

Senator Richard J. Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Cristian M. Stevens
Nominee to be U.S. District Judge for the Eastern District of Missouri
June 11, 2025

1. In 1997, you wrote an article for the *Missouri Law Review* defending the imposition of enhanced criminal sentencing for crack cocaine versus powder cocaine. You concluded the draconian discrepancy is “beneficial” to Black communities. In fact, the crack-powder cocaine sentencing disparity has disproportionately impacted people of color, with 81 percent of those convicted of federal crack offenses from 2015 to 2019 being Black. I led the *Fair Sentencing Act of 2010*, a bipartisan compromise which significantly reduced the sentencing disparity from 100:1 to 18:1. In 2018, President Trump signed into law the *First Step Act*, which made the Fair Sentencing Act’s reduction in the disparity retroactive. The success of this bipartisan effort proved that we could be smart on crime and achieve accountability without excessive punishment and incarceration.

Given the well-documented lack of justification for the crack cocaine sentencing disparity, its devastating impact on marginalized communities, and the harm it has caused to public trust in our justice system, do you still stand by this law review article?

Response: The article summarized the positions of proponents and opponents of the crack cocaine sentencing provisions established by Congress. I did not conclude the sentencing provisions were “beneficial” to black communities. The article stated, based on statistical analysis and the positions of proponents of the sentencing provisions, that “there even may be evidence to suggest that the sentencing provisions in fact are beneficial to black communities hardest hit by the crack epidemic,” and “the sentencing provisions may be seen as beneficial to the vast majority of blacks who do not deal in any way with crack cocaine, but are victimized by those who do.” Note, *Criticism of Crack Cocaine Sentences Is Not What It Is Cracked Up To Be: A Case of First Impression Within the Ongoing Crack vs. Cocaine Debate*, 62 Mo. L. Rev. 869, 894 (Fall 1997). A major point of the article was that “Congress is best suited to weigh the policy considerations relating to a particular quantity or ratio for the sentencing of crack cocaine and powder cocaine offenses. . . . Opponents of the current sentencing provisions are best advised to lobby Congress, not the courts. Congress, as an elected body, will be more cognizant of the concerns of its constituencies.” *Id.* at 889-90. That you led the *Fair Sentencing Act of 2010*, a bipartisan compromise which significantly reduced the sentencing disparity from 100:1 to 18:1, and that President Trump signed into law the *First Step Act*, which made the Fair Sentencing Act’s reduction in the disparity retroactive, proves my point.

2. During your tenure as a federal prosecutor in the Eastern District of Missouri, you—alongside DOJ attorneys from the Civil Rights Division—led the investigation of the August 9, 2014, officer-involved shooting in Ferguson, Missouri that resulted in the death

of Michael Brown. As part of that review, the Justice Department found that the evidence did not support federal civil rights charges against Ferguson Police Officer Darren Wilson. However, DOJ also found that the Ferguson Police Department had engaged in a pattern or practice of conduct that violated the First, Fourth, and Fourteenth Amendments of the Constitution. Specifically, the report found that Ferguson police officers routinely violated the Fourth Amendment in stopping people without reasonable suspicion, arresting them without probable cause, and using unreasonable force against them.

a. What did you learn about the state of policing in Ferguson, Missouri during your time working on that investigation?

Response: The investigation of the August 9, 2014, officer-involved shooting was separate and apart from the pattern and practice investigation conducted by DOJ. I did not work on the pattern and practice investigation and have not otherwise studied the state of policing in Ferguson during the time of the investigation.

b. How will that experience inform your work as a district judge, if confirmed?

Response: Please see my response to Question 2.a.

3. Between June 2017 and June 2018, you provided similar presentations on internal investigations, *see e.g.*, Lessons from Ferguson: What Corporate Counsel Should Know About Internal Investigations (June 29, 2017); and Lessons from High Profile Investigations: From Ferguson and Greitens to Corporate Investigations (June 1, 2018 and June 19, 2018). The June 2017 version includes a lesson in the slide deck that you later removed from the 2018 versions of the presentation: “(5) Consider making enough information available for fair-minded observers to assess the issue.”

a. Why did you remove this lesson from the later versions of your presentation on the same topic?

Response: As disclosed in the Senate Judiciary Questionnaire, I provided similar presentations on internal investigations on June 19, 2017; June 1, 2018; June 19, 2018; November 5, 2018; and November 16, 2018. The first such presentation, on June 19, 2017, included five lessons, the fifth being “(5) Consider making enough information available for fair-minded observers to assess the issue.” As I recall, this fifth lesson was not included in other presentations due to time constraints, and not for any substantive reason. The last such presentation, on November 16, 2018, again included five lessons, the fifth being “(5) Consider making enough information available for fair-minded observers to assess the issue.” I also included a similar fifth lesson in an award-winning legal article, *Internal Investigations: Lessons Learned*

for Corporate Counsel and the Investigating Lawyer, Journal of the Missouri Bar (May/June 2018).

b. Do you think investigators in similar cases moving forward should provide the public with “enough information” to assess the issue? Why or why not?

Response: As I explained in the above-referenced presentations, investigators should consider making enough information available for fair-minded observers to assess the issue while the investigation is ongoing. Also, as I stated in the related article, “citizens and consumers should be given the opportunity to consider relevant information. To be sure, not everyone will have an open mind, partisans will be unaffected by inconvenient truths, and honest opinions will differ. The best that can be hoped for is an appeal to fair-minded citizens and consumers in a free society who conscientiously seek accurate information to inform their opinions.” *Internal Investigations: Lessons Learned for Corporate Counsel and the Investigating Lawyer*, Journal of the Missouri Bar 138, 141 (May/June 2018).

4. In January 2024, you served on a panel with other jurists at a Federalist Society event to discuss “the importance of judicial independence through the lens of recent attacks on the judiciary.” Your notes from this event suggest your disapproval of commentary on judges from Democratic members of Congress and certain national media outlets.

Do you believe that recent commentary from Republican politicians and conservative media outlets attacking judges who have ruled against the Trump Administration are inappropriate and put the lives of judges and their families at risk?

Response: My notes do not suggest my disapproval of commentary on judges from Democratic members of Congress and certain national media outlets. The presentation recounted: a member of the U.S. Senate declared at a 2020 rally outside the Supreme Court building that Justices Kavanaugh and Gorsuch “have unleashed a whirlwind, and you will pay the price” and stated, “You won’t know what hit you if you go forward with these awful decisions;” protests at justices’ residences after *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022); an assassination attempt against Justice Kavanaugh at his residence; threats to murder a U.S. District Judge in the Eastern District of Missouri and blow up the Thomas F. Eagleton U.S. Courthouse; and racist and abusive threats against a Missouri judge in Jackson County. The presentation did not address commentary from politicians and media outlets on judges and their decisions, which generally is protected speech under the First Amendment. As a nominee to a U.S. District Court, I think expressing a belief regarding political commentary would be inappropriate, particularly considering this is a highly debated political issue and could arise in a future case.

5. On Memorial Day, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”,

who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”¹

- a. Do you agree that these federal judges are “USA HATING” and “MONSTERS” “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?**

Response: As a nominee to a U.S. District Court, I think expressing my views on political issues and commentary would be inappropriate, particularly considering this is a highly debated political issue and could arise in a future case.

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

Response: As a nominee to a U.S. District Court, I think expressing a belief regarding the president’s commentary would be inappropriate, particularly considering this is a highly debated political issue and could arise in a future case.

- 6. In addition to the President’s own attacks on judges, his adviser Stephen Miller recently took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”² and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”³**

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

Response: As a nominee to a U.S. District Court, I think expressing whether I agree with commentary of a presidential advisor would be inappropriate, particularly considering this is a highly debated political issue and could arise in a future case.

