you wrote: “The spirit of #McCain is strong — making Graham a weak-ass \$\$&&!”⁵

On another occasion, you replied to post from Senator Graham and wrote, “[y]ou’re so disappointing.”⁶

a. What did you mean by “the spirit of #McCain is strong?”

Response: Please see my response to Question 5(a).

⁴ <https://web.archive.org/web/20210213224413/https://twitter.com/KaraWestercamp/status/1360721426081316873>.

⁵ <https://web.archive.org/web/20200806042138/https://twitter.com/KaraWestercamp/status/1291223106581823488>.

⁶ <https://web.archive.org/web/20201203030833/https://twitter.com/KaraWestercamp/status/1334333478528311296>.

b. Why did you write that Senator Graham is a “weak-ass \$\$&&!?”

Response: Please see my response to Question 5(a).

c. Why did you tell Senator Graham that he is “so disappointing?”

Response: Please see my response to Question 5(a).

9. You previously retweeted a post that stated, “There was a reason the autopsy of Officer Sicknick was withheld and it’s the same reason the 14,000 hours of footage of what happened on January 6th is being withheld...spoiler alert...it destroys the ‘violent/deadly insurrection’ narrative.”⁷

a. Do you believe that there was violence at the Capitol on January 6, 2021? If so, who perpetrated this violence?

Response: I regret the rhetoric and tone used in retweets. I do not agree with the sentiment expressed in this retweet from July 2021. Additionally, as I testified during my hearing, I condemn all violence that occurred on January 6, 2021. Further, I personally think it is wrong for anyone to ever trespass on Federal property, no matter the reason. I have worked at Federal buildings for 14 years (12 years at the Department of Justice and White House and two years as a law clerk) of my 17-year legal career, and I appreciate the various law enforcement personnel who have kept those buildings and their occupants safe. However, the characterization of the events on January 6, 2021, is a subject of political debate and is involved in pending litigation. Accordingly, as a judicial nominee, it is impermissible for me to opine on any political issues or comment on any pending litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.

You also objected to Officer Brian Sicknick lying in honor at the Capitol ahead of President Trump’s second impeachment trial. You stated, “[i]t’s incredibly sad that people died on January 6, but why is Officer Sicknick lying in honor at the Capitol TODAY, almost a month after his death? Isn’t that kind of prejudicial to Trump considering his impeachment trial starts in less than a week....?”⁸

b. Why did you believe that Officer Sicknick lying in honor was prejudicial to President Trump?

Response: The deaths that occurred on January 6, 2021 were tragic. To the extent this question seeks an opinion on a broader political or policy debate, it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canon 5.

⁷ <https://web.archive.org/web/20210710114643/https://twitter.com/KaraWestercamp>.

⁸ <https://web.archive.org/web/20210203160203/https://twitter.com/KaraWestercamp/status/1356995722961444867>.

10. You previously retweeted a post that stated, “I wish someone loved me the way Mike Lee loves outsourcing our jobs to foreign countries.”⁹

What did you mean by this post?

Response: I do not know what the original author thought when this tweet was published.

11. You previously retweeted posts apparently critical of Chief Justice John Roberts that stated, “Justice Roberts is a lib,”¹⁰ and “Chief Justice John Roberts is a liberal. Now you know. Happy Thanksgiving.”¹¹

- a. Do you believe it is the job of a federal judge to rule in favor of a liberal or conservative agenda? Please respond yes or no.**

Response: As I testified at the hearing, I regret the rhetoric and tone from retweets that I posted. I also do not know what the original authors of the tweets thought when I made the retweets. To the extent this question seeks an opinion on a broader political or policy debate, it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canon 5.

- b. Do you believe it is appropriate to attack sitting judges in response to their rulings or on the basis of their perceived ideology?**

Response: I believe that judicial independence truly is a cornerstone of our constitutional republic because litigants must trust that judges will be impartial and make tough decisions even when the outcome may be unpopular. Please also see my response to Question 11(a).

You also retweeted a post that stated, “Apparently ...Amy Coney Barrett and Brett Kavanaugh don’t recall how hard President Trump fought for them.”¹²

- c. Do you believe that a judge or justice should consider the president who appointed them when making their rulings?**

Response: Please see my response to Question 11(a).

12. In November 2020, you retweeted a post quoting President Trump’s lawyer Sidney Powell as stating, “You might as well call them Venezuelan [voting] machines, because that’s essentially what they are, through a number of different companies, to do this. And

⁹ <https://web.archive.org/web/20201206052058/https://twitter.com/KaraWestercamp/status/1334574606498328579>.

¹⁰ <https://web.archive.org/web/20201126155355/https://twitter.com/KaraWestercamp/status/1331988807453974531>.

¹¹ <https://web.archive.org/web/20201126171945/https://twitter.com/KaraWestercamp/status/1332010969497821188>.

¹² <https://web.archive.org/web/20210207072256/https://twitter.com/KaraWestercamp/status/1358315203335753735>.

yes, we have Venezuelan communists, influenced by Cuban communists, counting our votes.”¹³

Do you believe that Venezuelan and Cuban communists tabulated official vote totals for the American election in 2020? If so, what is your evidence for this assertion?

Response: Please see my response to Question 11(a).

13. You previously tweeted “[w]ow. Great thread,” in response to a tweet explaining “[w]hy JUDGES should support the elimination of qualified immunity.”¹⁴ You further retweeted a post arguing that it was a “common ground” solution to “dissolve police unions.”¹⁵

a. Do you support reforming or ending qualified immunity? Please explain.

Response: The United States Court of International Trade is a specialized court and cases involving questions about qualified immunity would not come before it. To the extent this question seeks an opinion on a broader political or policy debate, it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canon 5.

b. Do you support dissolving police unions?

Response: The United States Court of International Trade is a specialized court and cases involving questions about police unions would not come before it. I do not know what the original author of the June 7, 2020 tweet meant, but it appears that the tweet was tongue-in-cheek about dissolving police unions because it referenced “unarmed combat performance” and higher physical fitness standards.

14. In response to a post asking Twitter users to “describe the Democrat Party in one word,” you wrote: “Anti-American.”¹⁶ You also once posted a tweet that included the phrase, “#DemocratsHateAmerica.”¹⁷

a. Do you believe that the Democratic Party is anti-American?

Response: I regret the rhetoric, tone, and hashtags that I may have used in tweets from many years ago. I do not agree that the Democratic Party is anti-American. I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States

¹³ <https://web.archive.org/web/20201117035102/https://twitter.com/KaraWestercamp/status/1328515225579102209>.

¹⁴ <https://web.archive.org/web/20200514032514/https://twitter.com/KaraWestercamp/status/1259880396155691008>.

¹⁵ <https://web.archive.org/web/20200608021201/https://twitter.com/KaraWestercamp/status/1269729500570554371>.

¹⁶ <https://web.archive.org/web/20200609003423/https://twitter.com/KaraWestercamp/status/1270149515216072708>.

¹⁷ <https://web.archive.org/web/20200324124637/https://twitter.com/KaraWestercamp/status/1242339142111047680>.

Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me.

b. Do you believe that Democrats hate America?

Response: Please see my response to question 14(a).

c. Have you ever posted or retweeted other content critical of Democrats, the Democratic Party, or Democratic members of Congress? If so, please provide a copy to the Judiciary Committee.

Response: Please see my response to Question 5(b).

15. 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. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figures, my response, consistent with the position of prior nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

16. Where were you on January 6, 2021?

Response: I was at home in Arlington, Virginia.

17. Do you denounce the January 6 insurrection?

Response: As I testified to during my hearing, I condemn all violence that occurred on January 6, 2021. Further, I personally think it is wrong for anyone to ever trespass on Federal property, no matter the reason. I have worked at Federal buildings for 14 years (12 years at the Department of Justice and White House and two years as a law clerk) of my 17-year legal career, and I appreciate the various law enforcement personnel who have kept those buildings and their occupants safe. However, the characterization of the events on January 6, 2021, is a subject of political debate and is involved in pending litigation. Accordingly, as a judicial nominee, it is impermissible for me to opine on any political issues or comment on any pending litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.

18. 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 President has the exclusive discretion to issue pardons under the United States Constitution. It is inappropriate for a judicial nominee to offer any personal commentary on a particular political official's exercise of their exclusive, enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5. I am also aware that pardons have been issued for individuals prosecuted for actions taken at the Capitol building on January 6, 2021, and that the effect of these pardons is still being litigated and a subject of public controversy. Accordingly, it would not be appropriate for me to respond to this question. *See id.*, Canon 3A(6).

