

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Maria Ann Lanahan
Nominee to be U.S. District Judge for the Eastern District of Missouri
June 11, 2025

1. You represented Missouri in its attempts to challenge access to mifepristone, one of two drugs used for medication abortions and miscarriage management. You initially filed a motion in the U.S. District Court for the Northern District of Texas to intervene in a case filed by private plaintiffs who sought a preliminary injunction ordering the Food and Drug Administration to withdraw or suspend access to mifepristone.

Last year, the Supreme Court unanimously held that the private plaintiffs lacked standing. You are now trying to revive the case to limit access to mifepristone despite decades of peer-reviewed research showing that the drug is safe.

In your amended complaint, you cited a study suggesting that access to abortion medication is “depressing expected birth rates for teenaged mothers in Plaintiff States” and claimed that Missouri would be injured because a loss of potential population would lead to “diminishment of political representation” and “loss of federal funds.”

- a. **Do you believe it is bad that teenage pregnancy rates are declining in your state?**

Response: The point the amended complaint was making was that teenage abortions were increasing.

- b. **Do you believe that teenagers should be forced to give birth to benefit Missouri’s coffers and its representation in Congress?**

Response: This question takes the statements out of context. One of the things a party must do to sue in federal court is prove it has standing. One part of standing is that the regulation challenged must affect the party in a concrete and imminent way. Missouri’s point was that under *Department of Commerce v. New York*, 588 U.S. 752, 754 (2019), the Supreme Court has held that a probable decrease in population is sufficient to demonstrate the first element of standing.

2. In your Senate Judiciary Questionnaire, you noted that you represented the state in *Blackmon v. Missouri*.

- a. **Did your office respond to all discovery requests made by the plaintiffs in this case?**

Response: Yes.

- b. **Did the Missouri circuit court ultimately order you to produce discovery**

materials requested by the plaintiffs in this case after they filed a motion to compel?

Response: The Court disagreed with plaintiffs on some of their claims about what the State should produce. On others, it agreed.

- 3. According to your Senate Judiciary Questionnaire, you have participated in at least one panel held out of state since joining the Office of the Attorney General for the State of Missouri. In September 2024, you participated in a Teneo Network event in Marana, Arizona.**

- a. Was any of the out-of-state travel for this event done at state taxpayer expense?**

Response: No.

- b. If yes, what was the justification for Missouri taxpayers funding your out-of-state travel?**

- c. If yes, did you receive any form of pre-travel authorization or file any post-travel expense reports? Did you comply with all relevant state laws addressing travel by public officials at state taxpayer expense?**

- 4. Since 2010, you have been a member of the Edmund Burke Society, a debate group at the University of Chicago Law School. In 2018, the group issued a “whip sheet” advertising a debate about immigration. Among other things, the document said, “Instead of being a porcelain receptacle for other nations’ wretched refuse, the United States should again put America first.” It also argued that, “If the essence of a nation is its people, allowing foreign bodies to enter is inviting disease into the body politic.”¹ If you are not familiar with this document, it is available at the footnote below.**

- a. Why did you remain a member of this organization after you graduated from law school?**

Response: I have not been actively involved in the organization since law school.

- b. When did you become aware of this whip sheet?**

Response: I do not recall. I was not at the law school at the time it was issued.

- c. Will you condemn this document?**

¹ Lee Harris, *Immigration Debate Postponed After Student Criticism, Claimed “Risk of Serious Disturbance,”* CHICAGO MAROON (Feb. 4, 2018), <https://chicagomaroon.com/25430/news/conservative-burke-society-postpones-immigration-d/>.

Response: As Eric Wessan, the then-Chairman of the Edmund Burke Society said: “I want to say that I am sorry to anyone who felt attacked or belittled by this Whip Sheet. This entire thing is awful. I feel terrible about how people are feeling. I look around the community and am upset by the harm done. It is bad for the Law School community. It’s bad for dialogue and debate. It is clear this sheet has caused people to feel attacked and belittled, and I am truly sorry. One person told me that some of the arguments made were not merely parody, but mirrored ugly sentiments. Given people’s immediate and visceral reaction to those sentiments, I see that using them was a mistake.”

d. Will you condemn the characterization of the United States as a “porcelain receptacle”?

Response: See response to 4.c.

e. Will you condemn the characterization of immigrants as “wretched refuse” and “foreign bodies”?

Response: See response to 4.c.

f. Will you continue your membership in this group if you are confirmed to serve as a district judge?

Response: See response to 4.a.

g. If the answer to the previous question is yes, why should any immigrant have confidence that you will treat them fairly if you are confirmed to serve as a district judge?

Response: I had no part in writing the whip sheet and was not at the University of Chicago Law School at the time. See also response to 4.a and response to 4.c.

5. Did President Trump lose the 2020 election?

Response: Joseph Biden was certified as the president and served from January 2021 to January 2025.

6. Where were you on January 6, 2021?

Response: In Saint Louis, Missouri.

7. Do you denounce the January 6 insurrection?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts, and whether January 6, 2021, was an insurrection is a

legal question. As a judicial nominee, it also is not appropriate for me to comment on political issues, so I will not do so.

8. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: As a judicial nominee, it is not appropriate for me to comment on political issues, so I will not do so.

9. 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: As a general matter, they may appeal, request a stay, move for reconsideration, or file a writ.

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

Response: In general, parties to a case must follow court orders. There are exceptions to this rule. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981) (“[I]n the rare case when appeal after final judgment will not cure an erroneous discovery order, a party may defy the order, permit a contempt citation to be entered against him, and challenge the order on direct appeal of the contempt ruling.”). Whether a particular case fits into an exception to the rule is a case-by-case determination.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

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

a. Are non-party injunctions constitutional?

Response: This legal issue is being considered by the Supreme Court, so as a judicial nominee, it would be improper for me to comment on it.

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

Response: This legal issue is being considered by the Supreme Court, so as a judicial nominee, it would be improper for me to comment on it.

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: This legal issue is being considered by the Supreme Court, so as a judicial nominee, it would be improper for me to comment on it.

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

Response: To the best of my recollection, I have not done so in any case in which I was lead counsel. I have entered as associate counsel on behalf of the State of Missouri in numerous multistate cases that were being led by another state. I have entered my appearance in many different cases, and I do not recall one that specifically requested such relief.

11. 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.

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

Response: Section 1 of the 22nd Amendment states that “No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.”

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

Response: Assuming the Supreme Court has not overruled its precedent, a lower court It may not.

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

Response: In the Eighth Circuit, one panel cannot overturn the published and binding decision of another panel. It can only be overturned by an *en banc* panel.

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

Response: The Supreme Court has identified factors that it considers in determining whether overturn its own precedent (such as whether past precedent is not workable, whether there is a reliance interest in the precedent, etc.).

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

a. *Brown v. Board of Education*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. However, they have historically commented on whether they think *Brown v. Board of Education* was correctly decided. Yes, it was correctly decided.

b. *Plyler v. Doe*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Plyler* is binding precedent, and I will apply it faithfully.

c. *Loving v. Virginia*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. However, they have historically commented on whether they think *Loving v. Virginia* was correctly decided. Yes, it was correctly decided.

d. *Griswold v. Connecticut*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Griswold* is binding precedent, and I will apply it faithfully.

e. *Trump v. United States*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Trump v. United States* is binding precedent, and I will apply it faithfully.

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

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Dobbs* is binding precedent, and I will apply it faithfully.

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

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Bruen* is binding precedent, and I will apply it faithfully.

h. *Obergefell v. Hodges*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Obergefell* is binding precedent, and I will apply it faithfully.

i. *Bostock v. Clayton County*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Bostock* is binding precedent, and I will apply it faithfully.

j. *Masterpiece Cakeshop v. Colorado*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Masterpiece Cakeshop* is binding precedent, and I will apply it faithfully.

k. *303 Creative LLC v. Elenis*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *303 Creative* is binding precedent, and I will apply it faithfully.

l. *United States v. Rahimi*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Rahimi* is binding precedent, and I will apply it faithfully.

m. *Loper Bright Enterprises v. Raimondo*

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Loper Bright* is binding precedent, and I will apply it faithfully.