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

Response: As a nominee to a U.S. District Court, I think expressing a belief regarding commentary of a presidential advisor would be inappropriate, particularly considering this is a highly debated political issue and could arise in a future case.

- c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?**

Response: As a long-time Assistant United States Attorney at the U.S. Attorney’s Office for the Eastern District of Missouri, First Assistant Attorney General and

¹ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

² Stephen Miller (@StephenM), X, (May 28, 2025, 7:48PM), <https://x.com/StephenM/status/1927874604531409314>.

³ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25AM), <https://x.com/StephenM/status/1928065122657845516>.

Deputy Attorney General for the Criminal Division to then-Attorney General Eric Schmitt, and a sitting judge on the Missouri Court of Appeals, I expect commentary about, and criticism of, my decisions. As disclosed in the Senate Judiciary Questionnaire, I have had my likeness published many times.

7. Did President Trump lose the 2020 election?

Response: As I recall, there were various legal challenges to the results of the 2020 presidential election. Joe Biden was certified as the winner of the 2020 presidential election and served four years as president.

8. Where were you on January 6, 2021?

Response: I do not recall where I was on January 6, 2021. I recall that I was not in Washington, D.C.

9. Do you denounce the January 6 insurrection?

Response: The question draws the legal conclusion that the events of January 6, 2021, were an insurrection. As a nominee to a U.S. District Court, I think expressing a personal opinion and drawing a legal conclusion regarding the events of January 6, 2021, would be inappropriate, particularly considering this is a highly contested political issue that has resulted in criminal prosecutions and other litigation in the federal courts.

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

Response: The pardon power is reserved to the President pursuant to Article II, Section 2 of the Constitution. As a nominee to a U.S. District Court, I think expressing an opinion on the political question of whether I believe pardons should have been given would be inappropriate, particularly considering this is a highly contested political issue that has resulted in criminal prosecutions and other litigation in the federal courts.

11. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. 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: Litigants have many options, including criticizing the order and appealing it. In some circumstances, defying a court order is necessary to appeal it, as Justice

Sotomayor's majority opinion in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), recognizes.

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

Response: Treatises and cases have identified a number of circumstances where compliance with a court order is not required, such as if the court lacked jurisdiction or if compliance was impossible. *E.g.*, 17 Corpus Juris Secundum §§ 56–65. The Supreme Court has identified additional circumstances, such as where an order must be violated to be appealed. As Justice Sotomayor's opinion for the Court put it, "Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions." *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). "Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment." *Id.*

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

Response: Pursuant to the Constitution and statute, all three branches of the federal government are sworn to uphold the Constitution. Pursuant to Article II, Section 1, Clause 8 of the Constitution, the President swears to "preserve, protect and defend the Constitution of the United States." Pursuant to 5 U.S.C. Section 3331, members of Congress swear to "support and defend the Constitution of the United States." Pursuant to 28 U.S.C. Section 453, federal judges swear to "faithfully and impartially discharge and perform all the duties incumbent upon [them] . . . under the Constitution and laws of the United States." In *Marbury v. Madison*, 1 Cranch (5 U.S.) 137 (1803), the U.S. Supreme court decided it had the power of judicial review to refuse to apply a law the text of which was contrary to the written Constitution. Chief Justice John Marshall famously wrote for the Court, "It is emphatically the province and duty of the judicial department to say what the law is." *Id.* at 177.

12. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: I am not familiar with the term "non-party injunctions." Even if I were familiar with that term, as a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether non-party injunctions are constitutional would be inappropriate, particularly considering that similar issues are currently being litigated

in the Supreme Court and other courts. If I am confirmed to be a lower court judge, I will follow the Supreme Court's ruling.

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

Response: I am not familiar with the term "non-party injunctions." Even if I were familiar with that term, as a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether non-party injunctions are a legitimate exercise of judicial power would be inappropriate, particularly considering that similar issues are currently being litigated in the Supreme Court and other courts. If I am confirmed to be a lower court judge, I will follow the Supreme Court's ruling.

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

Response: I am not familiar with the term "non-party injunctions." Even if I were familiar with that term, as a nominee to a U.S. District Court, I think speculating about whether, and attempting to identify circumstances in which, it is ever appropriate for a district judge to issue a non-party injunction would be inappropriate, particularly considering that similar issues are currently being litigated in the Supreme Court and other federal courts. If I am confirmed to be a lower court judge, I will follow the Supreme Court's ruling.

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: I am not familiar with the term "non-party injunctions," but I am confident I have never sought one in my years of litigation experience.

13. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

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

Response: The 22nd Amendment states, in part, "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. . . ." As a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether the U.S. Constitution permits a president to serve three terms would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: A lower court may never depart from directly controlling Supreme Court precedent. *See Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989) (“If a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.”); *see also Bosse v. Oklahoma*, 137 S.Ct. 1 (2016) (per curiam).

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

Response: In the Eighth Circuit, a three-judge panel of the court cannot overturn a published and binding decision of another panel. Only the court *en banc* can overturn the court’s own precedent.

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

Response: The Supreme has held its decisions “remain binding precedent until we see fit to reconsider them, regardless of whether subsequent cases have raised doubts about their continuing validity.” *Hohn v. United States*, 524 U.S. 236, 252-53 (1998).

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

- a. *Brown v. Board of Education*
- b. *Plyler v. Doe*
- c. *Loving v. Virginia*
- d. *Griswold v. Connecticut*
- e. *Trump v. United States*
- f. *Dobbs v. Jackson Women’s Health Organization*
- g. *New York State Rifle & Pistol Association, Inc. v. Bruen*
- h. *Obergefell v. Hodges*
- i. *Bostock v. Clayton County*
- j. *Masterpiece Cakeshop v. Colorado*
- k. *303 Creative LLC v. Elenis*
- l. *United States v. Rahimi*
- m. *Loper Bright Enterprises v. Raimondo*

Response: As a nominee to a U.S. District Court, I think that opining on whether a U.S. Supreme Court case correctly was decided would be inappropriate. That said, I have observed that prior nominees have expressed the opinion that *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided and I agree. If confirmed, I will faithfully follow *Brown v. Board of Education* and *Loving v. Virginia*, and other applicable Supreme Court precedents.

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

Response: With respect to constitutional interpretation, I would begin by reviewing the relevant text and looking for and faithfully following any Eighth Circuit and Supreme Court precedent interpreting that text. If precedent did not supply the answer, I would look to the relevant text and consider the original public meaning to determine its meaning.

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

Response: Please see my response to Question 19.

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

Response: The Supreme Court has found a constitutional right to same-sex marriage in *Obergefell v. Hodges*, 576 U.S. 644 (2015). If confirmed, I will faithfully follow *Obergefell* and any other applicable Supreme Court precedent.

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

Response: The Supreme Court has found a constitutional right to marry persons of a different race in *Loving v. Virginia*, 388 U.S. 1 (1967). If confirmed, I will faithfully follow *Loving* and any other applicable Supreme Court precedent.

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

Response: The Fourteenth Amendment states, in pertinent part, “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

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

Response: The Supreme Court has, for example, applied heightened scrutiny to gender classifications and has found a right to same-sex marriage. *See, e.g., Obergefell v. Hodges*, 576 U.S. 644 (2015); *United States v. Virginia*, 518 U.S. 515 (1996). I would faithfully follow those precedents and other applicable Supreme Court precedent.

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

Response: Please see my response to Question 19.

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

Response: Please see my response to Question 19.

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

Response: The First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

28. 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: According to the Supreme Court, a law regulating speech is “content-based” if, on its face, it draws a distinction based on the message conveyed by the speaker. *See, e.g., Boos v. Barry*, 485 U.S. 312 (1988). The Supreme Court also has identified as “content-based” laws that facially are “content-neutral,” but cannot be justified without reference to the content of the speech or were adopted in opposition to the message the speech conveys. *See, e.g., Ward v. Rock Against Racism*, 491 U.S. 781 (1989).