19. 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: Judicial orders are binding on the parties before the court. However, the normal course for litigants who disagree with a court order is to request reconsideration or rehearing, seek a stay, seek immediate appellate relief in the form of an injunction or stay pending appeal, or pursue a standard appeal. A litigant can also seek clarification of a court order, which may help the party determine which of the following approaches to pursue.

I am aware that certain interlocutory orders might be immediately appealable only via the avenue of a contempt finding, following defiance of the court order. *See, e.g., Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). A party may also petition the court of appeals for a writ of mandamus “in extraordinary circumstances—*i.e.*, when a disclosure order amount[s] to a judicial usurpation of power or a clear abuse of discretion, or otherwise works a manifest injustice.” *Id.* at 110. There may also be other limited circumstances where a party is forced to defy a lower federal court order in order to appeal or preserve its rights.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: Please see my response to Question 19(a).

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: Article III of the U.S. Constitution provides that the judicial branch is vested with the power to issue court orders and determine whether court orders are lawful.

20. District judges have occasionally issued non-party injunctions, which may include “nationwide injunctions” and “universal injunctions.”

a. Are non-party injunctions constitutional?

Response: This remains an open question. Generally speaking, as the Supreme Court held in *Trump v. CASA*, 606 U.S. 831 (2025), the equitable power of federal courts only allows for complete relief for the parties before the court. Because *CASA* was decided on statutory grounds, questions regarding the constitutionality of non-party injunctions remains pending before the courts. As a result, as a judicial nominee, it would be inappropriate for me to comment further on this issue. See Code of Conduct for U.S. Judges, Canons 3, 5.

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to Question 20(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 20(a).

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: No. At the Department of Justice, I have been a government defense attorney for the past 12 years and have never proactively sought any injunctions. I also do not recall seeking any non-party injunctions while in private practice.

21. 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.

22. Does the U.S. Constitution permit a president to serve three terms?

Response: Section 1 of the Twenty-Second Amendment states, in part, “[n]o person shall be elected to the office of the President more than twice . . .” U.S. Const., amend, XXII, § 1. To the extent this question seeks an opinion on a broader political or policy debate, or on statements by any political figure, my response, consistent with the responses of

prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canon 5.

23. 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...”¹⁸

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: I am not familiar with the above statement or its context. Because the question calls for a response that requires me to express an opinion on a political matter, as a judicial nominee, it is impermissible for me to opine on this issue. *See* Code of Conduct of U.S. Court Judges, Canon 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 23(a).

24. In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”¹⁹ and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”²⁰

a. Do you agree that these judges are engaged in a “judicial coup” and that “we are living under a judicial tyranny”?

Response: I am not familiar with the above statement or its context. Because the question calls for a response that requires me to express an opinion on a political matter, as a judicial nominee, it is impermissible for me to opine on this issue. *See* Code of Conduct of U.S. Court Judges, Canon 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 24(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?

¹⁸ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

¹⁹ Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

²⁰ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

Response: Please see my response to Question 24(a).

25. When, if ever, may a lower court depart from Supreme Court precedent?

Response: It is never appropriate for a lower court to depart from binding Supreme Court precedent.

26. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: In my experience, the Federal Circuit may only overturn its own precedent in an *en banc* decision.

27. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: Recently, in overturning its own precedent, the Supreme Court applied the *stare decisis* factors set out in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 268-90 (2022).

28. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. *Brown v. Board of Education*

Response: It is typically inappropriate for judicial nominees to give an opinion about whether Supreme Court precedent was correctly decided or to “grade” Supreme Court opinions. Nominees have, however, historically made an exception in the case of *Brown v. Board of Education*, because the issue of *de jure* segregation is unlikely to appear before courts again. Therefore, consistent with judicial canons, and other nominees before me, I can confirm that *Brown* was correctly decided. However, I will refrain from opining on other cases that do not fit into this narrow exception.

b. *Plyler v. Doe*

Response: Please see my response to Question 28(a). *Plyler v. Doe* is binding Supreme Court precedent and I will follow it faithfully.

c. *Loving v. Virginia*

Response: Yes, *Loving v. Virginia* was correctly decided. While it is generally improper for judicial nominees to give an opinion about whether Supreme Court precedent was correctly decided, nominees have historically also excepted *Loving v. Virginia* because, like in *Brown*, the issue of a law banning interracial marriage

is unlikely to appear before courts again. Therefore, consistent with judicial canons, and other nominees before me, I can confirm that *Loving* was correctly decided. However, I will refrain from opining on other cases that do not fit into this narrow exception.

d. *Griswold v. Connecticut*

Response: Please see my response to Question 28(a). *Griswold v. Connecticut* is binding Supreme Court precedent and I will follow it faithfully.

e. *Trump v. United States*

Response: Please see my response to Question 28(a). *Trump v. United States* is binding Supreme Court precedent and I will follow it faithfully.

f. *Dobbs v. Jackson Women's Health Organization*

Response: Please see my response to Question 28(a). *Dobbs v. Jackson Women's Health Organization* is binding Supreme Court precedent and I will follow it faithfully.

g. *New York State Rifle & Pistol Association, Inc. v. Bruen*

Response: Please see my response to Question 28(a). *New York State Rifle & Pistol Association, Inc. v. Bruen* is binding Supreme Court precedent and I will follow it faithfully.

h. *Obergefell v. Hodges*

Response: Please see my response to Question 28(a). *Obergefell v. Hodges* is binding Supreme Court precedent and I will follow it faithfully.

i. *Bostock v. Clayton County*

Response: Please see my response to Question 28(a). *Bostock v. Clayton County* is binding Supreme Court precedent and I will follow it faithfully.

j. *Masterpiece Cakeshop v. Colorado*

Response: Please see my response to Question 28(a). *Masterpiece Cakeshop v. Colorado* is binding Supreme Court precedent and I will follow it faithfully.

k. *303 Creative LLC v. Elenis*

Response: Please see my response to Question 28(a). *303 Creative LLC v. Elenis* is binding Supreme Court precedent and I will follow it faithfully.

l. *United States v. Rahimi*

Response: Please see my response to Question 28(a). *United States v. Rahimi* is binding Supreme Court precedent and I will follow it faithfully.

m. *Loper Bright Enterprises v. Raimondo*

Response: Please see my response to Question 28(a). *Loper Bright Enterprises v. Raimondo* is binding Supreme Court precedent and I will follow it faithfully.

29. With respect to constitutional interpretation, do you believe judges should rely on the “original meaning” of the Constitution?

Response: If confirmed, I would follow all Supreme Court and Federal Circuit precedent regarding matters of constitutional interpretation. The Supreme Court has regularly interpreted various constitutional provisions by examining the original public meaning of the Constitution or text at the time it was enacted or ratified. *See, e.g., Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004).

30. How do you decide when the Constitution’s “original meaning” should be controlling?

Response: Please see my response to Question 29.

31. Does the “original meaning” of the Constitution support a constitutional right to same-sex marriage?

Response: The *Obergefell* decision holds that the Constitution includes a constitutional right to same-sex marriage. If I were confirmed, I would apply all binding precedent. An analysis of original public meaning would not figure into the application of binding precedent.

32. Does the “original meaning” of the Constitution support the constitutional right to marry persons of a different race?

Response: Please see my response to Question 29. *In Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court struck down a state law prohibiting interracial couples from marrying, finding that the state law violated the Fourteenth Amendment. If confirmed, I would faithfully apply that binding precedent.

33. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Equal Protection and Due Process Clauses of the Fourteenth Amendment state that no State shall “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. There are many Supreme Court cases that discuss the application of the Equal Protection and Due Process clauses of the Fourteenth Amendment to many different situations, and there are varying levels of scrutiny depending on the classification of the persons and the rights involved. If confirmed, I would faithfully follow any binding Supreme Court precedent governing such situations.

34. 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 found these protections to apply to sex discrimination and sexual orientation, among others. *See, e.g., United States v. Skrmetti*, 605 U.S. 495 (2025); *Obergefell v. Hodges*, 576 U.S. 644 (2015); *United States v. Virginia*, 518 U.S. 515 (1996). As with all other binding precedent, I will faithfully apply these decisions if so confirmed.

35. 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 29.

36. 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 29.

37. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The Supreme Court has recognized that the First Amendment applies differently to different people and in different circumstances. If I am so fortunate to be confirmed, I will faithfully follow all binding Supreme Court and Federal Circuit precedent regarding who is entitled to First Amendment protections and the extent of those protections, including the degree of scrutiny required.

38. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: Generally speaking, the Supreme Court has held that content-based laws are “those that target speech based on its communicative content,” or those that “appl[y] to a

particular speech because of the topic discussed or the idea or message expressed.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). The Supreme Court has recently held that “[t]o determine whether a law that regulates speech violates the First Amendment,” it is necessary to “consider both the nature of the burden imposed by the law and the nature of the speech at issue.” *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 470–71 (2025). “Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if” they satisfy strict scrutiny. *Reed*, 576 U.S. at 163. In contrast, content-neutral laws “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.” *Turner Broadcasting Sys., Inc. v. FCC*, 512 U.S. 622, 642 (1994). If confirmed, in determining whether a law regulating speech is “content-based” or “content-neutral,” I would apply binding Supreme Court and Federal Circuit precedent that most closely mirrors the facts before me.

39. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: As established in *Counterman v. Colorado*, 660 U.S. 66, 74 (2023), true threats of violence are unprotected. They are defined as “serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Id.*

40. Is every individual within the United States entitled to due process?

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that “no person shall be . . . deprived of life, liberty or property, without due process of law” and that no State “shall . . . deprive any person of life, liberty, or property, without due process of law.” The Supreme Court states that the due process clause applies to “all ‘persons’ within the United States, including aliens, whether their presence here is lawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The United States Court of International Trade is a specialized court and the question of what due process to afford any individual would likely not come before me, if confirmed. Nonetheless, I would faithfully apply the relevant binding Supreme Court and Federal Circuit precedents. Beyond that, as a judicial nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

41. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: Because this question asks about matters that are pending or impending in any court, as a judicial nominee, it is impermissible for me to answer the question. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

42. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: Because this question asks about matters that are pending or impending in any court, as a judicial nominee, it is impermissible for me to answer the question. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: Please see my response to Question 42(a).

43. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Yes, I believe it is important that the judiciary be comprised of qualified individuals without regard to race, sex, ethnicity, religion, or any other protected characteristic. I have a physical disability myself, and appreciate firsthand how my physical disability has not limited me in any way in the practice of law, and nor has anyone sought to limit me based on my physical disability.

44. 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: Should I be confirmed, the United States Court of International Trade is a specialized court and only reviews disputes arising from customs and trade laws. The Court does not possess any criminal jurisdiction. Thus, if confirmed, how to implement the *First Step Act* would never be an issue for me to consider.

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: Please see my response to Question 44(a).

45. 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 neither familiar with this statement nor the context in which it was made. As a result, I do not know what the Federalist Society means by “traditional values.”

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.²¹

i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?

Response: I am not familiar with the above statement or its context. As a judicial nominee, it would be inappropriate for me to comment on statements by any political figure or on a matter of political debate. *See* Code of Conduct for U.S. Judges, Canons 3, 5.

ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?

Response: Please see my response to Question 45(b)(i).

iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?

Response: If confirmed, I would evaluate my affiliations with all civic and legal organizations for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other relevant laws, rules, and practices.

²¹ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

- c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: No.

- d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

Response: No.

- 46. The Teneo Network states that its purpose is to “Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?**

Response: No.

- 47. 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: No.

- 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.

- 48.** The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

Response: No.

- 49.** The America First Legal Institute (AFLI) states that it seeks to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

Response: No.

50. 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: Mr. Davis is a longtime friend and fellow graduate of the University of Iowa College of Law who I speak to occasionally.

- 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.

51. The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: No.

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: No.

52. 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: No.

- b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?**

Response: No.

- d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: I have no knowledge of such organizations, nor do I have any knowledge as to whether any donations have been made in support of my nomination. Beyond that, as a judicial nominee, it would be inappropriate for me to comment on a matter of political debate. *See* Code of Conduct for U.S. Judges, Canons 3, 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: If confirmed, I would evaluate any decision on recusal pursuant to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other relevant laws, rules, and practices.

- 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 52(d).

**Nomination of Kara Westercamp
Nominee to be Judge for the U.S. Court of International Trade
Questions for the Record
Submitted April 1, 2026**

QUESTIONS FROM SENATOR WHITEHOUSE

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

1. In November 2020, you replied to a tweet from Mike Davis in which he claimed that voting irregularities “always seem to benefit Democrat candidates.” You commented in response, “Strange, or just a typical day in the handy guide for ‘How Democrats “Win” Elections.”” Your comment included a GIF that stated, “If you cheat, you will win.”
 - a. Do you believe Democrats cheated to win the 2020 election?

Response: I regret the rhetoric and tone I used in this tweet from nearly six years. I do not agree with the statement I made in my reply to Mr. Davis nor the GIF that I used. This question concerns matters of public controversy and active litigation. Accordingly, I must refrain from expressing a personal view as a judicial nominee. *See* Canon 3(A)(6), Code of Conduct for United States Judges (“A judge should not make any public comment on the merits of a matter pending or impending in any court.”); *see also* Canon 1 Commentary (“The Code is designed to provide guidance to judges and nominees for judicial office.”); *see generally* Canon 5.

I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me. I have reviewed the Committee on Codes of Conduct Advisory Opinion on the Use of Electronic Social Media by Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

2. The U.S. Marshals Service is responsible for ensuring the safety of federal judges, including investigating threats against judges. In a threat investigation, would you expect the U.S. Marshals and FBI to investigate any party they have reason to believe is complicit or culpable, including under RICO and conspiracy statutes, in addition to the individual who made the threat?

I would expect the U.S. Marshals and FBI to investigate threats against judges in accordance with policies and practices governing such investigations. This is also personal to me as I received threats following the confirmation hearing, and I was concerned not only for my own safety, but also for the safety of my family members.

**Nomination of Kara Westercamp to the
United States Court of International Trade
Questions for the Record
Submitted April 1, 2026**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: Yes. The Senate Judiciary Committee is one of the original standing committees of the Senate and serves an important role in the consideration of all nominees to Article III courts, including the United States Court of International Trade.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: Yes.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: I drafted my responses to each of these questions. I did so after reviewing the responses of several prior nominees. After receiving feedback from persons at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to this Committee. My answers are my own.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: Please see my response to Question 3(a).

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: Please see my response to Question 3(a).

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Please see my response to Question 3(a).

4. 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 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.

5. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: Former Judge John A. Jarvey of the Southern District of Iowa is my role model. I had the privilege of a two-year clerkship with him, and I was always impressed with how he was so quick-witted, compassionate, and served with humility, mindful of the limited role a district court judge has. Every litigant appearing before him knew that Judge Jarvey would give his undivided attention to his or her case and would fairly and impartially apply the law to the facts before him.

6. How would you describe your judicial philosophy?

Response: Judges should carefully and impartially apply the rule of law. If confirmed, my role as a lower court judge on the United States Court of International Trade would be to faithfully apply Supreme Court precedent and follow the stare decisis rules and principles of the Federal Circuit.

7. If you concluded that the President had violated his constitutional duty to faithfully execute the laws and then had to determine the remedy, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: The Take Care Clause of the Constitution directs that the President “shall take Care that the Laws be faithfully executed.” U.S. Const., art. II, § 3, cl. 5. As such, the Take Care Clause is the source of the President’s authority to engage in “enforcement of federal . . . laws passed by Congress.” *Trump v. United States*, 603 U.S. 593, 627 (2024). The Supreme Court has further held that, under both the Vesting Clause and Take Care

Clause, the Executive Branch possesses certain authority and discretion to prioritize enforcement of federal law. *See, e.g., United States v. Texas*, 599 U.S. 670, 679 (2023); *see also* Const., art. II, § 1, cl.1. I am not aware of any precedent directly addressing what a court may or should do if there is an adjudicated determination that a violation has occurred, or what kind of remedy would be available, but I would faithfully follow any binding precedent from the Supreme Court or Federal Circuit. Without any binding precedent, I would carefully analyze the arguments from the parties and likely focus on any relevant statutes, and principles regarding remedies, justiciability, jurisdiction, redressability, separation of powers, and immunity. Because these issues may come before me if I am confirmed, under the Code of Conduct for United States Judges, it would be inappropriate for me to comment further. *See* Code of Conduct of U.S. Judges, Canon 3.

8. Is President Trump eligible to be elected President for a third term in 2028? Assume that I know what the text of the 22nd Amendment says. I am interested in your application of that text to whether or not President Trump can be elected President in 2028.

Response: Section 1 of the Twenty-Second Amendment states, in part, “[n]o person shall be elected to the office of the President more than twice” U.S. Const., amend, XXII, § 1. To the extent this question seeks an opinion on a broader political or policy debate, or on statements by any political figure, my response, consistent with the responses of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canon 5.

9. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: Under the Constitution, certification by Electors from the States is the method for determining the winner of a presidential election. *See* U.S. Const., Art. II, § 1; U.S. Const., amend. XII. The Electoral Count Reform Act, as amended, then provides that Congress may declare the winner upon counting the votes of Electors, with a process for objections. *See* 3 U.S.C. § 15. The tellers list the votes of all the Electors from the States and then the President of the Senate “announce[s] the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States[.]” *Id.* § 15(e)(3). Thus, as a practical matter, certification by Congress decides the winner of a presidential election in the sense that that certification determines who will serve as president. I am generally aware that there has been some discussion or proposals to further amend the Electoral Count Reform Act, but nothing has come to fruition. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the 2020 presidential election, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canon 5.

10. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you who won the 2020 election. You replied that “under our Constitution, the electoral

college votes for the President and then that is certified by Congress. And in 2020, President Biden was certified by the electoral. . . .”

- a. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)?

Response: In preparation for the nomination hearing, I watched prior judicial nomination hearings and noted that most, if not all, of the nominees had been asked about the winner of the 2020 election. I also read the responses to questions for the record for various nominees and the Code of Conduct for United States Judges. I was generally aware of ongoing controversy and political debate reported in the media regarding the winner of the 2020 election and of ongoing litigation.

- b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election?

Response: Please see my response to Question 10(a).

- c. Do you believe that you would face any adverse professional consequences if you directly stated, during your hearing or otherwise on the record, that President Trump lost the 2020 election, or that President Biden won the 2020 election? Please explain.

Response: No. During the hearing, I was also asked whether President Trump had won the 2024 election, and I had the same answer that the electoral college voted for President Trump and Congress certified him as the president.

11. On the same day as your nomination hearing, March 25, 2026, the *New York Times* reported that President Trump stated the following at a National Republican Congressional Committee event: “The time has also come for Republicans to pass a tough new crime bill that imposes harsh penalties for dangerous repeat offenders, cracks down on rogue judges. We got rogue judges that are criminals. They are criminals, what they do to our country. The decisions that they hand down and hurt our country.”

- a. Is it a crime for a judge to rule against President Trump’s desired outcome in a particular case?

Response: I am not familiar with the above statement or its context. Because the question calls for a response that requires me to express an opinion on a political matter, as a judicial nominee, it is impermissible for me to opine on this issue. See Code of Conduct of U.S. Court Judges, Canon 5.

- b. Do you think that judges ruling against President Trump’s desired outcome should be “crack[ed] down on”?

Response: Please see my response to Question 11(a).

- c. Is it possible for a judge’s decision to be correct, as a matter of fact and law, even if it differs from President Trump’s desired outcome?

Response: Yes. I believe that a judge must faithfully apply the law to the facts in every case before her, regardless of the identity of the plaintiff or defendant in a case.

- d. Do you agree with President Trump that we need a “tough new crime bill” that “cracks down on rogue judges”?

Response: Please see my response to Question 11(a).

- e. Do you think that rhetoric like the example quoted above could discourage a judge from ruling against President Trump’s desired outcome?

Response: Please see my response to Question 11(a).

- f. If you were confirmed and you ruled against President Trump’s desired outcome in a case, would you consider yourself a “rogue judge[]” and a “criminal[]”?

Response: Please see my response to Question 11(a).

- g. Do you think statements like those made by President Trump quoted above make federal judges more or less safe?

Response: Please see my response to Question 11(a).

12. 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.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: As I explained in response to Question 24(b) of the Senate Judicial Questionnaire, if confirmed, I would carefully review and address any potential conflicts of interest under the standards set forth in 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances. To the extent this Question focuses on 28 U.S.C. § 455(a), I would consider all relevant circumstances to determine whether they might cause a reasonable person with knowledge of those circumstances to question my impartiality. *See Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

13. In your Senate Judiciary Questionnaire, under the section titled “Potential Conflicts of Interest,” you wrote, “If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where I entered an appearance as Senior Trial Counsel at the U.S. Department of Justice. I will also recuse in any case touching upon work I performed while in the White House Counsel’s Office.” At DOJ, you have served as a Trial Attorney from 2014-24 and as a Senior Trial Counsel from 2024-present. Will you also recuse yourself from cases in which you entered an appearance as a Trial Attorney? If not, why not?

Response: When I was promoted to Senior Trial Counsel, I retained all of the same cases that I had had as a trial attorney. The promotion was a change in title and a recognition of my expertise and experience within the National Courts Section. Thus, any recusal as a senior trial counsel from Department of Justice matters would also cover all of my work within the section over the past 12 years as a trial attorney.

14. At your nomination hearing, I asked you if you would recuse yourself from matters related to the *International Emergency Economic Powers Act* (IEEPA) or tariffs, given your work in the White House Counsel’s Office. You replied that you would “take any recusal matter very seriously, discuss the matter with [your] colleagues, and determine whether recusal is appropriate.” You continued, “With the various subject matter that I have worked on at White House Counsel’s Office, I would very seriously consider whether recusal would be appropriate.”

However, as I pointed out at the hearing, you wrote in your Questionnaire that you would “recuse in any case touching upon work [you] performed while in the White House Counsel’s Office.” You reaffirmed that this statement was accurate.

- a. If confirmed, will you recuse yourself in “any case touching upon work [you] performed while in the White House Counsel’s Office”?

Response: Yes. Although I gave a more fulsome answer in my hearing testimony of the decision-making process I would use, I will recuse myself from any case in which I directly worked on the underlying matter while at the White House Counsel’s Office.

- b. How will you determine if a case “touch[es] upon work [you] performed while in the White House Counsel’s Office”?

Response: Consistent with my response to Question 24(b) of the Senate Judicial Questionnaire, if confirmed, “I will recuse in any litigation where I have ever played a role.” I anticipate recusing from any trade-related executive orders, proclamations, or reports on which I directly worked.

- c. Will you recuse yourself from litigation related to refunds of the IEEPA tariffs?

Response: It is my understanding that all litigation related to the refunds on remand in *Learning Resources v. Trump*, 146 S. Ct. 628 (2026), has been assigned to Judge Eaton of the United States Court of International Trade. However, it is possible that there may be future litigation regarding refunds concerning trade matters I directly worked on that relied on IEEPA. I believe it would be prudent pursuant to 28 U.S.C. § 455(a) to recuse myself with respect to any such impending litigation. As I testified to during my hearing, it would be inappropriate to grade myself.

- d. Have you made any indication to President Trump or anyone in the administration about how you would rule on litigation related to refunds of the IEEPA tariffs?

Response: No. In addition, please see my response to Question 14(c).

- e. Given your roles in the executive branch, please describe your views on judicial independence from the executive and legislative branches of government.

Response: The “American Experiment” has endured for almost 250 years because the Founding Fathers were prescient in creating three separate, but equal branches of government. Although I have no familiarity with the legislative branch, I clerked for two years within the judicial branch and have spent 12 years within the executive branch, primarily at the Department of Justice. As a Department of Justice lawyer, I respected the authority of every court I appeared before and ensured that my various executive branch agency clients complied with every court order, whether the order seemed fair or not. On at least one occasion that I can recall, I enlisted a supervisor because I felt that the client agency was attempting to skirt a court order, which could have led to noncompliance or sanctions. I believe that judicial independence truly is a cornerstone of our constitutional republic because litigants must trust that judges will be impartial and make tough decisions even when the outcome may be unpopular.

15. You note in your Questionnaire that you have been an intermittent member since 2018 of the Republican National Lawyers Association, an organization which according to its website “builds the Republican Party goals and ideals through a nationwide network of supportive lawyers who understand and directly support Republican policy, agendas and candidates.” Canon 5 of the Code of Conduct for federal judges says that judges should refrain from all political activity. If confirmed, do you plan to discontinue any relationship you may have with the Republican National Lawyers Association or other political organizations?

Response: Yes.

16. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: If confirmed, should a party allegedly fail to comply with an order, I would issue a show cause order or order a status report, asking the potentially non-compliant party to explain whether it had complied or attempted to comply with the order. This may or may not require a hearing, especially if the parties are in disagreement as to whether an order was not complied with or even the degree of non-compliance. If I concluded that the order was in fact violated, I would consider sanctions. I would require the parties to brief whether there was a valid defense to any potential sanctions for non-compliance, because the contempt power should not be used lightly. *See, e.g., Spallone v. United States*, 493 U.S. 265, 276 (1990) (“the use of the contempt power places an additional limitation on a district court’s discretion,” and “a court is obliged to use the least possible power adequate to the end proposed”) (quotation omitted); *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 450 (1911) (“[T]he power of courts to punish for contempts is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law”).