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

Response: Yes – the Supreme Court has said that judges should look to the original public meaning of the Constitution.

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

Response: If I were a district court judge, I would look to Supreme Court and Eighth Circuit precedent.

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

Response: *Obergefell* held that the Constitution includes a right to same-sex marriage. If confirmed, I would apply that precedent faithfully.

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

Response: *Loving v. Virginia* held that the Constitution includes a right to marry persons of a different race. I would apply that precedent faithfully.

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

Response: The Equal Protection Clause of the Fourteenth Amendment states: “No state shall... deny to any person within its jurisdiction the equal protection of the laws.”

The Due Process Clause of the Fourteenth Amendment states: “No state shall...deprive any person of life, liberty, or property, without due process of law.”

If I were confirmed, I would faithfully apply Supreme Court and Eighth Circuit precedent on these two Clauses of the Fourteenth Amendment.

22. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Equal Protection Clause and Due Process Clause apply to men and women regardless of their LGBTQ+ affiliation. Whether these clauses are violated in a particular case are legal questions that could come before me if I am confirmed, and so would be inappropriate to comment on.

23. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Judges should follow the precedent of the Supreme Court and the controlling circuit precedent. The Supreme Court has held that judges should apply the original public meaning of the Constitution.

24. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: District courts should follow the precedent of the Supreme Court and the controlling circuit precedent regarding the Foreign Emoluments Clause.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

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

Response: In general, content-based restrictions are restrictions based on the message expressed. Content-neutral restrictions are not. For instance, time, place, and manner restrictions are typically considered content-neutral restrictions. I would follow Supreme Court and Eighth Circuit precedent faithfully on this issue.

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

Response: The Supreme Court has held that true threats are not protected speech under the First Amendment. *Virginia v. Black*, 538 U.S. 343, 359 (2003). I will fully and faithfully apply the standard for true threats in *Virginia v. Black* and any other binding Supreme Court precedent.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

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

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

Response: The Fourteenth Amendment also requires that the person born in the United States be “subject to the jurisdiction thereof.” As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

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: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

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

Response: The most important factor to consider in selecting federal judges is merit. As the U.S. Supreme Court has stated in *Students for Fair Admissions v. Harvard*, 141 S. Ct. 2141, 2170 (2023), “One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities.”

32. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

- a. **How do you view the role of federal judges in implementing the *First Step Act*?**

Response: The First Step Act allows, among other things, parties to ask judges to resentence them under the Fair Sentencing Act retroactively. I would apply the First Step Act faithfully.

- b. **Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?**

Response: Yes.

33. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”

- a. **In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of “traditional values”?**

Response: That quote appears to be from the Federalist Society for Law and Public Policy Studies. I am not familiar with that group or what it 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.²**

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues.

² Donald J. Trump (@realDonaldTrump), Truth Social (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

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

Response: I make decisions about memberships on a year-to-year basis. I will consider whether to renew when my yearly membership expires.

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

Response: I have not spoken to Leonard Leo or Steven G. Calabresi during my selection process. The Federalist Society is very large. According to their website, the Federalist Society is a society of 90,000 members. As part of my selection process, I may have spoken to people associated with the Federalist Society, but that was not the reason I was speaking with them.

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

Response: I have been asked to speak at legal education events put on by the Washington University Law School Federalist Society Chapter and at continuing legal education (CLE) events put on by the St. Louis Federalist Society Chapter.

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

Response: No.

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

a. In your Questionnaire, you state that you are currently or were previously a member of the Teneo Network. How many meetings have you attended since joining?

Response: By my count, I have attended eight Teneo events.

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

Response: I have not spoken with Leonard Leo during my selection process. To my knowledge, I spoke to no Teneo members as part of my selection process.

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

Response: I spoke on a panel one time at a Teneo event.

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

Response: No.

35. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: Not to my knowledge.

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

Response: No.

- c. **Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No.

- d. **Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: No.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

38. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: To my knowledge, I spoke to no individuals associated with ADF as part of the selection process.

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

Response: No.

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

Response: No.

40. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

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

Response: I did not speak to Leonard Leo or Carrie Severino as part of my selection process. To my knowledge, I spoke to no individuals associated with the Concord Fund or the 85 Fund as part of my selection process.

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

Response: No.

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

Response: No.

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

Response: I have no knowledge of any donations to organizations to support my nomination, and I would never ask for any such donations.

- 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: See response to Question 40.d.

- f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?**

Response: See response to Question 40.d.

Senator Mike Lee
Questions for the Record

Maria A. Lanahan, to be United States District Judge for the Eastern District of Missouri

- 1. What role do the text and original meaning of a constitutional provision play when interpreting the Constitution?**

Response: The Supreme Court has instructed courts to interpret the constitution by determining what the text would have meant to the public at the time the constitution was ratified.

- 2. What qualifies a particular group as a “suspect class,” such that laws affecting that group must survive strict scrutiny?**

Response: The Supreme Court has determined which groups are suspect classes such that laws affecting that group must survive strict scrutiny. If confirmed, I will apply binding Supreme Court and Eighth Circuit precedent on this topic faithfully.

- 3. How would you describe the role that checks and balances and separation of powers play in the Constitution’s structure?**

Response: Federalist No. 51 addressed the separation of powers and how it was designed to prevent any one branch from accumulating too much power and abusing it.

- 4. How would you evaluate a case in which one branch assumed an authority not granted it by the text of the Constitution?**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come up before the courts. I would faithfully apply the precedent of the Supreme Court and Eight Circuit on this point.

- 5. How would you explain the difference between judicial review and judicial supremacy?**

Response: According to Black’s Law Dictionary (12th ed. 2024), judicial supremacy is the “doctrine that interpretations of the Constitution by the federal judiciary in the exercise of judicial review...are binding on the coordinate branches of the federal government and the states,” and judicial review is a “court’s power to review the actions of other branches or levels of government.”

**Nomination of Maria Ann Lanahan
Nominee to the U.S. District Court for the Eastern District of Missouri
Questions for the Record
Submitted June 11, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

- 1. You said in your questionnaire that President Trump called you to tell you that you would be nominated.**

- a. What else did he discuss on the phone call?**

Response: President Trump told me that he intended to nominate me to a vacancy on the United States District Court for the Eastern District of Missouri. He congratulated me and wished me and my family the best.

- b. Did he ask you to make any commitments?**

Response: No.

- 2. You said in your questionnaire that you have been a member of Teneo since 2022.**

- a. In your words, what is the Teneo Network?**

Response: Teneo is a 501(c)(3) professional networking organization.

- b. Why did you join?**

Response: Networking opportunities.

- c. You said in your questionnaire that you served as a panelist at a Teneo event in Austin, Texas, in September 2024 where you “spoke about legal issues surrounding women’s health.” Please describe in detail the legal issues you spoke about.**

Response: I never spoke at a Teneo event in Austin, Texas. I spoke at an event in Arizona in September 2024 that concerned legal issues surrounding women’s health, including developments involving legislation, regulation, and litigation.

- d. What other activities have you participated in as part of the group?**

Response: An online gathering, two dinner gatherings, a baseball game and a meal, two retreats, and two holiday parties.

- e. **Leonard Leo declared in a November 2024 NPR interview that his goal with the Teneo Network is to “crush liberal dominance” across American life. Do you agree with Leo’s goal?**

Response: My understanding is that Teneo is a 501(c)(3) professional networking organization. I am not familiar with this comment. Consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy.

3. **You said in your questionnaire that you have been a member of the Edmund Burke Society, a conservative debate club at the University of Chicago, since 2010. In 2018, the Edmund Burke Society said on an event flyer that the United States was a “porcelain receptacle for other nations’ wretched refuse” and that “allowing foreign bodies to enter is inviting disease into the body politic.”**

- a. **Why did you remain a member after this incident?**

Response: I was not at the law school at the time of this incident, and I have not been actively involved in the organization since law school. I had no part in writing the whip sheet.