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

Response: True threats, for the purpose of the First Amendment, are serious expressions conveying that a speaker means to commit an act of unlawful violence and are not protected speech. *Virginia v. Black*, 538 U.S. 343, 359 (2003). Most recently, the Supreme Court decided in *Counterman v. Colorado*, 600 U.S. 66 (2023), that a prosecutor must prove that a criminal defendant had some subjective understanding of his statements’ threatening nature for the statements to be true threats and therefore unprotected speech under the First Amendment.

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

Response: The Fifth Amendment provides, in relevant part, “No person shall ... be deprived of life, liberty, or property, without due process of law.” The question in most cases is less about whether due process applies and more about how much process is due.

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

Response: My understanding is that the United States has a number of extradition treaties that might apply. To the extent the question is asking about recent political or legal disputes, as a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether U.S. citizens can be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized would be inappropriate, particularly considering this is a question of law that may arise in the future.

- 32. 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: As a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether every person born in the United States is a citizen under the Fourteenth Amendment would be inappropriate, particularly considering this issue currently is being litigated in the federal 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 nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether the citizenship or immigration status of the parents of an individual born in the United States is relevant for determining whether the individual is a citizen under the Fourteenth Amendment would be inappropriate, particularly considering this issue currently is being litigated in the federal courts.

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

Response: I believe having the best judges on the federal bench is important. In my experience, choosing judges based on merit results in the best judges, as well as diversity on the bench.

- 34. 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: If confirmed, I will faithfully apply the *First Step Act*, as I would any other federal statute.

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

Response: If confirmed, I will be guided by the sentencing factors in 18 U.S.C. Section 3553 and the Sentencing Guidelines.

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

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

Response: I did not write the comments, and I would not speculate as to the author’s meaning.

b. President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.⁴

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

Response: I am not aware of any advice the Federalist Society provided to President Trump in his first term. Additionally, as a nominee to a U.S. District Court, I think commenting on the political question of whether the Federalist Society provided President Trump with bad advice during his first term would be inappropriate.

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

⁴ Donald J. Trump (@realDonaldTrump), Truth Social (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

Response: I do not recall knowing Leonard Leo. Moreover, as a nominee to a U.S. District Court, I think wading into political disputes would be inappropriate.

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

Response: Yes.

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

Response: I am not aware of every individual associated with the Federalist Society, and I have a number of friends and acquaintances who are members of the Federalist Society. I am not aware of having talked with any individual associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi, during my selection process, other than casual conversations with friends or acquaintances who are also members of the Federalist Society.

i. 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 give speeches at events hosted by the Federalist Society. I disclosed those speeches in the Senate Judiciary Questionnaire.

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

Response: I do not recall ever having been paid honoraria by the Federalist Society.

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

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

Response: I am not aware of every individual associated with the Teneo Network, and I am not aware of having spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo, during my selection process.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of every individual associated with the Heritage Foundation or Heritage Action, and I am not aware of having spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action during my selection process.

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

Response: 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.

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

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

Response: I am not aware of every individual associated with AFPI, and I am not aware of having spoken to or corresponded with any individuals associated with AFPI during my selection process.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of every individual associated with AFLI, and I am not aware of having spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein, during my selection process.

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

Response: No.

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

Response: No.

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

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will**

Chamberlain, or Josh Hammer? If so, please provide details of those discussions.

Response: I am not aware of every individual associated with the Article III Project, and I am not aware of having spoken to or corresponded with any individuals associated with these organizations, including Mike Davis, Will Chamberlain, or Josh Hammer, during my selection process.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of every individual associated with ADF, and I am not aware of having spoken to or corresponded with any individuals associated with ADF during my selection process.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of every individual associated with these organizations, and I am not aware of having spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino, during my selection process.

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

Response: No.

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

Response: No.

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

Response: I am not aware of any such donations. As a nominee to a U.S. District Court, I think expressing any concerns, or a personal opinion, about whether I would find problematic outside groups or special interests making undisclosed donations would be inappropriate.

- e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. Section 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

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

Response: Please see my responses to Questions 42.d and 42.e.

Senator Mike Lee
Questions for the Record
Cristian M. Stevens, 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: When interpreting the Constitution, I would begin by reviewing the text of the relevant constitutional provision and looking for and faithfully following any Eighth Circuit and Supreme Court precedent interpreting that text. If precedent did not supply the answer, I would look to the text of the relevant constitutional provision and consider the original public meaning to determine its meaning.

- 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 looked at several criteria to determine whether a particular group is a suspect class, such that laws affecting that group must survive strict scrutiny, pursuant to the right to equal treatment in the Due Process Clause of the Fifth Amendment and the Equal Protection Clause of the Fourteenth Amendment. Those criteria include that the group historically has been subjected to discrimination, the group exhibits obvious, immutable, or distinguishing characteristics that defines it as a discrete group, and the group is a discrete and insular minority or politically powerless.

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

Response: The checks and balances and separation of powers incorporated into the structure of the Constitution by the Founders delineate, counter, and blend the powers of the legislative, executive, and judicial branches of government established in Articles I, II, and III. While the separation of powers delineates, and therefore limits, the powers of each branch, checks and balances such as the president’s power under Article I to nominate Article III judges and the Senate’s prerogative to provide its advice and consent on the president’s judicial nominees counter and blend, and therefore further limit, the powers of each branch of government. The checks and balances and separation of powers in the Constitution’s structure serve the role of preserving the liberty of the governed against government tyranny, as explained much more eloquently in James Madison’s The Federalist No. 47: “Ambition must be made to counteract ambition.”

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

Response: I would begin by reviewing the text of the Constitution and relevant precedent of the Eighth Circuit and the Supreme Court. If those did not resolve the

issue, I would look to the history and tradition surrounding the constitutional provisions implicated to determine their original public meaning. As a nominee to a U.S. District Court, I think otherwise commenting on a hypothetical situation in which one branch assumed an authority not granted it by the text of the Constitution would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: In *Marbury v. Madison*, 1 Cranch (5 U.S.) 137 (1803), the U.S. Supreme court decided it had the power of judicial review to refuse to apply a law the text of which was contrary to the written Constitution. Chief Justice John Marshal famously wrote for the Court, “It is emphatically the province and duty of the judicial department to say what the law is.” *Id.* at 177. As I understand it, “judicial supremacy” is the concept that the judicial branch is superior to the executive and legislative branches and therefore may generally strike down laws that are contrary to constitutional law expounded by the courts, particularly pursuant to the judicial philosophy of a “living” Constitution.

**Nomination of Cristian Matthew Stevens
Nominee to the United States District Court for the Eastern District of Missouri
Questions for the Record
Submitted June 11, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

- 1. In 2010, you donated \$180 to Ed Martin’s congressional campaign. What is your relationship with Ed Martin?**

Response: I do not recall donating \$180 to Ed Martin’s congressional campaign in 2010. I was a law clerk to Judge Pasco M. Bowman II, chief judge of the Eighth Circuit U.S. Court of Appeals, from 1998 to 1999. I believe Ed Martin clerked for Judge Bowman in a later year.

- 2. You said in your questionnaire that you have been a member of the Federalist Society since 1999. 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: I do not recall knowing Leonard Leo. Additionally, as a nominee to a U.S. District Court, I think wading into a political dispute by commenting on it would be inappropriate.

- 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: I do not recall knowing Leonard Leo. As a nominee to a U.S. District Court, I think wading into a political dispute by commenting on it would be inappropriate.

- 3. 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: No.

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

Response: As a nominee to a U.S. District Court, I think expressing a belief on this hypothetical political question would be inappropriate.

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

a. The executive branch's obligation to comply with federal court orders.