17. What criteria would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: The United States Court of International Trade is a specialized court and one of record review, such that there is a motion for judgment on the agency record, a response in opposition, and a reply. There would not be any discovery disputes to adjudicate and nor can I think of examples of frivolous motions.

However, extension motions are frequently sought by parties before the court and some judges have standing orders that limit the number of extensions sought or require that extensions be sought a certain number of days in advance of any deadline. The party seeking an extension must also state why good cause accompanies the extension request. *See* USCIT Rule 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s consent.”). Although extensions are generally consented to by opposing counsel, as with any court, if a party opposes an extension, then the party may file a response brief explaining its opposition. I would consider any extension requests on a case-by-case basis and determine whether the party has adequately set forth good cause for the requested extension.

Another frequent motion before the court is that of a word count enlargement. Among other things, I would consider whether the case is consolidated and the number of issues in considering whether to grant the enlargement. In my experience, there are oftentimes two or three cases filed challenging the same administrative review determination, and the Court grants consolidation for purposes of judicial efficiency. Although attorneys may feel they have to go right up to the word count, I do not think excessively long briefs are helpful to the court or the parties.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: Please see my response to Question 17.

18. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: The practical consequences of a particular ruling should generally not play a role in a decision, although consequences may matter in the context of ruling on temporary restraining orders or preliminary injunctions. Generally, a trial judge's duty is to apply the applicable law to the facts before her.

19. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's personal life experiences will provide her with an ability to treat all parties with respect, be fair and impartial in her rulings, and approach her work with integrity, conscientiousness, and thoroughness. *See* Code of Conduct for United States Judges, Canon 3(A)(3). But a judge should not allow her personal life experiences to directly influence rulings, which should be based on the governing law. *See* 28 U.S.C. § 453. 2.

20. What role, if any, should empathy play in a judge's decision-making process?

Response: A judge's ability to understand and relate to others will hopefully help her be patient, courteous, understanding, and respectful to all parties who appear before her, and anyone else the judge encounters in her official capacity. *See* Canon 3(A)(3), Code of Conduct for United States Judges. Empathy towards a party, however, should not influence the judge's ruling, which should be based on the governing law. *See* 28 U.S.C. § 453.

21. What case or legal matter are you most proud of having worked on during your career?

Response: I am very fortunate that as a Department of Justice litigator I have argued around 100 cases before the Court of International Trade, Court of Federal Claims, and the Federal Circuit. I was always willing to volunteer for arguments and be a "pinch hitter" whenever arguments or cases needed to be reassigned for any reason. At the National Courts section, we handle cases from "cradle to grave" so I have responded to complaints or to motions on the agency record, and then argued appeals following final resolution at the trial courts. Although I have gained experience with every case I have handled, I am perhaps most proud of the last two cases I argued before the Federal Circuit.

In those cases, I represented the Department of Commerce in an action where German producers and exporters of cut-to-length steel plate brought an action challenging Commerce's final affirmative determination in an antidumping duty investigation from Germany. The producers challenged different aspects of Commerce's determination and the case was essentially "de-consolidated" on appeal. I was lead counsel on the third and

fourth remand redeterminations before the trial court, and I also briefed and argued the two related appeals. It was challenging to get up to speed on the many complicated issues as the fourth Department of Justice lawyer assigned to the case. For example, I recall drawing out a flow chart to see just which issues were still “live” in the various remand results, and which issues had been adjudicated.

Both appeals were argued before the same appellate panel and I effectively had two Federal Circuit arguments back-to-back while all of the other counsel shuffled and replaced one another based on the case. It was grueling to prepare for both oral arguments because the issues were entirely distinct in each case. In one appeal, the Federal Circuit held that substantial evidence did not support Commerce’s determination that its request for information was not an unreasonable burden, but held that the respondent nonetheless failed to provide an alternative form of the missing information. Thus, substantial evidence supported Commerce’s application of adverse facts available (AFA) and its choice of an adverse inference in applying AFA. *AG Der Dillinger Huttenwerke v. United States*, 140 F.4th 1364 (Fed. Cir. 2025). In the related appeal, the Federal Circuit affirmed that Commerce provided a sufficient explanation for rejecting a quality code because the code was untimely submitted. However, the court determined that the selling price of non-prime plate could not be the basis for measuring the fairness of the selling price of non-prime plate where there were other facts available, and vacated and remanded so that the trial court could instruct Commerce to determine Dillinger’s cost of production in a manner consistent with the opinion. *AG der Dillinger Huttenwerke v. United States*, 156 F.4th 1314 (Fed. Cir. 2025). This pair of cases is emblematic of both my trade expertise and work ethic as a litigator.

22. 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: The concept of a standing order 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 is compelling. However, a party has the right to determine the most effective litigator to argue any case. If confirmed, I would consult with other judges on the Court of International Trade to see how they have approached this issue. The decision of whether to hold a hearing, like any other legal decision, should not be based on the personal characteristics of counsel for either party. But I think once an oral argument scheduling order has been entered, I would encourage the parties to consider bifurcating or carving out issues for junior lawyers to argue, at the party’s discretion. As I testified to at my hearing, some judges on the Court of International Trade issue questions in advance of oral argument, and that would be an excellent opportunity for a junior lawyer to argue discrete issues.

- a. How else would you support the skills development of junior lawyers appearing before you?

Response: If confirmed, I would welcome the opportunity for law students to visit my courtroom to see oral arguments in person. On one occasion when appearing before Judge Timothy Reif, I believe that he requested all of the parties' permission to see if the parties would be amenable to students watching the proceedings. After the oral argument ended, he sat with the students and discussed the case and answered questions. I thought Judge Reif's actions were particularly helpful for the observing students and if I were so fortunate to be confirmed, I plan to similarly invite students into my own courtroom. I would also invite interns at law firms, the Department of Justice, or other agencies to attend oral arguments. In addition, I would consult with other judges on the Court to see if they have developed other innovative ways to develop the skillset of junior lawyers.

23. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I plan to hire based on merit, including academic performance and writing ability. I will review all applications that are submitted and am inclined to follow the procedures and timelines for clerk hiring that are used by other judges in the United States Court of International Trade. I also would consider referrals and recommendations from practicing lawyers, professors, and other judges.

a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: It is inappropriate for a judicial nominee to offer any personal commentary on a particular legislative proposal. *See* Code of Conduct of U.S. Judges, Canon 5.

24. Recently, 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: As a general matter, I plan to consult with other judges in the United States Court of International Trade on their policies and will consider any policies that would help ensure that the clerks and other staff who would work in my chambers are treated with respect and not subject to misconduct. I would also consult the Federal Judicial Center about best practices. A clerkship should be a formative and enjoyable experience for young lawyers and I am grateful that my two-year clerkship 17 years ago resulted in retired Judge John A. Jarvey not only

being a mentor, but a friend. If confirmed, I would expect everyone to treat others with respect, and that includes other clerks, courtroom staff, case managers, and court security officers.

- 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 25(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: I would consider taking whatever steps would be warranted by the circumstances, including reporting any inappropriate conduct to the appropriate authority. In addition, I would review any and all existing and available policies on the subject in the United States Court of International Trade, and the Federal Judicial Center.

25. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: As I testified to during my hearing, I condemn all violence that occurred on January 6, 2021. Further, I personally think it is wrong for anyone to ever trespass on Federal property, no matter the reason. I have worked at Federal buildings for 14 years (12 years at the Department of Justice and White House and two years as a law clerk) of my 17-year legal career, and I appreciate the various law enforcement personnel who have kept those buildings and their occupants safe. However, the characterization of the events on January 6, 2021, is a subject of political debate and is involved in pending litigation. Accordingly, as a judicial nominee, it is impermissible for me to opine on any political issues or comment on any pending litigation. *See Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.*

- a. If you think this question would require you to express an opinion on “political” matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either “an insurrection” or “not an insurrection” requires you to opine on a “political” matter.

Response: Please see my response to Question 25.

26. In your Senate Judiciary Questionnaire, you note that in the White House Counsel’s Office, you have “provided recommendations for pardons and commutations.” Do you think it would be appropriate to recommend clemency for an individual based on who the individual supported or contributed to financially in a political election?

Response: The President has the exclusive discretion to issue pardons under the United States Constitution. If this is intended to elicit my opinion on any pardons that President Trump has granted, it is inappropriate for a judicial nominee to offer any personal commentary on a particular political official's exercise of their exclusive, enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5.

27. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: The President has the exclusive discretion to issue pardons under the United States Constitution. It is inappropriate for a judicial nominee to offer any personal commentary on a particular political official's exercise of their exclusive, enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5. I am also aware that pardons have been issued for individuals prosecuted for actions taken at the Capitol building on January 6, 2021, and that the effect of these pardons is still being litigated and a subject of public controversy. Accordingly, it would not be appropriate for me to respond to this question. *See id.*, Canon 3A(6).

28. 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? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: Please see my response to Question 27.

29. Please describe the U.S. Court of International Trade's legal authority to order U.S. Customs and Border Protection (CBP) to issue tariff refunds.

Response: Generally speaking, it is a multi-step process for the Court of International Trade (CIT) to order tariff refunds, or refunds for antidumping or countervailing duties. Most importers must first exhaust administrative remedies before the CBP, and when an entry "liquidates," CBP finalizes the duties owed. *See generally* 19 U.S.C. § 1514. After an entry liquidates, an importer has 180 days to file a formal protest with CBP, and if CBP denies the protest, then the importer has the right to sue. The CIT then has jurisdiction pursuant to 28 U.S.C. § 1581(a) to consider the specific decision of a denial of a protest, or residual jurisdiction under 28 U.S.C. § 1581(i) to consider challenges to the legality or constitutionality of a tariff. After litigation commences, the CIT then has the authority to issue a final judgment or refund order directing CBP to reliquidate (or restore) the specific entries at either a lower (or zero) rate of duty. Any overpaid duties generally include interest calculated from the date of overpayment (the entry date) to the

refund date. *See* 19 U.S.C. § 1505. The refund is then processed through CBP’s Automated Commercial Environment database.

- a. Does that authority permit the Court to direct CBP to issue refunds to companies that did not file suit prior to, or in response to, the U.S. Supreme Court’s decision regarding the Trump administration’s IEEPA tariffs? Please explain.

Response: The issue of whether statutory authority permits the Court to direct CBP to issue refunds to companies that did not file suit prior to, or in response to, the *Learning Resources* decision is a subject of pending litigation. Accordingly, as a judicial nominee, it is impermissible for me to opine or comment on any pending litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

- b. As you know, the Court has nationwide jurisdiction over trade matters. If you believe the Court does not have the authority to direct CBP to issue tariff refunds to parties that did not file suit, then how, if at all, are those parties entitled to relief? Please explain.

Response: As the Court is one of nationwide jurisdiction, it is an open question as to how *Casa v. Trump* applies to the refund litigation. Accordingly, as a judicial nominee, it is impermissible for me to opine or comment on any pending litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

30. On July 31, 2025, you posted on Facebook a picture of yourself with Mike Davis, the founder of the Article III Project, with the caption: “Fantastic night celebrating all of the success of the @articleiiiproject Too many luminaries to count and great speeches recounting all of their accomplishments—and we’re only six months into President Trump’s second term!” On October 16, 2020, you tweeted that the Article III Project was “run by one of the smartest lawyers I know” and tagged Davis. In response to your nomination to this role by President Trump, Davis posted on X on February 12, 2026, “Kara Westercamp is a long-time friend and former law school classmate.”

- a. Since you have “celebrat[ed] all of the success” of the Article III Project, what do you believe are the Article III Project’s most significant “accomplishments” that you were “celebrating” on July 31, 2025?

Response: As the question states, I am a long-time friend of and former law school classmate of Mr. Davis. I appreciated the invitation to attend the Article III Project event and briefly reconnect with Mr. Davis.

31. On the Article III Project website, one of the organization’s main priorities is described as “go[ing] on offense against those who weaponize the judicial system against conservatives.” Additionally, Davis is quoted on the website as saying, “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.”

- a. Do you agree with Davis that “many of today’s Democrats” are “evil”? If so, which Democrats meet that description?

Response: No.

- b. Do you agree with Davis that Democrats are “Marxists who hate America”? If so, which Democrats meet that description?

Response: No.

- c. Do you agree with Davis that Democrats “believe in censorship”? If so, which Democrats meet that description?

Response: No.

- d. Do you agree with Davis that Democrats have “politicized and weaponized our justice systems”? If so, which Democrats meet that description?

Response: No.

32. During your nomination hearing, you told Ranking Member Durbin and others that you regretted retweeting posts on political opinions and controversial topics from people you do not know. However, you have also written your own political tweets and responded to people you do know.

- a. On March 23, 2020, you wrote a tweet with the hashtag “#DemocratsHateAmerica.”

A) Do you recall posting this tweet?

B) Do you stand by this tweet?

C) When you wrote this tweet and decided it to post it, which Democrats were you referencing?

D) Do you still believe that Democrats hate America?

Response: I do not agree with the sentiment expressed in the hashtag that I used. I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States

District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me. I have reviewed the Committee on Codes of Conduct Advisory Opinion on the Use of Electronic Social Media by Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

- b. On November 4, 2020, Mike Davis tweeted, “Strange how ‘voting irregularities’ always seem to benefit Democrat candidates . . .” You responded on the same day, “Strange, or just a typical day in the handy guide for ‘How Democrats ‘Win’ Elections’....” You included a GIF saying, “If you cheat, you will win.”
- A) Do you recall posting this tweet?
 - B) Do you stand by this tweet?
 - C) When you wrote this tweet, what “cheat[ing]” were you referencing by including a GIF saying, “If you cheat, you will win”?

Response: I do not agree with the statement I made in my reply to Mr. Davis nor the GIF that I used. This question concerns matters of public controversy and active litigation. Accordingly, I must refrain from expressing a personal view as a judicial nominee. *See* Canon 3(A)(6), Code of Conduct for United States Judges (“A judge should not make any public comment on the merits of a matter pending or impending in any court.”); *see also* Canon 1 Commentary (“The Code is designed to provide guidance to judges and nominees for judicial office.”); *see generally* Canon 5.

I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me. I have reviewed the Committee on Codes of Conduct Advisory Opinion on the Use of Electronic Social Media by

Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

- c. On November 14, 2020, Davis tweeted, “We’ll have the election results when the legal votes are counted, the illegal votes are tossed, appropriate legal challenges are made, and the correct results are duly certified by the appropriate gov’t officials. @JoeBiden should want this, for legitimacy and unity.” You responded on the same day, “*Should* want this doesn’t really resonate with authoritarian tendencies and cheating.”
- A) Do you recall posting this tweet?
 - B) Do you stand by this tweet?
 - C) When you wrote this tweet, what “authoritarian tendencies and cheating” were you referencing?

Response: Please see my response to Question 32(b).

- d. Also on November 14, 2020, you tweeted at least twice about attending the “Million MAGA March,” a gathering of thousands of Trump supporters protesting the election results.
- A) Do you recall posting these tweets?
 - B) Did you believe at the time you attended the march and posted these tweets that Democrats cheated in the 2020 election?

Response: I do recall attending the march briefly at the very end. I have a physical disability and cannot walk for long distances without my cane nor stand for long periods of time. I do not agree with the sentiment behind the organization of the march.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Kara Marie Westercamp

1. At the hearing, multiple Senators questioned you about your social media content. You responded by saying that you regret “retweeting” inappropriate content. However, much of the content in question were not “retweets” but your original posts.
 - a. **Did you personally post (not retweet) the following message about Senator Graham: “You’re like the Charlie Brown teacher that no one can understand what’s being said and there’s no action from it. Your history shows that you’re true to NO ONE, but your own self-preservation.”**

Response: Yes. At the hearing, I sincerely apologized to Senator Graham during Ranking Member Durbin’s questioning of me. I regret the rhetoric and tone I used in this tweet and I deeply respect Senator Graham for all the work he has done in the Senate and on this Committee.

I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me. I have reviewed the Committee on Codes of Conduct Advisory Opinion on the Use of Electronic Social Media by Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

- b. **Did you personally post (not retweet) references to Senator McConnell as “Cocaine Mitch”?**

Response: Yes. It was my understanding at the time, and remains my understanding, that “Cocaine Mitch” was complimentary and Senator McConnell had embraced the nickname.¹

¹ *McConnell Capitalizes on Attack with ‘Cocaine Mitch’*, West Virginia Public Broadcasting, May 19, 2019, <https://wvpublic.org/story/wvpb-news/mcconnell-capitalizes-on-attack-with-cocaine-mitch-shirts/>; Burgess Everett, *Mitch McConnell Embraces His Dark Side*, Politico, May 19, 2019, <https://www.politico.com/story/2019/05/19/mitch-mcconnell-senate-left-1331577>.

I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me. I have reviewed the Committee on Codes of Conduct Advisory Opinion on the Use of Electronic Social Media by Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

c. Did you personally post (not retweet) the following message about then-Senator Romney: “it’s so refreshing when you pretend to be a Republican.”?