- b. **Do you agree with the quoted statements from the Society’s flyer?**

Response: As Eric Wessan, the then-Chairman of the Edmund Burke Society said: “I want to say that I am sorry to anyone who felt attacked or belittled by this Whip Sheet. This entire thing is awful. I feel terrible about how people are feeling. I look around the community and am upset by the harm done. It is bad for the Law School community. It’s bad for dialogue and debate. It is clear this sheet has caused people to feel attacked and belittled, and I am truly sorry. One person told me that some of the arguments made were not merely parody, but mirrored ugly sentiments. Given people’s immediate and visceral reaction to those sentiments, I see that using them was a mistake.”

4. **You said in your questionnaire that you have been a member of the Federalist Society since 2010. Recently, President Trump said he was “so disappointed” with the Federalist Society’s “bad advice” on nominees, calling Leonard Leo a “sleazebag” and a “bad person who, in his own way, probably hates America.”**

- a. **Do you agree with President Trump that Leonard Leo is a “sleazebag”? Why or why not?**

Response: As a judicial nominee, it is not appropriate for me to comment on political issues.

- b. Do you agree with President Trump that Leonard Leo is a “bad person who, in his own way, probably hates America”? Why or why not?**

Response: As a judicial nominee, it is not appropriate for me to comment on political issues.

- 5. Have you had any conversations with members of the Trump administration concerning your personal views on any policy or case law? If so, please describe those conversations with specificity.**

Response: Not to my recollection.

- 6. Do you believe it is appropriate to impeach judges solely for ruling against the executive branch?**

Response: Article II, Section 4 of the Constitution states that “The President, Vice President, and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.” I would faithfully apply the Supreme Court’s and Eighth Circuit’s precedents on this topic.

- 7. Please explain your understanding of existing case law regarding:**

- a. The executive branch’s obligation to comply with federal court orders.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- b. Remedies available to a federal court to ensure executive branch compliance with a court order.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- c. Federal government lawyers’ duty of candor to federal courts before which those lawyers appear.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- d. The president’s legal obligations under the Constitution’s Take Care Clause.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- e. **The limits of the executive branch's power under the anti-commandeering doctrine.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- f. **The president's ability or inability to impound congressionally appropriated funds.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- g. **The federal government's ability to enact laws or regulations that burden Second Amendment rights.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- h. **The federal government's ability to enact generally applicable laws that are not motivated by animus but nonetheless burden religious practices.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

8. **As a practicing attorney, have you ever sought a nationwide injunction or similar relief in federal court, or, as a judge, have you ever issued a nationwide injunction or similar relief? If yes, please list and describe each case.**

Response: To the best of my recollection, I have not done so in any case in which I was lead counsel. I have entered as associate counsel on behalf of the State of Missouri in numerous multistate cases that were being led by another state. I have entered my appearance in many different cases, and I do not recall one that specifically requested such relief.

- a. **Have you ever publicly voiced support or opposition regarding a federal court's issuance of a nationwide injunction or similar relief? If yes, please describe.**

Response: Not to my recollection.

- b. **Do you believe that a federal judge issuing a nationwide injunction or similar relief against the executive branch is equivalent to a coup d'etat?**

Response: Whether nationwide injunctions are permissible relief is a legal issue currently being considered by the Supreme Court. As a judicial nominee, it would be improper for me to comment on it.

- c. Do you believe that a federal judge who issues a nationwide injunction or similar relief against the executive branch is equivalent to insurrection?**

Response: Whether nationwide injunctions are permissible relief is a legal issue currently being considered by the Supreme Court. As a judicial nominee, it would be improper for me to comment on it.

- d. Do you believe that a federal judge who issues a nationwide injunction or similar relief against the executive branch is an activist judge?**

Response: Whether nationwide injunctions are permissible relief is a legal issue currently being considered by the Supreme Court. As a judicial nominee, it would be improper for me to comment on it.

9. Please describe your understanding of natural law.

Response: Black's Law Dictionary (12th ed. 2024) defines "natural law" as "A philosophical system of legal and moral principles purportedly deriving from a universalized conception of human nature or divine justice rather than from legislative or judicial action...."

- a. What authority does natural law carry in federal case law?**

Response: If I am confirmed as a district court judge, I will follow Supreme Court and Eighth Circuit precedent on this issue.

- b. When do you think it is appropriate for a federal judge to rely on natural law?**

Response: See response to Question 9.a.

- c. If confirmed, do you plan to incorporate natural law into your decisions?**

Response: See response to Question 9.a.

10. Please describe your understanding of originalism.

Response: Originalism is the theory that the Constitution should be interpreted as the public would have understood it at the time it was ratified. To the extent that this is not clear, courts use history and tradition to assist them in determining original public meaning.

- a. Do you consider yourself an originalist?**

Response: Yes.

- b. Do you believe that people who do not support or adhere to originalism do not like America?**

Response: As a nominee for a federal judge position, I cannot comment about my political views.

- c. Based on your understanding of originalism, was *Citizens United v. Federal Election Commission* an originalist decision? Why or why not?**

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Citizens United* is binding precedent, and I will apply it faithfully.

- d. Based on your understanding of originalism, was *Trump v. United States* an originalist decision? Why or why not?**

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Trump v. United States* is binding precedent, and I will apply it faithfully.

11. Please describe your understanding of textualism.

Response: I understand textualism to be very similar to originalism. When interpreting statutes, the text of the statute must be based on its public meaning at the time the statute was adopted.

- a. Do you consider yourself a textualist?**

Response: Yes.

- b. How should a court analyzing a federal statute account for the “Findings” or “Purposes” sections of such statutes?**

Response: If I am confirmed, I would apply the Supreme Court’s and Eighth Circuit’s precedents relating to this issue.

12. Please describe your understanding of the different roles of district and appellate courts with respect to fact-finding.

Response: The district court is the factfinding and trial court. The appellate court is not considered a factfinding court and may only overturn factual findings in rare instances, such as when the fact found is clearly erroneous. Appellate courts considers whether the trial court committed legal error and whether that error should lead to reversal or remand of the case.

- a. **What deference should courts grant facts found by Congress when reviewing legislation expanding or limiting individual rights?**

Response: If I am confirmed, I would apply the Supreme Court's and Eighth Circuit's precedents relating to this issue.

- b. **Separate from legal holdings, are lower courts bound to adhere to factual findings by the Supreme Court?**

Response: Yes.

- c. **What standard will you use to determine when it is appropriate to depart from otherwise binding appellate case law because of differences in the facts of a case?**

Response: I will apply Supreme Court and Eighth Circuit precedent to determine when a case's material facts are different enough to warrant distinguishing the case from the facts in an existing appellate precedent.

13. If confirmed, how will you conduct historical analyses under *New York State Rifle & Pistol Association v. Bruen*?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts.

- a. **As part of these historical analyses, will you solicit input from amici curiae?**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I will consider input from amici curiae if amicus briefs are filed.

- b. **How will you assess the veracity of historical claims made by parties?**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I will apply Supreme Court and Eighth Circuit precedent on this issue.

- c. **How will you assess the veracity of historical claims made by amici curiae?**

Response: See response to 13.b.

14. The U.S. Sentencing Commission recently prioritized the “[c]ompilation and dissemination of information on court-sponsored programs relating to diversion, alternatives-to-incarceration, and reentry.” Courts can tailor these programs to meet specific needs of defendants before them. These include programs focused on mental health, substance use disorder, veterans, and juveniles.

a. Do you support the use of programs such as these?

Response: I support the U.S. Sentencing Commission's decision to compile and disseminate information so that all three branches of government can make evidence-based decisions.

b. If confirmed, what steps will you take to participate in or support programs such as these within the jurisdiction to which you would be confirmed?

Response: See response to Question 14.a.

15. If confirmed, will you attend, to the extent possible, any trainings provided by the Federal Judicial Center for newly appointed judges—including on abiding with federal ethics laws and the Code of Conduct for United States Judges?

Response: Yes.

16. If confirmed, you will be called upon to maintain impartiality, which requires being open to legal arguments that may lead to outcomes you dislike.

a. If confirmed, what steps will you take to ensure that you are exposed and open to a range of ideological and legal viewpoints outside of the courtroom—in particular, those that you do not agree with?

Response: Among other things, I read news from many sites with various views. I keep up with Supreme Court cases, including understanding the arguments made on both sides of the case. And I plan to continue these and other practices when I become a judge.

b. During your time as a legal professional, including as a sitting judge, if applicable, what steps have you taken to ensure that you are exposed and open to a range of ideological and legal viewpoints—in particular, those that you do not agree with?