Response: Treatises and cases have identified circumstances where a party can raise a defense to compliance with a court, such as if the court lacked jurisdiction or if compliance was impossible. *E.g.*, 17 Corpus Juris Secundum Contempt §§ 56–65. In some circumstances, defying a court order is necessary to appeal it, as Justice Sotomayor's majority opinion in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009), recognizes.

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

Response: Courts have a variety of methods to ensure compliance by any litigant with court orders. A common one is discovery sanctions. Courts sometimes draw adverse inferences from discovery failures or require one party to cover the costs of others. In more extreme cases, courts can dismiss a case or engage in contempt proceedings.

c. Federal government lawyers' duty of candor to federal courts before which those lawyers appear.

Response: Any lawyer representing any party has a duty of candor to the courts.

d. The president's legal obligations under the Constitution's Take Care Clause.

Response: The Constitution provides that the President "shall take Care that the Laws be faithfully executed." I am not familiar with any Supreme Court case definitively interpreting this provision of the Constitution.

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

Response: The Supreme Court has held that Congress cannot compel the States or their officials to participate in federal regulatory programs, partly based on separation-of-powers concerns and their impact on the executive branch. *Printz v. United States*, 521 U.S. 898, 922-23, 935 (1997).

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

Response: As I understand it, the president recently sent a rescission package to Congress and the House of Representatives voted in favor of the rescission package. Beyond that, as a nominee to a U.S. District Court, I think expressing a legal opinion regarding the president's ability or inability to impound congressionally appropriated funds would be inappropriate, particularly considering this has become a highly contested political issue and is being litigated in the federal courts.

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

Response: As a nominee to a U.S. District Court, I think expressing a legal opinion regarding the federal government's ability to enact laws or regulations that burden Second Amendment rights would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: In *Employment Division v. Smith*, the Supreme Court concluded that as a constitutional matter, government may enact neutral, generally applicable laws even if they burden religious practice. That decision proved controversial, and Congress passed the Religious Freedom Restoration Act in response, subjecting those laws to strict scrutiny. Under the *Lukumi* and *Tandon* decisions, a government regulation is not neutral or generally applicable if, though facially nondiscriminatory, it is gerrymandered to target a religion, as in *Lukumi*, or if it "treat[s] any comparable secular activity more favorably than religious exercise," as in *Tandon* (emphasis in original).

6. 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: No.

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: No.

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: As a nominee to a U.S. District Court, I think expressing a belief regarding whether a federal judge issuing a nationwide injunction or similar relief against the executive branch is equivalent to a coup d'etat would be inappropriate, particularly considering that nationwide injunctions currently are being litigated in the Supreme Court and other federal courts.

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: As a nominee to a U.S. District Court, I think expressing a belief regarding the whether a federal judge who issues a nationwide injunction or similar relief against the executive branch is equivalent to insurrection would be inappropriate, particularly

considering that nationwide injunctions currently are being litigated in the Supreme Court and other federal courts.

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: As a nominee to a U.S. District Court, I think expressing a belief regarding whether a federal judge who issues a nationwide injunction or similar relief against the executive branch is an activist judge would be inappropriate, particularly considering that nationwide injunctions currently are being litigated in the Supreme Court and other federal courts.

7. Please describe your understanding of natural law.

Response: As I understand it, natural law is a philosophical concept that there exist inherent laws and moral principles, which are fundamental and universal, exist independently of legislated law, and can be discovered through logic and reason. Philosophers such as Socrates, Plato, St. Thomas Aquinas, Thomas Hobbes, and John Locke expounded on various natural law theories. As I recall, Justice Thomas, also a practicing Roman Catholic, was asked extensively about natural law at his confirmation hearing.

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

Response: Because the federal government is a government of limited, enumerated powers, federal law generally is constitutional and statutory. The Supreme Court has held there is no general federal common law, such that in diversity jurisdiction cases federal courts are to apply applicable state law. *See Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938). Accordingly, natural law would carry authority in a federal case only to the extent it was incorporated into the U.S. Constitution, federal statutes, or applicable state law.

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

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

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

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

8. Please describe your understanding of originalism.

Response: Originalism is the concept that the text of the U.S. Constitution is to be interpreted according to its original public meaning.

a. Do you consider yourself an originalist?

Response: With respect to constitutional interpretation, I would begin by reviewing the relevant text and looking for and faithfully following any Eighth Circuit and Supreme Court precedent interpreting that text. If precedent did not supply the answer, I would look to the relevant text and consider the original public meaning to determine its meaning.

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

Response: Generally no, but I do not know all people who do not support or adhere to originalism.

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

Response: As a nominee to a U.S. District Court, I think expressing a legal opinion regarding whether the Supreme Court's decision in *Citizens United* was an originalist decision would be inappropriate. The case is precedent of the Supreme Court and would be binding on me as a U.S. District Court judge.

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

Response: As a nominee to a U.S. District Court, I think expressing a legal opinion regarding whether the Supreme Court's decision in *Trump v. United States* was an originalist decision would be inappropriate. The case is precedent of the Supreme Court and would be binding on me as a U.S. District Court judge.

9. Please describe your understanding of textualism.

Response: Textualism is the concept that a statute is to be interpreted according to the plain meaning of its text. As Justice Kagan publicly acknowledged nearly ten years ago, "we're all textualists now."

a. Do you consider yourself a textualist?

Response: With respect to constitutional and statutory interpretation, I would begin by reviewing the relevant text and looking for and faithfully following any Eighth Circuit and Supreme Court precedent interpreting that text. If precedent did not supply the answer, I would look to the relevant text and consider the original public meaning to determine its meaning.

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

Response: Please see my response to Question 9.a. Also, in various contexts, the Supreme Court has addressed whether Congress's findings are sufficient to support exercises of its enumerated powers. *See, e.g., Shelby County v. Holder*, 570 U.S. 529 (2013); *United States v. Morrison*, 529 U.S. 598 (2000); *City of Boerne v. Flores*, 521 U.S. 507 (1997). If confirmed, I would faithfully follow applicable Supreme Court precedent regarding how to account for Congress's findings and purposes when analyzing a federal statute.

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

Response: District courts, as trial courts, engage in fact-finding. Appellate courts generally review district courts' findings of fact for clear error.

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

Response: Please see my response to Question 9.b.

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

Response: A lower court may never depart from directly controlling Supreme Court precedent. *See Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989) ("If a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions."); *see also Bosse v. Oklahoma*, 137 S.Ct. 1 (2016) (per curiam). That said, trial courts generally make findings of fact and appellate courts review those findings for clear error.

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: A lower court may never depart from directly controlling Supreme Court precedent. *See Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989) ("If a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions."); *see also Bosse v. Oklahoma*, 137 S.Ct. 1 (2016) (per curiam).

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

Response: Please see my response to Question 8.a.

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

Response: I would generally accept input from amici curiae.

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

Response: Please see my response to Question 8.a.

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

Response: Please see my response to Question 8.a.

12. 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: In making sentencing decisions, I will follow the sentencing factors in 18 U.S.C. Section 3553 and the Sentencing Guidelines.

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: Please see my response to Question 12.a.

13. 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: If confirmed, I expect to attend training provided by the Federal Judicial Center for newly appointed judges, including on federal ethics laws and the Code of Conduct for United States Judges.

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

c. 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: If confirmed to the U.S. District Court, I will not consider ideological viewpoints. I anticipate I will be exposed to and open to different legal viewpoints outside of the courtroom at continuing legal education seminars and other legal education opportunities.

- d. 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: As a legal professional and a sitting judge, I do not consider ideological viewpoints. I am exposed to and open to different legal viewpoints as presented in opposing parties' legal briefs and oral arguments, and as part of the adversarial process generally.

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

Response: If confirmed, I plan to hire the best qualified law clerks.

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

Response: No.