Response: Yes. I respect former Senator Romney and remember meeting him in Cedar Rapids, Iowa, during a campaign event in 2008, where we boxed food together for the homeless.

I have sought to uphold high standards of professionalism throughout my career, and that includes interactions with co-counsel, opposing counsel, and judges before the United States Court of Appeals for the Federal Circuit, United States Court of International Trade, and the United States Court of Federal Claims. I am grateful for the support of former Judge John A. Jarvey of the United States District Court for the Southern District of Iowa for his letter of support, in which he said that “[a] judge must have good moral character, intelligence, motivation, compassion and an unwavering commitment to ethics,” and I believe, along with Judge Jarvey, that I “possess each of them.” If confirmed, I will comply with the judicial canons and maintain high standards of professionalism in all of my communications. I would also set aside my personal views and impartially apply the law to the facts in every record before me. I have reviewed the Committee on Codes of Conduct Advisory Opinion on the Use of Electronic Social Media by Judges. After considering that guidance, and in light of my status as a judicial nominee, I have deactivated my X account.

2. Did you personally post (not retweet) the following tweets at the following times? Please answer in the form of a yes or no.

- a. At 3:46 PM on Thursday, December 19, 2019: “[@realDonaldTrump](#) who knows what shenanigans or malarkey the [@TheDemocrats](#) are capable of! 🤔🤔.”
- b. At 4:11 PM on Wednesday, January 22, 2020: “Very offensive. When I search ‘Trump2020’ on [@GIPHY](#) most of the gifs are nasty, offensive, and just plain crude. Way to show your bias much?!? [@realDonaldTrump](#) [@DonaldJTrumpJr](#) #Trump2020.”

- c. At 4:26 PM on Friday, January 24, 2020, in response to a tweet by Rep. Swalwell stating 2020 was Trump’s last year as president, writing: “Yes, you are correct. This is the last year he’ll be president of his first term. 🇺🇸 🙄”
- d. At 3:37 PM on Tuesday, February 25, 2020 in response to a post from Mike Davis about the prospects of Trump’s reelection and additional judicial appointments: “I am so ready for this! When @realDonaldTrump gets re-elected, not only will he get more district and circuit court appointments, but maybe also another SCOTUS appointment (or two!).”
- e. At 10:25 AM on Tuesday, September 15, 2020 regarding a raise in taxes for New York residents: ending a tweet with “#DeBlasioMustGo.”

Response: No, the tweets were not made at the referenced times. According to my twitter account, all of the tweets were exactly three hours later. Meaning that 2(a) was at 6:46 PM, 2(b) was at 7:11 PM, 2(c) was at 7:26 PM, 2(d) was at 6:37 PM, and 2(e). was at 1:25 PM. Copies are supplied.

3. Were you an employee at the Department of Justice during the times you posted the posts referenced in Question 2, (a)-(e). Please answer in the form of a yes or no.

Response: Yes.

- 4. The Hatch Act prohibits a government employee from engaging in political activity while the employee is on duty or in a government building.
 - a. **Do you believe you violated the Hatch Act by posting political messages during work hours? If not, why not?**

Response: As I stated above in my response to Question 2, the tweet times are incorrect in Question 2(a)-(e), and all of the tweets were posted outside of work hours with the exception of 2(e). Although I posted tweet 2(e) at 1:25 PM, Mr. DeBlasio was already term-limited as New York City mayor and could not run for re-election.² Therefore, it is unclear to me whether a singular use of a hashtag with no other political statement would somehow violate the Hatch Act. I have taken the Hatch Act very seriously over my 12-year career at the Department of Justice and as a detailee to the White House Counsel’s Office.

- 5. If confirmed to be a judge on the Court of International Trade, it is likely a case regarding the legality of President Trump’s tariff policies may come before you. You recently served as an advisor to the President on such policies.
 - a. **Will recuse yourself from any such case based on a conflict of interest?**

Response: I will recuse myself from any case in which I directly worked on the underlying matter while at the White House Counsel’s Office. More generally, if confirmed, I would make recusal determinations in accordance with 28 U.S.C. § 455,

² Nathaniel Rakich, *Why Bill de Blasio’s Campaign Failed (Hint: Nobody Liked Him)*, FiveThirtyEight, Sept. 20, 2019, <https://fivethirtyeight.com/features/why-bill-de-blasios-campaign-failed-hint-nobody-liked-him/>.

the Code of Conduct for United States Judges, and all other laws, rules, and practices governing recusal decisions.

However, the question, as posed, concerns the “legality of President Trump’s tariff policies,” and is much broader than the specific matters that I have worked on while in White House Counsel’s Office. For example, the Department of Commerce has announced numerous Section 232 investigations concerning national security under the authority of the Trade Expansion Act of 1962, as amended. And Section 301 of the Trade Act of 1974 allows the United States Trade Representative to investigate and retaliate against foreign trade practices deemed unfair, unreasonable, or restrictive to U.S. commerce, and investigations have been announced regarding forced labor and industrial excess capacity. Each of the announced Section 232 and Section 301 investigations will be separate records with separate findings.

Thus, if confirmed, I will recuse myself from any trade matters on which I directly worked during my time at White House Counsel’s Office. As I testified to during my hearing, it would be unfair and unethical to grade my own work.

**Nomination of Kara Marie Westercamp
United States Court of International Trade
Questions for the Record
Submitted April 1, 2026**

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."¹

- a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

Response: It would be doubly inappropriate for me, as a judicial nominee and Department of Justice employee, to offer any commentary on political issues, matters of public controversy, or a particular political official's statements. *See* Code of Conduct of U.S. Judges, Canon 5.

2. If this Committee were to establish that a sitting federal judge knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: It is inappropriate for a judicial nominee to offer any commentary on political issues or to weigh in on how a political branch of government may decide how to fulfill its enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5.

3. If this Committee were to establish that a political appointee knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: It is inappropriate for a judicial nominee to offer any commentary on political issues or to weigh in on how a political branch of government may decide how to fulfill its enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5.

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>.

4. How would you characterize your judicial philosophy?

Response: My judicial philosophy is that judges should carefully and impartially apply the rule of law. If confirmed, my role as a lower court judge on the United States Court of International Trade would be to faithfully apply Supreme Court precedent and follow the stare decisis rules and principles of the Federal Circuit.

5. What do you understand originalism to mean?

Response: Generally speaking, my understanding of originalism means adherence to the original public meaning of the U.S. Constitution based on the meaning of the text as understood by the public at the time the constitutional provision in question was enacted or ratified.

6. Do you consider yourself an originalist?

Response: I generally believe that when interpreting provisions of the U.S. Constitution, a judge should give words and phrases their original public meaning. If confirmed, I would faithfully apply all binding Supreme Court precedent and Federal Circuit precedent, regardless of whether those precedents were decided based on an originalist methodology.

7. What do you understand textualism to mean?

Response: I understand textualism to be a statutory interpretation theory where a judge focuses on the plain meaning of the words in the text of a statute as a reasonable person would have understood them when the law was written.

8. Do you consider yourself a textualist?

Response: I generally believe that statutory language should be applied as written according to its meaning at the time of enactment. If confirmed, I would faithfully apply all binding Supreme Court precedent and Federal Circuit precedent, regardless of whether those precedents were decided based on a textualist methodology.

9. 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: Generally speaking, the statutory text is the law that lower courts must interpret and apply, because the statutory text controls, rather than legislative history. As the Supreme Court recently stated, “[i]t is the statutory text ... that best reflects Congress’s intent.” *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025).

However, the United States Court of International Trade is unique in that Congress has mandated that the Statement of Administrative Action (SAA) is an “authoritative expression” by the United States “concerning the interpretation and application of the Uruguay Round Agreements Act,” and should be consulted “in which a question arises concerning such interpretation or application.” 19 U.S.C. § 3512(d). As such, the SAA carries more legal weight than typical legislative history and courts (including the Court of International Trade and Federal Circuit) and administrative agencies (such as the Department of Commerce) treat it as a primary source for discerning congressional intent regarding trade statutes. For example, in *Committee Overseeing Action for Lumber v. United States*, 66 F.4th 968 (Fed. Cir. 2023), the Federal Circuit relied on the SAA to conclude that the Department of Commerce had the authority to promulgate a regulation to adopt an expedited-review process to determine individual countervailing duty rates. If I were confirmed, I would likewise look to the SAA to interpret the operative trade statutes and apply all binding precedent of the Supreme Court and the Federal Circuit Court of Appeals.