Response: See Response to 16.a.

c. If confirmed, do you plan to hire qualified law clerks who do not share your ideological or legal viewpoints?

Response: I plan to hire the best law clerks I can find.

17. If confirmed, do you plan to “boycott” the hiring of law clerks from any specific schools? If so, which schools and why?

Response: No.

a. Do you believe such boycotts are appropriate?

Response: As a judicial nominee, it is not appropriate for me to comment on the decisions of other judges.

18. If confirmed, you will be responsible for managing and exercising authority over law clerks and other court personnel.

a. What professional experience do you have overseeing and managing others?

Response: As Principal Deputy Solicitor General, I oversee and manage Assistant Attorneys General and other Deputy Solicitors in the Missouri Attorney General's Office in major motions, trial court cases, and appeals. I directly oversee approximately one-fourth of the appeals from our office. While at Thompson Coburn, I oversaw the work of associates on trial-court cases.

b. How do you plan to recruit and hire law clerks?

Response: I plan to cast a wide net by reaching out to many different universities and contacts across the nation.

19. If confirmed, do you have plans to integrate artificial intelligence into your work as a federal judge? If so, how?

Response: I don't currently have plans to integrate AI into my work as a federal judge.

20. Have you ever deleted any posts or publications originally published under your name or an account associated with you? If so, please provide those posts or publications in full.

Response: With respect to publications, the answer is no to the best of my recollection. With respect to posts, to the best of my recollection I have not deleted any posts relating to my professional role or legal matters. I have previously deleted content like old pictures from personal social-media accounts over the two decades in which social media has been prevalent.

21. Have you ever asked for your name to be removed from any publication which previously bore your name? If so, please provide these publications in full.

Response: No.

22. Have you ever been accused, in any setting, of the following? If so, please describe the accusation with specificity, the actions you took in response, and how the accusation was resolved.

a. Sexual harassment?

Response: No.

b. Sex-based discrimination?

Response: No.

c. Race-based discrimination?

Response: No.

d. Discrimination on the basis of national origin?

Response: No.

e. Discrimination on the basis of religion?

Response: No.

f. Workplace misconduct of any kind?

Response: No.

23. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe your conversations with them with specificity.

a. Leonard Leo

Response: No.

b. Carrie Severino

Response: No.

c. Mike Davis

Response: No.

d. The Article III Project

Response: No.

24. Do the Fifth and Fourteenth Amendments protect individuals' substantive, as well as procedural, rights?

Response: The Supreme Court has recognized substantive due process rights. *See, e.g., Obergefell v. Hodges*, 576 U.S. 644, 675 (2015).

25. What rights does the Constitution protect that are not expressly enumerated in the Constitution?

Response: The Supreme Court has recognized a number of rights that are not expressly enumerated in the Constitution. For instance, the right to marry someone of a different race, the right to use contraceptives, and the right to marry someone of the same sex. *See Loving v. Virginia*, 388 U.S. 1 (1967); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Obergefell v. Hodges*, 576 U.S. 644 (2015).

26. Is it ever lawful for the President to punish lawyers because of who they represent or what positions they take? If so, when?

Response: As a judicial nominee, it is not appropriate for me to comment on legal issues that could come before the courts.

27. Can the federal government deport immigrants with lawful status solely because of those immigrants' expression of a political view?

Response: As a judicial nominee, it would not be appropriate for me to comment on legal questions that could come before the courts.

28. What protections does the Constitution offer to safeguard the freedom of the press?

Response: Among other things, the First Amendment protects freedom of speech and freedom of the press.

29. Can the federal government fire its employees for the sole reason that they espouse a disfavored political opinion?

Response: As a judicial nominee, it would not be appropriate for me to comment on a case that could come before the courts.

30. Do you agree that campaign finance donor disclosure requirements “impose no ceiling on campaign-related activities” and “do not prevent anyone from speaking,” as Justice Kennedy wrote for an 8-1 majority in *Citizens United*?

Response: As a general matter, judicial nominees do not comment on whether Supreme Court cases have been decided correctly. *Citizens United* is binding precedent, and I will apply it faithfully.

31. Was *Korematsu v. United States* egregiously wrong the day it was decided?

Response: The Supreme Court in *Trump v. Hawaii* recognized what it described as “obvious”—that “*Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history, and—to be clear—‘has no place in law under the Constitution.’”

- a. Do you agree with Chief Justice Roberts that “[t]he forcible relocation of U.S. citizens to concentration camps, solely and explicitly on the basis of race, is objectively unlawful”?**

Response: *See* Response to Question 31.a.

32. The Seventh Amendment ensures the right to a jury “in suits at common law.”

- a. What role does the civil jury play in our constitutional system?**

Response: The civil jury serves as a check on government power and ensures public participation in the administration of justice.

- b. Should the Seventh Amendment be a concern to judges when adjudicating issues related to the enforceability of mandatory pre-dispute arbitration clauses?**

Response: Should I be confirmed, I will apply binding Supreme Court and Eighth Circuit precedents on this topic.

- c. Should an individual’s Seventh Amendment rights be a concern to judges when adjudicating issues surrounding the scope and application of the Federal Arbitration Act?**

Response: Should I be confirmed, I will apply binding Supreme Court and Eighth Circuit precedents on this topic.

33. Did Joe Biden win the 2020 presidential election?

Response: Joseph Biden was certified as the president and served from January 2021 to January 2025.

34. Yes or no: Was the U.S. Capitol attacked by a violent mob on January 6, 2021?

Response: I was not present at the U.S. Capitol at the time. I do not have personal knowledge of the details. Consistent with the Code of Conduct and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment on any subject of political controversy or to express a position regarding matters of public policy.

a. Where were you on January 6, 2021?

Response: Saint Louis, Missouri

35. Yes or no: Does the 22nd Amendment permit a president to be elected more than twice?

Response: Section 1 of the 22nd Amendment states that “No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.” I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

**Senate Judiciary Committee
Nomination Hearing
June 4, 2025
Questions for the Record
Senator Amy Klobuchar**

For Maria Ann Lanahan, nominee to be U.S. District Judge for the Eastern District of Missouri

- 1. As Deputy Solicitor General of Missouri, you led the effort to restrict women’s access to Mifepristone, a drug that has been approved in over 90 countries and safely used by millions. Your suit tries, among other things, to overturn the FDA’s 2016 approval and refers to these medications as “dangerous drugs.”**
 - In filing your suit, are you aware that in 2018 the GAO—an independent, non-partisan agency—evaluated 62 studies and articles that supported the FDA’s decision, and that in 2023, the American Medical Association stated: “There is no evidence that people are harmed by having access to this safe and effective medication”?**

Response: My work on this case has been discrete and limited. I am not lead counsel on this case. I was not aware of the two studies you reference. That said, it is Missouri’s view that abortion complications are underreported for multiple reasons: failure to abide by reporting laws, the 2016 REMS removing the requirement to report complications other than death, and the fact that women presenting to emergency rooms who have taken abortion drugs do not always tell their providers that they took an abortion drug.

**Nomination of Maria Lanahan to the
United States District Court for the Eastern District of Missouri
Questions for the Record
Submitted June 11, 2025**

QUESTIONS FROM SENATOR COONS

- 1. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case, investigation, or matter, if confirmed? If so, explain fully.**

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?**

Response: No.

- 2. In your Senate Judiciary Questionnaire, you note that, on May 6, 2025, President Trump called you to tell you that you would be nominated to the federal bench.**

- a. How long did that call last?**

Response: Approximately two minutes.

- b. Who else, if anyone, participated in the call other than you and President Trump?**

Response: I was connected to President Trump by the White House Operator.

- c. What was discussed on the call?**

Response: President Trump told me that he intended to nominate me to a vacancy on the United States District Court for the Eastern District of Missouri. He congratulated me and wished me and my family the best.

- d. What questions, if any, were you asked by President Trump during the call and how did you answer them?**

Response: As small talk, President Trump asked me if I had seen Solicitor General John Sauer's latest win at the U.S. Supreme Court. I told him I had not had a chance to see that yet. For context, John Sauer used to be my boss. I don't recall President Trump asking me any other questions.