- f. Do you believe such boycotts are appropriate?**

Response: As a nominee to a U.S. District Court, I think expressing a belief on the appropriateness of the hypothetical hiring practices of others would be inappropriate.

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

- g. What professional experience do you have overseeing and managing others?**

Response: As a judge on the Missouri Court Appeals, I manage my law clerks, judicial assistant, and other court personnel. As first assistant attorney general to then-Attorney General Eric Schmitt, I managed approximately 150 lawyers and a large legal staff. As deputy attorney general for the criminal division under then-Attorney General Schmitt, I also managed lawyers and legal staff. As a partner at Armstrong Teasdale, I managed associate attorneys and legal staff.

- h. How do you plan to recruit and hire law clerks?**

Response: I plan to receive and review applications from qualified applicants, consider input from their references and other members of the bench and bar, and hire the best qualified applicants.

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

Response: If confirmed, I do not have plans to integrate artificial intelligence into my work as a federal judge.

18. 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: I do not recall ever deleting any posts or publications originally published under my name or an account associated with me.

19. 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: I do not recall ever asking for my name to be removed from any publication which previously bore my name.

20. 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.

**21. 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.

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

Response: The Supreme Court has found the Fifth and Fourteenth Amendments to protect substantive, as well as procedural, rights many times. If confirmed, I will follow applicable Supreme Court precedent.

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

Response: The Supreme Court has found various rights not expressly enumerated in the Constitution. If confirmed, I will follow applicable Supreme Court precedent.

24. 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 nominee to a U.S. District Court, I think expressing a legal opinion regarding whether, and attempting to identify any circumstance in which, it is ever lawful for the President to punish lawyers because of who they represent or what positions they take would be inappropriate, particularly considering that similar issues currently are being litigated in the federal courts.

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

Response: As a nominee to a U.S. District Court, I think expressing a legal opinion regarding whether the federal government can deport immigrants with lawful status solely because of those

immigrants' expression of a political view would be in appropriate, particularly considering that similar issues currently are being litigated in the federal courts.

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

Response: The First Amendment states, in part, "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ."

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

Response: The Supreme Court has addressed the First Amendment rights of public employees in cases including *Pickering v. Board of Ed. of Township High School Dist. 205*, 391 U.S. 563 (1968); *Garcetti v. Ceballos*, 547 U.S. 410 (2006); and *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022). If confirmed, I would follow those and any other relevant precedents of the Supreme Court and the Sixth Circuit. Consistent with the Code of Conduct for United States Judges and the positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on abstract legal issues or hypotheticals.

28. 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 nominee to a U.S. District Court, I think commenting on whether I agree with a U.S. Supreme Court case would be inappropriate. I will faithfully follow Supreme Court precedent.

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

Response: The Supreme Court has stated 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." *Trump v. Hawaii*, 585 U.S. 667, 710 (2018).

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: I would follow *Trump v. Hawaii*, just as I would follow every other binding precedent of the Supreme Court, including the Supreme Court's determination that *Korematsu* "was gravely wrong."

30. 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: A civil jury has the role of finder of fact in a civil case. That role is important because it guarantees litigants a jury of their peers, as opposed to a government official.

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

Response: The rights enumerated in the Bill of Rights generally apply as against the federal government, not private parties to a contract. I have not studied whether the Seventh Amendment should be a concern to judges when adjudicating issues related to the enforceability of mandatory pre-dispute arbitration clauses.

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: The rights enumerated in the Bill of Rights generally apply as against the federal government, not private parties to a contract. I have not studied whether an individual's Seventh Amendment rights should be a concern to judges when adjudicating issues surrounding the scope and application of the Federal Arbitration Act.

31. Did Joe Biden win the 2020 presidential election?

Response: As I recall, there were various legal challenges to the results of the 2020 presidential election. Joe Biden was certified as the winner of the election and served four years as president.

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

Response: As a nominee to a U.S. District Court, I think commenting on this issue would be inappropriate, particularly considering it is a highly contested political issue from which litigation has arisen.

a. Where were you on January 6, 2021?

Response: I do not recall where I was on January 6, 2021. I do recall that I was not in Washington, DC on January 6, 2021.

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

Response: The 22nd Amendment states, in part, "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. . . ."

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

For Cristian Matthew Stevens, nominee to be U.S. District Judge for the Eastern District of Missouri

1. Chief Justice John Roberts wrote in his most recent end-of-year report that disregarding federal court rulings is “dangerous” and “must be soundly rejected.”

- **Do you agree with Chief Justice Roberts that any suggestion of disregarding a court’s ruling “must be soundly rejected”?**

Response: As a nominee to a U.S. District Court, I think addressing whether any suggestion of disregarding any court’s ruling “must be soundly rejected” would be inappropriate in a hypothetical situation. Treatises and cases have identified a number of circumstances where compliance with a court order is not required, such as if the court lacked jurisdiction or if compliance was impossible. *E.g.*, 17 Corpus Juris Secundum §§ 56–65. The Supreme Court has identified additional circumstances, such as where an order must be violated to be appealed. As Justice Sotomayor’s opinion for the Court put it, “Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.” *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). “Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.” *Id.*

2. Our criminal justice system must ensure the fair administration of justice and keep our communities safe. Many on this Committee have been working for years to reform our sentencing laws, including giving trial court judges additional discretion.

- **How will you approach sentencing decisions?**

Response: I will be guided by the sentencing factors set forth in 18 U.S.C. Section 3553 and the Sentencing Guidelines.

- **Will you commit to sentencing in a fair manner that is consistent across all similarly situated defendants?**

Response: I expect to sentence criminal defendants in a fair manner consistent with the sentencing factors set forth in 18 U.S.C. Section 3553 and the Sentencing Guidelines.

**Nomination of Cristian Stevens 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. How would you describe your judicial philosophy?**

Response: Regarding statutory and constitutional interpretation, I would begin by reviewing the relevant text of the statute or Constitution and apply any applicable precedent of the Supreme Court or the Eighth Circuit construing that text. If such precedent did not resolve the issue, I would consider the original public meaning of the text to determine its meaning.

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

Response: If I were confirmed, with respect to substantive due process under the Fourteenth Amendment, I would faithfully apply the standards set forth in applicable Supreme Court precedent, including *Obergefell v. Hodges*, 576 U.S. 644 (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: Yes. I would consider whether the right is expressly enumerated in the Constitution in accordance with any applicable precedent of the Supreme Court. *See Timbs v. Indiana*, 586 U.S. 146 (2019) (Excessive Fines Clause of Eighth Amendment); *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (Second Amendment).

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

Response: Yes. I would consider whether the right is deeply rooted in the nation's history and tradition in accordance with any applicable precedent of the Supreme Court. *See Timbs*, 586 U.S. 146; *Obergefell*, 576 U.S. 644; *Glucksberg*, 521 U.S. at 710-23.

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

Response: Yes. I would faithfully apply any applicable precedent of the Supreme Court and the Eighth Circuit. In the absence of binding precedent, I would consider any relevant decisions of other circuits for their persuasive value.

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

Response: Yes.

- e. What other factors would you consider?**

Response: I would consider any other relevant factors identified in the applicable precedent of the Supreme Court and the Eighth Circuit.

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

Response: No.

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

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

Response: If I am confirmed, I would faithfully apply any applicable precedent of the Supreme Court and the Eighth Circuit governing the 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 applicable precedent of the Supreme Court and the Eighth Circuit governing the consideration of such evidence. The admissibility of scientific, technical, or other specialized knowledge is governed by Federal Rule of Evidence 702 and the applicable precedent interpreting that rule.

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

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

Response: Yes.

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

Response: Yes.

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

Response: I expect to review and consider all applicable statutes and the Sentencing Guidelines in making sentencing and supervised release decisions.

7. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: As a nominee to a U.S. District Court, I think drawing a legal conclusion regarding the remedy to be applied in the hypothetical situation that the President violates his constitutional duty to faithfully execute the laws would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: The 22nd Amendment states, in part, “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. . . .” As a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether a president is eligible to be elected for a third term would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: As I recall, there were various challenges to the results of the 2020 U.S. Presidential Election. Joe Biden was certified as the winner of the 2020 election and served four years as president.

10. 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 barebones hypothetical provides insufficient information to assess the question. The question does not provide the content of the “viewpoint,” describe what the purported punishment is, or how it is carried out. As a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether it would be constitutional for the president to punish a private person for a viewpoint that person expresses in a newspaper op-ed would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

11. 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: The question asks about current alleged political disputes. It would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

12. 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 nominee to a U.S. District Court, I think drawing a legal conclusion regarding this issue would be inappropriate, particularly considering that similar issues currently are being litigated in the federal courts.

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

Response: The Supreme Court has found a right to the use of contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438, 453-54 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). If confirmed, I would faithfully apply the applicable precedent of the Supreme Court.

14. 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 nominee to a U.S. District Court, I think expressing a personal opinion and drawing a legal conclusion regarding whether or not I agree that there is a constitutional right to privacy that protects the right to IVF would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: The Supreme Court recently decided that immigrants subject to deportation pursuant to the Alien Enemies Act are entitled to some process, particularly regarding notice. As a nominee to a U.S. District Court, I think expressing my belief regarding whether immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims would be inappropriate, particularly considering similar issues currently are being litigated in the federal courts.

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

Response: Moral values not otherwise incorporated or reflected in applicable statutes or legal precedent would not play a role in determining whether a challenged law or regulation is unconstitutional or otherwise illegal.

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

Response: If confirmed, I will endeavor to objectively apply the law to the facts in rendering decisions. In many cases, the practical consequences of a particular ruling do not play a role in a judge's rendering a decision. However, in some cases, for example, in considering a temporary restraining order, a judge is expected to consider whether the petitioner will suffer immediate irreparable injury unless the court issues the requested order. I would follow applicable Supreme Court and Eighth Circuit precedent to determine what role, if any, the practical consequences of a particular ruling should play in rendering a decision in any given case.

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

Response: If confirmed, I will endeavor to objectively apply the law to the facts in my decision-making process. Empathy is an admirable human trait, which should not drive a judge's decision-making process but may help a judge better understand the positions of the parties.

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

Response: If confirmed, I will endeavor to objectively apply the law to the facts in my decision-making process. We all accumulate different personal life experiences, which should not drive a judge's decision-making process but may give a judge wisdom to make grounded, well informed decisions.

20. 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 superior court? Please explain.

Response: Please see my response to Question 4.

21. 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: This topic has been the subject of scholarly debate. *See, e.g.,* Michael W. McConnell, *Originalism and the Desegregation Decision*, 81 Va. L. Rev. 947, 1140 (1995) (“This Article shows . . . that school segregation was understood during Reconstruction to violate the principles of equality of the Fourteenth Amendment.”). For a nominee to a U.S. District Court, this remains an academic question. *Brown* is landmark Supreme Court precedent reversing the separate-but-equal framework of *Plessy v. Ferguson*, 163 U.S. 537 (1896). If I am confirmed as a U.S. District Judge, I will faithfully follow *Brown* and other applicable Supreme Court precedent.

- 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: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: The Supreme Court has squarely recognized that individuals do sometimes have to violate an order so that they can appeal. As Justice Sotomayor’s opinion put it, “Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.” *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). “Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.” *Id.* It is theoretically possible that I might issue an order that discusses *Mohawk*. Beyond that, as a nominee to a U.S. District Court, I think attempting to identify any circumstance in which I would ever inform parties before me that they do not need to comply with my orders would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: As a nominee to a U.S. District Court, I think attempting to identify any circumstance in which I would tell a party it could decide not to comply with my orders would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: I would consider any factors identified in applicable Supreme Court and Eighth Circuit precedent.

23. Discuss your proposed hiring process for law clerks.

Response: As a sitting judge, I have been hiring law clerks for nearly four years. Before that, I also routinely hired new lawyers as the first assistant attorney general to then-Attorney General Eric Schmitt. The process largely is the same. I receive and review applications from candidates, obtain input from references and fellow members of the bench and bar, and meet with the candidates for in-person interviews.

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

Response: No. There is no need for my law clerks to be protected under Title VII of the Civil Rights Act of 1964 prohibiting employment discrimination.

24. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: In some cases, oral argument by a junior lawyer would not be appropriate. I would consider orders in appropriate individual cases allowing junior lawyers to argue.

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

Response: I would encourage junior lawyers to come to court as much as practicable to watch court proceeding and observe the different styles and approaches of practicing lawyers. I expect to continue giving continuing legal education presentations and other presentations teaching skills development for junior lawyers, more experienced lawyers, and judges. I take my role as a mentor and example to junior lawyers seriously, particularly considering the diminishing opportunities for young lawyers to appear in court.

Questions for the Record for Judge Cristian M. Stevens
Submitted by Senator Richard Blumenthal
June 11, 2025

1. 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: As a nominee to a U.S. District Court, I think expressing a belief regarding pending legislation and the hypothetical effect of that legislation, if enacted, would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: Please see my response to 1.a.

2. 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: The powers to enforce orders would depend on the order and the circumstances requiring its enforcement. Some powers to enforce orders are sanctions, such as monetary sanctions or striking pleadings, and the contempt power. As a nominee to a U.S. District Court, I think commenting on a hypothetical situation of what powers I would use to enforce orders would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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: As a nominee to a U.S. District Court, I think attempting to identify a hypothetical legal basis for state executive officials to defy federal court orders would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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: As a nominee to a U.S. District Court, I think attempting to identify a hypothetical legal basis for federal executive officials to defy federal court orders would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

d. What would make a court order unlawful?

Response: As a nominee to a U.S. District Court, I think attempting to identify a hypothetical situation in which a court order would be unlawful would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: Generally speaking, if a party believes a court order to be unlawful, the party would request emergency relief, *e.g.*, in the form of a writ, or pursue the appellate process. As a nominee to a U.S. District Court, I think recommending what process a party should follow in the hypothetical situation in which the party believes a court order to be unlawful would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: Please see my response to 2.d.i.

3. 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
Cristian M. Stevens

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. 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: If I am confirmed as a federal district court judge, the tools at my disposal to ensure compliance with my court orders would depend on the order issued and the circumstances requiring compliance. Tools at my disposal to ensure compliance with my court orders include sanctions, such as monetary sanctions or striking pleadings, and the contempt power. The U.S. Supreme Court has cautioned that the exercise of the contempt power should be limited to the “least possible power adequate to the end proposed.” *United States v. Wilson*, 421 U.S. 309, 319 (1975) (internal quotation omitted). As a nominee to a U.S. District Court, I think commenting on a hypothetical situation of what tools I would use to ensure compliance with my court orders would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: Please see my response to Question 2.a.

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

Response: As a nominee to a U.S. District Court, I think commenting on a hypothetical situation of whether it is ever permissible for a party in a case to

disregard a court order would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: As a nominee to a U.S. District Court, I think commenting on a hypothetical situation of how a federal judge should respond if a party disregards an order issued by the judge would be inappropriate, particularly considering that this is an incomplete hypothetical regarding the nature of the party's conduct, the order disregarded, whether this is civil or criminal contempt, and whether it is direct or indirect contempt. Also, this is an abstract question of law that may arise in a future case.

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

Response: As a nominee to a U.S. District Court, I think drawing a legal conclusion from a hypothetical situation of whether the President is allowed to disregard a court order would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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: Please see my response to Question 2.b.i.