- b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: Congressional intent matters, and the Supreme Court has held that statutory text “best reflects Congress’s intent.” *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025); accord *Bostock v. Clayton Cnty., Ga.*, 590 U.S. 644, 674–75 (2020) (“legislative history can never defeat unambiguous statutory text”). Although, again, consistent with my response to question 9(a), above, if I were confirmed, I would likewise look to the SAA to interpret the operative trade statutes, and apply all binding precedent of the Supreme Court and the Federal Circuit Court of Appeals.

10. 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 both with this academic study and the basis for its finding. Therefore, I cannot offer a view on the causes or attributes leading to the disparity.

11. 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?

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.

Response: These reported disparities are concerning, but I am not familiar with this report, its methodologies, any statistical analyses, or ultimate findings. Should I be confirmed, the United States Court of International Trade is a specialized court and only reviews disputes arising from customs and trade laws. I would never be in a position to sentence a defendant.

12. 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: Please see my response to Question 11.a.

13. 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 it is important that the judiciary be comprised of qualified individuals without regard to race, sex, ethnicity, religion, or any other protected characteristic. I have a physical disability and appreciate firsthand how my physical disability has not limited me in any way in the practice of law, and nor has anyone sought to limit me because of my physical disability.

14. 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: No, as to all the above.

15. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: Judicial orders are binding on the parties before the court. However, the normal course for litigants who disagree with a court order is to request reconsideration or rehearing, seek a stay, seek immediate appellate relief in the form of an injunction or stay pending appeal, or pursue a standard appeal. A litigant can also seek clarification of a court order, which may help the party determine which of the following approaches to pursue.

I am aware that certain interlocutory orders might be immediately appealable only via the avenue of a contempt finding, following defiance of the court order. *See, e.g., Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). A party may also petition the court of appeals for a writ of mandamus “in extraordinary circumstances—*i.e.*, when a disclosure order amount[s] to a judicial usurpation of power or a clear abuse of discretion, or otherwise works a manifest injustice.” *Id.* at 110. There may also be other limited circumstances where a party is forced to defy a lower federal court order in order to appeal or preserve its rights.

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: If confirmed, should a party allegedly fail to comply with an order, I would issue a show cause order or order a status report, asking the potentially non-compliant party to explain whether it had complied or attempted to comply with the order. This may or may not require a hearing, especially if the parties disagree as to whether an order was not complied with or even the degree of non-compliance. If I concluded that the order was in fact violated, I would consider sanctions. I would require the parties to brief whether there was a valid defense to any potential sanctions for non-compliance, because the contempt power should not be used lightly. *See, e.g., Spallone v. United States*, 493 U.S. 265, 276 (1990) (“the use of the contempt power places an additional limitation on a district court’s discretion,” and “a court is obliged to use the least possible power adequate to the end proposed”) (quotation omitted); *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 450 (1911) (“[T]he power of courts to punish for contempts is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law”).

b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Please see my response to Question 15.

16. Does the president have the power to ignore or nullify laws passed by Congress?

Response: The President has the authority under the U.S. Constitution to veto legislation that Congress passes. *See* Const., art. I, § 7, cl. 2. The Take Care Clause of the Constitution directs that the President “shall take Care that the Laws be faithfully executed.” Const., art. II, § 3, cl. 5. As such, the Take Care Clause is the source of the President’s authority to engage in “enforcement of federal . . . laws passed by Congress.” *Trump v. United States*, 603 U.S. 593, 627 (2024). The Supreme Court has further held that, under both the Vesting Clause and Take Care Clause, the Executive Branch possesses certain authority and discretion to prioritize enforcement of federal law. *See, e.g., United States v. Texas*, 599 U.S. 670, 679 (2023); *see also* Const., art. II, § 1, cl.1. Because these issues may come before me if I am confirmed, under the Code of Conduct for United States Judges, it would be inappropriate for me to comment further.

17. Does the president have the power to withhold funds appropriated by Congress?

Response: I am generally aware that *Train v. City of New York*, 420 U.S. 35 (1975), addressed the issue of the Executive Branch’s ability to withhold funds appropriated by Congress. I am also generally aware of the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.*, which provides various procedures for addressing budget and funding issues. As this question relates to an issue that is in active litigation, as a judicial nominee, it would not be appropriate for me to comment further. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

18. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction’s elected officials?

Response: The Supreme Court addressed the Executive Branch’s withholding of funds in *Train v. City of New York*, 420 U.S. 35 (1975). As this question relates to an issue that is in active litigation, as a judicial nominee, it would not be appropriate for me to comment further. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

19. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supreme Court has interpreted the Supremacy Clause to establish that principle, and as also provided instruction about what types of federal-state conflicts may lead to preemption. *See, e.g., Haaland v. Brackeen*, 599 U.S. 255, 287 (2023) (collecting cases).

20. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The United States Court of International Trade is a court of specialized jurisdiction, and the question of the amount of due process available to non-citizens would not come before me, if I am confirmed. However, the Supreme Court has stated that the “Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. The question in most cases is less about whether the doctrine of due process applies, but more about the extent of process that is due. To the extent this question asks about hypothetical cases or matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further. See Code of Conduct of U.S. Judges, Canon 3A(6).

21. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: Yes. 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.

22. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: It is typically inappropriate for judicial nominees to give an opinion about whether Supreme Court precedent was correctly decided or to “grade” Supreme Court opinions. Nominees have, however, historically made an exception in the case of *Brown v. Board of Education*, because the issue of *de jure* segregation is unlikely to appear before courts again. Therefore, consistent with judicial canons, and other nominees before me, I can confirm that *Brown* was correctly decided. However, I will refrain from opining on other cases that do not fit into this narrow exception.

23. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: Yes, it is binding precedent. In *Griswold*, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives. It involved an appeal by individuals who were penalized for prescribing contraceptives, and the Court held that the statute violated a “right to privacy” that the Court interpreted to be within the Constitution.

24. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: Yes, it is binding precedent. In *Lawrence*, the Supreme Court held that laws criminalizing sexual intimacy between members of the same sex violate the Fourteenth Amendment.

25. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: Yes, it is binding precedent. In *Obergefell*, the Supreme Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex.

26. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figures, my response, consistent with the position of prior nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 26.

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 26.

27. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁴

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: Donald Trump was certified as the winner of the 2016 election.

b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my answer to Question 27(a).

c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

⁴ U.S. CONST. amend. XXII.

Response: Donald Trump was certified as the winner of the 2024 election.

- d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my answer to Question 27(c).

- e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: Section 1 of the Twenty-Second Amendment states, in part, “[n]o person shall be elected to the office of the President more than twice” U.S. Const., amend, XXII, § 1. The Twenty-Second Amendment, ratified in 1951 after President Franklin D. Roosevelt served an unprecedented four terms, established term limits for the president. I am unaware of any precedent or Supreme Court interpretation of this portion of the Amendment. To the extent the question asks about political disputes or matters of public controversy, it would be improper for a judicial nominee to offer further commentary or speculate on any particular fact pattern. *See* Code of Conduct of U.S. Judges, Canon 5.

28. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: No.

29. 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.

30. 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: Yes, in the course of my work at White House Counsel’s Office, I have interacted with various DOGE personnel.

31. 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.

32. 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.

33. 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: Yes. I briefly met and spoke to former Attorney General Bondi for the first and only time at the Attorney General's Christmas Party on December 17, 2025.

34. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

35. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

36. 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.

37. 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.

38. 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 Tarrío
- b. Stewart Rhodes
- c. Kelly Meggs
- d. Kenneth Harrelson
- e. Thomas Caldwell
- f. Jessica Watkins
- g. Roberto Minuta
- h. Edward Vallejo
- i. David Moerschel
- j. Joseph Hackett
- k. Ethan Nordean
- l. Joseph Biggs
- m. Zachary Rehl
- n. Dominic Pezzola

- o. Jeremy Bertino
- p. Julian Khater

Response: No, as to all.

39. 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.

40. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

41. 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: No.

- b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: Mr. Davis is a longtime friend and fellow graduate of the University of Iowa College of Law whom I speak to occasionally.

- c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: Please see my response to Question 42(b).

- d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: Please see my response to Question 42(b).

⁵ <https://www.article3project.org/about>

42. 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: Persons at the Office of Legal Policy at the U.S. Department of Justice recommended I include cases that highlighted my trial experience.

- a. If so, who? What advice did they give?

Response: Please see my response to Question 43.

- 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 43.

43. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: Please see my response to Question 42(b).

44. 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: No, not to my knowledge.

45. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: I drafted my responses to each of these questions. I did so after reviewing the responses of several prior nominees. After receiving feedback from persons at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to this Committee. My answers are my own.