3. How would you describe your judicial philosophy?

Response: Originalism

4. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

Response: If I were confirmed, in addressing such questions, I would faithfully apply the standards set forth in applicable Supreme Court and Eighth Circuit precedent, including as appropriate *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 238-50 (2022), *Obergefell v. Hodges*, 576 U.S. 644, 662-73 (2015), and *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997).

a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: If I were confirmed, in addressing such questions, I would faithfully apply the standards set forth in applicable Supreme Court and Eighth Circuit precedent, including as appropriate *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 238-50 (2022), *Obergefell v. Hodges*, 576 U.S. 644, 662-73 (2015), and *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997).

b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: If I were confirmed, in addressing such questions, I would faithfully apply the standards set forth in applicable Supreme Court and Eighth Circuit precedent, including as appropriate *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 238-50 (2022), *Obergefell v. Hodges*, 576 U.S. 644, 662-73 (2015), and *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997).

c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: If I were confirmed, in addressing such questions, I would faithfully apply the standards set forth in applicable Supreme Court and Eighth Circuit precedent, including as appropriate *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 238-50 (2022), *Obergefell v. Hodges*, 576 U.S. 644, 662-73 (2015), and *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997).

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: If I were confirmed, in addressing such questions, I would faithfully apply the standards set forth in applicable Supreme Court and Eighth Circuit precedent, including as appropriate *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 238-50 (2022), *Obergefell v. Hodges*, 576 U.S. 644, 662-73 (2015), and *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997).

e. What other factors would you consider?

Response: If I were confirmed, in addressing such questions, I would faithfully apply the standards set forth in applicable Supreme Court and Eighth Circuit precedent, including as appropriate *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 238-50 (2022), *Obergefell v. Hodges*, 576 U.S. 644, 662-73 (2015), and *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997).

5. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: No, under the principles of *stare decisis*.

6. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, “[h]igher education at the time was considered dangerous for women,” a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, “As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. . . . Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser.” This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

Response: If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Eighth Circuit governing consideration of such evidence.

b. What is the role of sociology, scientific evidence, and data in judicial analysis?

Response: If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Eighth Circuit governing the consideration of such evidence. The admissibility of scientific, technical, or other specialized

knowledge in the determination of adjudicative facts is governed by, *inter alia*, Federal Rule of Evidence 702 and the applicable precedent construing that rule.

7. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

- a. **As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?**

Response: I will impose supervision thoughtfully and consistent with all applicable laws.

- b. **Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?**

Response: As a nominee for judicial office, I cannot share my views about the wisdom of various statutes. I would apply all applicable statutes fully and faithfully.

- c. **Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?**

Response: I commit to applying all applicable statutes fully and faithfully.

8. **What is the remedy if the President of the United States violates his constitutional duty to faithfully execute the laws?**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

9. **Is President Trump eligible to be elected President for a third term?**

Response: Section 1 of the 22nd Amendment states that “No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.”

I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

10. Who won the 2020 U.S. Presidential Election?

Response: Joseph Biden was certified as the president and served from January 2021 to January 2025.

11. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: This is either a political question or a legal question that could come before the courts. To the extent it is a political question, it is improper for judicial nominees to comment on political issues. To the extent it is a legal question that could come before the courts, it is not appropriate for judicial nominees to opine on such questions. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

12. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

13. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point. To the extent that this question asks about my political views, it would be improper for a judicial nominee to comment on political issues.

- 14. Do you agree that there is a constitutional right to privacy that protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.**

Response: The Supreme Court held that there is a constitutional right to privacy that protects a woman's right to use contraceptives in *Griswold v. Connecticut*, 381 U.S. 479 (1965). If confirmed, I would faithfully follow that decision and all other Supreme Court precedents.

- 15. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

- 16. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?**

Response: The Fifth Amendment provides, in relevant part, "No person shall ... be deprived of life, liberty, or property, without due process of law." The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. The question in most cases is less about whether the doctrine of due process applies and more about how much process is due. As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

- 17. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: The role of the judge is to faithfully apply the law. As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: The role of the judge is to faithfully apply the law. As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

21. Under 28 U.S.C. § 455, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned.”

- a. You filed an amicus brief in the Supreme Court on behalf of Missouri in *Alliance for Hippocratic Medicine v. Food and Drug Administration*. The case challenged the Food and Drug Administration’s approval of the abortion drug mifepristone. Should you be confirmed, would you recuse yourself from future cases involving abortion drugs? Why or why not?**

Response: As stated in my SJQ, if confirmed, I will recuse in any litigation where I have ever played a role. I will evaluate recusal in cases involving the State of Missouri (including the Office of the Attorney General), Charter Communications, Thompson Coburn, and any clients I represented at that firm. I would also recuse myself from matters involving my family, close friends, and my own financial interests. Lastly, I will evaluate any other real or potential conflict or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, with the advice of parties and their counsel, including recusal where necessary.

If confirmed I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

22. In your Senate Judiciary Questionnaire, you disclosed that you are a member of the Federalist Society, a group whose members often advocate an “originalist” interpretation of the Constitution. In his opinion for the unanimous Court in *Brown v. Board of Education*, 347 U.S. 483 (1954), Chief Justice Warren wrote that although the “circumstances surrounding the adoption of the Fourteenth Amendment in 1868 . . . cast some light” on the amendment’s original meaning, “it

is not enough to resolve the problem with which we are faced. At best, they are inconclusive We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.” 347 U.S. at 489, 490-93. Do you consider *Brown* to be consistent with originalism even though the Court in *Brown* explicitly rejected the notion that the original meaning of the Fourteenth Amendment was dispositive or even conclusively supportive?

Response: Yes.

- a. **Should the public’s understanding of a constitutional provision’s meaning at the time of its adoption ever be dispositive when interpreting that constitutional provision today?**

Response: The Supreme Court has held that the original public meaning of constitutional provisions is relevant in interpreting them.

- b. **Does the public’s original understanding of the scope of a constitutional provision constrain its application decades later?**

Response: See response to Question 22.a.

- c. **What sources would you employ to discern the contours of a constitutional provision?**

Response: Inferior courts must follow Supreme Court and Circuit precedent in discerning the contours of a constitutional provision. The Supreme Court has held that courts should also look at the text, structure, history, and tradition.

23. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: In general, parties to a case must follow court orders. There are exceptions to this rule. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981) (“[I]n the rare case when appeal after final judgment will not cure an erroneous discovery order, a party may defy the order, permit a contempt citation to be entered against him, and challenge the order on direct appeal of the contempt ruling.”). Whether a particular case fits into an exception to the rule is a case-by-case determination. I don’t currently plan to inform parties that they do not need to comply with my orders.

- a. **Under what circumstances would you tell a party they could decide not to comply with your orders?**

Response: See response to Question 23.a.

b. What would you do if a party refuses to comply with one of your orders?

Response: In general, parties to a case must follow court orders. There are exceptions to this rule. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981) (“[I]n the rare case when appeal after final judgment will not cure an erroneous discovery order, a party may defy the order, permit a contempt citation to be entered against him, and challenge the order on direct appeal of the contempt ruling.”). Whether a particular case fits into an exception to the rule is a case-by-case determination. Inferior courts must follow Supreme Court and Circuit precedent in determining what to do if a party refuses to comply with a court order.

24. Discuss your proposed hiring process for law clerks.

I would review materials sent to me by applicants. I would interview those applicants I believe to be strong candidates. After interview, I would determine whether to hire those applicants. Once I have clerks, I would likely have my clerks interview any applicant before I decide whether to hire him or her.

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

This is a political question. As a judicial nominee, it would be improper for me to share my political views.

25. 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?

I have not made a determination on this issue at this time.

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

I have not made a determination on this issue at this time. I will certainly be supporting the skill development of my clerks by working with them directly.

Questions for the Record for Ms. Maria A. Lanahan
Submitted by Senator Richard Blumenthal
June 11, 2025

1. You co-authored a legal complaint in *Missouri v. FDA* in which you cited two studies by James Studnicki, Tessa Longbons, and others that had been published in *Health Services Research and Managerial Epidemiology*. This complaint was electronically filed on November 3, 2023.