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

Response: Contempt of court is a finding by the court that a party has disobeyed a court order. Contempt of court may be civil or criminal and may be direct or indirect. For example, Federal Rule of Civil Procedure 70 provides that a court may hold a party in contempt if the court's judgment requires the party to perform a specific act and the party fails to do so within the specified time.

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

Response: Generally speaking, federal judges have been known to hold federal officials in contempt of court, although sanctions are exceedingly rare. Also, the U.S. Supreme Court does not appear to have decided the issue and there is very little law on the subject. In some situations, the federal government and/or federal officials may have sovereign immunity for official acts. As a nominee to a U.S. District Court, I think further drawing any legal conclusions regarding whether federal judges have the authority to hold the federal government in contempt of court would be

inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: The U.S. Supreme Court has said that the authority of a court to hold a party in contempt is inherent. *See Ex parte Robinson*, 86 U.S. (19 Wall) 505, 510 (1873) (“The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they possessed of this power.”). Contempt power may also come from, and be constrained by, statute or rule. *See, e.g.*, 18 U.S.C. Section 401; Federal Rule of Criminal Procedure 42.

2. If not, why not?

Response: Please see my response to Question 2.c.i.

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

Response: Contumacious conduct is conduct that is willfully disobedient of a court order, which may result in a finding of contempt of court. Therefore, please see my response to Question 2.a.

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

Response: Please see my response to Question 2.c.i.

2. If not, why not?

Response: Please see my response to Question 2.c.i.

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

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

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

Response: As a nominee to a U.S. District Court, I think that commenting on the political question of the ABA's practice of conducting peer evaluations of the professional qualifications of a president's nominees to become federal judges would be improper.

- 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?**

Response: The ABA is not among the bar associations of which I am a member, and I am not aware of the ABA's recommendations.

2. **How would you characterize your judicial philosophy?**

Response: When interpreting the Constitution or a statute, I would begin by reviewing the relevant text and looking for and faithfully following any Eighth Circuit and Supreme Court precedent interpreting that text. If precedent did not supply the answer, I would look to the relevant text and consider the original public meaning to determine its meaning.

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

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

5. 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: The Supreme Court has made clear that, when the text of a statute is not ambiguous, consulting legislative history is unnecessary. *See Whitfield v. United States*, 543 U.S. 209, 215 (2005) (stating that when the meaning of statutory text is plain and unambiguous, a court need not accept a party's invitation to consider the legislative history). If confirmed, I would faithfully apply relevant precedent of the Eighth Circuit and the Supreme Court regarding the consultation and citation of legislative history.

6. 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

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

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/>.

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>.

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 am not familiar enough with these statistics, how the Brookings Institution and Substance Abuse & Mental Health Services Administration determined the relative use and sale of drugs by white and black individuals, or how the use and sale of drugs is reflected in the prison and jail populations nationwide and in New Jersey, where presumably inmates may be incarcerated for reasons other than drug crimes and in my experience rarely are incarcerated for drug possession only, to be able to reliably attribute these statistics. Any definitive answer would be speculation.

7. **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: Please see my response to Question 6.a.

8. **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 am not familiar enough with these statistics to be able to reliably attribute these demographic differences, and any definitive answer would be speculation.

9. **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: The question assumes implicit racial bias in our criminal justice system. Racial bias, implicit or otherwise, has no place in our criminal justice system. Federal judges should consider each criminal case on its merits and each criminal defendant individually, and not as a member of any racial or ethnic group, pursuant to our system of individual liberty and justice.

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

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: I believe it is critical for America to have the best judges and judicial staff in the judicial branch. In my experience, focusing on individual merit results in both the best judges and judicial staff, as well as diversity.

11. 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: As a sitting judge, I have not encountered this situation to the best of my knowledge. As a nominee to a U.S. District Court, I think commenting on the hypothetical issue of a person who requests to be referred to in accordance with his or her gender identity would be inappropriate, particularly considering this is an incomplete hypothetical regarding what you mean by "transgender" and "that person's gender identity." Also, this is a highly litigated political issue that may arise in a future case.

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

Response: As a nominee to a U.S. District Court, I think attempting to identify circumstances under which it would be acceptable for an executive branch official to ignore or defy a federal court order would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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: Please see my response to Question 12.

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: Please see my response to Question 12.

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

Response: Under the Presentment Clause in Article I, the President has the power to veto bills passed by Congress, subject to a veto override and other limitations. Beyond those circumstances, as a nominee to a U.S. District Court, I think drawing a legal conclusion about whether the president has the power to ignore or nullify laws passed by Congress would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: As I understand it, the President recently sent a rescission package to the House of Representatives to rescind certain funds previously appropriated by Congress, and the House of Representatives voted in favor of rescinding those funds. As a nominee to a U.S. District Court, I think otherwise drawing a legal conclusion about whether the president has the power to withhold funds appropriated by Congress would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: The Supremacy Clause of the U.S. Constitution, Article VI, Clause 2, 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, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

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: Based on recent press reports regarding the rescinding of Executive Branch guidance related to EMTALA preemption, as a nominee to a U.S. District Court, I think that commenting on whether I agree with the legal conclusion that EMTALA supersedes conflicting state laws would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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

Response: The Supreme Court recently decided that non-citizens present in the United States subject to deportation pursuant to the Alien Enemies Act were entitled to some process in the form of notice. I will faithfully follow the relevant precedent of the Eighth Circuit and the Supreme Court. As a nominee to a U.S. District Court, I think that further commenting on the hypothetical situation of whether the Fifth Amendment applies to non-citizens present in the United States would be inappropriate, particularly considering this is a question of law currently being litigated and may arise in a future case.

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

Response: In *Whitman v. American Trucking*, the Supreme Court held that the text of the Constitution “permits no delegation” but that no delegation has occurred when Congress “lay[s] down by legislative act an intelligible principle to which the person or body

authorized to act is directed to conform.” 531 U.S. 457, 472 (2001) (brackets omitted). I will faithfully follow the relevant precedent of the Eighth Circuit and the Supreme Court.

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

Response: As a nominee to a U.S. District Court, I think that opining on whether a U.S. Supreme Court case correctly was decided generally would be inappropriate. That said, I have observed that prior nominees have expressed the opinion that *Brown v. Board of Education* was correctly decided and I agree. If confirmed, I will faithfully follow *Brown v. Board of Education* and other applicable Supreme Court precedents.

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

Response: If confirmed as a U.S. District Court judge, I would be bound by *Griswold v. Connecticut*, in which the Supreme Court extended constitutional protection to the use of contraception, and would faithfully follow *Griswold* and any applicable Supreme Court precedents.

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

Response: If confirmed as a U.S. District Court judge, I would be bound by *Lawrence v. Texas*, in which the Supreme Court overruled *Bowers v. Hardwick*, 478 U.S. 186 (1986), and held that the Texas criminal statute at issue “furthers no legitimate state interest which can justify its intrusion into the personal and private life of the individual,” and would faithfully follow *Lawrence* and any applicable Supreme Court precedents.

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

Response: If confirmed as a U.S. District Court judge, I would be bound by *Obergefell v. Hodges*, in which the Supreme Court found a right of same-sex couples to marry, and would faithfully follow *Obergefell* and any applicable Supreme Court precedents.

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

Response: As I recall, there were various legal challenges to the results of the 2020 election. President Joe Biden was certified as the winner of the 2020 election and served four years as president.

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

¹⁰ U.S. CONST. amend. XXII.

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

Response: Yes.

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

Response: Yes.

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

Response: The 22nd Amendment states, in part, “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. . . .” As a nominee to a U.S. District Court, I think drawing a legal conclusion regarding whether a president is eligible to be elected for a third term would be inappropriate, particularly considering this is an abstract question of law that could arise in the future.

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

Response: No. As a nominee to a U.S. District Court, I think that opining on whether past Supreme Court decisions were correctly decided would be inappropriate. That said, I have observed that prior nominees have expressed the opinion that *Brown v. Board of Education* was correctly decided and I agree. I discussed my observation with officials with the Justice Department’s Office of Legal Policy and expressed that I intended to respond as I did to Question 18.

- 25. 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.

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

Response: No.

- 27. 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.

- 28. 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.

- 29. 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.

- 30. 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.

- 31. 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.

- 32. 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.

- 33. 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.

- 34. 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.

- 35. 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: Not to my knowledge. I am not aware of every individual convicted and later pardoned of offenses related to the events of January 6, 2021.

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

Response: No.

- a. If yes, please describe the events that led to the adverse employment action.**

Response: Not applicable.

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

Response: 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.

- 37. 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: I expect to fully comply with any and all financial reporting requirements, including filing timely annual financial disclosure reports and periodic transaction reports.

38. 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: I am not aware of everyone who is an official from or directly associated with A3P, and I am not aware of having discussed any aspect of my nomination to the federal bench with any officials from or anyone directly associated with A3P, or of anyone doing so on my behalf.

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

Response: I am not aware of everyone associated with A3P, and I am not aware of currently being in contact with anyone associated with A3P.

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

Response: I am not aware of everyone associated with A3P, and I am not aware of ever being in contact with anyone associated with A3P.

39. 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 am not aware of everyone who is an official from or directly associated with The Concord Fund, and I am not aware of having discussed any aspect of my nomination to the federal bench with any officials from or anyone directly associated with The Concord Fund, or of anyone doing so on my behalf.

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

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

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

Response: I am not aware of everyone associated with The Concord Fund, and I am not aware of currently being in contact with anyone associated with The Concord Fund.

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

Response: I am not aware of everyone associated with The Concord Fund, and I am not aware of ever being in contact with anyone associated with The Concord Fund.

- 40. 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 November 26, 2024, I met with Senator Eric Schmitt's general counsel regarding the judicial vacancies on the U.S. District Court for the Eastern District of Missouri. On December 18, 2024, I submitted my application for one of the vacancies to Senator Schmitt's office. On February 4, 2025, I submitted my application to Senator Josh Hawley's office. On February 12, 2025, I interviewed with attorneys from the White House Counsel's Office in Washington D.C. On March 26, 2025, the White House Counsel's Office informed me that President Trump was considering me for one of the vacancies. Since that time, I have communicated regularly with the Justice Department's Office of Legal Policy in completing the Senate Judiciary Questionnaire and other related materials in preparation for a hearing on my nomination before the Senate Judiciary Committee. On June 4, 2025, I appeared for a hearing before the Committee and answered questions from its members.

- 41. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?**

Response: The guidance from the Justice Department's Office of Legal Policy for answering questions 13 and 17 of the Senate Judiciary Questionnaire was to provide current contact information for the attorneys involved in my most significant cases. The guidance for answering question 13 was to list ten significant cases I have had as an appellate judge, even if I did not "preside" over them at trial, and to provide written opinions that contain substantive legal analysis. The guidance for answering question 17 informed me that senators may highly value trial experience and recommended listing several trials among my most significant cases.

- a. Who?**

Response: Office of Legal Policy.

b. What advice did they give?

Response: Please see my response to Question 41.

c. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: Please see my response to Question 41.

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

Response: I am not aware of everyone who is an official from or directly associated with the Article III Project, and I am not aware of having talked with any officials from or anyone directly associated with the Article III Project during my selection process, or of anyone doing so on my behalf.

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

Response: I am not aware of everyone who is an official from or directly associated with the Federalist Society, and I have a number of friends who are members of the Federalist Society. I am not aware of having talked with any officials from or anyone directly associated with the Federalist Society during my selection process, or of anyone doing so on my behalf, other than casual conversations with friends who are also members of the Federalist Society.

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

Response: I do not recall the dates of all interviews or communications I have had with the White House staff or the Justice Department. From what I recall: On February 12, 2025, I interviewed with attorneys from the White House Counsel's Office in Washington, D.C. On March 26, 2025, the White House Counsel's Office informed me that President Trump was considering me for one of the vacancies. Since that time, I have communicated regularly with the Justice Department's Office of Legal Policy in completing the Senate Judiciary Questionnaire and other related materials in preparation for a hearing on my nomination before the Senate Judiciary Committee. On May 6, 2025, the White House Counsel's Office informed me to expect a call from President Trump. On May 6, President Trump called me from "the beautiful oval office" and congratulated me and my family on my nomination. On May 7, the Office of Legal Policy confirmed my completed Senate Judiciary Questionnaire was submitted to the Senate Judiciary

Committee. On June 4, 2025, I appeared for a hearing before the Committee. On June 11, 2025, the Office of Legal Policy emailed Questions for the Record to me for my review and response. I continue to communicate with the Office of Legal Policy in preparing my responses to the Questions for the Record.

45. Please explain, with particularity, the process whereby you answered these written questions.

Response: The Office of Legal Policy informed me I would be receiving Questions for the Record after the hearing before the Senate Judiciary Committee on June 4, 2025. On the evening of June 11, 2025, the Office of Legal Policy emailed the Questions for the Record, including these written questions, to me for my review and response. I have answered these written questions by reviewing the U.S. Constitution and Supreme Court precedent, previous nominees' responses to Questions for the Record, and my Senate Judiciary Questionnaire.

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

June 4, 2025

Questions for Judge Stevens:

- 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: As a nominee to a U.S. District Court, I think attempting to identify any and all hypothetical situations in which party may defy a court order would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case. Treatises and cases have identified a number of circumstances where compliance with a court order is not required, such as if the court lacked jurisdiction or if compliance was impossible. *E.g.*, 17 Corpus Juris Secundum §§ 56–65. The Supreme Court has identified additional circumstances, such as where an order must be violated to be appealed. As Justice Sotomayor’s opinion for the Court put it, “Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.” *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). “Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.” *Id.*

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

Response: As a sitting judge, I do not advise clients. As a nominee to a U.S. District Court, I think attempting to identify any and all hypothetical situations in which a practicing lawyer would advise a client to ignore or defy a court order would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

- 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: As a nominee to a U.S. District Court, I think expressing a legal opinion about the appropriateness of such conduct would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

- 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)

Cristian M. Stevens, Nominee to the United States District Court for the Eastern District of Missouri

- 1. You have been a member of the Federalist Society since 1999. 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: My understanding is Senator Hawley and Senator Schmitt recommended me to the White House for nomination to the United States District Court for the Eastern District of Missouri. I am not aware whether the Federalist Society or any current or former members of the Federalist Society recommended me to the White House 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: I am not aware of what advice the Federalist Society provided to President Trump on judicial nominations. Even if I had knowledge of that advice, as a nominee to a U.S. District Court, I think expressing a belief on the political question of whether the Federalist Society provided bad advice to President Trump on judicial nominations would be inappropriate.

- 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, impede your ability as a future United States District Judge to enforce contempt orders against the government or government officials?**

Response: As a nominee to a U.S. District Court, I think expressing my estimation of pending legislation and the hypothetical effect of that legislation, if enacted, would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

3. **Given your previous position as an Assistant U.S. Attorney for the Eastern District of Missouri and your 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: As a U.S. District Judge, I would be guided by the relevant conflict of interest and judicial disqualification policies and procedures found in the canons of judicial ethics and Eighth Circuit and Supreme Court precedent interpreting the canons.

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, “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 nominee to a U.S. District Court, I think that drawing a legal conclusion regarding this hypothetical scenario would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.

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 nominee to a U.S. District Court, I think that drawing a legal conclusion regarding this hypothetical scenario, assuming its unlawfulness, and identifying potential mechanisms I would consider employing to ensure compliance would be inappropriate, particularly considering this is an abstract question of law that may arise in a future case.