On February 5, 2024, Sage Journals, the publisher of *Health Services Research and Managerial Epidemiology*, issued a retraction of the studies. A post-publication peer review “identified fundamental problems with the study design and methodology, unjustified or incorrect factual assumptions, material errors in the authors’ analysis of the data, and misleading presentations of the data” in the studies that, in the opinion of the reviewers, “demonstrate[d] a lack of scientific rigor and invalidate[d] the authors’ conclusions in whole or in part.”

a. When did you learn the studies were retracted?

Response: I am not lead counsel on this case, and my work on this case has been discrete and limited. I did not know the studies were retracted.

b. Did you notify the Court of the retractions?

Response: I am not lead counsel on this case, and my work on this case has been discrete and limited. I did not notify the Court of the retractions because I did not know about them.

i. If so, what information did you provide the Court? When did you provide this information?

Response: See response to 1.b, above.

2. The House Republican-authored budget reconciliation bill currently pending in the Senate includes a provision that would limit federal judges’ ability to hold government officials in contempt. The bill would prohibit federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or temporary restraining orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as “inherent in all courts” and “essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice.” Yet House Republicans are seeking to exempt government officials from this key enforcement tool.

- a. Do you believe the contempt power is “essential . . . to the due administration of justice[?]”**

Response: This question references a live political debate. Judicial nominees are prohibited from weighing in on political questions. Typically, courts have the power to hold parties in contempt if they do not follow court orders.

- b. Do you believe that federal judges should be limited in their ability to hold government officials in contempt?**

Response: This question references a live political debate. Judicial nominees are prohibited from weighing in on political questions. Typically, courts have the power to hold parties in contempt if they do not follow court orders.

3. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that “[j]udges aren’t allowed to control the executive’s legitimate power.” This raises an extremely concerning specter of executive defiance of court orders.

- a. If confirmed, would you have the ability to issue orders?**

Response: Yes.

- i. Would you have the ability to enforce those orders?**

Response: Yes.

- ii. What powers would you have to enforce those orders?**

Response: Judges can enforce their orders by holding parties in contempt, imposing fines, and imposing other penalties.

- b. Does there exist a legal basis for state executive officials to defy federal court orders? If so, what basis and in which circumstances?**

Response: In general, parties to a case must follow court orders. There are exceptions to this rule. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981) (“[I]n the rare case when appeal after final judgment will not cure an erroneous discovery order, a party may defy the order, permit a contempt citation to be entered against him, and challenge the order on direct appeal of the contempt ruling.”). Whether a particular case fits into an exception to the rule is a case-by-case determination.

- c. Does there exist a legal basis for federal executive officials to defy federal court orders? If so, what basis and in which circumstances?**

Response: See Response to Question 2.b.

d. What would make a court order unlawful?

Response: A court order would be unlawful if, among other things, it did not follow binding law or if the court lacked the authority to issue it, such as when the court lacks jurisdiction.

i. What is the process a party should follow if it believes a court order to be unlawful?

Response: Remedies for a party that believes a court order to be unlawful may include, depending on the case, moving for reconsideration, appealing, seeking a stay, or filing a writ petition.

ii. Is it ever acceptable to not follow this process? When and why?

Response: See response to Question 2.b.

4. Were you in Washington, D.C. on January 6, 2021?

Response: No.

a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

Senator Mazie K. Hirono
Questions for the Record
Maria A. Lanahan

Nominee to the U.S. District Court for the Eastern District of Missouri

1. As part of my responsibility as a member of this committee, to ensure the fitness of nominees, I ask each nominee to answer two initial questions:

- a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

Response: No.

- b. Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

Response: No.

2. You represented the State of Missouri in a case that was filed in a one-judge division in Texas, challenging the FDA's regulations surrounding the use of the drug mifepristone. Your office sought to litigate this case in Texas despite the fact that neither the State of Texas nor any person in Texas was a party to the lawsuit.

- a. Why was this lawsuit filed in Texas instead of Missouri?**

Response: I did not make the decision to file the lawsuit in Texas. That said, a case raising similar issues was already pending there. This promotes judicial efficiency.

- b. Why were the judges on the federal district court on which you are currently nominated to serve either not competent or not desirable to hear the case?**

Response: See response to Question 2.a.

3. After the Supreme Court of the United States issued its opinion in *Dobbs v. Jackson Women's Health Organization*, the State of Missouri was the first state to enforce a full abortion ban with no exceptions for rape or incest. You have defended this abortion ban. However, last November, Missourians voted to amend the Missouri State Constitution to protect reproductive freedom. Even after Missourians voted to enshrine reproductive freedom in the constitution, the Attorney General's Office continued to argue for a full abortion ban.

- a. If confirmed, do you intend to consider the law and decide cases impartially regardless of your personal beliefs on the issue?**

Response: Yes.

- b. Under *Dobbs v. Jackson Women's Health Organization*, is it your understanding that states are free to decide for themselves what protections, if any, to extend to abortion?**

Response: *Dobbs* states, "The Constitution does not prohibit the citizens of each state from regulating or prohibiting abortion." 597 U.S. 215, 302 (2022).

4. Federal district court judges have the power to issue court orders. If confirmed for this position, you will issue many such orders.

- a. As a federal district court judge, what tools would be at your disposal to ensure compliance with your court orders? Please list all such tools with which you are familiar.**

Response: U.S. district courts have a number of tools to ensure compliance with court orders, including but not limited to contempt, fines, and other penalties.

- i. When should each of these tools be used?**

Response: I would apply Supreme Court and Eighth Circuit precedent governing when it is appropriate to use each of these tools.

- b. Is it ever permissible for a party in a case to disregard a court order?**

Response: In general, parties to a case must follow court orders. There are exceptions to this rule. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981) ("[I]n the rare case when appeal after final judgment will not cure an erroneous discovery order, a party may defy the order, permit a contempt citation to be entered against him, and challenge the order on direct appeal of the contempt ruling."). Whether a particular case fits into an exception to the rule is a case-by-case determination.

- i. How should a federal judge respond if a party disregards an order issued by the judge?**

Response: See responses to Questions 4.a and 4.a.i.

- ii. Is the President of the United States allowed to disregard a court order?**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

iii. Would the response(s) outlined in response to question (i) be appropriate if the President disregarded a court order? Why or why not?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

c. What does it mean for a judge to hold a party in contempt of court?

Response: Contempt involves behaviors that disrespect or obstruct the judicial process. *See* 18 U.S.C. § 401-402. To hold a party in contempt is to find that a party has engaged in such a behavior. Judges have various options in response. *Id.*

i. Do federal judges have the authority to hold the federal government in contempt of court?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

1. If so, where does that authority come from?

Response: See response to 4.c.i.

2. If not, why not?

Response: See response to 4.c.i

ii. What tools does a judge possess to punish contumacious conduct?

Response: See response to 4.c.

1. Do those tools apply when the federal government or individual federal officers or employees are held in contempt?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

2. If not, why not?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would

faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

Nomination of Maria A. Lanahan
Nominee to be U.S. District Judge for the Eastern District of Missouri
Questions for the Record
Submitted June 11, 2025

QUESTIONS FROM SENATOR CORY A. BOOKER

1. If you are confirmed to the federal bench, you would be one of the least experienced federal district judges in the nation. Having graduated from law school in 2013, you have about 12 years of legal experience.

a. If you are confirmed, what concrete and affirmative steps do you plan to take to try to overcome the relative experience gap between you and your colleagues?

Response: I am qualified and have the necessary background experience to be a judge. I have handled civil, criminal, and administrative cases. I have represented parties from states, to large corporations, to small businesses, to plaintiffs pro bono. I have litigated both as a plaintiff and a defendant. I have taken cases from beginning to end, from complaints and answers to motions to dismiss, discovery, pretrial, trial, post trial, and appeals. Should I find myself in a new situation, I would consult the applicable federal rules, case law, materials provided by the judiciary, and review what other judges have done in similar circumstances.

2. 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: This is a political question. As a judicial nominee, it would be improper for me to comment on political issues.

b. How many years of legal experience in the practice of law does the ABA recommend a federal judicial nominee have prior to their nomination?

¹ Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

Response: Twelve, to my knowledge.

3. In your Senate Judiciary Questionnaire, you reported that you have been a member of Teneo, or the Teneo Network.

a. Please describe what Teneo is.

Response: Teneo is a 501(c)(3) professional networking organization.

b. What is Teneo's mission?

Response: Teneo believes in the principles of limited, constitutional government, individual liberty and free enterprise, a robust civic society, and a strong national defense.

c. How did you become a member of Teneo?

Response: I was asked to join.

d. Have you recruited others to join Teneo? If yes, provide the names of those individuals.

Response: I have not recruited any Teneo members.

e. Please provide a list of all events you have attended as a member of Teneo. Provide dates and locations for all events listed and describe the purpose of the event.

Response: From 2022 to 2025, I participated in an online gathering, two dinner gatherings, a baseball game, two retreats, and two holiday parties. These were networking events.

f. Have you (or, if applicable, your spouse) made financial contributions to Teneo? If yes, please provide the amounts and dates of such contributions.

Response: Yes. \$1,000 in December 2022; \$2,500 in December 2023; \$1,000 in December 2024.

4. How would you characterize your judicial philosophy?

Response: I am an originalist.

5. Do you consider yourself an originalist? If so, what do you understand originalism to mean?

Response: Yes. I understand originalism to mean that the text of the constitution must be interpreted based on its public meaning at the time the text was ratified. To the extent this is not clear, judges should consider history and tradition.

6. Do you consider yourself a textualist? If so, what do you understand textualism to mean?

Response: Yes. I understand textualism to be very similar to originalism. When interpreting statutes, the text of the statute must be interpreted based on its public meaning at the time the statute was adopted.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. The basic idea is that by consulting these documents, a judge can get a clearer view about Congress's intent. 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: What one member of Congress believed a bill meant is not a reliable indicator of what Congress as a whole believed a bill meant. The point of having a written statute is to allow the public to read it and understand what it means from the text, without having to resort to researching the legislative record. I would not rely on legislative history unless required to by the Supreme Court or the Eighth Circuit.

8. According to a Brookings Institution study, Black people and white people use drugs at similar rates, yet Black people are 3.6 times more likely to be arrested for selling drugs and 2.5 times more likely to be arrested for possessing drugs than their white peers.² Notably, the same study found that whites are actually *more likely* than Black people to sell drugs.³ This disparity still persists. Even though rates of illicit drug use do not substantially differ by race and ethnicity,⁴ a 2023 study reports that one in four people arrested for drug law violations were Black, although Black people make up only 14 percent of the U.S. population.⁵

² Jonathan Rothwell, *How the War on Drugs Damages Black Social Mobility*, BROOKINGS INST. (Sept. 30, 2014), <https://www.brookings.edu/blog/social-mobility-memos/2014/09/30/how-the-war-on-drugs-damages-black-social-mobility>.

³ *Id.*

⁴ SUBSTANCE ABUSE & MENTAL HEALTH SERVICES ADMINISTRATION, BEHAVIORAL HEALTH BY RACE AND ETHNICITY: RESULTS FROM THE 2021–2023 NATIONAL SURVEYS ON DRUG USE AND HEALTH 6 (2024).

⁵ Nazgol Ghandnoosh, Ph.D. & Celeste Barry, *One in Five: Disparities in Crime and Policing*, THE SENTENCING PROJECT 18 (Nov. 2, 2023), <https://www.sentencingproject.org/press-releases/new-report-on-racial-disparities-in-policing-and-crime-from-the-sentencing-project/>.

These statistics are reflected in our nation’s prisons and jails. Black people are roughly five times more likely than white people to be incarcerated in state prisons.⁶ In my home state of New Jersey, “the rate of imprisonment among Black people is more than nine times” that of white people.⁷

a. To what do you attribute the statistics above?

Response: I have no personal knowledge of the statistics above or, if correct, what causes them. I will not speculate on their cause.

9. 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.⁸ What do you attribute this to?

Response: I have no personal knowledge of the statistics above or, if correct, what causes them. I will not speculate on their cause.

10. 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.⁹ What do you attribute this to?

Response: I have no personal knowledge of the statistics above or, if correct, what causes them. I will not speculate on their cause.

11. What role do you think federal judges, who review difficult, complex criminal cases, can play in addressing implicit racial bias in our criminal justice system?

Response: I have no personal knowledge of implicit racial bias in our criminal justice system. One of the sentencing factors judges must consider under 18 U.S.C. § 3553(a) is “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” To avoid unwarranted disparities, judges can consider how other defendants found guilty of the same crime were sentenced.

12. Do you believe it is valuable for America to have demographic diversity in the judicial branch? If not, please explain your views.

⁶ Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, SENTENCING PROJECT (Oct. 13, 2021), <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

⁷ *Id.* at 9.

⁸ Sonja B. Starr & M. Marit Rehaavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

⁹ 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: The most important factor to consider in selecting federal judges is merit. As the U.S. Supreme Court has stated in *Students for Fair Admissions v. Harvard*, 141 S. Ct. 2141, 2170 (2023), “One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities.”

13. Would you honor the request of a plaintiff, defendant, or witness in a case before you who is transgender to be referred to in accordance with that person’s gender identity?

Response: I would always treat any plaintiff, defendant, or witness with respect, and I would follow Supreme Court and Eighth Circuit precedent on this issue.

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

Response: In general, parties to a case must follow court orders. There are exceptions to this rule. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981) (“[I]n the rare case when appeal after final judgment will not cure an erroneous discovery order, a party may defy the order, permit a contempt citation to be entered against him, and challenge the order on direct appeal of the contempt ruling.”). Whether a particular case fits into an exception to the rule is a case-by-case determination.

a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ if confirmed to the federal bench to determine whether that official should be held in contempt?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: The Supremacy Clause states: “This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.” I would apply the precedent of the Supreme Court and Eighth Circuit on this point.

a. The Emergency Medical Treatment and Labor Act (EMTALA) is a federal law enacted in 1986 that requires hospitals to provide emergency care, including emergency abortion care. Do you agree that EMTALA, as a federal law, supersedes conflicting state laws?

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would faithfully apply the precedent of the Supreme Court and Eighth Circuit on this point.

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

Response: Yes.

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

Response: *Griswold* is binding precedent. *Griswold* addressed whether a married couple has a constitutional right to use contraceptives. The Court held that it did.

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

Response: *Lawrence* is binding precedent. *Lawrence* addressed whether a criminal law that banned consensual sexual conduct between individuals of the same sex violated the Due Process Clause of the Fourteenth Amendment. The Court held that it did.

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

Response: *Obergefell* is binding precedent. *Obergefell* addressed whether state bans on same-sex marriage violate the Fourteenth Amendment's Due Process and Equal Protection Clauses. The Court held that the right to marry a person of the same sex is a fundamental right.

24. Do you believe that President Trump won the 2020 election? Please describe the facts and holding of this case.

Response: Joseph Biden was certified as the president and served from January 2021 to January 2025. It is unclear to what case you are referring.

25. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."¹⁰

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

Response: President Trump was certified as president and served from January 2017 to January 2021.

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

Response: President Trump was certified as president and has served from January 2025 to the present.

c. 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 22nd Amendment states that "No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some

¹⁰ U.S. CONST. amend. XXII.

other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.”

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

Response: Judicial nominees have historically not opined on whether past Supreme Court decisions were correctly decided other than *Loving v. Virginia* and *Brown v. Board of Education*.

- 27. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 28. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.**

Response: Not to my knowledge.

- 29. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 30. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

- 31. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.**

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

- 35. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.**

Response: No.

- 36. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.**

- a. Enrique Tarrio**

Response: No.

- b. Stewart Rhodes**

Response: No.

- c. Kelly Meggs**

Response: No.

- d. Kenneth Harrelson**

Response: No.

- e. Thomas Caldwell**

Response: No.

- f. Jessica Watkins**

Response: No.

g. Roberto Minuta

Response: No.

h. Edward Vallejo

Response: No.

i. David Moerschel

Response: No.

j. Joseph Hackett

Response: No.

k. Ethan Nordean

Response: No.

l. Joseph Biggs

Response: No.

m. Zachary Rehl

Response: No.

n. Dominic Pezzola

Response: No.

o. Jeremy Bertino

Response: No.

p. Julian Khater

Response: No.

37. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

38. Have you ever been demoted, terminated, or experienced any other adverse employment action?

Response: No.

- a. If yes, please describe the events that led to the adverse employment action.**
- b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.**

Response: I affirm that, since becoming a legal adult, I have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

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

Response: Yes.

40. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”¹¹

- a. 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: On May 6, 2025, Josh Hammer, who was a law school classmate of my husband, texted congratulations to me on being nominated for this position. I thanked him.

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

Response: Not to my knowledge.

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

¹¹ See <https://www.article3project.org/about>.

Response: Other than Josh Hammer, not to my knowledge. I had not heard of A3P until the date I received these QFRs – June 11, 2025.

41. According to its Form 990 filed in 2024,¹² the mission of The Concord Fund (formerly known as the Judicial Crisis Network and the Judicial Confirmation Network) “is to promote the vision of liberty and justice in America, fidelity to the principles of federalism and the rule of law, to educate and organize citizens in this mission, and to encourage reforms that achieve these ends.”

a. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with The Concord Fund, 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: I have never heard of the Concord Fund, so not to my knowledge.

b. Are you currently in contact with anyone associated with The Concord Fund? If so, who?

Response: See response to 41.a.

c. Have you ever been in contact with anyone associated with The Concord Fund? If so, who?

Response: See response to 41.a.

42. Please describe the selection process that led to your nomination to be a United States federal judge, from beginning to end (including the circumstances that led to your nomination and the interviews in which you participated).

Response: On December 10, 2024, Senator Schmitt’s office sent me an email requesting that I apply for the position, which I did on December 23, 2024. On January 23, 2025, Senator Hawley’s office emailed me and invited me to interview for the position. I interviewed for the position with Senator Hawley’s office in Saint Louis, Missouri on February 3, 2025, with Senator Hawley’s Chief Counsel and several other staff members. On February 7, 2025, I was contacted by the White House Counsel’s Office and invited to interview for a vacancy on the United States District Court for the Eastern District of Missouri. On February 12, 2025, I interviewed with attorneys from the White House Counsel’s Office. After that, I remained in contact with officials from the Office of Legal Policy at the Department of Justice and was periodically in contact with officials from the White House Counsel’s Office. On May 6, 2025, the President called to tell me I would be nominated to the Eastern District of Missouri.

¹² The Concord Fund, Form 990 (filed on May 13, 2024), *available at* <https://projects.propublica.org/nonprofits/organizations/202303252/202411359349301886/full>.

- 43. 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: Not that I recall.

- a. Who?**
- b. What advice did they give?**
- c. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?**

Response: Not that I recall.

- 44. 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: Not to my knowledge. I had not heard of the Article III Project until the date I received these QFRs – June 11, 2025.

- 45. 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: The Federalist Society is very large. According to their website, the Federalist Society is a society of 90,000 lawyers. In all likelihood, I spoke to various people associated with the Federalist Society, with or without knowing it.

- 46. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.**

Response: See response to Question 42.

- 47. Please explain, with particularity, the process whereby you answered these written questions.**

Response: I drafted my responses to each of these questions. 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.

**Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Nominations”**

June 4, 2025

Questions for Ms. Lanahan:

- 1. Please identify any and all situations where it is permissible for a party, including the Executive Branch or one of its officers, departments, or agencies, to defy a court order.**

Response: In general, parties to a case must follow court orders. There are exceptions to this rule. *See, e.g., Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 377 (1981) (“[I]n the rare case when appeal after final judgment will not cure an erroneous discovery order, a party may defy the order, permit a contempt citation to be entered against him, and challenge the order on direct appeal of the contempt ruling.”). Whether a particular case fits into an exception to the rule is a case-by-case determination.

- 2. Please identify any and all situations in which you would advise a client to ignore or defy a court order.**

Response: See response to Question 1.

- 3. Is it appropriate for the President of the United States to threaten or harass a judge when he disagrees with the outcome of a case over which that judge is presiding, or disagrees with aspects of a judge’s decision or order?**

Response: The President has freedom of speech and judges, as public figures, should expect people to freely comment on and even criticize their decisions. However, physical threats or attempting to physically harm a judge are unacceptable.

- 4. In the process of applying to become a judge, did you have any conversations with President Trump, a member of his staff, or a member of an outside group about policy or personal positions or beliefs you would have on the bench, or decisions you would make on the bench?**

Response: No.

Questions for the Record

Sen. Adam Schiff (CA)

Maria A. Lanahan, Nominee to the United States District Court for the Eastern District of Missouri

1. You have been a member of the Federalist Society since 2010. President Trump recently decried the Federalist Society for its “bad advice” on judicial nominations and called Leonard Leo, its Co-Chairman, a “real sleazebag.”

- a. **Did the Federalist Society, or any current or former members of the Federalist Society, recommend you to the White House for nomination to the United States District Court for the Eastern District of Missouri?**

Response: The Federalist Society is very large. According to their website, the Federalist Society is a society of 90,000 members. It is quite likely that current or former members of the Federalist Society recommended me for nomination to the United States District Court for the Eastern District of Missouri.

- b. **Do you believe the Federalist Society provided “bad advice” to President Trump on judicial nominations?**

Response: As a judicial nominee, it would not be proper for me to discuss my views on political issues.

2. **The Republican-sponsored spending bill contains a provision that would impede the ability of federal judges to enforce contempt orders. The provision states: “No court of the United States may enforce a contempt citation for failure to comply with an injunction or temporary restraining order if no security was given when the injunction or order was issued.” In your estimation, would this provision, if enacted, diminish your ability as a future United States District Judge to enforce contempt orders against the government or government officials?**

Response: As a judicial nominee, it would not be proper for me to discuss my views on political issues, including proposed legislation.

3. **Given your previous work for the Missouri Attorney General’s office, do you commit to faithfully abiding by all relevant conflict of interest and judicial disqualification policies and procedures during your potential tenure as a District Judge in the Eastern District of Missouri?**

Response: Yes.

4. **The governing statute of the United States Marshals Service requires: “the United States Marshals Service *shall* execute *all* lawful writs, process, and orders issued under the authority of the United States.” Additionally, the “primary . . . mission” of the Service is to “provide for the security and to obey, execute, and enforce all orders of the United States District Courts . . . [.]” 28 U.S.C. § 566.**

- a. **Based on the Service’s governing statute, would it be unlawful for an executive branch official to command the Service to disregard, or otherwise not execute, any “writ[], process [or] order[]” issued by a United States District Judge?**

Response: “Ordinarily, the marshals and the federal courts which they serve have a close and harmonious relationship.” *Pennsylvania Bureau of Correction v. U.S. Marshals Serv.*, 474 U.S. 34, 43 (1985) (Stevens, J., dissenting). *Id.* at 43–44 (Stevens, J., dissenting). “Open disputes between the marshals and the courts are rare, and appropriately so.” *Id.* at 44. But sometimes “administrative problems” come up. *Id.* “Customarily such problems are resolved on a voluntary, cooperative basis, either in the individual court or circuit, or in high-level discussions between the Executive and Judicial Branches.” *Id.* at 44. *Pennsylvania Bureau of Correction v. U.S. Marshals Service* was “an exceptional case” because it “involve[d] a dispute between the Marshals Service and a Federal District Court.” *Id.* at 43. In resolving that dispute, the Supreme Court held that, “at least in the absence of an express finding of exceptional circumstances, that neither a magistrate nor a district court has authority to order the Marshals to transport state prisoners to the federal courthouse to testify in an action brought by a state prisoner under 42 U.S.C. § 1983 against county officials.” *Pennsylvania Bureau of Correction v. U.S. Marshals Serv.*, 474 U.S. 34, 43 (1985).

As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would follow all binding precedent from the Supreme Court and the Eighth Circuit on this topic.

- b. **If the Service were to obey an executive branch command to disregard, or otherwise not execute, one of your orders, what other mechanisms would you consider employing, as a United States District Judge, to ensure compliance?**

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that may come before the courts. I would follow all binding precedent from the Supreme Court and the Eighth Circuit on this topic.